

Papers Laid

Friday, May 21, 1993

HOUSE OF REPRESENTATIVES

Friday, May 21, 1993

The House met at 1.40 p.m.

PRAYERS

[MR. DEPUTY SPEAKER *in the Chair*]

PAPERS LAID

1. Report of the Auditor General on the accounts of Small Business Development Company Limited for the year ended December 31, 1992. [*The Minister of Finance (Hon. Wendell Mottley)*]
To be referred to the Public Accounts (Enterprises) Committee.
2. Report of the Commission of Inquiry into the Diarrhoeal Illness and Resultant Deaths at the St. Ann's Hospital. [*The Minister of Health (Hon. John Eckstein)*]

**Diarrhoeal Illness
(St. Ann's Hospital)**

The Minister of Health (Hon. John Eckstein): Hon. Members will recall statements made previously in this House on the outbreak of diarrhoeal illness at the St. Ann's Hospital on April 30, 1992.

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

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

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

And additionally, that the post mortem reports in respect of the patients who died have been forwarded to the coroner for investigation of the cause of death.

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[HON. J. ECKSTEIN]

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The Service Commission, by letter to the Permanent Secretary, Ministry of Health, dated June 24, indicated, *inter alia*, that "it cannot at this time entertain your request to take action on the matter."

The Solicitor General, also on June 24, replied to the Permanent Secretary, Ministry of Health, as follows:

That the said report does not provide a basis on which disciplinary action may be initiated against any individual or individuals by your Ministry, since it does not provide any evidence as to the source of the pathogen which caused the illness nor as to who may be responsible for the outbreak of the diarrhoeal illness.

In the light of responses received, Cabinet agreed on the recommendation of the Minister of Health to the appointment of a commission of inquiry, under the Commissions of Enquiry Act, with the following terms of reference:

- (1) To investigate the causes leading to the outbreak of diarrhoeal illness at St. Ann's Hospital on April 30, 1992, which led to the death of several patients.
- (2) To determine specifically whether there was any negligence on the part of any person or persons relating to the said outbreak, and the resultant deaths.

The persons who served on the Commission of Inquiry were:

Sir Isaac Hyatali	Retired Chief Justice, (Chairman)
Dr. Clyde Mohess	Medical Practitioner
Dr. Elizabeth Quamina	Retired Chief Medical Officer
Miss Valerie Foster	Retired Chief Nursing Officer
Miss Elinor Gittens	Secretary to the Commission, Office of the Prime Minister

The Commission has now completed its work, and on Thursday, May 6, 1993 the Chairman of the Commission, Sir Isaac Hyatali, handed over a copy of the Commission's report to the President of the Republic.

The hon. Prime Minister received, on the said date, as has been widely reported, a single copy of the report courtesy the Commission's Chairman. The hon. Prime Minister took steps immediately to make the report available to the Cabinet and the Parliament.

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On Wednesday, May 19, 1993 the printers returned to the Office of the Prime Minister a sufficient number of copies of the report to make possible its circulation to Members of the Cabinet and the Parliament.

Having received the copies of the report on Wednesday, May 19, 1993, the hon. Prime Minister, on Thursday, May 20, 1993 brought the report before Cabinet.

The Cabinet at its meeting on Thursday, May 20, 1993 took the following decisions:

- (a) to lay the report in Parliament on Friday, May 21, 1993.

and, Mr. Deputy Speaker, this I have done—

- (b) to request the Ministry of Health to consider the recommendations in the report and to provide for the consideration of Cabinet the comments of the Ministry of Health on the recommendations contained in the report;
- (c) to report to the Parliament the decisions of the Cabinet, consequent on its consideration of the recommendations contained in the report.

I wish to express, on behalf of the Ministry of Health and the Government our continuing deep concern over the incident, and once again our sympathy to the families of those who died.

Finally the Government wishes to thank the Commissioners for this public service which they have generously and efficiently discharged.

I thank you.

Mr. B. Panday: Mr. Deputy Speaker, having regard to the fact that this report is unlikely to be debated in the Parliament, would the hon. Minister indicate to this House whether disciplinary action is proposed against anyone as a result of those deaths?

Hon. J. Eckstein: Mr. Deputy Speaker, I do not think that the responsibility for disciplining public servants falls to the Cabinet. The Public Service Commission's Regulations state specifically that the body competent in law to dispense discipline to public servants is the Public Service Commission. The Cabinet does not have any power, as far as I am aware, to discipline public servants.

1.50 p.m.

Mr. Maharaj: But, according to the Regulations, the Government has to initiate it, in that under the Regulations, it goes from the head of the department. Any allegation of misconduct—and the hon. Member for Diego Martin East should know this—goes from the head of the department to the Minister through the Service Commission.

Mr. Valley: Permanent Secretary, not the Minister.

ORAL ANSWERS TO QUESTIONS**Unemployment Symposium**

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

141. Would the Minister of Labour and Co-operatives state:

- (a) What was the cost of the symposium on unemployment held in April, 1992 at the Chaguaramas Convention Centre?
- (b) As a consequence of the said symposium, how many permanent jobs were created?
- (c) In what areas were these jobs created?

The Minister of Labour and Co-operatives (Hon. Kenneth Collis): Mr. Deputy Speaker, I beg for a deferral of this question for one week because of the research involved in answering it.

Question, by leave, deferred.

Industrial Park, Barrackpore

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

146. Would the Minister of Planning and Development state whether the Government will commence the establishment of the proposed industrial park at Barrackpore simultaneously with the proposed park and/or plants in the La Brea and/or Point Fortin constituencies?

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I ask for a deferral of this question, again. And I shall be asking for deferral of the three questions listed for the Prime Minister as well as the other one for the Minister of Planning and Development.

Research on those questions is still continuing, and I would request a deferral of two weeks to allow those answers to be completed.

Question, by leave, deferred.

WRITTEN ANSWER TO QUESTION

**Central Government
(Employment of Pensioners)**

The following question stood on the Order Paper in the name of Mr. Krish P. Jurai (Naparima):

194. Would the Prime Minister state:

- (a) The names of persons above retirement age or who are in receipt of pension and who are presently employed with the Central Government, the public service, state enterprises and state agencies in Trinidad and Tobago?
- (b) The position each such person holds and the remuneration paid to each person?
- (c) The contractual period for which they hold office?
- (d) Would the Prime Minister also give reasons as to why each of these positions in question cannot be filled by persons who are under retirement age or by persons who are not in receipt of a pension?

Hon. K. Valley: I seek a deferral of two weeks, Sir.

Question, by leave, deferred.

ORAL ANSWERS TO QUESTIONS

**Ministry of Works, Victoria East Division
(Vehicles)**

200. Mr. Mohammed Haniff (*Princes Town*) asked the Minister of Works and Transport:

Would the Minister state:

- (a) How many vehicles are attached to the Ministry of Works, Victoria East Division?
- (b) How many of these vehicles passed inspection for the years 1992 and 1993?
- (c) How many of these vehicles were licensed for the years 1992 and 1993?

- (d) will the Minister provide similar information concerning each of the other divisions of the Ministry of Works and Transport?

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Deputy Speaker, there are 30 vehicles listed on the books of the Ministry of Works and Transport in the Victoria East District. Several of these vehicles are, however, inoperable and are awaiting repairs.

In 1992 six of the vehicles attached to the Victoria East District passed inspection and were licensed. To date, three vehicles have been licensed in this district. Arrangements are in place, however, to expedite the licensing of all the operable vehicles.

With regard to the other seven districts of the Ministry, out of a total of 200 vehicles on the books, approximately 125 are operable. To date, 35 of these vehicles have been inspected and licensed for 1993. In 1993, a total of \$1.6 million has been allocated to undertake repairs and to maintain and upkeep the Ministry's fleet of vehicles which includes vehicles from all its divisions and districts.

This funding is insufficient. Nevertheless, the Ministry is making every effort with its limited resources to repair and bring to the required road-worthiness standard as many of its vehicles as possible.

Guaracara/Tabaquite Road (Repairs)

201. Mr. Mohammed Haniff (*Princes Town*) asked the Minister of Works and Transport:

Would the Minister state:

- (a) What steps are being taken to repair the Guaracara/Tabaquite Road, the area in front of the Williamsville Junior Secondary School where the roadway was dug up as a result of a change of water lines by WASA approximately one year ago?
- (b) When would the Lothians Road in Princes Town, which was dug up by WASA approximately two and one half years ago, be repaired?

Hon. Colm Imbert: Mr. Deputy Speaker, the Ministry of Works and Transport originally submitted an estimate in the sum of \$161,737 to the Water and Sewerage Authority on August 9, 1991, requesting funds to carry out the necessary repairs to the Guaracara/Tabaquite Road in front the Williamsville Junior Secondary School.

Because of extended damage due to the late repairs to the roadway, an updated estimate of \$244,737 was submitted to the Water and Sewerage Authority on February 24, 1992. To date, however, the Ministry has not received the necessary funds from the Water and Sewerage Authority to begin road repairs. The Ministry has, however, been carrying out maintenance work in the affected areas within the limits of available funding.

The Ministry of Works and Transport requested the necessary funds from the Water and Sewerage Authority in order to repair Lothians Road. No funds have been received to date from the Water and Sewerage Authority, notwithstanding repeated requests. The Ministry will undertake routine maintenance to the roadway within the limits of its resources until funds are received from the Water and Sewerage Authority. The necessary major repair works will commence as soon as funds are received from the Water and Sewerage Authority.

Mr. Haniff: Mr. Deputy Speaker, can the hon. Minister say whether he is aware that the Lothians Road project is two and a half years old since WASA did the work, and in the case of the Guaracara/Tabaquite Road it is over one and a half years, and whether he is aware of the very bad condition of those roads?

Hon. C. Imbert: Mr. Deputy Speaker, as I have pointed out, the Ministry will use its limited resources to maintain the surface of the roadways in as good a condition as possible. Until funds are received from the Water and Sewerage Authority, no major resurfacing works can be undertaken.

WRITTEN ANSWER TO QUESTION

LIDP Regional Registration

The following question was asked by Miss Hulsie Bhaggan (Chaguanas):

202. Would the Minister of Works and Transport provide a listing of the names and addresses of persons registered in each region in 1992 for employment under LIDP?

Miss Bhaggan: Mr. Deputy Speaker, it seems that I need your guidance in this matter. This is the fifth occasion on which the Minister concerned refuses to give the information requested.

As a matter of fact, for question No. 191, I asked for almost the identical information and I have here a listing of people, their addresses and so on. The Minister of Works and Transport continues to tell this House that he cannot

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[MISS BHAGGAN]

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provide information with respect to private citizens. So I need your guidance on this matter.

How long is the Minister of Works and Transport going to refrain from providing names and addresses of persons who have been working under the former LIDP and hopefully soon under the URP programme? That is public information, Mr. Deputy Speaker.

Mr. Deputy Speaker: Does the Minister of Works and Transport wish to reply to the Member for Chaguanas? We have a written answer to the question, but she is saying she has not received it.

Hon. C. Imbert: Mr. Deputy Speaker, the written answer has been circulated. I believe the Member had the written answer in her hand.

Miss Bhaggan: Mr. Deputy Speaker, for the information of the House, I would like to read the answer the Minister gave me on the fifth occasion. I asked the Minister to provide a list of the names and addresses of persons registered in each region in 1992 for employment under the LID programme.

The reply I received was as follows:

“The minister of works and Transport is of the view that it is not proper to disclose such information on private citizens in this honourable House.

The Minister of works and Transport also wishes to advise this honourable House that this identical question has been asked in this honourable House on no fewer than five occasions.”

Interestingly, I have another reply from another Minister and he has provided information on his portfolio. *[Interruption]*

Mr. Valley: Mr. Deputy Speaker, the Minister has provided a reply to the question. *[Interruption]*

Mr. B. Panday: No, no, not at all.

Mr. Deputy Speaker: Order, please! Let us have some order in this House. The Minister has been asked for a written reply to the question and he has supplied that reply. The Member is dissatisfied, but the fact is, the Minister has given a written reply.

Mr. Palackdharrysingh: He must resign if that is his attitude.

Mr. B. Panday: Mr. Deputy Speaker, I am suggesting that this matter be referred to the Disciplinary Committee. This Member cannot treat this House with that kind of contempt. Who do they think they are?

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Questions are asked in this House; Government funds are being spent and he is going to tell us this is a private matter. This should be referred to the Privileges Committee.

Dr. Rowley: Mr. Deputy Speaker—

Mr. Deputy Speaker: I cannot have two Members on their feet at the same time. I recognize the member for Couva North.

Mr. B. Panday: This is what brings this House into disrepute. If we have no right to ask questions, what is our purpose here? We asked a question of the Minister, and this House is going to say that he said, “I am not giving you the answer.” And that is the end of it. Public funds are being spent and this House has no right to know how those funds are being spent?

If that is going to be the answer, I suggest the matter be referred to the Privileges Committee.

Mr. Valley: Mr. Deputy Speaker, I would just like to draw the attention of the House to Standing Order 19(2) and (4). Standing Order 19(2) gives the Member the right to ask a supplementary question if the Member needs further clarification of an answer. *[Interruption]*. Standing Order 19(4) says a Minister may decline to answer a question if the publication of the answer would, in his opinion, be contrary to the public interest.

Mr. Maharaj: Mr. Deputy Speaker, we are all here for the people’s business. A question has been asked. The Minister has, in effect, from the answer, refused to answer the question. Is he saying that to disclose the names of the persons as requested is contrary to public interest? If he wants to say that, let him say that.

Mr. B. Panday: Let this House debate that and decide whether he has a right to say that.

Mr. Deputy Speaker: I have not seen the written answer; however, according to the Standing Order—

Mr. B. Panday: Let me give you a copy, Sir.

Mr. Deputy Speaker: According to the Standing Order the Minister has replied, and under Standing Order 19(4) the Minister said it is against public interest.

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Mr. Mohammed: No, he did not say that. He said it was a private matter.
[Interruption]

Mr. Deputy Speaker: Hon. Members, the reply to question No. 202 has just come to me. I would like to consider this matter and I will give you a reply to what is going on here.

ORAL ANSWERS TO QUESTIONS

**Jordan Hill Presbyterian School
 (Reopening)**

203. Mr. Subhas Panday (*Naparima*) asked the Minister of Education:

Can the Minister indicate what steps are being taken to address the present situation at the Jordan Hill Presbyterian School to ensure the prompt reopening of the said school?

Mr. S. Panday: Mr. Deputy Speaker, the hon. Minister has corresponded with me and the situation has been resolved. In those circumstances, I withdraw the question. I want to thank him for his humility. I like him.

Question, by leave, withdrawn.

**Mormon Church
 (Work Permit Applications)**

206. Mr. Raymond Palackdharrysingh (*Caroni Central*) asked the Minister of National Security:

Would the Minister state:

- (a) The number of applications by missionaries of the Mormon church for work permits and the number granted for the years 1990, 1991, 1992 and 1993?
- (b) Its policy towards granting work permits to overseas missionaries?

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Mr. Deputy Speaker, in 1990, there were no applications for work permits from the Church of Jesus Christ of Latter-Day Saints, the Mormons, on behalf of its missionaries. Ten applications were received in 1991 and these were approved as follows:

- two persons for a period of two years each;
- three persons for 18 months each;

- four persons for 12 months each; and
- one person for six months.

In 1992, eight applications were received, six were refused and two were approved for a period of one year.

Four applications have been received so far in 1993 and all have been approved for a period of one year.

Work permits will be granted to persons attached to missionary organizations who are engaged in performing administrative duties. Such duties number among them:

- (a) administration of the financial affairs of the church;
- (b) provision of support services in clerical and related fields;
- (c) providing general leadership in keeping with the tenets of the church; and
- (d) other duties, with the exception of preaching and teaching, related to the aims and objectives of the church.

The decision to grant these permits is arrived at after taking the following into consideration:

- (1) that the applicants are usually retired couples well-versed in the lore of their particular religious organization;
- (2) that they receive either an insignificant stipend or in some cases no remuneration;
- (3) that they work in a specialized area for which they were specifically trained, an area of training to which few, if any, nationals are exposed; and
- (4) that because of the non-lucrative nature of the employment and the specialized areas to which their work is confined, it is unlikely that the grant of these permits could have a negative effect on the availability of jobs to nationals.

Mr. Palackdharrysingh: Mr. Deputy Speaker. Would the Minister state why permits are not granted for preaching and teaching?

Hon. K. Sobion: Mr. Deputy Speaker, regrettably, I am not in a position to respond to the supplementary question but I will convey it to the Minister responsible who will provide the information to the Member for Caroni Central.

Mr. Deputy Speaker: That information is to be provided at the next sitting or in writing?

Hon. K. Sobion: It will be provided in writing to the Member.

WRITTEN ANSWER TO QUESTION

**Acquisition of Properties
(Outstanding Compensation)**

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

- 208.** (a) Would the Minister of Planning and Development state the names of persons from whom the Government compulsorily acquired properties and for which compensation is outstanding?
- (b) Would the Minister also state the expected date on which the outstanding payments would be made to the persons so affected?

Hon. K. Valley: Mr. Deputy Speaker, I seek a deferral of two weeks.

Question, by leave, deferred.

ORAL ANSWERS TO QUESTIONS

**Cambridge University Advanced Level Examination
(Scholarships)**

210. Mr. Ramesh Lawrence Maharaj (*Couva South*) asked the Minister of Education:

- (a) Would the Minister inform this honourable House as to how many open scholarships and additional scholarships are awarded each year on the basis of the University of Cambridge Advanced Level examination results?
- (b) In cases where beneficiaries of such scholarships fail to fulfil their contractual obligations in spite of being requested to do so, what further steps are taken to recover moneys spent on their education?
- (c) In the instances where the Ministry refused to allow an additional national scholarship recipient the use of his/her scholarship to pursue a course of study abroad which is not available at UWI, would the Minister state whether that particular scholarship winner is entitled to:
- (i) written reasons as to the refusal of his/her scholarship; and/or

- (ii) reimbursement of at least the UWI scholarship?
- (d) In cases where there is more than one scholarship winner from the same household/family (i.e. a brother/sister, sister/sister, brother/brother), would the Minister state whether it is the policy of the Ministry to allow one scholarship winner to benefit from the scholarship award and thus refuse the other who was equally entitled to the same?

The Minister of Education (Hon. Augustus Ramrekershing): Mr. Deputy Speaker, five open national scholarships and 45 additional national scholarships are awarded each year on the basis of the University of Cambridge Advanced Level examination results.

In cases where the recipients of the scholarships fail to fulfil their contractual obligations to the government, they are requested to submit reasonable proposals for consideration of the liquidation of their indebtedness to the State; failing which, the matter is referred to the Solicitor General to institute legal proceedings for recovery of the moneys spent on their education.

According to current policy, all additional national scholarships are tenable at the University of the West Indies and all awardees are so informed. If, despite their awareness of this stipulation, they choose courses which are not available at the University of the West Indies and elect to go abroad, they are told why they cannot use the scholarship to do so by being reminded of the policy governing additional national scholarships.

Those additional national scholars who opt to pursue studies abroad are not entitled to fees and allowances equivalent to those which are paid to scholars at the University of the West Indies, according to current policy.

