

*Leave of Absence**Friday, October 8, 1993***HOUSE OF REPRESENTATIVES***Friday, October 8, 1993*

The House met at 1.40 p.m.

PRAYERS[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Madam Speaker: Hon. Members, I have granted leave of absence from today's sitting to the Member for St. Ann's East (Hon. Wendell Mottley) and the Member for St. Augustine (Mr. John Humphrey).

**INDICTABLE OFFENCES
(PRELIMINARY ENQUIRY) (AMDT.) BILL**

Joint Select Committee

Madam Speaker: Hon. Members, I also wish to inform you that I have received from the President of the Senate the following letter:

"Honourable Speaker,

I refer to your letter to me dated October 4, 1993 and advise that at the sitting of the Senate held on Tuesday, October 5, 1993, the Senate agreed to the following Resolution which was moved by the Leader of Government Business:-

BE IT RESOLVED

That this House consider it expedient that a Committee of both Houses be appointed to consider and report on the "Indictable Offences (Preliminary Enquiry) (Amdt.) Bill, 1993".

The Resolution is accordingly forwarded for the attention of the House of Representatives.

Yours faithfully

(Sgd) J. E. Carter
President of the Senate"

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, at the appropriate stage I

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shall seek leave of this honourable House to dispense with notice in respect of the nomination and appointment of Members of the House to serve on this committee.

PAPER LAID

Report of the Auditor General on the accounts of the Deposit Insurance Corporation for the year ended December 31, 1992. [*The Minister of Local Government and Minister in the Ministry of Finance (Hon. K. Valley)*]

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

ADJOURNMENT MOTION (LEAVE)

**Picton Presbyterian School
(Suspected Food Poisoning)**

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, as I communicated to you earlier today, I wish to request leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance.

This matter relates to the suspected food poisoning suffered by the students of the Picton Presbyterian School in Diamond Village. The matter is definite in that, since Monday, October 4, 1993 and up to the present, 47 students of the Picton Presbyterian School have experienced food poisoning and 20 of them had to be hospitalized for various lengths of time.

The matter is extremely urgent, in that on Tuesday, October 5, 1993 one student of the school, 11-year-old Sahadeo Boodram of Church Street, Diamond Village, died at the San Fernando General Hospital as a result of this suspected food poisoning.

It is an overriding necessity that urgent, pre-emptive and precautionary action be taken immediately by the public health authorities, the hospital administration and managers of the educational system to prevent any further loss of life and further incidents of food poisoning. The effective management of the current cases must be given the highest priority. The dilatoriness in determining the source of the suspected food poisoning, whether from the water supply in the tanks, the lunch provided by the School Feeding Programme, or the foodstuff marketed by the vendors on the school compound, increases the need for urgent action, Madam Speaker.

The matter is of public importance, since it affects the communities of Diamond and the surrounding villages, where you find much anxiety, alarm; and,

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indeed, there is the refusal of parents to send their children to school, with predictable results on their educational future. The school was closed yesterday.

The matter is of wider public concern because incidents of food poisoning and related problems at schools have occurred quite frequently in the recent past in other parts of the country, for example, at the Longdenville Government School in Central Trinidad; Tulsa Trace Hindu School in South Trinidad and Trinity College in Port of Spain, among others.

The situation at the Picton Presbyterian School is merely one indication of what appears to be a general problem of public health deficiency and laxity in the enforcement of health regulations. In the interest of the school population at large in Trinidad and Tobago, this matter must be addressed with the greatest expedition.

For the reasons stated, Madam Speaker, I am of the view that this definite matter qualifies as one of urgent public importance for the attention of this House.

Madam Speaker: Hon. Members, I think that this is a matter that ought to be dealt with as a definite matter of urgent public importance.

1.50 p.m.

**GUARANTEE OF LOANS
(UNIVERSITY OF THE WEST INDIES) BILL**

Bill to enable the Government of Trinidad and Tobago to guarantee loans to the University of the West Indies by any lending agency for use at the campuses of St. Augustine and Mount Hope, [*The Minister of Finance*]; read the first time.

CIPRIANI LABOUR COLLEGE (AMDT.) BILL

Bill to amend the Cipriani Labour College Act, Chap. 39:51. [*The Minister of Labour and Co-operatives*]; read the first time.

BUSINESS OF THE HOUSE

Madam Speaker: Hon. Members, under "Public Business" we have three matters to attend to today, which are the amendments to the Finance (No.2) Bill; the appointment of the select committee of both Houses; and the matter of leave to the Member for Couva South to introduce the Freedom of Information Bill. We are going to deal now with the amendment to the Finance (No. 2) Bill immediately.