In cases where there is more than one scholarship winner from the same household family, it is not the policy of the Ministry of Education to allow one scholarship winner of a family to benefit from the scholarship award and thus refuse the other, who is equally entitled to the same.

Acts

(Maximum Figure for Borrowing)

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

- (a) Could the Minister state the maximum figure as determined by the latest resolution/s of Parliament for borrowings under the following Acts:

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- (i) Treasury Bills Act;
 - (ii) Savings Bonds Act;
 - (iii) Development Loans Act;
 - (iv) External Loans Act; and
 - (v) Independence Development Loans Act?
- (b) Could the Minister state the respective total of amounts actually borrowed and outstanding under these Acts as at April 30, 1993?

The Minister of Finance (Hon. Wendell Mottley): Mr. Deputy Speaker, before answering the specific question, it is necessary for this honourable House to be advised of the provisions of section 3(2) of the External Loans Act, Chap. 71:05, which states as follows:

“For the purpose of determining whether any borrowing is within any limit prescribed in or pursuant to subsection (1), the equivalent in Trinidad and Tobago dollars of any borrowing in any foreign currency shall be computed at the official rate of exchange effective on the date which the Minister certifies as the date on which all the terms and conditions of the loan have been determined.”

The maximum figure as determined by the latest resolutions for borrowing under various Acts is as follows:

<u>Act</u>	<u>Loan Ceiling</u>
Treasury Bills Act	\$1 billion
Government Savings Bonds Act	\$500 million
Development Loans Act	\$5 billion
External Loans Act	\$6 billion
Independence development Loans Act	\$2 million.

Mr. Deputy Speaker, amounts borrowed and outstanding as at April 30, 1993 are as follows:

<u>Acts</u>	<u>Amounts borrowed And Outstanding</u>
(i) Treasury Bills Act	TT \$975 million

<u>Acts</u>	<u>Amounts borrowed And Outstanding</u>
(ii) Government Savings Bonds Act	TT \$76.8 million
(iii) Development Loans Act	TT \$4,200 million
(iv) External Loans Act	TT \$4,800 million
(v) Independence Development Loans Act	TT \$1.1 million.

With respect to the External Loans Act, the amount was TT \$4,800 million prior to the floating of the Trinidad and Tobago dollar, when the exchange rate was US \$1 to TT \$4.25, which was the case as at April 12, 1993; but TT it is \$6,400 million after floating of the Trinidad and Tobago dollar, as the exchange rate changed to US \$1 to TT \$5.76 on April 13, 1993.

Mr. Sudama: Mr. Deputy Speaker, do the Government intend to come to this House with resolutions to raise the ceilings under these specific Acts? Currently, the situation is that they have exceeded the ceiling under the External Loans Act, given the situation with the devaluation of the dollar.

In addition, do they intend to come to Parliament with resolutions to raise the ceilings of the Treasury Bills Act, the Development Loans Act and the External Loans Act?

Hon. W. Mottley: Mr. Deputy Speaker, that is why I was careful to read the provisions of the External Loans Act, Chap. 71:05 which states that is the rate at which it is applicable. So that we are not in breach.

However, since the margin is very thin, in answer to the second supplementary question which was asked by the hon. Member for Oropouche, I would state categorically, yes, we do plan to come to Parliament to raise the ceiling.

WRITTEN ANSWERS TO QUESTIONS

The following questions stood on the Order Paper in the name of Mr. A.N.R. Robinson (Tobago East):

European Community Grant (Link Road, Tobago)

212. Will the Prime Minister provide to this honourable House full details regarding:

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- (i) The grant from the European Community which was earmarked for the link road between the villages of L'Anse Fourmi, Charlotteville and Speyside in Tobago;
- (ii) The amount of the Grant in ECUs and TT currency;
- (iii) The status of the project and, in particular, the likely commencement date and the likely date for completion?

**Winward Road
(Danger of Collapse)**

213. Is the Prime Minister aware:

- (i) That the Windward Road from Scarborough to Charlotteville is in danger of collapse in more than one location;
- (ii) That this road affords the only means of access by land to several of the largest villages in the island;
- (iii) That the proposed link road between L'Anse Fourmi and Charlotteville, apart from providing a stimulus to agriculture, tourism and fisheries development in Tobago, would also afford alternative access to villages in the eastern region of the island in the event that the Windward Road from Scarborough to Charlotteville collapses or becomes impassable?

Hon. K. Valley: I seek a deferral of two weeks.

Questions, by leave, deferred.

**ADJOURNMENT MOTION
(LEAVE)**

Dr. Carl Singh (Tabaquite): Mr. Deputy Speaker, earlier today, I delivered a letter to the Speaker's office. It is a matter which I am prepared to raise as of urgent public importance.

Coincidentally, roughly a year ago, a matter was raised by me in this House concerning the St. Ann's egg-nog fiasco. Today, the report was presented to the House.

The matter I seek to raise here is definite in that in the last four to five months, we have had about four untimely deaths occurring in institutions in the country. I would enumerate briefly:

- At the San Fernando General Hospital, Ginelle Packette of Bank Village, Carapichaima died of meningitis, even though her older sister was being treated for meningitis the day before.

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I could not understand that one from the same house was admitted, diagnosed and treated. The next day, another person from the same house comes to the same institution for treatment, is given an injection, sent home, comes back the next day and dies. There is gross carelessness somewhere along the line.

- Kenny Rampersad, a 23 year old man, from Quinam, was admitted to the San Fernando General Hospital with some dental problems. He had a surgical procedure and the next day he died in the Intensive Care Unit.
- Another patient in the Southland died on the operating table in a private nursing home.

Today, Mr. Deputy Speaker, right, left and centre, nursing homes are being licensed to carry out functions for the population. We must encourage these homes to supplement the institutions which the Government run. But at the same time, we must monitor what occurs in these institutions. You see, the monitoring is not for the purpose of revoking licences, but rather for spotting breaches and making sure, on a preventive basis, that things are moving in the right direction.

Recently at the Tunapuna Government Primary School, an 11 year old stabbed a 13 year old and this child was taken to the Mt. Hope Medical Complex. This is a complex which contains a tremendous amount of hi-tech equipment, but it appears as if there are no personnel to manage it. This child was then referred from Mt. Hope to Port of Spain, where he died. This is unfortunate, and probably the proverbial “stitch in time” might have saved a life in this case. Because a simple stab wound to the chest could have resulted in a severe haemothorax or a cardiac tampernade and was responsible for this child’s untimely demise. The Fabien Walters affair, again, reflects very badly the type of service we are rendering to the population.

The matter is urgent in that if the machinery and other procedures which are carried out in our institutions are not brought up to date we would surely have many more untimely deaths occurring in this way.

2.20 p.m.

The matter is also of public importance, in that the health of the general population—those who can afford go privately; the majority of the population are treated at our public institutions. The institutions must be adequately staffed and equipped with proper investigative equipment. At the San Fernando General Hospital, if a specialist needs a special X-ray investigation done on a patient, for example, a gastro intestinal investigation or barium meal, this patient is sent to

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Mt. Hope. It is endorsed, the Government pays the bill at Mt. Hope. Well then, why burden the patient from Palo Seco and other areas to come to Mt. Hope for the investigation and then to return to San Fernando. It costs the state no less! These are some of the factors that I should like to raise at the adjournment this evening.

Mr. Deputy Speaker: Hon. Member for Tabaquite, I am not satisfied that the matter is urgent and falls under Standing Order 12(2). However, you are advised to raise it under 11(2) with the appropriate notice.

ORDER OF BUSINESS

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I beg to move that the House consider Bill No. 2 on the Order Paper before Motions.

Mr. Sudama: Mr. Deputy Speaker, with due respect, could the Minister inform us why it is that every day he comes to this House we have the order in which we are supposed to debate matters changed? On the last occasion he gave the undertaking that today we would start off with debating the Traffic Control Regulations. I am just enquiring whether this, which has been on the Order Paper for months now, will ever come up for debate.

Hon. K. Valley: Mr. Deputy Speaker, at the last session of the House we said that we would deal with this Companies legislation because we want to move quickly with the second reading and then have it sent to the Select Committee, after which we are going to do the Motion on the Order Paper. We believe that we would move quickly on this matter so that the debate today would really be on the Motion.

Leave granted

COMPANIES 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 revise and amend the law relating to companies and to provide for related and consequential matters, be now read a second time.

Sir, when the Bill was introduced last week in this House, I made a statement particularly to demonstrate the recent history which led to the preparation of the Bill which is now before the House. I indicated then, that the Bill had been

subjected to a lot of consultation between interested groups, including the Employers Association, representatives of the labour movement, accountants and, generally, persons who had hands-on experience in the day-to-day operation of companies.

It would be a little remiss, of me if I did not also signal that there has been a long history in terms of efforts to amend the Companies Ordinance. In fact, in 1965, Professor Pennington was commissioned and did complete a report on a new draft Bill to amend the Companies Ordinance. Since then, there have been several other efforts, and I do recall that a private practitioner and a former legislator in the Legislative Council, Mr. Victor Stollmeyer, had himself prepared a draft Bill, together with other practitioners in the commercial area.

It is something of a significant event that after so long and so many committees' reports and draft Bills, I have the opportunity to present this Bill for its second reading. I signalled in the statement I made last week that this Bill also represents a departure from the norm, insofar as our tradition of law making has been concerned, and that much of the legislation was derived from legislation from North America as opposed to the United Kingdom, which had been our traditional source of legislation. Also, that the Bill was part of a package which sought to harmonize the law in relation to the commercial field in the CARICOM area. There is much significance behind the second reading of this Bill, and I had also signalled that it was our intention on this side to suggest a course of action whereby the Bill could be considered in even greater detail.

I also wish to note that only last week as well we debated and passed in this House a Bill relating to the regulation of financial institutions, both in the banking and non-banking sector. In the course of that debate, much concern was expressed in relation to the safeguards which were necessary with respect to shareholders, depositors and investors in those areas.

The Companies Bill also has that as one of its primary objectives, in that much concern has been expressed with respect to shareholders of companies and those who invest in companies, and we have put into the Bill measures to safeguard those investors and shareholders.

I want to signal from the outset that in looking at safeguards we have also looked at the question of persons who may not be financial investors in the direct sense, but who have a stake in the enterprise, and we have sought to accord some degree of protection to those persons as well. The unionist among us and perhaps those who are gathered in another place may welcome clause 103 of this Bill,

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which mandates the directors of companies to look at the employee's interest in determining what is the best interest of a company. It is a mandatory duty that is put on the directors, that they must, in considering the best interest of the company, look at what is the interest of the employee.

2.30 p.m.

The employee has been put on the same footing as a shareholder in the company from that point of view. We are in difficult economic times; and in seeking to rebuild our institutions we, as a Government, have thought it necessary to ensure that the "engine room," as it were, of economic activity—banks, non-banks, companies—is properly regulated, and that is the primary objective of this legislation.

In turning to the Bill itself, I want to indicate that for ease of reference the Bill is divided into seven parts, each dealing with a major focal area. These seven parts are further subdivided into divisions of specific reference and then formatted into individual clauses. It is somewhat of a slight departure from the norm, in that there are parts, divisions and then clauses. The major heads cover: I Preliminary Matters; II Construction and Interpretation of the Bill; III Formation and Operation of Companies—and this part, Mr. Deputy Speaker, is really the heart of the legislation. It has twelve subdivisions and is composed of 246 clauses, which represent more than half of the 553 clauses contained in the Bill. Part IV deals with the Protection of Creditors and Investors; Part V, other registered companies; Part VI Winding Up; and Part VII, Administration.

Because of the course proposed and because of the understanding which we have reached with Members on the other side, I do not propose to be exhaustive in analyzing the clauses of the Bill. I do, however, want to deal with some of the significant reform measures and changes which would appear in the part dealing with "Formation and Operation of Companies" and the management of companies. In terms of formation, there are, perhaps, five major areas that one can look at. The first deals with pre-incorporation contracts; the second deals with provision for standardized Memorandum and Articles and the rules relating to *ultra vires*.; thirdly, the concept of a one-man company; fourthly, the concept of no par value shares; and fifthly, the concept of companies being able—as they were not formerly able to do—to hold shares in themselves.

Insofar as the reform has gone in relation to pre-incorporation contracts, what we have is a situation where there was a lot of uncertainty when persons got together and attempted to promote a company. There was a lot of uncertainty as to

whether they were, themselves, contractually liable; or whether the company, when it came into being, then became contractually liable. We have sought to clear that up in this Bill and to provide a clear path whereby persons who have embarked on the formation of companies, unless those contracts are adopted by the companies after the formation, become liable. You see, what we are trying to achieve is a situation where persons dealing with legal bodies such as companies, are able to deal with them with some degree of certainty and security. Even from the formation aspect, we have sought to have that operate as a guiding principle.

The concept of standardized Memorandum and Articles is related to the question of the *ultra vires* doctrine. There has been a position whereby a person dealing with a company is deemed to have knowledge of what that company can do; and if the company, for instance, is able to trade in gas and it enters into a contract to deal with some other commodity, a person who enters into a contract with that company is deemed to have knowledge of that fact; and therefore may not be able to enforce what may have been a contractual right under the arrangement that he entered into with the company.

What we have done to simplify matters is to say, quite simply, that a company has the same legal right as an individual. An individual is free to enter into any kind of business arrangement and a company need not be formed for a specific purpose, but is deemed to be able to enter and transact any kind of business whatsoever. So, therefore, there is not going to be that problem of an individual or another company dealing with a company in terms of whether the subject company has the power to do the particular act or not.

The one-man company. Previously there was a situation, where a company could not be formed unless there was more than one subscriber. We have found that such a provision was meaningless and, in fact, the system was abused and people were made to be subscribers of companies, even though they had no real interest in the company. We have sought to free up that system, and if a person wishes to form a company on his own, he is now quite free to do so.*[Interruption]* After the law is passed, I am reminded.

The concept of no par value shares is another area of some concern. What we have had in the past was a situation where you had a nominal value attached to shares, and that proved to be quite a meaningless exercise, because the true value of the shares was dependent on the net assets of the company in any event. So that what we now have is a situation where shares would be traded at market value and subject, as it were, to market forces and floatation—

Mr. Palackdharrysingh: Liberalization!

Hon. K. Sobion: Liberalization of shares. When this legislation is passed, companies will now be able to hold shares in themselves. That, again, is a radical departure from the existing law and, among other things, it will serve to facilitate the development of employees' stock ownership plans. Because one of the particular provisions in the Bill deals with companies being able to buy back shares of employees who may have either resigned, retired, changed jobs, and who may have been part of the employees' stock ownership plan, the Bill now gives the company greater flexibility in managing these employees' stock ownership plans. So, again, there is that opening up and a greater degree of flexibility in the management of corporate activity.

I had indicated and signalled that the portion of the Bill dealing with the operation and management of companies was really the heart of the legislation and comprises more than half of the clauses of the Bill. The focus, when we get to that area, is really on minority shareholder protection, investor protection, tightening up on the question of directors' responsibilities; and we have sought to put into the legislation a greater regulation of companies by including within that part also, the take-over code which is adopted by the only schedule in the legislation.

Before I look at some of the significant aspects of that part of the legislation, I may mention that we have largely retained all the provisions relating to winding up of companies. We have found, on a review of the existing legislation, that the winding-up provisions, the provisions which deal with liquidation of companies have been effective and there has developed a lot of case learning in that area. So we have largely retained the whole section dealing with procedures for winding up.

2.40 p.m.

In doing so, we have recognized that minority shareholders had a difficulty, and the option that was open to them was to petition the courts for the winding up of a company, if they thought that they were being unfairly treated, or they could remain and suffer without having any other recourse. We have sought to devise in the legislation a sort of intermediate position whereby minority shareholders can have their rights protected. What we have done is to provide for minorities to dissent from a decision which is taken by the directors of the company; they can register their dissent; they can require the company to purchase their shares at a market value if they do not feel able to support a decision or a particular policy position which the company may be taking.

We have also recognized that there must be reinforcing machinery and in Part VII of the legislation, Division 2, we have made provision for applications to be made to the court to investigate the operations of the company. Again, the minority shareholder can have access to the court if he feels that his interest is not being sufficiently protected. I refer here to clauses 526 to 534, which set out the machinery whereby a shareholder—and, indeed, this section also protects the creditor or a debenture holder of a company who may apply *ex parte* to the court for an order directing that an investigation be made of the company and any of its affiliated companies, and the court then has certain powers in granting that order, to require the company to produce its books, minutes, etc.

So the emphasis on the part of the legislation dealing with the operation and management of companies seeks to achieve a tighter regulation of the company and seeks to protect those who are least able to protect themselves in those circumstances. I made reference to employees who are now put on a similar footing as shareholders insofar as the interest of the company is concerned, and I have made reference to the fact that investors, creditors, all have access to the courts if they are not satisfied with the management and operations of any particular company.

There is just one other matter in relation to that aspect, and it has to do with the responsibilities which have been placed on directors. I want to indicate to this honourable House that what we have sought to do is to make them more responsible for the management and operations of the companies which they may so manage. There are certain liabilities and I think that in clause 91 of the legislation, one will find a provision there. For instance, one will find that there is a greater personal liability on directors in certain specified instances, and clauses 91 and 92 are relevant insofar as that is concerned. If I may just refer to one of those clauses, clause 92:

"Directors of a company who vote for, or consent to, a resolution authorizing -
...

(b) a commission contrary to section 56...

are jointly and severally liable to restore to the company any amounts so distributed or paid and not otherwise recovered by the company."

Clause 56 stipulates that a company can enter into an agreement to pay a commission to an individual as a means of enticing that individual to purchase shares in a company. So that if there is any impropriety in that arrangement,

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a director can now be personally liable for his having supported that particular measure.

As I have indicated, what we are trying to do by means of legislation of this type and legislation of the Financial Institutions Bill type, is to ensure that our commercial arrangements are properly ordered. There has been a lot of discussion during the last debate on losses incurred by persons who invested in non-bank institutions, and we have sought to regulate that situation in the same way that we have sought to regulate the management and operations of companies under this Companies Bill.

In moving the second reading of this Bill, I confirm the statement which I had made a week ago, that in order to facilitate the efficient management of this enormous piece of legislation through the Parliament, the Government would be proposing that a joint select committee of both Houses be established in order to have a more detailed analysis done of the several policy positions which have been written into the legislation.

I have indicated that the committees which have looked at this final product have met and consulted with several different organizations. I have signalled that the deliberations have been protracted going on over a number of years. I can only give a superficial gloss of some of the policy positions which this Bill seeks to establish. The purpose of the joint select committee would be to give that greater detailed analysis whereby the several interests which will, no doubt, need to be brought to bear on the legislation, will have a greater avenue of expression.

Mr. Deputy Speaker, I beg to move that a Bill to revise and amend the law relating to companies and to provide for related and consequential matters, be now read a second time, and that a joint select committee of both Houses be established. I thank you.

Question proposed.

Mr. Basdeo Panday (*Couva North*): Mr. Deputy Speaker, the least that can be said is that this is a bad time to bring this Bill. It is a bad time to be debating in this House a matter like this, having regard to what is taking place outside. It makes this Parliament look irrelevant, that thousands of people are outside fighting to preserve their jobs; people are outside demonstrating their frustration and their alienation and all the grievances that they feel, and we, in this Parliament, cannot even deal with what is happening outside.

2.50 p.m.

It is a bad time too, because while they are demonstrating out there, we are talking about going to visit the Queen and all sorts of things. It is a bad time when people are hungry. And we must deal with the problems. That is what makes the Parliament relevant.

It is also a significant occasion because it marks the coming home to roost of the chickens. The request of the Government today, with this Bill, is what? That we on this side agree to refer this sizeable Bill to a joint select committee of Parliament for the purpose of examining, as the Minister says, "in greater detail" and so on; efficient management of this Bill. That is the purpose of it.

Now, it means that the Government thinks that is an important procedure, otherwise they would not have suggested it. *[Interruption]*. That is the difference between us, surely. The Government thinks it is a good and useful procedure to establish committees and send bills to them so that there may be "the efficient management of this enormous piece of legislation Parliament"—those are the words he used—"in order to have a more detailed analysis," but that is the same thing for which the Opposition in this country has been asking for over 30 years.

We must now point out the difference. If what the Government is asking for today is what the Opposition has been asking for 30 years—that is, the establishment of joint select committees or standing committees—what is the difference between us? That is what we must argue here today. The difference between us is that the Government is asking us to do, on an *ad hoc* basis, what we have been asking the Government to do on a permanent basis. That is the difference between us and the Government. *[Interruption]*. Exactly. Those are words; "we are building institutions". I wrote it down. The Member talked about rebuilding institutions.

The Government is asking us to set up a committee to deal with this Bill because it thinks it is right. We have been asking for a permanent committee to be set up to deal with all bills, why is that wrong? What is the justification for asking us for our support in setting up a committee to deal with this Bill? What about the other bills? What happened to them? Why can we not set up a permanent committee to deal with legislation as a whole?

Mr. Sobion: Does the hon. Member for Couva North not recall that only last week I requested from him a proposal regarding his party's policy with respect to joint select committees?

Mr. B. Panday: The Member did, in fact, do that and I would not have risen to my feet today had I not intended to answer him fully on that. So, it is coming. I am laying the foundation to demonstrate the falsity and insincerity of the Government—not of individuals—in dealing with this whole issue of accountability and participation. Surely, part of the rationale behind setting up this committee is that the Government wants participation, efficiency, institutions and so on. We on this side have been saying that you are right about the committees.

Mr. Manning: Mr. Deputy Speaker, I just want to remind the hon. Member, and Members of this honourable House that a joint select committee looks, essentially, at matters of law rather than matters of policy.

Mr. B. Panday: Mr. Deputy Speaker, he should not have said that. There is Standing Order 79A that says that:

"(1) There shall be a Joint Select Committee on External Affairs..."

The hon. Minister should read that before he makes a statement like that, but I would not get into any legal arguments with him today because this is really a political argument. It has to do with administration; it has to do with institutions, not only law. The argument about the setting up of committees has to do with a political dimension of a reform. That is the point I am on.

The hon. Attorney General and the hon. Minister in the Ministry of Finance are both correct. They said to me, last Friday, 'You have been talking about these committees and so on for a long time; will you put something in writing to us and let us know what it is you are talking about?'. When I am finished today, I am hoping that there will be no need for the writing.

The kind of committees we have been talking about is nothing new. In fact, this country has been crying out for those very committees for over 30 years. In the year 1974, the then Government of this country established a Constitution Commission. The report of that commission contains exactly what we have been talking about for so long.

Mr. Manning: Mr. Deputy Speaker, I just want to make the point again. A joint select committee set up to consider a bill looks at law rather than policy.

Mr. B. Panday: Mr. Deputy Speaker, if the hon. Prime Minister will be patient he will see where I am coming from. What I am saying is—

Mr. Sudama: In 1974, what was your role?

Mr. B. Panday: No. You must remember that the hon. Member came to this Parliament on a no-vote campaign in 1971. I would never forget that.

Mr. Manning: And, he has not looked back since.

Mr. B. Panday: It is because of the generosity of the Member for Tobago East that he is here today.

Mr. Valley: It is with the same generosity that you are over there today.

Mr. B. Panday: The trouble is that I can take care of myself. Let us not deviate from this argument because it is of extreme importance to this country. Had you, in fact, done this 30 years ago, there would not have been that demonstration outside there today.

Mr. Maharaj: People would not have died like that at the St. Ann's Hospital.

Mr. B. Panday: Yes.

Mr. Maharaj: And the vendors would have had a place to sell.

Mr. B. Panday: And the vendors would have had some kind of accommodation. This is extremely important. It is a proposal that came before this country by the most eminent of our sons.

When that Constitution Commission was set up, it comprised: The Rt. Hon. Sir Hugh Wooding, T. C. (Trinity Cross), Chairman; The Hon. Mr. Justice Philip Telford Georges, Deputy Chairman; Mitra Gokhale Sinanan, Esquire, Q. C. ; Michael de la Bastide, then, only Esq., now Q. C. ; Gaston Benjamin, Esq.; Julius Hamilton Maurice, Esq.; Solomon Lutchman, Esq.; Reginald Dumas, Esq.; Dr. Anthony P. Maingot.

Those were the persons who were appointed to look at the Constitution of this country, and it is extremely important to look at the background against which this commission was set up, and what it was intended to achieve. That, I am saying, is what happened some 25 years ago. Do you see what happens when we do not deal with our problems in time?

3.00 p.m.

In fact, the Commission said, in presenting this report to his Excellency, Sir Ellis Emmanuel Innocent Clarke, TC., C.M.G, Governor General and Commander in Chief of Trinidad and Tobago [*Interruption*] This is very important to you. You are the one who has been talking about incremental change—they have been incrementing since 1974. This is incremental change. I hope you are not leaving to visit the Queen.

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In reporting to the President, this most important commission says:

"Sir,

In the Speech from the Throne at the opening on June 18, 1971 of the Third Parliament since Independence of Trinidad and Tobago, your predecessor in office, His Excellency Sir Solomon Hochoy, T.C., G.C.M.G., G.C.V.O., O.B.E., stated that the Government would be concentrating on encouraging and promoting the maximum participation of the people in the political process."

those are the very words the hon. Attorney General used today—

The Commission continues:

"The first priority would be the Constitution, itself. Against this background he announced the decision to appoint a Commission under section 2 of the Commissions of Enquiry Ordinance with the following terms of reference, that is to say:

"To consider the Constitution of Trinidad and Tobago and matters related thereto and to make recommendations for the revision of the said Constitution and for matters of constitution reform in Trinidad and Tobago."

[Interruption]

Oh! I am sure the Prime Minister meant no disrespect. He has some pressing problems. The problems press only when he is under pressure. It does not matter whether he is here or not. It makes no real difference to what takes place in this House, really.

One sees the tremendous significance of this report and it was a large report: very concise, very indepth. It examined all the complaints of the citizen. It was in contemplation since 1971 and they took into consideration all the complaints that were being made as to the inadequacy of the Parliament at that time.

On page 63 of that report members of the Constitution Commission reported as follows, in paragraph 261 under the rubric 'Parliamentary Committees':

"The purposes which Parliament serves appear to be fourfold—

- (1) to debate bills placed before it and either pass them into law with or without amendments or reject them;
- (2) to examine government policies and to seek to influence them;"

That is why I am sorry the Prime Minister left—he is wrong. It is not the first time he is wrong, and it would not be the last time he is wrong. When he opened his mouth and talked about the floating dollar he was wrong and he is wrong again today. The economic pressures in the country today are because of his big mouth, and also the big mouth of the Member for Diego Martin Central, who jumped up and said they were going to privatize T&TEC. Every other Minister had to go and deny what the Minister said.

Do you know that the Manager of T&TEC had to call in his workers and say, "Do not worry with that stupid Minister and his big mouth. He is not going to nationalize." And they said well, "you say that today, but what about tomorrow?" He said, "I cannot speak about tomorrow." They said, well, we are coming out on Friday. Was that a Cabinet decision? Why did he open his mouth and say that? Another Minister is reported to have said in one of the weekly newspapers: 'Big mouth open his mouth and creating problems in the country'. What is the matter, the Prime Minister has no control over his parliamentary committees? But that is not the point. The point I raised was that the functions of committees are to examine the policies of the Government and to seek to influence them.

"(3) to keep a watchful eye on the implementation of..."

Government's policy.

This is the Wooding Commission Report—

"and the expenditure of public funds."

A Constitution Commission said that and they are right. To keep a watchful eye on the implementation of policy and the expenditure of public funds—Minister of Works, Member for Diego Martin East, listen! "Public funds" means the public must know. You cannot say that you are employing people and you cannot give their names to this House. You cannot do that. That is breach and contempt of this House.

Mr. Deputy Speaker, let me congratulate you on your sagacity. Had you not been in this House I fear there would have been a flare up. I really congratulate you on your tremendous handling of that. I mean it from my heart. I do not say it from my lips only. It continues:

"(4) to inform the public of Government's policies and of the criticisms levelled at them"

So that when we do that in this Parliament that is our function.

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"The first three of these four functions can be more effectively carried out if the initial stages of investigation and collation of information are done by a committee of Parliament rather than by the entire body."

Do you see what they are saying? The function of this House is to debate bills placed before it, to examine government policies and seek to influence them and to keep a watchful eye on the implementation of policy and the expenditure of public funds. And the first three of these can better be done by the institutionalization of committees in this House.

Twenty-five years ago that is what this Parliament was saying. We have been saying it since we are here. That is the kind of reform we are talking about. This committee referred to several authorities and it says:

"In March 1973, Malcolm Shaw (University of Exeter) and John Lees (University of Keele) presented a paper setting out conclusions drawn from a research project into the functioning of the committees of the Legislatures of nine countries."

And they took all of that into consideration before they wrote this report; so they were well informed:

"They ranked these countries in the order of the importance of the role played by the committees in influencing the outcome of matters in the legislature or its output. Canada, Britain and India ranked in that order in front only of Japan and behind the United States of America, Italy, Chile, West Germany and the Philippines. The results seemed to support the view that in a Westminster-type system committees do not on the whole become powerful aids to parliamentary efficiency particularly where there is a dominant party in the Parliament which enforces tight party discipline. Recent Canadian experience shows however that where the committee system is properly structured..."

The point is, you fear that they will take over your power. I am not saying that they do not take over power. The Canadian experience showed that where the committee is properly structured—

"the importance of its role can be increased in spite of these adverse factors."

3.10 p.m.

"The authors point out that Canada would have been ranked below Britain had the study been done before the Canadian reform which took place..."

The British have also done some reform. This Canadian reform was in 1968. I think the British reform was in 1979.

We come to the point raised by the hon. Prime Minister. Paragraph 263 says:

"Committees already exist in the present Parliament. The best known Standing Committee is the Public Accounts Committee under which Opposition chairmanship examines the public accounts on the basis of the Auditor General's report. Occasionally *ad hoc* Committees are appointed to study particular matters of policy..."

The Prime Minister categorically stated this is an ad hoc committee we are setting up here. Once a committee is not a standing committee it is an ad hoc committee.

Mr. Valley: Mr. Deputy Speaker, again, let me just draw Members' attention to the Standing Order under which we are governed. Standing Order No. 51(1) "Committal of Bill", states that a bill may be at the second reading sent to a select committee. That is what it is, to a select committee.

Standing Order No. 32(1) says quite clearly that any committee to which a bill is committed shall not discuss the general merits and principles of the bill but only its details. That is all we are doing.

Mr. B. Panday: Ad hoc means as and when required, as opposed to standing which is there all the time. If you do not accept that, we will argue that outside. Do not take up my time here. I am saying this is ad hoc committee.

Hon. Member: Do you know what is ad hoc?

Mr. B. Panday: That is your business. We will argue that some other time.

"Occasionally ad hoc Committees are appointed to study particular matters of policy—for example the Committee on reducing the age of majority. Committees investigate bills submitted for the incorporation of religious and charitable organizations before they come up for debate."

That too is an ad hoc committee—

"The permanent Committees like the Public Accounts Committee..."

Do they see the result of this ad hoc as opposed to permanent?

"The permanent Committees like the Public Accounts Committee are concerned more with matters of administration than of policy, while the

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Committees which look into matters of policy are set up for a particular purpose and are dissolved thereafter."

I come to the matter before the House. I am really sorry that the Prime Minister is not here.

Mr. Sudama: He has more important matters.

Mr. B. Panday: It is not his fault. If one studied geology, one is not supposed to understand law. I studied law; I do not expect to understand geology. He is the Prime Minister and he should be here when we are dealing with serious legal matters. He should learn.

If we were dealing with geology and rocks, I would have sat down and listened.

Paragraph 264 states:

"As regards legislation, bills are usually referred to a Committee of the whole House after the debate on the policy of the measure has been concluded at the second reading."

What you are doing is sending it during the second reading as—

Mr. Sudama: This is a debate.

Mr. B. Panday: Exactly! Apparently you cannot understand. I will leave my contribution for seventh standard children to read and let them understand, if you do not understand.

"There is no attempt at specialization and there is little likelihood of inducing the Government to make any significant concession after the public debate. All of this places an emphasis on the confrontation aspect of parliamentary politics—Government and Opposition adopting combative stands in a mock battle the result of which is a foregone conclusion. Admittedly, this can play a part in attracting public interest in the processes of government but, particularly in a small country like this, our view is that solid progress is much more likely to be made by emphasising efficiency as a result of specialization and finding areas of consensus in the search for national development."

That is the point we have been making for 15 years in this House—consensus government, trying to find consensus.

"The committee system seems to offer a useful road to the attainment of these ends."

You resist it because you fear the diminution of your power. A loss of power, that is what concerns you. It does not matter if people are marching outside; if they are hungry and starving; it does not matter if people are dying from egg-nog. What matters is their power. Let them keep their power inside here while the power is outside. The real power is outside of this Parliament, not inside it.

They have not heard me make a single statement about this affair. We have not participated. I came to Parliament very early today, so that I would not be accused of encouraging what is going on outside. My only trouble is that when I reached in here, I saw that some PNM fellows were hiding in here, before me.

Paragraph 265 states:

"Accordingly we recommend that the importance of the committee system should be emphasised by enshrining it in the Constitution itself."

That is a most powerful statement. What we are saying is that the House at this stage has power to set up its own committee. In fact, we are asking that these committees be set up pending their introduction in the Constitution; that these committees be enshrined in the Constitution. We are only asking as a temporary measure that we introduce it now, which we can do, until the Constitution is reformed, as it must be.

"The following Committees..."

Listen to the committees that they suggested. They say that we want to encroach upon their power. They do not have any power; what is there to encroach upon? Their power! Do they have power to end unemployment and deal with crime? That is power! When they could resuscitate the economy, they have power. When they could stop small businesses from collapsing, they have power. But what power do they have? They have office; they have no power.

The Constitution Commission recommended the establishment of the following committees to be enshrined in the Constitution.

"The following Committees to deal with specific areas of policy and legislation should be mentioned—

(1) Finance and Estimates."

"Finance and Estimates" is the one we have been calling for to supervise all these loans; the selling out of our national patrimony. They are selling out the urea plant, the Tringen plant and everything. How do we know that they valued this thing properly? How do we know that what they are selling it for is what it is

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really valued? How do we know about the conditions under which they are selling it? Are they selling it with or without its liability? After they have sold it, do they still have to pay the interest on the foreign loans that they have borrowed to set up these industries in the first place? All these things are matters people must know.

The Constitution Commission, under the Chairmanship of the Rt. Honourable Sir Hugh Wooding, suggested that we set up a finance and estimates committee.

"(2) Public Accounts Committee (Ministries and Departments)"

The present Public Accounts Committee is recognized as being without enough teeth. The Constitution Commission was suggesting the Public Accounts Committee (Ministries and Departments).

3.20 p.m.

"3 Public Accounts Committee (Statutory Authorities and Nationally Controlled Companies)"

That is exactly the point we are making. If they had taken the advice 25 years ago and set up parliamentary committees which would deal with public accounts committees, statutory authorities and nationally controlled companies, there would have been a body in this House to question them and ask them: You are selling this, what are the conditions under which you are selling it?

You are giving NUCOR gas: Is this a good deal for us, or are you selling this gas for nothing? Information is now coming to us that most of the benefits will take place outside and, as soon as they have used up your gas and put all their things in place, they are going to leave you.

"(4) External and Caribbean Affairs.

(5) Labour, Industry and Commerce."

there must be a standing committee in Parliament on that—

"(6) Agriculture."

We have our chairman for that committee already.

Mr. Deputy Speaker, we are also recommending a standing committee on constitutional and legal affairs and a committee on education and social services. That was in 1974. Of course, I have five more committees to add to this list. This is now 1993. The important thing is that this country has been crying out for reform and it is because there has been no reform that we are having all of the

problems that we are having today; all of the alienation we see in the society. Do you agree?

If my Friend agrees [*Interruption*] I would not take his time. If he is prepared to set up—

Mr. Maharaj: Do you believe him?

Mr. Valley: I am sure that the hon. Member knows that my word is my bond.

Mr. Panday: That is perfectly true, but what a flimsy bond you have. Once you handle it, it burst. He has the flimsiest bond I have ever seen. Even the Minister of Public Utilities laughed when he said his word is his bond.

If you say that your word is your bond and you intend to set up the committee of which we speak, that is to say the Committee on Constitutional and Legal Affairs today, we will support you on this Bill. We send out that challenge. If you do not, we are not going to participate in what we call "band-aid reform." We are going to participate in fundamental reform. And worse than not supporting you, we are not going to participate because we are not going to be a party to fooling people in this country.

Hon. K. Sobion: The hon. Member for Couva North is blinding himself to the fact that we have requested from him a policy position on joint committees. It would be irresponsible to be ad hoc and set up committees today. Every time he speaks he gives us a different policy view as to how these committees should operate. What I have asked him to do is put a position on paper so that we can consider it, and not act in an ad hoc fashion.

Mr. Panday: I am taking the Member at his word. I want to tell him today that the starting point for negotiation is the Report of the Constitution Commission of 1974. So you have it on paper.

Now you are not going to pull wool over my eyes; I am too old a fox for that. You are not going to tell me, "All right we will set up these committees you ask for, support us today on this Bill." What you must do is to postpone this Bill, set up this thing next week and we will support you on it. We are not going to support you before you do it. Do not tell us to agree with you today and you will set up this thing next year sometime. No, no, no, no, no. Do not be putting a poultice on every little sore; deal with the fundamental problem.

The real issue comes from the fact that, and I think I read it somewhere here—when you have such a committee on Constitution and Legal Affairs, do you know

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what happens? That committee develops a certain amount of technical skill and know-how and it is that kind of committee that can really deal with legislation of this nature. This is a highly technical piece of legislation.

If you set up a committee on this, a green committee if I may call it that because it is ad hoc, that is a committee that has no history behind it. It has no mechanism, no research, background and data, no modus operandi to deal with this in a significant way. You are sending it to that kind of committee for rubber stamping because the Members do not have the technical competence. If you had a standing committee, they would have a staff, which would give them the technical competence to deal with legislation such as this. That is the real issue.

What I am telling you is not my views. I do not claim originality in these matters. I am saying the country has been crying for it for some 30 years.

Paragraph 267:

"All Bills after being laid on the table..."

that is the kind of Bill I am talking about—

"of the National Assembly..."

of course they were talking about National Assembly in those days—

"should be immediately referred by the Speaker to the appropriate Committee for investigation and report. He will decide..."

and I want to stress that I agree with the "he". I do not want that changed at all. "He" means "he"; it does not mean "she".