FINANCE (NO.2) BILL

Senate Amendments

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

That the Senate amendment to the Finance (No.2) Bill listed in the appendix be now considered.

Question proposed.

Question put and agreed to.

Clause 5(a)(iii)

Senate amendment read as follows:

- 5(a)(iii) (A) In paragraph (q) at page 4 by—
- (i) deleting the words "after an employee" occurring after the words "approved pension fund plan" and substituting the words "to an employee under forty-one years who";
 - (ii) by deleting sub-paragraph (iii) on pages 5 and 6; and
 - (iii) by re-numbering sub-paragraph (iv) as sub-paragraph (iii) on page 6;
- (B) In paragraph (r) at page 6—
- (i) by inserting the words "to an annuitant under forty-one years" after the words "approved deferred annuity plan"; and
 - (ii) by deleting sub-paragraph (iii) on page 7.

Mr. Valley: Madam Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

Question proposed.

Mr. Trevor Sudama (Oropouche): Madam Speaker, I merely rise to make some inquiries as to the effect and the reason for this amendment. I made the point before in this House that when matters are referred to us by the other place,

some explanation ought to be provided to this House as to the reasoning behind those amendments. Again, we do not have that explanation forthcoming today in the House. As I said, it is merely a matter of simple courtesy to the Members of this House since we are not privy to what goes on in the other place. Therefore, if there is communication from the other place to Members of the Government, then the gist of that communication should be made available to us, so that we would be in a better position to understand the rationale for the amendments being proposed.

As I said, that has not been forthcoming and I see, in the amendment:

"(i) deleting the words "after an employee" occurring after the words "approved pension fund plan" and substituting the words "to an employee under forty-one years..."

Am I to understand that this option to access pension funds is available to employees—

[Disturbance in the public gallery]

Mr. Sudama: It appears that the root cause of this disturbance is really a Member of this House, but we will not go into that.

Madam Speaker, as I was making the point, am I to understand, on the basis of this amendment that what is being proposed is that only those employees under 41 years of age who contribute to a pension plan will be able to access it for the purposes of obtaining moneys to invest in the first time acquisition of a home? If that is the case, then we ought to have some explanation as to why the magic age, 41. Is this based on some kind of actuarial advice and consultancy, and have comparative analyses of pension funds and the age groups involved in these pension funds been made? Why the magic age, 41? The further question which arises is: Can someone access this fund up to age 41—at least his contributions up to age 41—but beyond that, he will not be able to access his additional contribution to the fund?

As the Leader of the Opposition asked, why can a 50-year-old man, or over 50—I understand he is over 50—not have the same privilege in respect of his contributions up to the age of 41, if, indeed, this is what is being proposed? Therefore, I think this House needs a little explanation. If the explanation is that when you cross 41 you are less in need of housing; you are less likely to get involved in the first-time acquisition of a home, then, perhaps, the Government ought to say on what basis it has come to that conclusion that people over 41

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years of age are not likely to want to acquire, or they would have already acquired their homes. If that is the basis on which this amendment is being put forward, I want to inform the Government that there are thousands of people in this country who are over the age of 41 and who have not acquired their own homes.

2.00 p.m.

On the question of the position of the public servants, will they be able to access their pension fund contributions up to and including the age of 41? The reason given in the amendment before this House is not very clear. There may be very good reasons adduced in the other place as to why we should go this route and include this amendment in the Bill. If there are very good reasons, we do not know what they are. Therefore, in the interest of the Members of this House making an informed opinion and making proper judgment on the question of this amendment, I think the onus is on the Member for Diego Martin Central to enlighten this House as to the specifics of this particular amendment and, particularly, as to why the cut-off age for employees is 41 years. That is the only clarification I really seek in this matter.

Thank you.

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, the hon. Member is correct that the effect of the amendment in the other place is to limit the application of this provision to persons under 41 years. One would remember that the original Bill which left this House, indicated that persons up to age 40 would have been able to access up to 100 per cent of their actual reserve for the purpose of their first home, and that for every year beyond age 40, the amount that they could access would have reduced by 5 per cent, such that a person aged 55 would be able to access merely 25 per cent of his pension fund.

Madam Speaker, as you know, in any pension plan, the laws of Trinidad and Tobago provide for a gratuity equal to 25 per cent of one's pension. So that at age 55 there was no problem allowing that individual to access up to 25 per cent. In the other place, it was pointed out that a person at age 50 would be able to access 50 per cent of his pension. A person at age 50 can retire.

If one were to retire at age 50, one would have been restricted to a gratuity of 25 per cent. The feeling was that since we were making provisions for persons in their twilight years, we should be a bit more cautious. That in fact these older persons, if they were unable to save to own their homes by that time, we might

not only be jeopardizing their own homes but also their pension if we were to extend it beyond age 40.

The actuaries informed us that under a number of assumptions, if one were to access up to 100 per cent of one's actual reserve at age 40, as long as one were to continue the pension plan, the effect of that would be really taking the gratuity which would otherwise be payable early. There is no magic. It is based on the assumptions made by the actuaries. While we do not want to interfere with the normal pension of the individual at age 60, what he will in effect be doing is using the gratuity, which would otherwise be payable, for the purpose of making a downpayment on his first home. So that at age 40, one still has a 20-year period to set aside for one's pension.

As I said, if one were to work till age 50, then you are taking 50 per cent and you are interfering with the pension and if at age 50 you did not even buy your first home then you are in real trouble. The fear was that if he so arranged his affairs during his working period up to age 50 such that he was unable to purchase his own home, then we were risking his pension. That came through quite strongly in the other place and the Government saw the wisdom in restricting it to persons under age 41; in other words, first-time home owners.

Mr. B. Panday: Does this provision apply only to contributory schemes and if it does, does it therefore exclude public servants?

Hon. K Valley: I want to make the point first of all, that in fact, public servants do not contribute to pension funds. The Member for Couva North is correct; it is a non-contributory plan. We are looking at the application but, as I said in the other place, one has to remember that at age 40, a public servant, if he quits, is not entitled to anything under the current pension rules. There is no vesting in the public service until age 50 so that one has to deal with that. That would have to come later on because of the nature of the public servant's pension plan at this point. With those few words, I beg to move.

Question put and agreed to.

ORDER OF BUSINESS

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, in accordance with Standing Order 26, I seek your leave and the leave of the House to dispense with notice in respect of the Motion for the nomination and appointment of Members of the House to join with Members of the Senate to form a joint select committee to

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consider and report on the Indictable Offences (Preliminary) (Enquiry) (Amdt.) Bill 1993.

Leave granted.

INDICTABLE OFFENCES (PRELIMINARY ENQUIRY) (AMDT.) BILL

Joint Select Committee

(Appointment)

Hon. Kenneth Valley: Madam Speaker, I beg to move, the following Motion:

Whereas the Senate has agreed that the committee of both Houses be appointed to consider and report on the Indictable Offences (Preliminary Enquiry) (Amdt.) Bill 1993.

Be it Resolved that this House appoint and nominate a select committee of six Members to join with a select committee of equal number appointed and nominated by the Senate to consider and report on the Indictable Offences (Preliminary Enquiry) (Amdt.) Bill 1993.

Madam Speaker, I further beg to move that the following Members of this honourable House be nominated to serve on the Joint Select Committee:

Mr. Augustus Ramrekersingh (Chairman)

Mr. Keith Sobion

Mr. Desmond Allum

Mr. Hedwige Bereaux

Mr. Basdeo Panday

Mr. Ramesh Maharaj

Question put and agreed to.

2.10 p.m.

FEEEDOM OF INFORMATION BILL

(Leave for Introduction)

Madam Speaker: Before the Member begins, just for the guidance of this House, I did refer the Member to pages 463 and 464 *of May's* and the 10-minute ruling.

Mr. Ramesh L. Maharaj (*Couva South*): Madam Speaker, I am indebted to you for your passing of the reference to *May's* in which there is a 10-minute ruling.

Madam Speaker, the Motion is for leave to introduce the Freedom of Information Bill so that it may be read a first time. This Bill is to establish and facilitate the general right of the public to have access to government-held and government-controlled information.

The government Bill consists of 68 clauses and it provides a machinery whereby members of the public, including the press, could apply and would be entitled to information from public bodies. Public bodies would include any government department, regional and municipal corporations, state companies, statutory authorities and service commissions. This right of access to official information would be subject to certain exemptions such as if the disclosure would damage defence of our nation, law enforcement, personal privacy and other specified interests.