"He will decide in each case which is the appropriate Committee. The Committee would be entitled to call for public comments on the bill and to summon organizations and individuals capable in its opinion of giving pertinent advice on any aspect of the bill. It would also have power to summon a Minister or public officer to give evidence on any issue on which their knowledge would be of assistance. Our expectation is that in the atmosphere of the Committee a spirit of co-operation would develop on the basis of interest and growing competence in a specialized field."

When you set up a committee such as we suggest, you get a real committee. It becomes so specialized, it can look at legislation because it has been looking at legislation for the whole year. Members of Parliament would be Members of that committee for five years, and in five years they would have built up a database

and access to technical information which would enable them seriously to deal with a Bill of this dimension.

"Policy suggestions should stand a better chance of being calmly considered and accepted when the Government has not yet adopted a public stance as it must do on the second reading".

So, it must take a stand under second reading.

Now you have put forward this Bill before us because that is your Bill. You have not asked the public for comment. This is not a Bill in which you have asked for a White Paper or Green Paper. You have put this forward as your Bill. Do you know why you really want this ad hoc joint select committee? You want to water-down the attack and the criticism of the Opposition that will come when this Bill comes before the House.

3.30 p.m.

I must not leave out the people's names, because they may get offended. You were quite right. *[Interruption]* He was a Member, I am sorry, I apologize to the hon. Member.

Listen to this:

"268. In the case of important bills involving a significant change of policy the Government should prepare and issue a White Paper for public comment and submit it for consideration by the appropriate Committee before publication of the bill. Such a document would assist the Committee..."

so it goes to committee in any case—

"by making clear the Government's objectives and the reasons for pursuing them.

269. where the appointee to an office has to be approved by Parliament..."

It goes on. We want another kind of committee. When people are going to be appointed to high office in this country, they should be examined by an investigating committee of Parliament. That is the kind of reform we want. If people are going to be appointed to high positions—like, for example, you see how "Mr. Know-it-all," Mr. Ken Julien was appointed to a job. Before he was appointed to that job we should have had the opportunity to sit him down, either privately or publicly, question him as to his past activities, his connections with Trintoplan, this and that and the other, Point Lisas, whatever. He would have had

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to sit down in this House and face a committee that examined his past, before he was given so much power. That is what we are talking about.

The hon. Member does not need any paper from me any more. The Constitution Commission, which was headed by men much more eminent than I could ever be, have spoken and that, as we say, is the basis of a paper upon which there will be negotiations.

Paragraph 270 states:

“In each case Committees will decide whether hearings will be in public or private. We expect that when bills are being considered the committee stage will offer scope for full participation by all or any interested persons.”

Do you know when this committee was announced by the Governor General at that time, the object was how to get participation of the people? Now, the present Government talk about “a caring government” and all sorts of foolishness. They say that they want Government by consensus. How do you get that unless you set up a mechanism, the machinery by which you can receive the input of people? The Constitution Commission spoke of that because you remember what it says, that the Government would be concentrating on encouraging and promoting the maximum participation of the people in the political process.

So when it came to deal with it, it set up mechanisms and machinery for allowing the people to participate politically in the process. So these committees will sit in the Parliament and they will invite members of the public to come and say what they have to say. We are willing to listen to them. That is the kind of committee, not an ad hoc committee of Parliament as and when the Government requires.

It continues:

“But if hearings take place before a Committee it would be possible for such persons to appear and support their point of view in person before the Committee—which always gives greater satisfaction and encourages greater participation.”

You see what I am telling. Had they done that, do you think there would be that expression of alienation outside? We are seeing a total expression of alienation in this society taking place right before our very eyes. *[Interruption]* I understand that they are laughing at the workers and saying that their demonstration bust; well, I will tell them what they are saying. I will tell the workers they say their demonstration bust and they are laughing at them in the House. So they will try to

do better the next time. They are laughing and saying that the demonstration bust; if the demonstration bust, they may do something else. I am warning this Government: They are sitting on a time bomb.

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

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

Question put and agreed to.

Mr. B. Panday: It is a good thing the Member for Caroni Central beat everyone to the draw, otherwise I would not have gotten this extension. I know it is hurting them. I wish I could do it painlessly, but there is no way to do it other than this way.

Mr. Valley: Bas, you said you were going to be 10 minutes. It has been an hour already.

Mr. B. Panday: The Attorney General asked me for further argument.

Under the present arrangement, which also obtained in 1974, the same agreement—there has been no change in the Standing Orders of this Parliament since 1961, in more than 30 years. But what they are saying is that, even then, I say it even now, under the present arrangement when a Bill is published for public comment memoranda submitted by the public go to the Cabinet. The persons who have submitted them have no idea whether their comments have been duly considered. So they really do not deal with the psychological benefits of participation. Because although they write you, they do not feel that what they have said has been taken into consideration.

The Commission goes on to say:

‘But if hearings take place before a Committee it would be possible for such persons to appear and support their point of view in person before the Committee—which always gives greater satisfaction and encourages greater participation.’

that is the key issue before the House—

‘It should also serve to open up the processes of Government and thus help build confidence in public institutions.’

You cannot set up an institution under this Bill and hope that it will have public confidence, unless the public participates in its formulation. If it does not, it is not going to support them. That is a fundamental political premise that in order for

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any institution to succeed, it must have the support of the people, not the support of the majority in Parliament.

What counts is the people and they want me to participate in a committee which has already been spoken of as being tantamount to a fraud. That is, you are telling people they are participating when they know for a fact they are not. That is, in effect, what Sir Hugh Wooding said. But I must go on, because this really hits at the navel—

Dr. Rowley: Mr. Deputy Speaker, I am grateful to the Member for giving way. I just want to ask him whether when he was sworn in as a Member of this House during this session of Parliament he took into consideration that he would have had to abide by the existing Standing Orders of the House.

Mr. B. Panday: I have never in my life heard a more reactionary statement. I say, if this is a Minister of this country, God help we. When I was sworn into this Parliament, I agreed to abide by the rules. And that means that I must never even attempt to change them? Is that what he is saying? Of course I am abiding by the rules, but I have a right to struggle for change and modernization of those rules. I swore by the Constitution when I was appointed and I am fighting for change of the Constitution.

Dr. Rowley: Mr. Deputy Speaker, I do not know what all the heat is about. All I would like to ask is, in the event that the change does not come before the Bill is to be dealt with, would the Member participate under the regulations as they exist? That is all I am asking.

Mr. B. Panday: When I swore to uphold the Constitution of this country, I swore not only to uphold the letter of the law, but also the spirit. What I am fighting for now is to uphold the spirit of the law and I am using every weapon at my command. One of the weapons at my command is not to co-operate with them, and then they are forced to concede and say, “Okay, we will join with the Opposition in order to implement the spirit of the Constitution as well as the law. And Sir Hugh Wooding and the great gentlemen are saying that here.

Dr. Rowley: That document existed when you were a Member of Government. Why did you not change it then? That was since 1974; you spent five years in Government.

Mr. B. Panday: Paragraph 271:

“With regard to technical ...”

which is exactly what this bill is about—

“legal matters a Committee would be empowered to seek help from the parliamentary draftsman or retain independent counsel to advise where it though fit. The likelihood of a measure slipping through in such a form as not to express accurately the intention desired should therefore be reduced. Our view is that a specialist committee should be able to discharge that function more competently than a second chamber.”

So that you set up a permanent committee that acquires these skills—not an ad hoc committee to deal with one bill and after that the committee goes out of being; that is my point—a standing a permanent committee to deal with all bills. A committee on constitutional legal affairs.

I must skip as I go on, because I cannot read all of this. It says at paragraph 273:

“Committees would also be empowered to initiate investigations...”

they are asking me what type of committees I want. I am telling them now—

“into areas of national concern where facts must be gathered and public opinion sounded to supply the bases for a proper formulation of policy. We envisage that matters now investigated by Commissions of Enquiry or made the subject of consultations could very well be investigated by appropriate Committees and reports prepared. Our legislators...”

This is the point I made when they spoke about the salary increases which, incidentally, they have not given up they postponed, Big back pay coming for them. *[Interruption]* which we are using in our constituency to recruit. They have postponed their back pay to give people the impression that they are on—anyway, it does not matter. *[Interruption]* We help venders with ours.

In my office, today, I can tell them, someone came from his constituency hungry; the persons did not have money to go home. It came out of this pocket today, and I swear by Almighty God that that happened today.

Mr. Deputy Speaker: Could the Member get back to the bill.

Mr. B. Panday: So when they get their back pay, I hope the Member refunds me for dealing with his constituents.

Mr. Deputy Speaker, I continue:

“Our legislators are not unduly burdened with work. There are not usually more than 48 sittings of the House of Representatives in a year and some of

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them are very brief. Time can be found to devote to parliamentary business of a nature which should increase the influence and importance of the National Assembly. Membership of the National Assembly should be regarded by parliamentarians as their principal occupation to which other vocations must be secondary.”

The point I want to make is that in a modern country like Trinidad and Tobago, in the year 1993, the Parliament of this country sits once a week from 1.30 p.m. to 6.00 or 7.00 p.m. That is an absolute disgrace in that they deem this country's business to be so little and of such unimportance that they can finish this business in four, five or six hours per week, and that was recognized since 1974 by the Constitution Commission.

That is to say that Members of this Parliament should regard their work in this assembly as a principal occupation with other vocations taking second place. I am recommending that Parliament should be sitting every day and when it does so, that is when the committees will work, working on the legislation, finding out if the Minister of Finance is doing his job properly or not; finding out if the URP is functioning or discriminating; lots of work to be done. This Parliament must do it. Therefore, there is need for that kind of reform. So that my argument has been made.

Briefly, they are asking us on this side to participate in an ad hoc committee; it is set up for a specific purpose, that is, to look at this bill. I am saying that that will serve no purpose because they are really just dealing with the surface of the problem.

A bill of such enormous technicality can only be dealt with by a committee which has been in existence for some time, that has acquired the skills necessary and has, as I have mentioned, the staff, the technical support systems and that sort of thing. A committee which is going to invite people to come and speak to it, that is, members of the Chamber of Commerce, people who are dealing with this kind of thing; people who have lost their money in ITL, even they have a right to find out how companies and committees should be run, and whether the managers who steal the moneys in these companies should be jailed. They have a right to come and say that and after we listen to them, we may say, yes.

So I am saying that we cannot and will not participate in an exercise that reeks of fraudulence, of deceiving the public by giving them the impression that they are participating in a meaningful way in the parliamentary process when, in fact, they are not. Therefore, we are saying we are going to support them and we are

prepared to use this as a first Bill. But we want a standing committee of Parliament, a standing committee on legislation and constitutional affairs, both Houses, a joint select standing committee that would last for the rest of this parliamentary term. The first bill we are going to deal with is this one and then we will deal with every other Bill. Not only that; we will go further in that committee and the Opposition may suggest legislation. So that is the kind of reform. Take us at our challenge. We are prepared to support you, but under certain conditions.

If they are not going to set up this standing committee, then we must conclude that they are not serious about reform and we cannot continue in this exercise.

Thank you, Mr. Deputy Speaker.

Mr. Mohammed: Mr. Deputy Speaker, I rise to seek a clarification from the hon. and learned Attorney General. During the course of his presentation he did say that the intent was to appoint a joint select committee to look into the Companies Bill. However, when my Friend the Member for Couva North was speaking, he spoke about an ad hoc committee; and the Member for Diego Martin Central rose to say that we were proceeding under Standing Order 51 of the Standing Orders of the House.

Therefore, I would wish the Attorney General to clarify whether it is a joint select committee or are we going by virtue of Standing Order 51 which would require a select committee.

Mr. Valley: Mr. Deputy Speaker, Standing Order 51(1) speaks of a select committee. When one looks at Standing Order 79(4), one sees—well, first of all, if one looks at 79(1), one sees that “the House may for the purposes of any Select Committee appoint not more than six Members to sit with Members of the Senate as a Joint Select Committee.”

Standing Order 79(4) speaks of the manner in which a joint select committee may be appointed and that is that it may be appointed at the request of either House with the approval of the other House. What it means is that we would have to have approval of the Senate. *[Interruption]* Standing Order 79 A.(1) speaks about a joint select committee on external affairs.

Mr. Humphrey: But that is part of the Standing Order: “There shall be...”

Mr. Valley: We are not dealing with that today.

Mr. Humphrey: The Member for Diego Martin West alluded to it—whether we support that or not.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Mr. Deputy Speaker, I have listened with interest to the contribution of the Member for Couva North. We on this side, as I indicated at a point of intervention, have signalled to Members of the other side that we are prepared to consider their position with respect to a joint select committee or joint select committees generally.

Some of the quotations used by my Friend the Member for Couva North from the Constitution Commission Report indicate that this Bill is of the very type which should be referred to a joint committee for more detailed and specialized examination.

Legislation of a very specialized nature, such as the companies legislation, requires in its formative stage consultation with various specialist groups, and there has been consultation with all the persons who have hands-on experience in the operations and management of companies. So it is quite wrong for the Member for Couva North to suggest that there has not been consultation with people. Consultation with people involves consultation with the representatives of people. If you are dealing with—

Mr. B. Panday: Please, do not misquote me. I did not say that you did not consult with people at all. In fact, I was referring to the Commission's method of consultation that made people feel that they were participating. And while I am on my legs, if you have consulted with everybody, why are you sending it to a select committee?

Hon. K. Sobion: Mr. Deputy Speaker, the point I was making and the point I had made previously is that for bills of a very specialized nature, it is necessary to consult with persons who are specialists in their field, and this has been done in this case. So to suggest that this is Government's policy which has just been foisted on this House is quite wrong.

This Bill has gone through a distillation process over a number of years. I traced the history of the degree of consultation which has taken place. And Government has formed its policy based on that process of consultation. This is the kind of legislation into which I would have imagined Members on the other side, even though they hold themselves out as opposing everything, would have wished to see or have some kind of serious input.

We have put forward the proposal that this piece of legislation be considered by a joint select committee of both Houses of Parliament. It is a critical and important piece of legislation and whether the committee is ad hoc or not, it does

not matter. In our view, it is a committee which is going to be established to consider a serious and important piece of legislation which can have a profound effect on the entire population of Trinidad and Tobago.

Over last week, we have traced the problems which investors and depositors in banks and non-financial banking institutions have. We have seen the collapse of companies, we have seen the problems of employees of those companies when they have closed down, and we are giving an opportunity not only to Members of this House, but of both Houses, to sit together and work out a proper policy position to deal with those matters.

As I am reminded, we have indicated to the other side that we are prepared to sit and look at the whole concept of joint select committees, but that does not mean that the progress on this piece of legislation should be retarded as result of that. We feel very strongly that in order to rebuild the economic structures in the country, we must move quickly. We as a government are doing so and we are inviting the participation of Members of the Opposition to join with us in order to deal with the welfare and well-being of the community as a whole.

We look forward to their support in this measure and in the approach which we are suggesting and we expect that any right-thinking Member of Parliament who has the interest of this country at heart would join with us in this approach to dealing with serious problems. We cannot as a Parliament continue to be looked at by the population as a whole as persons who gather here on a Friday for the purpose of "kincksin". We have very important work to do. *[Interruption]*. We look forward to getting on with the task at hand and dealing with matters which are sufficiently important in a serious and mature way.

All the concerns which have been expressed from the other side, we are seeking to address them. I am now informed that in response to my request for further information on the joint select committees, I can find it in the 1974 report. We will look at the 1974 report.

I want to assure my Friend the Member for Couva North that we will look at it in a serious way and, in fact, we will invite him to meet with us as soon as possible to consider it. But in the meantime the work of the Parliament must not stop and we have made a recommendation which we feel would deal effectively with the legislation at hand.

Mr. Deputy Speaker I, therefore, beg to move that the bill be now read a second time.

Mr. B. Panday: No, no. On a point of order, Mr. Deputy Speaker. The Attorney General is moving that the bill be now what? There is a motion before this House and it is that the Bill be referred to a joint select committee.

Mr. Valley: Mr. Deputy Speaker, the point about it is that the Bill has to be passed—

4.00 p.m.

Mr. Mohammed: Mr. Deputy Speaker, the Attorney General cannot use the expression 'now' if he is going to refer the matter to a select committee; the word 'now' must be deleted, and put your proposal for the committee.

Mr. Deputy Speaker: Do you intend to refer this Motion to a select committee?

Mr. Valley: Yes; it is going to a select committee.

Mr. Panday: The Motion before the House—remember when you got up and asked [*Interruption*] the Motion you had proposed before the House is whether it should go to the select committee, so we have got to vote on that before we go any further!

Mr. Deputy Speaker: That is not the Motion.

Question put and agreed to.

Mr. Palackdharrysingh: Mr. Deputy Speaker, I rise to seek some clarification. What is happening here, is it pre-empting the debate on the second reading of the Bill?

Mr. Valley: No—

Mr. Palackdharrysingh: Of course!

Mr. Deputy Speaker: That is not pre-empting the debate on the second reading.

Mr. Palackdharrysingh: Well, if the Bill is being read a second time there is no debate.

Mr. Deputy Speaker: (*to Clerk*) Would you proceed.

Bill accordingly read a second time.

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I beg to move that this

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Bill be referred to a joint select committee of the House and that the approval of the Senate be sought with respect to this matter.

Question put.

The House divided: Ayes 18, Noes 13

AYES

Valley, Hon. K.

Sobion, Hon, K.

Mottley, Hon, W.

Ramrekersingh, Hon. A.

Rowley, Dr. The Hon. K.

Eckstein, Hon. J.

Marshall, Hon. M.

Maraj, Hon. R.

Baboolal, Dr. The Hon. L.

Collis, Hon. K.

Imbert, Hon. C.

Lasse, Dr. The Hon. V.

Casimire, A.

Narine, J.

Hart, E.

Allum, D.

Bereaux, H.

Rajaram, C.

NOES

Maharaj, R. L.

Panday, B.

Humphrey, J.

Sudama, T.

Palackdharrysingh, R.

Bhaggan, Miss H.

Mohammed, S.

Singh, Dr. C.

Panday, S.

Jurai, K.

Sharma, C.

Hosein, S.

Haniff, M.

Mr. A.N.R. Robinson and Miss. P. Nicholson abstained.

Question agreed to.

Mr. Deputy Speaker: Hon. Members, the Bill will be referred to a joint select committee.

TRAFFIC CONTROL REGULATIONS

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Deputy Speaker, I beg to move the motion standing in my name which reads as follows:

Whereas it is provided by section 100 of the Motor Vehicles and Road Traffic Act, Chap. 46:50 (hereinafter referred to as "the Act") that, subject to affirmative resolution of Parliament, the President may, *inter alia* make regulations in respect of anything which by the Act may or is to be prescribed, the classification of roads and the prohibition or restriction of the use of any classified roads by vehicles of any specified class or description and generally, for the better carrying out of the provisions of the Act and in particular for the safety, control and regulation of traffic and the use of vehicles or any class of vehicles on any road and the conditions under which they may be used;

And Whereas on the 4th day of December, 1992, the President made the Traffic Control Regulations, 1992;

And Whereas it is expedient that the said regulations now be affirmed:

Be it Resolved:

That the Traffic Control Regulations be affirmed.