The Bill has made provisions for, *inter alia*, the right for persons employed by the state and/or public bodies to inspect and obtain copies of their employment records. It creates a machinery for aggrieved individuals to apply for the correction of official records as they may affect them. It allows the members of the public including the press, to see, inspect and obtain copies of official records. It gives an entitlement to individuals to obtain any guidelines used or issued by any public body in making decisions or recommendations affecting them. There is an obligation for reasons to be given by public bodies for their decisions.

The Bill would have the effect of permitting the mass media to be better equipped to discharge their duties to the public and in particular, in providing information to the public. It would have the effect of making the Government more accountable to our people, and it would improve the public scrutiny of governmental and/or state action. It would promote democracy and the rule of law in Trinidad and Tobago.

The policy of the Bill can be got from the manifesto of the People's National Movement at page 7, where it says that it promised to make government more accountable at all levels to the population if it were elected. This policy in the manifesto of the PNM and as reflected in the Bill would remove the operation of a secret state in Trinidad and Tobago. We on this side of the House, if it is one thing that we agree with the PNM on is that government must be more accountable at all levels.

It may be appropriate for me to quote what Mr. Jeremy Bentham said hundreds of years ago.

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"Secrecy being an instrument of conspiracy ought never to be a system of regular government."

Mr. Woodrow Wilson, a former President of the United States re-echoed the ringing condemnation of secrecy when he said these words:

"Everybody knows that corruption thrives in secret places and avoids public places."

We believe that it is a fair presumption that secrecy means impropriety.

A Private Member's Bill such as this one, is not new. As a matter of fact, in the United Kingdom every year 15 Bills which become law are introduced by Private Members. As a matter of fact, in 1983 the National Audit Bill in England which created the National Audit Office and which introduced important reforms of governmental accountability was a Private Member's Bill and it became law. The Housing Homeless Persons Act of 1977 was also introduced as a Private Member's Bill.

It would seem to me that if the Government is serious about accountability, it would support the Opposition. On this side of the House, Members feel this Bill would lend support to the Opposition in making Government more accountable at all levels.

It is said that information is the currency of democracy. Any government which is not serious about accountability can use procedural obstacles in order to frustrate a Bill like this. Like all Private Members' Bills, this Bill involves commitment of the resources of the country as in the United Kingdom. Therefore, if the Government is going to put any procedural obstacles in the way of this Bill, we would regard that as a way to impliedly and even expressly try to frustrate the moving of this Bill so that it can be read the first time.

Thank you.

Question proposed.

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, the hon. Member for Couva South ended on that note because of a conversation we had. While we agree with the intent of the Bill, in our humble view it does not qualify under the relevant Standing Order. Standing Order 47 (1) states:

"Subject to the provisions of paragraph (4)..."

Paragraph (4) suggests quite clearly that a Private Members' Bill which attempts to place a charge or an expenditure on the government or on the country—
[*Interruption*]

Madam Speaker: It is in fact doing so.

Hon. K. Valley: At clause 42 on page 22 of the Bill, there is the provision for a commissioner and a tribunal. Obviously, there is a certain cost implication with respect to the commissioner and the tribunal. It speaks about the appointments of lawyers as deputy commissioners.

We are saying that while we would welcome a debate on this matter, there is a well established procedure for doing so in the House and that is by a Private Member's Motion. We advise the hon. Member for Couva South to use that method which is in accordance with our Standing Orders. There is also the question as to whether our Standing Orders provide for a Private Members' Bill.

The Member pointed out that in the United Kingdom there are about 15 Bills passed every year via the Private Members' Bill route, but that is provided for specifically under Standing Order 15 in the United Kingdom system. They set aside certain days in every year for debating Private Members' Bills. If we were to look at Standing Order 48 it suggests that as the person in charge of the Bill, the Member can determine when this Bill is to be debated. What it means therefore, is that the Member or the Opposition would be setting the agenda for the Parliament. Obviously, one sees that is an untenable situation.

I think the Bill that the Member has brought really points to the need for a further look at our Standing Orders. We may need to amend the Standing Orders to allow for Private Members' Bills. I am also suggesting that this matter be considered by the Standing Orders Committee.

I end by asking that the Member consider withdrawing the Bill and filing a Motion. He can do the same thing and let us have a debate on this issue.

Thank you.

Madam Speaker: Under the Standing Orders, no other person is allowed to speak. I must now put the question. I am of the view that clause 42 does impose a charge on the revenue, but since the question was proposed, I am going to put it and the House would vote on it.

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Question put.

The House divided: Ayes 12, Noes 18

AYES

Maharaj, R.

Panday, B.

Sudama, T.