Mr. Deputy Speaker, the existence of the Traffic Management Branch, as we know it today, is evidence not only of an on-going need, but also of an ever-increasing need to manage the movement of vehicles and pedestrians on the nation's roadways. Originally, traffic control was handled exclusively within the police service. The Traffic Branch or (Mobile Branch) remains almost as a residue of the original portfolio. The Trinidad and Tobago Transport Board and the Transport Division of the Ministry of Works and Transport arose as spin-offs from that original agency. Eventually, even these agencies proved inadequate for the purposes of the management of traffic control matters. The Traffic Management Branch was thus created in the late 1970s, and answered the need. It has itself undergone continuous upgrading in an attempt to keep abreast of the ever changing scenario.

Since the advent of the motor vehicle, around the turn of the century, sweeping changes in modes of transportation have resulted, placing greatly increased facility, distance and speed of travel at the command of the individual. The social and economic benefits rendered to the public through this improved means of transportation are prodigious.

But while the gains to society are immeasurable, losses which waste community resources have been incurred. Problems of traffic congestion which thwart the very benefits of the motor vehicle, are found on many of our arteries of travel and are prevalent especially in urban areas.

Furthermore, the mechanized development of the mode of transportation has brought with it the shocking toll of human casualties. Congestion and accidents which arise as a consequence of motor transport, result in loss to the public at large.

To satisfy the needs of this mode of transportation, communities had to embark on expansive development in the form of new highways and infrastructure, but it has been established that economic efficiency demands that the equally important skill of traffic control be also exercised.

Expenditure for the purposes of traffic control is marginal when compared to the capital costs of the road infrastructure, or to the benefits which the system offers.

As a result, it should be a priority, in a community with limited financial resources such as ours, to maximize its ability to control traffic. It should be a continuous process, and there should be continuous monitoring and review of traffic management measures.

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Currently, the law provides for a system of implementation of measures, which use the trial and error system. Traffic behaviour patterns and problems that arise are monitored and assessed by agencies, as diverse as the regional corporations, the Ministry of Education through its many schools; the Highways Division, the Police and also the Traffic Management Branch. The public is also very vocal in observing what it considers to be noteworthy. This results in a sensitive and responsive capacity where the Government is concerned.

Following upon the processes of observation and comment, measures are drafted primarily by the Police and the Traffic Management Branch, but sometimes with the input from proposals from other agencies or the public at large. These new measures which we are seeking to introduce—put in law today—will be put into effect on an experimental basis via what is called an experimental traffic scheme which may remain in force for no longer than three months at any given time. It is normal to revise these measures as their effectiveness or appropriateness demands.

When it is ascertained that no further amendment is warranted, the measures are recommended for permanency as traffic control regulations, such as these regulations before this honourable House today.

But the process does not end there, however. The demands of the transportation sector, with its increasing population of motor vehicles and the changing imperatives with regard to the movement of goods and people, never allow for a relaxation. The permanent measures are likely to be changed again, but hopefully, not before they have brought the desired benefits for a number of years.

4.10 p.m.

The Traffic Control Regulations 1992 make provisions for the regulation and control of traffic in several parts of the country, including Port of Spain, Tunapuna, Arima, Sangre Grande, Marabella, St. Margaret's, Tobago, Chaguanas, Princes Town, San Juan and Trinidad and Tobago, generally. At this time I would point out that there now exist other Traffic Control Regulations for the other parts of the country which I have not mentioned. These Traffic Control Regulations have been tested experimentally and found to be working very satisfactorily, relieving certain locations of traffic congestion in addition to creating extra capacity on the roads.

It has been found that these regulations have reduced travel time between locations, saving money in terms of vehicle operating costs. There has also been a

reduction in traffic accidents as a result of the temporary measures. The regulations allow for quick, easy access for emergency vehicles and also allow increased traffic capacity in the network of the country's roads. They also seek to regulate, in some areas, the activities of taxis, while improving the safety for pedestrians by limiting the speed of vehicles in certain areas of the country.

The regulations also seek to extend the lifespan of critical sections of our road network, particularly our bridges, by limiting the maximum loads that can be used on them. The ministry has found that the regulations before us have resulted in an efficient use of our road network, resulting in a more effective utilization of our available resources, including fuel.

Mr. Deputy Speaker, I beg to move.

Question proposed.

Mr. Trevor Sudama (*Oropouche*): Thank you, Mr. Deputy Speaker. We have just had a demonstration in this House as to what this House has been reduced to. The Minister introducing these regulations has blandly given a history: he went back to the days when the first motor cars were invented, and gave a historical review of what has happened with movement—how people have managed to move themselves from one place to another. I do not know if he did some historical research in Australia when he had his sojourn in that country.

Then we had a history of the Traffic Management Branch. We are dealing with history at this point—how the motor vehicle was invented and how we had the Traffic Management Branch. All these, without giving us an idea of how things have been working. He came to a conclusion that the Traffic Management Regulations have been working beautifully; they have answered the need. He did not tell us what need they have answered. The regulations were working satisfactorily. To whose benefit, these satisfactorily working regulations?

This Minister does not know what is going on in this country; he is not aware of what is happening on the roads of Trinidad and Tobago.

Miss Bhaggan: He just came from Australia.

Mr. T. Sudama: He is not aware of the carnage on the roads. If he is not out of the country, when he is here apparently he secludes himself somewhere in Diego Martin and does not venture outside Diego Martin to understand and have a first-hand knowledge of the gross carnage, as I said—the madness that exists on the roads of Trinidad and Tobago, the fatalities.

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He did indicate, and I want to make this point absolutely clear here today, that we were presented with figures which show that the total number of accidents is falling. The number of accidents is not falling—accidents are just not being reported. And I will tell you why that is so. Whenever you go to the police station to report an accident, nobody comes to visit. They do not have vehicles or manpower to come to the site to do any sort of investigation, and many people think that it is rather a waste of time going to the police station to make a report hoping that there would be some investigation into accidents; so to save themselves time and trouble, many of these accidents, particularly minor ones, are not being reported at all. So that I take these figures with a pinch of salt and also the claim of the Minister that the total number of accidents in Trinidad and Tobago is falling.

Mr. B. Panday: He is talking about Sydney.

Mr. T. Sudama: But, Sir, what are these regulations for? What is the purpose of regulations? Why do we come to this House here to take up the time of this House to pass regulations, to pass laws? There was some mention that it is to facilitate the efficient movement of traffic on the roads; and particularly that efficient movement is to facilitate the safety and convenience of users of the roads, whether they are drivers, passengers or pedestrians.

I want to ask the Minister whether he thinks that these Traffic Regulations have, in fact, improved the safety and convenience of users of the roads, in the light of what is happening on the roads today. To put this matter in some perspective, Mr. Deputy Speaker, I want to quote certain sections of Chap. 48:50, section 100, to indicate what these regulations are supposed to deal with. They are supposed to deal with:

- "(c) the construction, fittings, dimensions and design of any motor vehicle;
- (d) the character and nature of horns or other instruments capable of giving audible and sufficient warning of motor and other vehicles and regulating their use;
- (e) the number, position and kind of lights and reflectors...
- (f) the duties and powers of Motor Vehicles Inspectors with regard to the inspection of motor and other vehicles;"

Of course, as we are on this, we must ask the question: Are these Motor Vehicles Inspectors doing their job satisfactorily? Do they have the resources to do their jobs? We had no mention of that.

"(g) the inspection of motor and other vehicles and the times, places and manner of such inspection;"

4.20 p.m.

Perhaps he would have been good enough to tell this House how many vehicles have been inspected in the last few years; whether those which are supposed to have been inspected are, in fact, inspected. I know for a fact that a number of Government vehicles are on the roads today, unlicensed, in total violation of the traffic regulations, but the Minister comes to this House and proclaims the efficiency of traffic regulations, that they are subserving the purposes they were meant to subserve.

There is a certain air of unreality when Members of the Government get up in this House to speak, as if they are totally unaware of what obtains in Trinidad and Tobago.

"(h) the form of identification marks to be fixed on motor vehicles and trailers in respect of registration..."

I want to come to that later on when I speak about the incidence of theft. That is one area in which the statistics show there has not been any decline, but rather an increase. What facilitates theft of motor vehicles? How are your traffic regulations being enforced and implemented to minimize the incidence of that occurrence?

You are talking about registration, and the sizes and colour of the letters and displaying identification marks, etc.

"(i) the classification of roads and the prohibition or restriction of the use of any classified roads by vehicles of any specified class or description;"

Mr. Deputy Speaker, I am going to speak again on the issue of the condition of the roads of Trinidad and Tobago and their relationship to the number of traffic accidents and the responsibility of this Minister and his ministry, and the fact that he is not carrying out his responsibility. He is not even, in fact, accepting his responsibility for the condition of our roadways.

"(k) the issue of licences to drivers of taxis..."

I am going to deal later with the maxi-taxi situation in Trinidad and Tobago, provided for in regulations.

"(l) ...badges and uniforms..."

(m) the prevention of indecent or immoral behaviour in taxis;"

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Do you know what is going on with the maxi taxis in Trinidad and Tobago today, Mr. Minister—just recently arrived from Australia? I do not know why he was sent to Australia. I do not know if it was to escape the wrath of "Sad-man Charles." Is that it? You see, Mr. Deputy Speaker, it is as if these regulations did not exist, as if the Minister is not aware of these things and his responsibility.

"(m) the prevention of indecent or immoral behaviour in taxis;"

I will have a lot to say about this.

"(n) passenger fares and tolls in respect of public service vehicles;

(o) the maximum hours of employment of persons as drivers of goods vehicles;"

I am going to talk also about the Minimum Wages Order which, I think, has been put out for public comment. It is to cover people who are exploited and who ought to be brought under it, but so far it is only out for comment. They take a very long time in doing things on the other side, particularly things which are of benefit to a wide sector of the population.

Finally, it says here:

"(p) generally, for the better carrying out of the provisions of this Act and in particular for the safety, control and regulation of traffic and the use of vehicles or any class of vehicles..."

Presumably, this safety relates to drivers, passengers and pedestrians on the road. So having set out the parameters of what I am going to talk about, you will understand that my contribution will be a fairly extensive one here this afternoon.

The first difficulty we have with traffic control regulations, as we have with other areas of Government, is that we have hundreds and hundreds of regulations and laws on the statute books, and very few of them are being enforced—very few, indeed. It is this lack of enforcement, this incapacity and inability to enforce the laws of Trinidad and Tobago and the regulations enacted under these laws which make many people believe that the Government and this Parliament are ineffective; that you can laugh at this Parliament and its attempt to create laws.

I understand that the banking sector was told, "Do not worry about Parliament and this Banking Act that they are trying to introduce. Just do not worry with them because they will never enforce it." It is this syndrome in which we are operating which makes you wonder whether what we do in this Parliament is of

any substantial benefit or use to the mass of the population who are there suffering, undergoing all the trauma in the society today.

So that the first issue has to do with the lack of enforcement of the existing inadequate regulations. The regulations are inadequate and you are unable to enforce even them. You are coming here to provide more regulations which you cannot enforce anyway. What are your resources for enforcement? What did the police of this country do with respect to traffic and traffic management? How do you relate to the police? What resources do you have in the Traffic Management Branch? Are you aware of the nature of the problems, to start with? Are you doing anything to mitigate the extreme inconveniences which are faced by members of the general public?

What is happening is that you come here with ad hoc regulations, and from time to time there is ad hoc enforcement. There is no plan, no continuity, no effectiveness in the implementation and enforcement of your regulations. And he tells me I must not try that.

Let me quote from the head of the Police Public Affairs Unit in the *Sunday Guardian* of April 18, 1993. In this article it says:

"Reacting to the alarmingly high rate of accidents in Trinidad and Tobago, one reader in November last year pleaded for the establishment of a National Public Safety Bureau with the specific role to address the concerns of public safety, including the strict enforcement of safety laws."

It is not the Member for Oropouche saying so; this is a concerned citizen.

"This, the reader suggested, would help tremendously in reducing tragic accidents and at the same time curb the accompanying drain on the country's resources."

He himself admits of the enormity of the problem. He says:

"Traffic Accidents Cost TT \$6B over 10 years."

So you see the waste of resources.

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Mr. T. Sudama: Mr. Deputy Speaker, before we took the tea break, I was making reference to the enormity of the problem, of the trauma and suffering in the society as a result of this tragic loss and waste, particularly of our human

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resource. It is also a personal problem, and there are many people in this House who may have had friends and relations who have died, or were seriously injured, in accidents on the roadways due to the lack of enforcement of traffic regulations.

Very often one would have asked the question: Could this have been prevented? Very often the answer is, yes. Yet, we do not seem to have the will to do something positive with respect to the prevention of loss and waste incurred.

Also, as I mentioned before, it was indicated that there has been a falling off in the total number of accidents. If that is true—and I am contending that it is not in fact, so, as we are having fewer accidents being reported because of the situation existing at this time. Imagine a small country like Trinidad, to have, for example, in the year 1981, 29,116 accidents reported; 201 persons killed and 5,034 injured. In 1982, 266 persons killed; 5,367 seriously injured and a total of 31,965 accidents. And, in 1983, 229 persons killed; 4,895 injured and 32,263 accidents. And so the figures go. Mr. Deputy Speaker, I am contending that these figures are much too high for the small population that we have. Therefore, it points to either a breakdown in the enforcement of traffic regulations or the non-existence of regulations in certain instances to deal with this problem.

The Minister, as I said, has admitted that in a 10-year period, over \$6 billion can be attributed to losses accruing from traffic accidents. Having admitted that figure, the question is: What has he done about it? There is a certain casualness and indifference to his approach, not only in this House, but also elsewhere, in contrast to the serious problem that we face on the roads caused by traffic accidents.

When they do go on a programme of enforcement, it is an ad hoc thing. I have information from the Head of the Police Public Affairs Unit, himself, that they did go on a drive last year. He said that :

"One hundred and twenty-four drivers were charged between January and March, and an additional 173 more were charged between April and June.

At the same time, Inspector Winston Cooper, Head of the Police Public Affairs Unit, assured the nation that the campaign was continuing."

Hear what he also admits:

"Two weeks ago he revealed that while traffic policemen were still on the streets, the number of road fatalities had increased because of the 'continued breach of traffic regulations'."

It is not the Member for Oropouche saying so; this is a senior officer of the police service who is admitting that officers are put on the streets in an attempt to enforce regulations and it is having absolutely no impact. Something has to be wrong. Has the Minister investigated this matter to find out what, in fact, is wrong?

It goes on:

"All that was required to avoid most accidents,' he said, 'was a little caution'."

but they have created a society that has thrown caution to the wind—

"Cooper explained that 'the whole system is rooted in the malaise of the society, that of lack of respect for the law'."

Lack of respect for the law is evident not only in the area of traffic accidents, but throughout the society, and the Government does not seek to take any blame, though the party has been in power for 30 years, going on to 32 years now, as if the administration of this country is not to blame for this disastrous state of affairs. Lack of respect for the rule of law, continuing breach of traffic regulations.

The motoring public of Trinidad and Tobago is a large one. Trinidadians and Tobagonians like motor cars; they like to drive. Yet, the Government does not seem to understand that attendant on this, there must be a regime in place to induce caution to curb the incidence of accidents and to take preventive measures.

What are some of the major causes of accidents and how can these be dealt with? I do not know if the Traffic Management Branch has done any investigation into this matter. But from my own reading, investigation and research, some of the major causes are, for example, driving under impairment, that is, whether one is driving under the influence of alcohol, other drugs or any kind of physical handicap. Driving under impairment is a basic cause. Therefore, what ought we to do to deal with that problem to curb the incidences of accidents caused by people driving under these very risky physical conditions?

Another cause is driving with excessive speed; that has been established all over the world. If you drive with excessive speed, the chances that your reflexes will operate satisfactorily are less. That is, of course, a known fact. Also, driving carelessly or without due care. The deplorable and unsafe road conditions in Trinidad and Tobago contribute significantly to accidents—the number of potholes; the quality of the roads; the depressions. One only has to come to my

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constituency to understand how neglected the roadways of Trinidad and Tobago are, and, despite all my pleas, I cannot get any action.

5.15 p.m.

The condition of various vehicles—and this leads us to the question of whether the inspection division and the police are doing their work to bring in derelict or near derelict vehicles for inspection so that we could have the roadways traversed by vehicles that are roadworthy. Poor signs and lighting conditions on the roadways, very poor signs—sometimes there are misleading signs on our major highways and, of course, the lighting conditions leave much to be desired.

This is what traffic regulations are supposed to address, particularly in a way where you prevent accidents from occurring rather than dealing with the problem after it has occurred and, all the expense to the family; the stress to health institutions, on the insurance companies and the backlog in the courts—all these are costs which we are aware of, and in spite of all of this, we see very little being done.

I briefly propose that we have to look into some areas of preventive action as well as measures. First of all, there should be a determined and serious attempt made to enforce the rules and regulations relating to road traffic—we do not see that happening. There should be continuous police patrols on all the major highways, because that will have a deterrent effect.

I drive regularly from San Fernando to Port of Spain on what is considered to be a major highway and you can hardly ever see a policeman or police vehicles on that road. I drive at all hours of the day and night doing my parliamentary business [*Interruption*] Well, if you had an enforcement system and I was driving at high speed you would have caught me. If you claim I was driving at high speed why have you not caught me already? Therefore, there is total inadequacy and a breakdown in the system of enforcement.

I am suggesting that we should look into this question and have patrols on our major highways continuously—24 hours a day. Not only to deal with the problem of traffic but also to deal with the problem of theft, banditry and all sorts of violence which occur on the roads. We are being overwhelmed by crime in this country. The bandits normally use stolen motor vehicles to do their work and if even they use the back streets for a period, eventually, they must come onto the major highways.

If you have a continuous system of patrols on the major highways and a system of communication with the police stations, then the chances of interception are very high indeed of those persons who use motor vehicles to get away after having committed their crimes. *[Interruption]* You already have two commissioners. Why do you need a third one? You have the Minister of National Security and you have the Commissioner. *[Interruption]* You have an obsession with creating commissioners.

I am making a humble suggestion to the Government, yes, it would entail some increased cost but look at the urgency of the problem; the urgency of the need today to reduce the high escalating crime rate in Trinidad and Tobago.

A second proposition that I wish to make is: I think we should have more effective sanctions against drinking and driving. That has been a very serious problem here. I am not suggesting that people should become teetotallers, but there are limits to which you can drink which do not impair your capacity to drive safely. The sanctions should be pretty heavy in order to serve as a deterrent which, if you have as a points system, would eventually lead to the confiscation of one's licence. One ought not to get a licence for a substantial number of years having been prone to this kind of risk which endangers not only one's own life, but also the lives of other innocent persons on the roadways.

Serious consideration should be given not only to the punitive aspects of it but also to its deterrent aspects. I should like to know whether the Government is contemplating the introduction of the breathalyzer test; whether they consider it feasible and whether they think that its introduction may have some effect in minimizing the number of accidents caused by drinking and driving.

We ought also to look into the question of making safety mechanisms mandatory. Whether we are talking about seat belts in vehicles, whether we are talking about air bags or vehicles which must stand up to certain minimum specifications to be roadworthy and, therefore, their impact in accidents will create less injury; whether we are talking about crash cushions on highways, better lighting systems, we have to look into the question of more up-to-date safety mechanisms for the benefit of our users of the roads. Some of these matters will not be very costly. Some might be a little more costly but you weigh the cost against the seriousness of the problem that you are trying to deal with.

I am contending today that apart from the other major problems that we have in Trinidad and Tobago, the number and seriousness of traffic accidents and the deplorable road conditions today which cause this enormous loss of life,

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resources, time and energy are a significant and major problem which ought to be addressed by a commensurate allocation of resources.

5.25 p.m.

I have already alluded to the question of the condition of our roadways; a major cause of road accidents. This has had very serious effects on persons. The kind of frustration that people experience when there is no minimal maintenance on these roadways! You only have to go to my constituency of Oropouche which has been identified as a constituency to be discriminated against—I say so without apology—and I am a representative who has been a target in this House. I will have a few things to say after next week, but I will confine myself today to giving you an idea of how when we try to assist ourselves, there are total indifference and a negative response from the Ministry of Works.

I want to give you a little example. On many of the roadways in my constituency there are serious depressions and there are no shoulders. These are especially hazardous to the heavy vehicles such as trucks. In many places they went off the road because of the hazardous conditions of the surface. The San Fernando/Siparia/Erin Road is one; Papourie Road, La Fortune Pluck Road and San Francique Road fall into that category.

I made representations to the engineer in charge of these roads. He did indicate to me that the ministry has no money. The hotmix plant at Agua Santa is in operation. We can get some loads of hotmix, but there is no money to buy the gasoline or dieseline to put in the truck to transport the hotmix from Agua Santa, the Government's plant, down to my constituency. We have arrived at such perilous times.

I asked what about putting oil sand? He said no, it would not look good to put oil sand on a main road. That is out. We would have to use hotmix. I said, if your ministry is so improvident that you cannot find \$200 to pay for dieseline or gasoline to transport the hotmix, my constituency would raise the money and give you for dieseline, gasoline and other transport costs and you would bring the hotmix, so we can get our roads in a reasonably fair condition, so we would not have all these traffic accidents occurring on the roadways.

Do you know what the response was? I want to read this letter which was addressed to the Chief Construction Engineer, Highways Division, Ministry of Works. It says:

"This letter seeks your confirmation for an arrangement I wish to make with the Civil Engineer for the Southwest Region, whereby the constituency

of Oropouche would raise funds to meet the cost of transport of hotmix to be used for repairing the surface of the following roads in it:

- (1) S.S. Erin Road
- (2) Papourie Road
- (3) San Francique Road
- (4) La Fortune/Pluck Road
- (5) Dumfries Road

I wish to have the assurance though that, since the Constituency provides the cost of transport, the hotmix so transported will be used exclusively on the above roads. "

That is a reasonable request.

Mr. Deputy Speaker: What is the date of that letter?

Mr. T. Sudama: February 1, 1993. It is very recent. That is before the Minister went to Australia.

To tell you how the bureaucracy works in Trinidad and Tobago—this is merely one example—I got a response on March 24. It took almost two months for them to reply to this simple request in this letter. It says:

"Dear Sir,

I wish to refer to your letter dated 1st February, 1993 addressed to the Chief Construction Engineer of the Highways Division and to inform you that I deeply appreciate your gesture, but there are other considerations which prevent me from accepting your offer."

He did not elaborate on the other considerations. Maybe, it is an Opposition constituency or that my name is Trevor Sudama, or whatever it is. These other considerations were not elaborated upon. He could not accept my gesture of a contribution towards the fixing of roads in my own constituency, a voluntary contribution for my constituents. Where do you go from here? It just gives you an idea of the frustration that we in the Opposition have to undergo even when we decide to do something to help ourselves.

The whole system seems to be ranged against you. Do not talk about parliamentary reform and having an input in monitoring policy. That is encroaching on governmental power, their power to rule; not even some hotmix

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on the roads of Oropouche. As I said, time is longer than twine and the time will come when my constituents and other people of Trinidad and Tobago would not take it so. Appropriate action has to be undertaken to deal with this intransigence that confronts us.

I want to leave that and talk about some of the other things which affect road users and which are subject to regulations that are only on the law books, but there is no intention to enforce them.

Let me talk about the loud noise and that is one of the things that these regulations are supposed to control. Today we have noise pollution in Trinidad and Tobago at a level which is inconceivable, and a significant number of the people of this country are getting deaf. Do not talk about the younger people at all. Their hearing is impaired because wherever you turn there is this loud music particularly in the taxis and maxi-taxis.

As you are aware, we were supposed to have regulations under the Maxi-taxi Act to deal with a number of things with respect to the operation of maxi-taxis in Trinidad and Tobago.

I want to talk about the maxi-taxis separately because that is a big issue now. It reflects what is happening to the society under PNM rule. There is this loud noise, not only in taxis, but also in other vehicles which is a gross inconvenience to people who use the roadways and other people. We have no policy on the part of the Government to deal with it.

If you travel on the roadway behind a truck that is carrying gravel or other aggregate, you will notice that there is the falling off of all this debris, which affects you. If it is sand, it blows into your motor car. I do not have an air conditioned motor car. That is for other road users.

I drive with my glass windows down deliberately so that people would see me and they will recognize me in my own constituency. I do not present a picture of aloofness from the general population and my own constituents. I drive at risk on the highways because of the non-enforcement of the regulations relating to the covering of trucks and other vehicles transporting materials. Of course, if they transport aggregate, and that drops on the windscreen and shatters it, there is nobody accountable. Windscreens do not normally carry insurance; you have to pay an extra premium to get insurance for windscreens. Nobody is accountable because by the time your windscreen is broken, you cannot chase down the truck driver; and even if you do chase him down he is merely driving for somebody else.

5.35 p.m.

I am bringing some of these problems to the attention of the Minister and the House in the hope—perhaps a forlorn hope—that something will be done about improving road conditions for the long-suffering motorists of Trinidad and Tobago. That is the objective I have in mind.

Flying debris: If they do have a covering on the trucks it is a matter of formality, because it does not serve its purpose. Sometimes the covers even drop off on the highways as you are going along.

The question of proper lights on vehicles at night time: I know a number of people who have died in accidents on the roadways because vehicles did not have proper lights, particularly rear lights, and particularly large vehicles like trailers and trucks. They drive that way because they know there is no law and no law enforcement in Trinidad and Tobago and, therefore, they do not care whether they endanger the lives of people.

Then you have vehicles using excessive weights, endangering not only the drivers of those vehicles, but also other people with whom they may collide—other motor cars, pedestrians. The vehicles are lopsided because of the excessive weight. You only have to drive on the major highways one day to see all these trucks transporting hardware material or any other material, totally overweight and causing traffic hazards, but there is no system in place to check that illegality.

To come to this House and talk about the satisfactory working of these regulations—I do not know whether the Minister is talking about this country or another country, because it does not jive with the reality of road conditions in Trinidad and Tobago.

We have heard talk about the prevention of traffic jams and congestion. The ticket system was supposed to be introduced to, at least, minimize this problem. We had a wrecking system in place for motor cars badly parked and causing traffic jams. I believe it has been discontinued or suspended, but we all know the corruption that has been involved in this wrecking exercise.

I am glad, and I am saying so today, that the system was discontinued, for the simple reason that some people benefited. It allowed for corruption with the police and the wrecking crew and, also, it did not deal with the problem of congestion on the roads. If the Government has discontinued that system, at least it would have saved the Treasury a little money which was being ill-spent through the employment of wreckers.

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I do not know if they will reintroduce it just because the Member for Oropouche talked about it and said we should not have wreckers here again.

I want to spend a few minutes on the issue of car thefts because this has significance for traffic regulations and the road conditions and what transpires on our roads.

Car theft in this country is big business and it has been escalating; even the recorded figures have shown a dramatic escalation in the number of car thefts we have. What I am arguing is that there are some simple procedures and controls which can be put in place—not very costly—which will serve as a deterrent. Car stealing affects people all over the country; it affects all classes, races, regions.

Stealing of vehicles is like AIDS; it has no particular target group as such. It affects all concerned. I know, because I have had people close to me who have had their cars stolen and who could not afford to buy another car and, as a result they have had to use other means of travel at great inconvenience to themselves.

When you see the escalation in car theft, it could only mean that there are two things about people who steal cars:

- (a) they do not fear the law;
- (b) they are in collusion with the people who enforce the law either with respect to vehicle licensing or with respect to the operations of the police.

In 1980, we had only 437 cars recorded stolen in this country. In 1981, it went up to 546; 1982 to 556 and it goes on escalating. In 1984—671; 1985—1,043. When you work out the number of thefts per number of motor cars, you will see that the ratio is very high.

In 1986, it went to 1,125. In 1987, it crossed the 1,000 figure. In 1988—1,551; 1989—2,055; 1991—2,134 and 1992, the latest figure is close to 2,000 and it would have crossed that by the end of the year.

This is not the final figure. There are many people who have had their cars stolen and who have not reported it because they know that the police are either incapable of taking or unwilling to take any kind of effective action for the retrieval of their vehicles. In these cases there are very, very few of these stolen vehicles which carry cover.

This is a small country, all parts of which are accessible to the authorities. Yet, you find that you cannot retrieve these motor cars or you cannot curb the incidence of car theft, which is a burning issue in all parts of the country.

5.45 p.m.

When I raise the issue of collusion and corruption, I do not talk out of my head. I talk about reports being made to me. I have had a report from a member of my constituency who had his 280C motor car stolen. He made a report. There was no response from the police. He made his own investigations. Parts of the car were found in a garage in St. Mary's Village, Moruga, in the constituency of my good Friend the Member for Ortoire/Mayaro. He claimed to be seeking a second-hand car to buy. When he looked at the motor car he identified it as his by certain markings on it. He identified the parts of his car there in the garage. He asked the owner the price and said he would come back the next day.

The following day he went back to the garage in the company of two policemen. He related to the policemen what transpired and, as a consequence, the owner of the garage assaulted him in the presence of the policemen. But the police did absolutely nothing except to walk away. He took his blows and went back to his home knowing that no action would be taken in that matter. Obviously, it appeared that there was collusion between the garage owner and the police.

This appears to me to be a widespread practice. This is why you could have over 2,000 cars stolen in a year and hardly any of them recovered in a small country of 1,864 square miles, almost all of it accessible by roadway. Something has to be wrong! This is a reflection on the Government and an indication as to how the population perceives the Government and the law enforcement agencies: Either they do not act or they can be easily made corrupt.

Now, I am proposing here, a number of suggestions which are by no means original; they have been made time and time again. But the Government does not take up any suggestions, whether they are original or not. That is not their job. Presumably they look into the Standing Orders to see whether they can do something. They will go by incremental approaches in order to do minimal things.

Why do people steal motor cars? One of the major reasons is to obtain parts. How do you sell parts? There must be a buyer. People do not sell car parts to non-existent buyers.

I am proposing, and it has been proposed before, that the Government institute a system of licensing of all auto garages engaged in mechanical and body repairs,

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including scrapyards, depots and places where people sell used cars. There must be maintenance of proper records and inventories: what has been bought, sold and what is the balance. Many of these car thefts are encouraged by these firms. This will not solve the problem, but it will act as a deterrent. That is what we are trying to introduce: Measures which may act as a deterrent so we can minimize the problem. There is no perfect solution to any problem in the world. We are looking at controlling and minimizing.

We are also suggesting that there be more direct communication between the car manufacturers and importers, and the Licensing Authority and the police, so that particulars of motor cars are readily available for the purposes of identification, investigation, checks and so on.

We are also proposing that the Licensing Authority examine all vehicles being transferred or written off. A thorough examination in this respect will reveal in certain instances that some of the vehicles are stolen. As a result of that, investigations can be instituted to get to the root of the problem.

We are also proposing that vehicles which have not been licensed for three consecutive years must be subject to examination by the Licensing Authority whenever there is a request to issue a licence for such vehicles, because in many cases those vehicles may have been stolen and kept "on ice", so to speak, for three years and then they come back to license them.

There ought to be some serious control over the manufacture of licence plates, because the case of false licence plates is prevalent among bandits. They steal motor cars and change the licence plates, because of the ease with which you can manufacture these plates. Therefore, there should be some official identifying mark on these licence plates so that you minimize the ease with which they can manufacture these things. The whole question of identification of vehicles and what you do about numbering chassis, on what part of the engine you stamp them and so on. If you standardize the practice and have more effective identifying marks on these cars, I think it will go some way to reducing the incidence of theft to a level that we can live with.

While I am saying so, I want to indicate to this House that when the UNC becomes the government of Trinidad and Tobago—

Mr. B. Panday: Which cannot be beyond 1996.

Mr. T. Sudama: Or your advice it might be next year. After the Member's statements to the press, it might be next year. As an aside, Mr. Deputy Speaker, just yesterday I was coming to a meeting—*[Interruption]*

What I am saying, just as an aside, I was coming to a meeting of the PA(E)C—we were looking at the accounts of the National Flour Mills—and I met a man outside there. He came out of his car and said, “Mr. Sudama, what all you doing about this Government?” I said, “We are doing our best to get them out.” He said, “All yo eh working fast enough.” He went on to say, “What wrong with Valley? He want to sell out National Flour Mills? We cyar eat just now; we own cyar get bread.” That is the attitude out there.

Mr. Valley: Mr. Deputy Speaker, this is an opportune time to state on yet another occasion that the Government has not taken a decision as yet. As a matter of fact, the Investment Division has not even analysed National Flour Mills as yet to determine what decision is to be taken on that. *[Interruption]*

T&TEC does not report to the Minister in the Ministry of Finance. The Minister responsible is my good Friend the Minister of Public Utilities.

Mr. T. Sudama: Perhaps he can take some time to make a ministerial statement to that effect.

Mr. Deputy Speaker, with the few minutes remaining to me, I have to say a few words on the Maxi-taxi Regulations. Now, let me make a general statement: the maxi-taxi problem in Trinidad is, in a way, reflective of what is happening in this society. We have created a maxi-taxi culture, which is—*[Interruption]*—If the Member for Diego Martin Central wishes to make a statement, I will give way. Unfortunately, the reporter is not here to take the report. Her PNM sensibilities would not permit her to say anything against the PNM; she jumps on the Members of the Opposition.

What we have had in the maxi-taxi sector is the worst feature of this society; it is a kind of culture which has developed. It has arisen out of this extreme competitiveness in the transport of passengers, where it is a cut-throat business. That is part of the problem. It goes to show that these market forces and liberalization have their limits. You must have a proper regulatory mechanism if you are going to open up. Liberalize and have more competition. But as far as the maxi-taxis are concerned, there appears to be no law under which they are governed. They are governed under the law of the jungle.

Of course, the promised regulations have not yet arrived. Perhaps the Minister is too busy with trips to Australia and elsewhere. Maybe he could have stayed in Trinidad to work on the Maxi-taxi Regulations and present them to this House on a timely basis. But when you read the newspapers and the reports as to what is happening, the whole question of sexual abuse and immoral behavior on the

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maxi-taxis is something which I am sure even the Minister, in the seclusion of his Diego Martin East constituency, must be aware of.

Dr. Rowley: Security.

Mr. T. Sudama: Well, I would not like that kind of security, because he is on tenuous ground when it comes to political security, because he is not going into Diego Martin East as any representative; that this side will guarantee.

Dr. Rowley: Leave Oropouche and come and run there.

Mr. T. Sudama: Mr. Deputy Speaker, there are so many problems when it comes to maxi-taxis: There is the loud music in the taxis which has been the subject of endless letters to the press and representations to the Minister, and which has been dealt with in other jurisdictions where you do not have such a large maxi-taxi population. Even Guyana and Jamaica, these other Caribbean Commonwealth countries, have had cause to deal with that problem. The intensity of the problem is much greater in Trinidad and Tobago and yet we, this somnolence—that is a word for the Member for Point Fortin. I do not know how to describe the Member for Diego Martin East—“absent”?

This Member for Diego Martin East appears to be unaware of the problem which affects particularly school children. They go to school with all this noise in their ears, they come back with all this noise in their ears. They hear some of the worst kinds of lyrics in the music, and what is happening is that a large sector of the student population is being groomed for indiscipline, immoral behaviours and all the other deleterious things we associate with this maxi-taxi culture. They provide a service, true, but there is urgent and crying need for the regulation of this kind of traffic for the benefit of the younger people particularly, and the population at large.

Mr. Deputy Speaker, you know, from time to time I travel by maxi-taxi because I want to find out what is happening. I leave my car at home and hop a maxi-taxi; I go to certain destinations because I want to have an idea, I want to have a feel—unlike the Ministers of Government, I do not drive about in air-conditioned motor cars, windows right up, with security and so on. I live among the people; I work among them; I have a feel for what they think; I have a feel for what their problems are. So I take a maxi-taxi from time to time. Now when the maxi-taxi stops, sometimes I cannot even go near the door because of the noise. I say, “Chief, you go ahead, I will wait for another maxi-taxi.” But I have to wait half an hour to find a maxi-taxi with which is not playing loud music. So that is a general problem we have to deal with respect to the operation of maxi-taxis.

Mr. Mottley: Octogenarians should not ride maxi-taxis.

Mr. T. Sudama: Mr. Deputy Speaker, I do not want to elaborate too much on what is happening with the maxi-taxis. That could be the subject of a whole debate: The maxi-taxis, how they operate, the conditions to which they give rise, the consequences and influences, particularly on the young people.

It is as if this Government has no responsibility for anybody, except for those who want to buy off the state enterprises. It seems to acknowledge none of the problems which affect the thousands and thousands of our people. Do not talk about the high cost of living.

Just now, I understand, they are going to raise the price of gasoline, which will affect maxi-taxis and all the travelling public. They are going to do so because of the floating dollar and because prices are set in US and by international pricing mechanisms. I want to warn the House and the country that in the next few months, or even earlier, the price of gasoline in Trinidad and Tobago is going to increase and will cause serious problems for the travelling public.

So get up and deny that.

Mr. Valley: Mr. Deputy Speaker, I simply want to ask the Member on what basis he is making these statements. All he is dealing with is rumour. What information is he basing his statement on?

Mr. Deputy Speaker: Before the hon. Member replies, I should like to let him know he has three more minutes.

Mr. T. Sudama: Given the few minutes left, I will not bother to respond to him on the basis of my prognosis that gasoline prices are going to rise in Trinidad and Tobago.

I look at the economic indicators. That is how I arrived at that conclusion. I look at Government policy at Government's orientation and its sell-out mentality. That is how I came to the conclusion that gasoline prices are going to rise. Does the Member not agree with the *Mirror*?

Mr. Deputy Speaker, just to wind up, let me state that I got up today to speak in a very conciliatory tone because, you see, this is a problem which affects thousands and thousands of people in Trinidad and Tobago, the vast majority of the people, the citizens of this country, whose welfare and concern are affected by the deplorable road conditions and lack of enforcement of traffic regulations. I speak for them.

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I want to tell the Government that it still has a little time in order to redeem itself a bit. I know it cannot redeem itself to any great extent. Let us see a conscious and determined effort being made in the next few months to bring to this House rules and regulations which can be enforced; also plan for the availability and allocation of resources in order to implement these rules and regulations so our people can be the beneficiaries of safer, more convenient driving conditions and that we shall enjoy this benefit even minimally if the Government has the will and is inclined to act.