Palackdharrysingh, R.

Bhaggan, Miss H.

Mohammed, S.

Singh, Dr. C.

Panday, S.

Jurai, K.

Sharma, C.

Haniff, M.

Hosein, S.

NOES

Valley, Hon. K.

Sobion, Hon. K.

Ramrekersingh, Hon. A

Rowley, Dr. The Hon. K.

Eckstein, Hon. J.

Marshall, Hon. M.

Griffith, Dr. R.

Baboolal, Dr. The Hon. L.

Collis, Hon. K.

Imbert, Hon. C.

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Lasse, Dr. The Hon. V.

Pierre, Hon. J.

Casimire, A.

Narine, J.

Hart, E.

Rajaram, C.

Allum, D.

Bereaux, H.

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

Question negatived.

TRADE (AMDT.) BILL

Order for second reading read.

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

That a Bill to amend the Trade Ordinance, 1958, No. 19 of 1958, be now read a second time.

Madam Speaker, as you will recall, last year January the President of the Republic of Trinidad and Tobago assigned certain portfolios to certain Ministers, and as a result of that assignment the responsibility for price control and for the Prices Commission was assigned to the hon. Minister of Consumer Affairs and Social Services. However, section 19 of the Trade Ordinance, 1958, assigned the responsibility for price control and for the Prices Commission to the Minister responsible for Trade, Industry and Tourism. As a result of this, an anomaly arose, and the purpose of this amendment is to address this very anomaly.

In the last 20 months or so the Minister of Trade, Industry and Tourism has had the legislative responsibility for price control and the Prices Commission whereas, in effect, the portfolio had been assigned by the President to the Minister of Consumer Affairs and Social Services. What I am proposing today is an amendment that seeks to rationalize this position and so eliminate this anomaly.

You will recall that the system of price control was introduced in Trinidad and Tobago over 20 years ago at a time when it had become necessary, and it was

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financially possible to keep prices on basic commodities as low as possible to the average consumer. The role of the Prices Commission which was established at that time, was to advise and assist the Minister responsible for Trade on, *inter alia*, matters relating to the control of prices at which goods of any class or description might be sold other than by wholesale or retail in Trinidad and Tobago.

Between 1971 and 1979, a period when we experienced relatively high inflation, price control also served to prevent market exploitation by enterprises which had been created as a result of protection given to manufacturers in the industrialization drive at the time. In the case of low income groups, the aim was to protect, as far as possible, their purchasing power to enable them to buy basic commodities. As a result of that, most of the items that were price controlled were basic food commodities which were directly subsidized by government.

Over this period the job of price controlling has not been an easy one. For example, it involved the setting of price controls on as many as 35 different items. In some cases the system became more complex in that there were different brands, different sizes and, as a result, different prices for some items. One example of this is milk for which at one time there were 36 brands on the schedule, 15 different sizes and over 150 differentiated prices.

It has also been argued that the delay in price increases created an environment of artificial shortages of basic food items and the hoarding of price-controlled items. There was general dissatisfaction because of the length of time before a price increase was approved and at the retail level conditions of sales were enforced on consumers who had to purchase non-price-controlled items together with price-controlled items, at the scheduled price. In other words, the very system which was established to alleviate the plight of the consuming public in effect turned out to the disadvantage of the very consumers, particularly those in the low income and moderate-income brackets. In essence, the benefits appeared largely illusionary in the light of the artificial shortages which were created and the accompanying blackmarket prices.

Today, as we move towards a free market economy, there are only five items under price control. Measures which are being implemented are expected to provide an environment that is competitive in nature and conducive to transparency as far as possible. At the same time, Government will maintain a monetary brief on developments in this liberalized setting to ensure that the process is not abused and that the genuine interest of the consumer is maintained at all times.

It is hoped, therefore, that in this competitive environment market forces will dictate prices in the long run, that consumers will stand to benefit from the reduced prices of goods and services as a result of the number of suppliers who come to the market in this liberalized environment.

I wish to emphasize that Government, in its new role of facilitator, will continue to monitor the prices of goods and services. In other words, it is still very much Government policy to maintain price control as a mechanism which can be used to ensure that indiscriminate and unscrupulous entrepreneurs will not exploit the consuming public by inordinately high prices. I therefore ask that this honourable House consider this amendment so that we can today regularize an anomaly and improve on the legislative framework within which the Ministry of Trade, Industry and Tourism and the Ministry of Consumer Affairs and Social Services have had to operate.

Madam Speaker, I beg to move.

Question proposed.

2.30 p.m.

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, I listened attentively to the hon. Minister of Trade, Industry and Tourism, formerly acting Minister of Agriculture, Land and Marine Resources, whose exploits in that ministry I shall have to deal with at some other time. First of all, we are told that this is a jurisdictional problem; it is an anomaly. The Act provides that the responsibility be with the Minister of Trade, Industry and Tourism but the President assigned the portfolio to the Minister of Consumer Affairs and Social Services, who has moved with such alacrity to provide relief to flood affected victims in Port of Spain—I do not know where she was when people were flooded out in Oropouche in August, and \$3,000 was guaranteed per household and so on—acted with great expedition when it comes to dealing with other areas; it is a case of different strokes for different folks. I will deal with that in due course.

Who was responsible for this anomaly? Did somebody advise the President that according to the Act this responsibility was vested in the Minister of Trade, Industry and Tourism? Is there a responsibility on somebody in the Government to point this out? The advice that went to the President came from the hon. Prime Minister as to the allocation of portfolios. When he was allocating portfolios, did he know that he was allocating a portfolio which ought not to be allocated to the Minister of Consumer Affairs and Social Services? Did he not know that? That was contrary to the law. [*Interruption*]

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Of course, I know little of the law. You have been here just these few years and you know so much about government that every time we have to come here to correct a legislative anomaly. Who was responsible for this advice and was it at that time recognized that there was an anomaly? Why have we waited in excess of 20 months to come here to correct an anomaly made in December 1991? Perhaps, they ought to answer this. I do not know who was advising the Prime Minister at that time—maybe the Member for Ortoire/Mayaro—but of course given the nature of his advice, we understand why we had to wait 20 months to correct an anomaly.

What has been the effect of this anomaly? The Minister of Trade, Industry and Tourism has the legal responsibility but the portfolio is assigned to the Member for Barataria/San Juan. What is the effect of this? Could she function outside the framework of the law? When I look at her performance I know that she is incapable of functioning, but that is another issue. In view of this anomaly, could she have performed a function of superintending the Prices Control Commission and being responsible for it? Surely, these are very obvious questions that one must ask.

There was the usual wishful thinking that we now have a liberalized environment and as a result of this what we are going to have is market forces determining prices and the usual propaganda: "You know, prices are going to fall and this will be to the benefit of the consumer." This is what the Minister of Trade, Industry and Tourism, following the chorus of his leader, the Member for San Fernando East, is trying to tell this House and the country.

We are doing away—in fact this is the Government's intention—with a regime of price control, and while we are doing that the Government will somehow ensure that the process is not abused. I should like some clarification. Will the Government use moral suasion on the people who sell? What other kind of suasion will be used? How will the Government ensure that the process is not abused and that it works to the benefit of consumers in Trinidad and Tobago? The Minister has not been very forthright with this House in telling us how that will be done.

I find it illogical—in fact I could not understand when he said that when the Prices Commission was instituted over 20 years ago, it was financially possible to do so. I do not know exactly what that meant. Did it mean that some prices were subsidized because the Government was in a financial position to subsidize those prices? This was 20 years ago; we did not have the oil boom in effect then.

Where was this financial wherewithal coming from to make that measure possible in whatever year the Prices Commission was instituted? It was the regime when the Government was protecting local manufacturers.

How did price control come into effect in that situation? It was not really price control; it was determining a price which allowed the local manufacturer to benefit and to operate financially; that could not possibly be price control as such. I understand price control as being measures to suppress the increases in prices. That is what I believe the objective of price control is and has been over the years. Now we are told that price control was put there to protect manufactures. And not surprisingly, the Member for Diego Martin Central left the Ministry of Finance to go to Algico to learn economics; he confessed that in the House the other day.

Mr. Valley: Me?

Mr. T. Sudama: That he left the Ministry of Finance to go to Algico because he was not happy with the economics in the Ministry of Finance; that he went to Algico to improve his economic expertise.

Mr. Valley: Economic well-being.

Mr. T. Sudama: As well as expertise, and presumedly he learnt at the feet of the Minister of Trade, Industry and Tourism, who comes from Algico as well, if I am not mistaken. Madam Speaker, you understand the kind of economics that informs the strategy of this new PNM Government. We are very happy to be enlightened in that regard.