Thank you, Mr. Deputy Speaker.

Mr. Mohammed Haniff (*Princes Town*): Mr. Deputy Speaker, I wish to make a few comments on the existing situation in Trinidad and Tobago.

Some regulations are before us, and the Minister tried to give the impression that these have been tried and tested and they will alleviate some of the problems. I do honestly hope that they will. I am, however, of the view that they will not go very far.

When we met here on May 29, 1992, which is a year ago, the issue of the maxi-taxis, the crisis they caused, was discussed. With the many things that were said and the many promises that were made, I thought that by now the relevant regulations would have been with us and steps taken to try to deal with that situation.

Those regulations are not here, and I am sure that the crisis that is taking place in the maxi-taxi trade is no surprise because, quite naturally, those responsible, those who are in the field every day operating their maxi-taxis and the passengers have come to the conclusion that the Government is not taking steps to deal with that situation, and anything could play. As a result, that is the kind of situation, and anything could play. That is the kind of situation we have today—a very chaotic and depressing situation. Who travels in these maxi-taxis? The people who have been retrenched. The people who cannot afford. Because there are very few buses, if any at all. Bus fares have increased. We have a situation of chaos on the roads; we have had a situation where nobody seems to be paying attention.

Mr. Deputy Speaker, I consider myself a new Member of this Parliament, having been elected on the last occasion. I come here and quietly and silently pay tribute to Members like my Political Leader, the Member for Couva North, the Member for Oropouche and others, who have served in this Parliament in the

Opposition and who have had the courage to come here week after week, for many years, without going mad, and putting up that kind of battle and talking to people in authority who do not act. I sometimes sit here and become very depressed about that kind of situation.

I really thought I would make one point here, Mr. Deputy speaker, and that is from the *Trinidad and Guardian*, May 20, 1993. I refer to this clipping:

“Several vehicles were impounded and more than 65 motorists, including 23 maxi-taxi drivers, were charged yesterday in downtown Port of Spain with driving unlicensed and defective vehicles.”

Mr. Deputy Speaker, yes, they have been charged. One gets the impression that when the police want to highlight something, they get together, concentrate all their efforts, “make their play” and that is it. But while they are charging maxi-taxi drivers and other drivers for driving unlicensed vehicles—

I want to refer you to the question which was answered earlier today by the hon. Minister of Works and Transport.

Question 200 on the Order Paper asks:

- (a) How many vehicles are attached to the Ministry of Works, Victoria East Division?
- (b) How many of these vehicles passed inspection for the years 1992 and 1993?
- (c) How many of these vehicles were licensed for the years 1992 and 1993?

The truth is that while private citizens are being penalized for not paying their licences and passing inspection and having vehicles of a roadworthy nature, the Ministry of Works, and by extension the Government, continues to break the law every day.

The reply as just given in this Chamber by the Minister of Works and Transport is:

“...there are 30 vehicles listed on the books of the books of the Ministry of Works and Transport in the Victoria East District.”

Let me say that while 30 are listed, there are some more—but they have been removed from the register—still running on the road.

“Several of these vehicles are, however, inoperable and are awaiting repairs.

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“In 1992 six of the vehicles attached to the Victoria East District passed inspection and were licensed.”

That is the kind of situation we have on the roads. If the Ministry of Works and Transport is heading the list in the use of unlicensed vehicles which are not roadworthy, then what do we expect? It is not setting a pattern for others to follow? I say, if the Ministry can do it and the various Government agencies can do it, why must the private citizens be penalized?

Continuing the reply to the question:

“To date, 35 of these 200 vehicles have been inspected and licensed for 1993.”

Thirty-five out of two hundred is about one fifth of the total number.

So we have a situation on the roads where there are unlicensed vehicles, vehicles which are not roadworthy, in the Ministries of Works and Transport, Local Government and other areas, workers are being called upon, and directed to operate such vehicles. That is contrary to law. I would want to enquire of the hon. Minister and this Government what is being done about that. I ask, in the circumstances, since it is against the law, are we going to continue with that or are we going to take steps to deal with it? I ask, again: Is it the policy or the intention of the Ministry of Works and Transport and the Government to privatize the Ministry of Works and Transport?

I am seeing a certain system developing. While the authorities are talking about “they care”—let me give you an example. I want to remind the House, I always do it, that my job is that of a lorry driver attached to the Ministry of Works and Transport. I have always boasted that I know what happens down in the Transport Section. *[Interruption]* My colleague is suggesting that I might get fired. I think it is the intention to fire me. I can tell you of incidents which lead me to think so.

I have in my possession layoff notices to lorry drivers, Ministry of Works. Every two weeks layoff notices are coming. They want to rotate drivers. I want the hon. Minister to say whether it is the intention of the Government to privatize the Ministry of Works and Transport.

6.15 p.m.

Mr. Deputy Speaker: Let me caution the Member. Maybe you can help me to get back on track with the Bill. I seem to have gotten off some place.

Mr. M. Haniff: I am making those references in the context that the Ministry of Works and Transport and the Ministry of Local Government are the two main ministries responsible for keeping the road conditions in a reasonable condition, so that many of the accidents which occur would not happen. In the meantime, what do we have? When this hon. Minister came into Parliament, he dramatized his entry into Parliament by removing the dragon. Do you know what is happening today? His absence of activity in the Ministry of Works is so obvious—nothing is happening.

I look at these regulations, Mr. Deputy Speaker, and I want to tell you that in the constituency of Princes Town I have applied for taxi stands and I have been in consultation with the Traffic Management people and I have been raising certain matters; nothing is happening in Princes Town apart from what is mentioned here with two-way traffic and that kind of thing. The Minister says that this is done based on consultation. These regulations are not sufficient and we are not seeing the kind of attention coming from this ministry or any other ministry. Trinidad and Tobago is in a real crisis concerning roadworthiness and what is happening in the maxi-taxi trade.

There is so much to be said about the maxi-taxi trade. It is said that in Trinidad and Tobago today there are over 3,500 maxis transporting 20 to 25 per cent of the travelling population, and all sorts of things are happening in those maxi-taxis, not to mention their accident rate. There are all sorts of complaints. I am sure that the Minister and the other representatives get complaints all the time about some of the things that are happening in these maxi-taxis. I get complaints from principals and teachers, but the police seem to be unable to act.

In the circumstances, what do we have? We have a situation where some regulations are before us. We are not convinced that they will go a long way in changing what is happening, and the population at large is wondering what next.

I want to enquire of the hon. Minister: Is it true that there was a circular to the effect that work days in the Ministry of Works are being reduced? If that is so—and I would really appreciate it if the Minister would answer—the money expended on the URP is going on the roadside rather than on the road. They are still scratching the sides of the roads rather than filling even the little potholes, painting the road signs and marking the roads, engaging in the sort of thing that is making it continually worse.

We had a situation recently where real chaos existed when a statement was made by the Transport Commissioner concerning no grace period for vehicles that

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are not licensed. While that chaos continues at the Licensing Office, we are not seeing any signs to deal with that situation. There was real chaos. People had to hurry and pay licences. They had to go there and spend hours and then go back. And when an appointment for inspection is made, it takes a very long time. So, in essence, these regulations will have very little effect on what is happening. I should really appreciate it if the hon. Minister would answer some of these questions.

There is a situation where replies are not forthcoming from a number of agencies. We have written letters, to which we are not getting replies. Someone mentioned a while ago that I should be careful, lest I get fired.

Mr. Deputy Speaker, I want to raise, as a matter of principle and policy, something I have referred to the Speaker of this House. It has to do with my application on January 14, 1992, to my employers, the Ministry of Works, for time off to come to Parliament as a Member. Up to today I have not received a reply from my employers nor from the Chief Personnel Officer. I have been told by officers at the office of the Chief Personnel Officer that my letter is with the Cabinet.

I have written to the authorities concerned and I am letting this country know that I am not raising this matter only out of concern for myself; I am raising it on principle—the principle of "non-replies" by the authorities concerning letters written by a Member of Parliament. I have, in fact, written the Speaker of this House and I have provided all the documentation concerning that issue.

Mr. Deputy Speaker: Let me caution the Member again. I think you are really straying from the Motion. Let us please stay with the Motion at hand.

Mr. M. Haniff: Mr. Deputy Speaker, as I said, I am raising it on principle. Sir, where else should I raise it if I do not raise it here? A letter dated April 19, 1993—I have been writing letters to the Civil Engineer, Ministry of Works, on behalf of residents and citizens of the constituency of Princes Town and I have had no replies. I am raising the issue of replies. I would like to know: Is it a policy? Has the Minister instructed the Civil Engineer not to reply to matters raised with him? If that is not the case, why are there no replies to these letters?

What I am saying is that these matters affect the motoring public. They have to do with traffic congestion and causing accidents; they have to do with people suffering as a result of what is happening on the roadways. If you are not getting attention from the authorities, where else will you go to get it?

6.25 p.m.

I have raised certain matters in this Parliament with the Ministers concerned and nothing is happening, to the extent that every day you see people's vehicles breaking down; accidents—going down in a landslip or a drain; and all sorts of things. As a result you know what is happening, Mr. Deputy Speaker? Based on the reply today of the hon. Minister with respect to Guaracara/Tabaquite Road and Lothians Road, it seems that the officers attached to his Ministry could not even tell him that work was done on Lothians Road by the residents with assistance from the National Commission for Self-Help to improve the conditions slightly. He was not informed about that, and you know why? There is not even co-operation from the ministries where self-help projects are concerned. It is three and a half years now since WASA did the Lothians Road project. Guaracara/Tabaquite Road is in front of a junior secondary school. The suffering is massive, if you see what is going on there now; it is causing accidents, and cars cannot go on that part of the road.

So you do not get replies to your questions or letters; and when you come here they say, "if and when funds are available." I refer to the regulations before us, and these regulations talk about controlling the weight of vehicles on certain roads and traces, bridges and what have you. I look at this listing on page 9 and I see Arima/Blanchisseuse, eight tonnes; that is the maximum weight that could go on this road; Brasso/Tamana Road, eight tonnes; Caroni Savannah Road, five tonnes. I ask in this situation: What method and machinery will be used to look at what is happening and control the weight on these roads, as was said by the Minister, to preserve the life of the roads and bridges?

Are there signs on these roads? Are there proper indicators on these roads to tell motorists that they should not exceed this tonnage? What is happening with the local government roads which are used by all sorts of vehicles? What is happening with those roads? Is there any system of control of weights? While we put it in the regulations and try to give the impression that we are controlling it, do we have the machinery in place to deal with that situation? I would really like to see how well we are going to put machinery in place to control what is happening on these roads.

Mr. Deputy Speaker, I would appreciate it if the hon. Minister would reply to some of these issues that have been raised here today.

Mr. K. Sobion: Burning issues.

Mr. M. Haniff: When I asked the hon. Minister whether he is aware of the condition of some of these roads, the reason he could not reply, quite naturally, is that he is too busy. He is either in the country very busy planning something that will never materialize; or he is out of the country. As a result, he is not aware of what is happening anywhere in the country, as far as these issues are concerned.

The Minister says it is absolutely necessary to control maxi-taxis. I ask: Is there really any control? Is anything happening concerning the control of maxi-taxis? What are these controls? Who is responsible for deciding whether an applicant receives a permit to operate a maxi-taxi or not? Are there regulations concerning these? Is he really of the opinion that there are workable controls? As a result, it raises the question of transportation for the travelling public and also of creating employment for people who wish to enter the trade.

The issue of conductors has been raised. The regulations today cater for Owner/Operator and it is easy to see that the owner cannot operate it to pay the cost of those vehicles, because the cost is extremely high, together with bad quality—bad quality vehicles, bad quality tyres, bad quality everything. As a result, people have to work themselves out day and night to try to meet the cost. The issue of allowing employment in the industry is also very critical. If they are not privatizing the Ministry of Works and Transport, if they are interested, then they should set up some sort of machinery to look at what is happening in the transport section and revitalize it with a view to ensuring job security; and ultimately to provide the kind of repairs that are necessary—all sorts of repairs—along with construction of car parks and what have you, so that the motorists will find some ease on the roadways.

In the absence of that, what do we see? We see that 5 per cent of the transport vehicles are operating; the others are not operating and contractors are operating side by side. As a result every week they come to the transport section and hand out these notices, which means that transport workers who have been there for 15 years, 20 years, 50 years have to go home to their families. It has happened on three occasions in the past—I can quote the dates—and that is why it is so crucial.

What is going to happen with these workers? Are you going to send them home as you sent home local government workers and as a result you have a worsening condition of the roads? And if you are sending workers home, are you going to give them what is due to them? You see so many questions need to be answered, replies are not coming. I am going to leave the question of what is happening there and raise, for the concern of the other side, my own concern about this article in today's *Mirror*—"Gas Price May Go Up."

While every other thing in the country has already gone up, we have a situation where even the lighting on the roadways and byways by T&TEC is worsening every day. The Local Government have a responsibility; they have no funding; they cannot pay for the lights. In the Ministry of Works and Transport where the lighting is their responsibility, nothing is happening to improve or maintain the situation and, as a result, it is getting worse. That Solomon Hochoy Highway that we have to travel on every Friday night when we leave here—and others who use it up and down—certain parts are not lighted. Could anyone here honestly tell me that that is not a dangerous situation to the road users of this nation? There are many other such areas and, they contribute to the numerous accidents we hear of every day, where life and limb are lost.

This matter about the price of gas going up is frightening. I fear it will explode somewhere, because people are getting fed up with the increase in prices. The very vehicles they operate, every day the parts go up and it creates all sorts of chaos and fright in the minds and hearts of our people in this country.

I ask the authorities and the hon. Minister to state what is their intention and to provide the kind of regulations, laws and machinery required to deal with the chaotic situation on our roads; to provide the regulations so that everyone will understand what is happening, rather than spending millions and millions in the URP which is, by and large, only on the sides of roads and not on the roadways. And coming here to tell the Parliament if and when they get funds they would repair those roads that need repair. This is total disregard for the road users. I have spoken to the hon. Minister personally. I am the first Member of Parliament who invited him to Princes Town. He said he would come. I do not know whether he would come but what I do know is, he does not even know the condition of most of the roads in the rural parts; and my impression is that he does not care.

Miss Bhaggan: He does not know!

Mr. M. Haniff: I have made the statement here already: One makes representation on behalf of one's constituents by writing to the Minister, asking for assistance, incorporating the villagers and all sorts of things, but the Minister responds in no way.

6.35 p.m.

As I look across on the left, I see the Minister of Public Utilities. While very much has not happened, he has responded to every request, either by writing or by visit. What do we have here? We have a situation of building confidence in this Parliament. *[Interruption]* There is a difference, because certain things can

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happen. We are processing those applications in collaboration with the National Commission for Self-Help. One thing I can tell you is that there is endless chaos. That is exactly the point I wish to make. When water lines are installed or repaired and the road is dug up, it remains in bad condition for three or four years, nothing happens, and there are all sorts of problems with the ministry and the authorities concerned.

Mr. Deputy Speaker, as I said, I intended to make only one major point here, and that is, whether the Government intends to continue with job security and the servicing of those vehicles in the respective transport sections so that we could maintain the roadways of the nation; or whether Government intends to privatize the operations and give it to contractors, which is already happening in certain areas. As a result, while very little or nothing is happening, every day you read in the newspapers about major accidents, because of the lack of lights, the absence of police patrol, bad road markings, no road signs, no control, and that kind of thing. So chaos continues in the country.

In that context, I must say that I am having real difficulty in understanding what are the plans of the Government to keep the population of this nation quiet in a situation where there is chaos in every quarter, especially in the transport section and in the employment situation, generally. These are the few remarks I wish to make in this debate and I certainly hope to get a reply from the Minister concerning the issues that I have raised.

As a Member of Parliament, I cannot understand why the authorities, since January 1992 to this present time, have not sent me a reply concerning time off from my job to attend Parliament, which is a national responsibility. You are sitting in a position of authority and I have raised this, after one year and a half, for the first time in this Parliament, and I am looking forward to seeing that I am treated with the kind of concern that any other citizen should get. If a Member of Parliament is getting that kind of treatment, what about others? What is going to happen to them? What is going to happen to the numerous complaints? There was not even the courtesy of a reply.

I want to let the Minister concerned know that his job has tremendous responsibilities and that he should take some time off to try to understand what is happening and ask his colleagues and others, his technical and administrative staff, to come to terms with the existing situation and do his best. This point about limited funds continues to be made. I am not saying that you have to get funds

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from outside. You cannot create funds. I am saying, make use of what is available and much more could be done.

I thank you, Mr. Deputy Speaker.

ADJOURNMENT

Motion made, That the House do now adjourn to Friday, May 28 at 1.30 p.m.
[Hon. K. Valley]

Mr. Deputy Speaker: We have a motion on the adjournment. The Member for Chaguanas.

Charlieville Asja Muslim School

Miss Hulsie Bhaggan (*Chaguanas*): Mr. Deputy Speaker, I sought leave to discuss on the adjournment of the House, the problem of the lack of proper accommodation for students attending the Charlieville Muslim School in the constituency of Chaguanas.

In the interest of time, I am going to summarize this problem by reading from a letter dated October 12, 1989, which was written by the Charlieville Muslim School, Parent/Teachers Association. This letter is signed by the Secretary, Fatima Kadir, and was addressed to the former Minister of Education. This is an historical background and it really puts into perspective the situation of that school. Then I shall deal very briefly with the recent developments with respect to this school.

My intention here is to get an up-to-date position as to what developments are taking place with respect to providing a building for these students. An excerpt from the letter reads:

"When the A.S.J.A. was granted the concession to build and operate primary schools, three schools were built and opened on the 19th January 1953, the Charlieville ASJA being one of those three schools.

Mr. Deputy Speaker, we are looking, therefore, at a building which was constructed 40 years ago.

"This school measuring 80 ft x 25 ft was hurriedly constructed as a temporary school, adjoining the eastern end of the Mosque. It commenced with 202 pupils and a staff of 7 (1 principal and 6 teachers).

With the increase in the school population additional space was required and with the assistance of the Muslim Community once more, an open shed

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measuring 80 ft x 15 ft, was constructed on the southern side of the existing school building. In 1969 this shed was enclosed thus providing space for 4 additional classes.

As years went by, the condition of the original building, which was supposed to be temporary, deteriorated considerably; the ceiling dropped at certain areas, the walls cracked and shifted, the wooden columns and rafters became termite infested, the roof leaked and the floor cracked and became uneven."

The letter continued:

"The building reached such a state of disrepair that it posed a serious threat to the life and limb, safety, well being and health of the teachers and pupils that the Ministry of Education, Ministry of Works and the Ministry of Health recommended the immediate closure and evacuation of the school. The pupils and teachers evacuated the building on 23rd June, 1977.

Arrangements were made by the Ministry of Education with the Presbyterian Education Board of Management to allow the Charlottesville ASJA School to operate on a shift system at the Charlottesville Presbyterian School.

For 4 years the pupils of the Charlottesville ASJA School operated on this shift system at the Charlottesville Presbyterian School while the furniture and the Charlottesville ASJA School deteriorated more and more.