If we are coming here to correct an anomaly, I would like to know what is the current role of the Prices Commission. Does it have a function? We are doing away with price controls; we are introducing a liberalized environment; what then is the rationale, the role and function of the Prices Commission today, except to add another item to the portfolio of the Member for Barataria/San Juan, what but a formality in her portfolio, to make her feel good perhaps, that, look, I am responsible for other things? What is the role?

2.40 p.m.

This Government has not told us what is the position of institutions which were brought in to protect consumers—whether it was the Prices Commission, the Public Utilities Commission, whatever institutions were established to protect the consumers—in a regime of trade liberalization. In this free thrust of trade liberalization, there are freedom of markets, exchange control liberalization, removal of subsidies and price controls; what then is the function of the Prices

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Commission and the Public Utilities Commission and other such bodies? We should like to get some clarification on that, not try to fool the public of Trinidad and Tobago that while the Government is going in this direction, somehow, by some magic, it is going to protect the poor consuming public, also.

Since December, 1991, there has been no Prices Commission in existence, but this House has not been told this, simply because the PNM Government has never reappointed the members of the board. The Member for Barataria/San Juan may be so elated that this anomaly is being corrected now, that the Prices Commission is "coming under my control," but there is no Prices Commission.

Mr. B. Panday: Minister without Portfolio.

Mr. T. Sudama: Maybe it has to do with the vacuousness of that portfolio assigned to the Member for Barataria/San Juan, totally useless in her functions.

The Minister of Trade, Industry and Tourism said in the other place that the work of the Prices Commission, under the Prices Division of the Ministry of Consumer Affairs and Social Services, has been carried out since early 1992. I am also told that the Minister of Consumer Affairs and Social Services was reported in the *Trinidad Guardian* of July 8, 1993, according to a contribution made in the other place, as having undertaken:

"Ongoing random surveys on the price movement of some 200 basic consumer goods not under price control including household items, clothing and hardware items."

Members on this side would have very much liked to get the benefit of the Minister's ongoing random surveys to give this country an idea of what has been happening to prices generally as they affect the poor and middle-income groups in Trinidad, and particularly in Tobago. The article continued that the ministry was:

"monitoring prices from large-scale retailers to ensure goods not unreasonably priced..."

Now, how would that be ensured? What is the test of reasonableness that goods are not unreasonably priced? Is it tested against income earned, disposable income? What are they tested against?

The Government is talking about unreasonable prices, and what constitutes unreasonable prices, I want to read what has been happening in this country with respect to prices. I am quoting from an official document—*The Quarterly Economic Bulletin of the Central Bank of Trinidad and Tobago*. [Interruption]

Madam Speaker, we ought to have more protection in this House, I am convinced, particularly from the Members of the other side. The bulletin says—and I am sure that Members of the Government have read this and I am also sure that they have some sort of sensitivity as to its effect on poor people in Trinidad and Tobago:

"Following the floating of the Trinidad and Tobago dollar and its effective depreciation during the second quarter of 1993..."

When I use the word "depreciation" in this House, the Government objects. Members say, "No, the dollar has not depreciated; the value of the dollar is determined according to market forces." Well, the Central Bank of Trinidad and Tobago says that the dollar has been effectively devalued:

"retail prices accelerated sharply with a wide range of consumer items, particularly food,..."

We all have to eat food, and the cost of the food to the poor man is the same as the cost of food to the rich man. So one can understand what is happening to his real standard of living, and the impoverishment of thousands and thousands of our citizens. I quote:

"displaying higher costs. Consequently, consumer prices, as measured by the Index of Retail Prices, rose markedly by 5.1 per cent, the largest increase since the last quarter of 1979 when an increase of 6 per cent was recorded."

This new PNM regime has presided over the largest price increase in Trinidad and Tobago for 14 years. According to the bulletin:

"The longer term trend also indicated a quickening of the rate of price increases."

I want to emphasize this, "The longer term trend," because here the Prime Minister, the Member for San Fernando East, is telling the population that prices are going to fall flat by 1995/96, or whatever year.

Mr. B. Panday: Prices going down the road.

Mr. T. Sudama: Prices are going down the road, together with him and he wants all of us to follow him, like the Pied Piper. Madam Speaker, you know where the Pied Piper of Hamelin led whoever was following him, so I would warn this country about following the Member for San Fernando East down the road.

"The longer term trend also indicated a quickening of the rate of prices..."

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The longer term trend which is inclusive of 1994, 1995 and 1996. This is a report of the Central Bank of Trinidad and Tobago. I hope the Prime Minister does not fire the Governor tomorrow.