While on this shift system from 1977 to 1981 desperate efforts were made by the Ministry of Education and the ASJA Education Board, to relocate and rebuild the Charlottesville ASJA School.

A piece of land (approximately 5 acres) was identified along Cemetery Road, Charlottesville. The land was surveyed, soil tests made, contract given to fill the land, and an IADB loan was secured to rebuild the school, on a Joint Venture basis—state/board. For some mysterious and unexplained reason this project never got off the ground.

Suddenly in August of 1981 after 4 years, funds were released by the Ministry of Education to repair and renovate the dilapidated and neglected school. This was done and pupils and teachers re-occupied the Charlottesville ASJA School once more on the 11th September 1981 thus ending 4 years of shift at the Charlottesville Presbyterian School."

The letter went on to further state:

"The school is now a mere 40 ft away from the Uriah Butler Highway. The constant noise made by the traffic on the Highway makes it impossible for pupils to concentrate on their lessons. In order that pupils hear properly the teachers have to speak at the top of their voices. One teacher had been hospitalised early this year for a throat ailment. He has now gone on retirement on medical grounds after having undergone surgical treatment for the loss of voice. Another teacher has to undergo periodic medical treatment for a similar throat ailment. She is also contemplating early retirement on medical grounds. Other teachers are similarly affected.

Apart from the incessant noise the safety of the pupils is daily threatened by the fear that a vehicle may accidentally run off the road and end in the playing field.

Blown tyres are a daily occurrence on the Highway. The loud explosion is enough to drive fear and terror in the hearts of adults much more the young innocent, unsuspecting pupils...

As recently as 11th October, 1989, a truck loaded with bricks had a blown tyre directly opposite the school and a piece of the tyre flew into the standard 5 classroom barely missing the pupils. Thank God it was not a piece of iron."

And the letter went on to give more details.

6.45 p.m.

Mr. Deputy Speaker, this problem, therefore, has been existing for many years and the former government had been advised of it. In fact, the letter referred to 1981 when some arrangements would have been made to rebuild the school and that would have been under a PNM Government.

Today, the situation has deteriorated further. Some of the students are no longer at the school because the building has deteriorated and they have had to be relocated on private premises. I accompanied the PTA to a meeting recently with the Minister of Education and he provided some information where they were considering some kind of arrangement with the school.

My request, therefore, is for the Minister of Education to give an update as to exactly what steps his ministry is taking with respect to providing facilities for the school. I am aware that there has been some arrangement with the land, but I am not aware as to what is happening with respect to a building being provided. This situation, therefore, can no longer continue, especially as it is extremely

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inconvenient for students to be housed in a private dwelling where toilet facilities are inadequate and all the various amenities are not available.

Mr. Deputy Speaker, I therefore ask the Minister of Education to provide some update as to exactly what he intends to do about the Charlieville ASJA Muslim School.

Thank you.

The Minister of Education (Hon. Augustus Ramrekersingh): Mr. Deputy Speaker, the problem of the Charlieville ASJA School is a long-standing one. Since the end of the 1970s a position was taken to rebuild that school. The hon. Member for Chaguanas referred to an IADB loan; in fact, it was part of a programme involving a World Bank loan. However, those arrangements for the entire programme were not proceeded with at that time and during the 1980s the situation continued to be unsatisfactory, although at the middle of that decade extensive renovations were done. That eliminated, at least for some time, the inconvenience of shifting with the nearby Presbyterian school.

At the beginning of 1992 the situation deteriorated in that underground water started seeping through the floor of a part of the building. Discussions took place between the PTA, the Board of ASJA and the Ministry, and we looked, initially, in the light of the unavailability of the kind of funding to rebuild, at possible repairs. The estimated cost of repairs submitted by the Board, to have the school habitable enough was in the vicinity of \$480,000 and we had to make a decision whether to put out \$480,000 to do some repairs and in five years or so the school would have to be rebuilt completely.

What has happened is that some 114 students have been moved from the compound at present. During the course of September, 1992 to the end of April, 1993, about four classes were housed in the nearby mosque. That arrangement expired at the end of April, and attempts were made to get alternative accommodation for those four classes. The fact is that suitable alternative accommodation was not easily available in the particular area, and we were not particularly happy to have to resort to a shift system.

At present, temporary accommodation has been arranged. It is not entirely satisfactory, but it is a superior alternative to having the children of those four classes at home or having them on a shift system which would discommode an even larger number of students.

The decision has been taken that the Charlieville ASJA School has to be rebuilt. Indeed, plans are ready for the building of a 720-pupil school at a cost of

approximately \$3 million, of which the ministry's share would be about \$2.2 million and the rest would come from the ASJA board. A five acre parcel of land has been acquired by private treaty from Caroni Limited for the site of the new school.

The fundamental problem we face is the availability of funds. Funds are not available from the normal allocations given to the ministry. However, discussions have started among the agencies—the Ministry of Works and Transport, and the Ministry of Finance. We are looking at the problem, not simply in terms of the Charlottesville ASJA School, but wider than that. We are looking at possibly providing funds for the building of several primary schools of which Charlottesville ASJA would be one.

The plans are ready, the lands have been acquired and all that needs to be put in place now is the necessary funding which, as I said, would be done in the context of the rebuilding of several primary schools. We deeply regret the inconvenience, but, at the present time, there really is little alternative. I have been in constant contact with the Board of ASJA and the PTA and there has been, additionally, written correspondence between us. That is where we stand.

Mr. Mohammed: Mr. Deputy Speaker, will the hon. Minister give some kind of indication when a start will be made to build these schools?

Hon. A. Ramrekersingh: I am not in a position to give any definite date.

Post-Mortem Examinations

Mr. Chandresh Sharma (Fyzabad): Mr. Deputy Speaker, the motion at hand this evening is a unique one, in that it addresses every single person in Trinidad and Tobago, those alive and those dead.

Firstly, post-mortem examinations are being delayed for no good reason. Secondly, a number of people are denied their religious rites because people who have died and have left specific instructions for their cremation are denied that rite. In most instances it applies to persons who have consumed gramoxone and died.

6.55 p.m.

Now the question could be asked, why are some required for further examination? At Port of Spain this does not happen. At Port of Spain samples from the bodies are removed and kept for examination and the bodies returned to the families for cremation. The British Journal of Medicine and the American

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Medical Association have been given notice of the situation in Trinidad and at some time they would respond. The question is: Why is this only happening at the San Fernando General Hospital?

Secondly, in cases of the Islamic community—and I have had correspondence and communication from a number of the religious bodies; the ASJA, the Maha Sabha, the Pundits Parashad and a number of Christian bodies—who have all expressed concern. In the Islamic teachings the instructions given to the Muslim is that they should be buried soon after death. He denied this because you have post-mortems taking three, four and five days.

I want to make it crystal clear that we are not disputing where foul play is suspected as you would have from time to time. But to fully understand this problem one has to ask himself, what happens at the time of death? When there is a death in a family, everybody goes into grief and to understand grief in Trinidad and Tobago is different from understanding grief elsewhere. As you have heard from the previous presentations concerning the road traffic situation, a number of persons lose their lives because of faulty roads, lack of lights, potholes. To add to this, people who suffer untimely deaths are denied an early funeral because the post-mortem is delayed for long periods.

I have a case which I want to draw to the attention of the House. This was drawn to my attention by the Maha Sabha and signed by Dr. Omar Maharaj and Mr. Sat Maharaj. It draws attention to Mr. Ramdial Maharaj of Don Miguel Road, San Juan who ingested gramoxone and was rushed to the Port of Spain General Hospital. The parents were advised that at the San Fernando General Hospital there is a doctor who is very experienced in cases of this nature and the patient was taken to the San Fernando General Hospital. The person died on a Thursday and that body was not given until the following Wednesday.

In this case, the Maha Sabha through its secretary, Mr. Maharaj, communicated with Mr. John Eckstein, the Minister of Health and Dr. Rawle Edwards, Principal Medical Officer (Institutions) and they could not do anything. The Minister of Health and the Ministry of Health seem to be a toothless bulldog. Absolutely nothing! This is a most unfortunate situation.

What the national community is asking for, firstly, is an undertaking from the Ministry of Health that this will never occur again in Trinidad and Tobago. Secondly, an apology is required from the Ministry of Health to all those families who were unable to cremate their immediate families soon after death. This is very important. One has to understand that at San Fernando you have had more

than 200 post-mortem examinations for this year. You have had approximately 20-odd persons who were denied cremation for no good reason. The law of the land does not allow that, so what happened is that somebody acted against the law and seems to be protected. In addition to that, some kind of inquiry is required to understand why this is allowed to happen.

The second area I address is the case of the delays in examination of tissues from live patients. What is happening, particularly at San Fernando, is that up to March of this year tissues taken from patients were sent to Port of Spain for examination. *[Interruption]* May I have your undivided attention, Sir?

Tissues are taken from live patients for histology examination so that patients may continue treatment. A woman who is suffering from breast cancer, a lump is removed and sent for histology. That is how it was. But it is not happening now that patient cannot continue receiving treatment. One has to ask oneself, why is this happening? What I am saying is not new. The Minister of Health has been advised of this problem. The Medical Association has communicated with them. Persons who have suffered similar situations have written to the ministry. So it is not a new situation. It is a situation that has been allowed to develop over time.

If a patient is warded and stays in that ward for a period of time and dies, the visiting or attending physician can issue a death certificate, but at San Fernando particularly, that practice is not permitted. The pathologist demands to do a pathology. If however a patient dies within 24 hours, the law requires a post-mortem to be done. One can go along with that. It appears as if the pathologist is paid per case; the more he does the more he makes—at the cost of the citizens of this country.

One has to understand that dealing with death is a very difficult exercise. Those of us who have had the fortune of being associated—in my own case as a Pundit, I have to counsel people from time to time. As Members of Parliament, we have to do it. What can we say to this family that has lost a child? In the cases of gramoxone, urine or blood tests can be done. If somebody consumes gramoxone, death is known by gramoxone and whatever results from that; there is no need for a post-mortem examination considering that you can do the urine and blood tests. In addition to that, where the police have no queries and they do not suspect foul play there should be no question of that deceased person being denied cremation if he so wishes, especially in the case of the Islamic community where their religious requirements instruct that they be buried within the shortest possible time.

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I have attempted to keep this very brief. Firstly, I should like an undertaking from the Minister of Health that investigations will take place to ensure that this does not occur again in Trinidad and Tobago. Secondly, to those persons who are denied disposing of their deceased loved ones, an apology.

In the case of histology, which is extremely important, you would recognize that at San Fernando there are 800 patients most times. At Port of Spain it is about a thousand, and if one is denied that, that one is too many. I am talking about 10 and 20 per cent of the patients. I now leave it in the hands of the Minister of Health.

The Minister of Health (Hon. John Eckstein): Mr. Deputy Speaker, the Member has raised the matter of serious problems and delays affecting post-mortem examinations and examination of tissues of live patients in Trinidad and Tobago.

Having received notice, I requested that the matter be investigated and I got the following information which I now make available to this honourable House. We received from the Administrator of the Port of Spain General Hospital the following information:

"As at 12.30 p.m. on Wednesday 12th May, 1993, there are no outstanding autopsies (Post-Mortems) at General Hospital, Port of Spain.

For the year 1992, nine thousand, two hundred and seventy-three (9,273) histological specimens were prepared by Laboratory Technicians and, there were no outstanding histological specimens to be prepared for reading and reporting."

7.05 p.m.

However, the Acting Medical Chief of Staff reported that of the specimens that were prepared, 200 are outstanding. But this has to be seen against the background, as I said, of 9,273 specimens having been prepared for reading. Based on that, there does not appear to be a very serious problem at Port of Spain.

In respect of the San Fernando Hospital, the Medical Chief of Staff, Dr. Helen Mason-Crooks said there are 304 samples to be processed; those are histology specimens. I wish to point out that until very recently, most of these specimens were read at the Port-of-Spain General Hospital. San Fernando Hospital now has the capability to do its own histology investigations.

In respect of the district and community hospitals and community services, the situation is also normal; for example Couva, Sangre Grande, Mayaro, there is no backlog of post-mortem examinations to be conducted at those institutions.

The situation at the Eric Williams Medical Sciences Complex is that there are no outstanding post-mortem examinations or histology investigations. In Tobago, the situation is the same.

Based on the statistics I have given, is there a serious problem, as the Member has argued, affecting post-mortems and the examination of tissues? The answer is yes. Unequivocally and unambiguously, yes, or the Member would not have brought this matter to this House. Perception is reality, and once there is the perception, then the fact is that there are problems. And what are the problems? They exist at two levels. There are basic and fundamental structural problems in the Ministry of Health and they impact adversely on the quality of care delivered. They manifest themselves in all possible ways. A look at the Hyatali Commission's Report would demonstrate this very clearly.

The Member quoted from the document—the Minister of Health is a toothless bulldog.

Mr. Mohammed: Chaos.

Hon. J. Eckstein: The fact is there is a situation that operates and which has been recognized, where the institutions that have the responsibility have no authority to carry out the functions that they have to discharge. The Ministry of Health is in fact addressing this matter.

Mr. Mohammed: Would the Minister give way, please? He has responded to the matter raised by my Friend by saying that there is no backlog at Port of Spain, Mount Hope or at San Fernando, but the issue was not the question of backlog. It was the question of delays that impact upon people's religious belief. In addition, the figures that the Minister has given gave no account of the Forensic Sciences Centre.

My understanding is that they do post-mortems there as well as tests of tissues. We have had no report on that.

Hon. J. Eckstein: I have the very greatest respect for my Friend the Member for Caroni East. I hope that he would pay me similar respect by awaiting my entire response before he raises questions which I believe I will cover in the course of my response.

As I indicated earlier the problem exists at two levels. There are very serious structural problems, principally excessive centralization, that plague the Ministry

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of Health, and the ministry is engaged in a process of decentralization. I am hoping that the decentralization legislation would come to Parliament shortly. It is a problem we share with many other administrations.

The Permanent Secretary in the Ministry of Health just came back from the World Health Organisation meeting in Geneva and he brought back this very substantial document I have taken out only a few pages which dealt with the National Health Policy of Turkey. Under “Hospitals”, it says that the strategy for the future will be that hospital management will be decentralised. Hospitals would become enterprises that manage their own resources; cost accounting systems will be introduced; hospital information systems will be established and so on. It seems that they have plagiarized the matters I have addressed this Parliament on.

Mr. B. Panday: The difference is it may take years to implement.

Hon. J. Eckstein: With the co-operation of the Member for Couva North and his colleagues, I am sure that we shall, in the life of this Parliament, implement the decentralization proposals.

There are serious problems at the micro level. There is a shortage of pathologists worldwide. Required as they are to perform post-mortems as a normal part of their trade, this profession is seen by most as a dead end. There are tremendous difficulties in getting house officers to accept scholarships in this area.

The situation is that at Port of Spain there are positions for three specialist medical officers; and we have three in place. One of them is on maternity leave, one is now working at the Forensic Sciences Centre, because, as the Member for Caroni East has indicated, we have—I do not know if it is temporarily or permanently—lost the forensic pathologist who operated there. There are five registrar positions, of specialists in pathology. Not a single position is filled; every one is vacant.

At San Fernando there are two specialist medical officer positions. We have one person. At the level of registrar we have just two positions, one of which is occupied. At the Mount Hope Maternity Hospital, there is one vacant position. We have a tremendous shortage of staff in this highly specialized area, and that creates serious problems for us.

There are other problems. There is often a conflict between the demands of religion and the demands of the law. Certain religious groups—and we can identify them—require the bodies for cremation within a particular time frame.

The pathologist on the other hand—the Member in the course of his presentation referred to a particular situation involving a certain body—has said that the law requires him to establish beyond all reasonable doubt the cause of death before he releases the body. Nobody can instruct him to break the law. That is how he interprets the law—that he must first establish the cause of death before releasing the body. [*Interruption*] You cannot instruct a man to break the law.

Mr. Sharma: Mr. Deputy Speaker, on a point of clarification. That is incorrect. We both know what the law states. In any gramoxone case, for example, you can remove tissues or organs and have them sent to the forensic lab where further examinations are done. What is being said today is not happening in any other part of the world. Cremations are allowed in every part of the world in similar cases and the same law applies. We follow the British medical procedure here and similar law, and that can be corrected. It has been done before. It was done at Port of Spain. It must be done at San Fernando as well.

7.15 p.m.

Hon. J. Eckstein: With the greatest respect, that matter was broached with the pathologist and his position is that until he is satisfied with the cause of death, he would release the body only for burial, not for cremation. That is his position. The situation is inherently conflictual. There are the demands of the law and his profession, as he sees it, on one side, and there are the demands of the religious groups on the other side. I see no obvious solution.

The Member makes statements that attribute to the Cabinet power it does not have. Cabinet does not hire and fire medical doctors in the public service. That is the responsibility of the Public Service Commission.

Mr. Sharma: They have a job specification.

Hon. J. Eckstein: Well, the job specification, as he sees it, requires him to satisfy himself first as to the cause of death before releasing the body.

As I say, there are other problems. Some of the specimens have to be looked at by pathologists who have special training in anatomical pathology and histopathology and there are only two of them in the Government service. Some of the other pathologists are in microbiology and other areas, but the specimens have to be done by people with specific post-graduate qualifications, as I said, in anatomical pathology and histopathology.

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The few pathologists that we have are sometimes required to appear at coroners' inquests to deal with matters that are very time consuming.

There is no pathologist in Tobago and, at times when there are cases where foul play is suspected, pathologists have to go to the sister island to perform.

We are receiving an increasing number of requests from our Caribbean neighbours for the services of our pathologists. We entertain these requests and the few pathologists that we have travel to some of our neighbouring countries.

Mr. Sharma: ...Dr. Chandu Lal.

Hon. J. Eckstein: Dr. Chandu Lal is an employee of the Ministry of National Security and, as such, I am not competent to speak on him.

I understand the difficulty that you have; solutions are not apparent. We are seeking to recruit people. As I indicated, this is very difficult. Two officers have indicated an interest in being employed in the field: One is available from August 1993 and the other, Dr. Halda, an Indian national, is to be given a temporary appointment. There are two house officers now pursuing post-graduate training; one will be completing in 1995 and the other in 1996.

We cannot get doctors to pursue this discipline. For some reason it is viewed as a dead end in medicine. Most people do not want to get into it. That is the reality.

I understand the problems with the demands of religious culture and practice, but, as I said, the pathologist is insisting that he must meet the requirements of his profession and the law. The Government cannot be high-handed, autocratic and dictatorial. The Government just does not have the power to hire and fire as the Member suggests. We would hire but pathologists are not available and we cannot fire. However, we are trying as best we can in a very difficult situation.

Mr. Palackdharrysingh: Let me thank the Minister for giving way. We appreciate that he explained fully the grave situation with respect to personnel. He has pointed out the legal position, but we also have a theological problem. Is there no way that the ministry could find to reconcile these legal and theological positions? It is important.

Hon. J. Eckstein: As I have indicated to the House, no solution is apparent to me, but I am available for counsel. The representative is a member of the religious clergy and I would listen to what he has to say, but in the interim—

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I wish to apologize to the member for Fyzabad on behalf of my Ministry for the problem but, having apologized, I really do not see that that is a solution, because that inherently conflictual situation is there and I do not know how it is to be resolved.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.22 p.m.