"On a year-on-year basis to June 1993, retail prices grew by 11.2 per cent compared with 7.1 per cent in the twelve months to June 1992. In addition, the increase in the second quarter of 1993 brought the annualised rate of inflation to 17.1 per cent, well in excess of rates recorded in recent years."

Presiding over one of the highest rates of inflation in decades—this Member for San Fernando East.

"Rising food prices were predominantly responsible for the significant upward pressure on the overall price level."

Rising food prices—and now, according to what is proposed in the Bill, all those controls have been removed from virtually all the items. I will detail the items in a little while.

"The cost of food increased by almost 9 per cent during the quarter and reflected higher prices for a variety of food items, including bread, chicken, flour, Irish potatoes, edible oils, soft drinks, milk and milk products, and other staples. Further, the increased cost of imported drugs and pharmaceuticals..."

These also weigh heavily on the lower income groups, particularly the aged, whom the Government so generously gave 30 cents as an increase in their pension. I must commend the Government for their generosity.

"Further, the increased cost of imported drugs and pharmaceuticals resulted in a 3.3 per cent rise in medical goods and services category. Higher energy prices..."

So this is not confined only to food and drugs; we have gone to higher energy prices which affect transportation and cooking—

"Higher energy prices owing to the reduction of subsidies on Liquefied Petroleum Gas and kerosene in the previous quarter, continue to exert an upward impetus to the general level of prices."

2.50 p.m.

This is where we are in this third quarter of 1993 in the wake of all these measures, which are punitive on the average working man and woman, the unemployed, the poor, the disabled of our country.

Miss Nicholson: Very caring!

Mr. T. Sudama: Extremely caring. You know whom they care for, of course!

When we see what has happened with particular items, we understand the total indifference of this Government to the abject poverty that people are subjected to—the trauma.

Quite apart from the increases in the price of food items, pharmaceuticals: diabetes tablets—before the float it was 90 cents for one; post-float, \$1.50, a change of 44 per cent. Diamicron, \$1.30 before the float; \$1.80 after the float; 38 per cent; Glucophage, 50 cents before the float, 61 cents after, 34 per cent.

Asthmatics—Ventilum tablets, 27 cents before the float, 37 cents after, 37 per cent. Nuelin, 90 cents before the float, \$1.20 after, 33 per cent. Tedral, \$1.77 before the float; \$2.40 after; 35.5 per cent. As we go down the list, diapers—things for babies, recorded between a 32 and 60 per cent increase.

To show where we are in 1993 as a result of what has happened over the years, where, for example, it took for a monthly period the amount of \$518.56 for an average family of moderate income to buy food in 1988, by 1992—and we have not taken into account the devaluation of the currency or the increase in energy prices, or the increase in utility rates; we are just talking about 1992—the same basket of food would have cost \$1,328.55. Mind you, look what has been happening to wages and income over this period, 1988-1992. Everywhere you go it is either retrenchment, right-sizing, down-sizing or a reduction—shorter working week—reduction in the pay package of the average worker. While that has been happening, we see what is happening with the prices of basic items: clothing and footwear. Whereas it may have cost \$237 in 1988 for a family, in 1992—\$272. Average expenditure in 1988 for household supplies, \$301.29; in 1992—\$386.56. Transportation, which is a key element in the cost of living now, whether you are employed or unemployed, has moved for the average household from \$423.95 in 1988 to \$614.30 in 1992. We have not taken into account the full effect of the devaluation, increase in the cost of energy, fuel and utility rates.

If we are going into a regime of liberalization—the Government feels that is the way to go in this economy—and we have our doubts, which we have detailed on previous occasions—what is the Government doing in the meantime to deal with the pauperization of people as a result of its policies? To talk about prices coming down, even if prices do fall a little—look at the height they are falling from and still have no significant impact on alleviating the conditions of the vast

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majority of the people of Trinidad and Tobago! Simply because of this rapid, unconscionable escalation we have had over the last few years and, particularly, in the last quarter, from March to June, 1993 in the first two quarters of this year

To show how this caring Government cares, I want this country to understand what they do in the interest of their friends in big business. Those are the only people who really benefit from this devaluation; and those who could have speculated and had foreknowledge to speculate. Just before the float on April 2, 1993, the PNM regime removed butter, sardines, onions, potatoes, baker's flour and some brands of powdered milk from price control. Now, they knew they were going to liberalize the exchange rate; they also knew that the exchange rate was going to depreciate—there was going to be a devaluation.

Given our propensity in Trinidad and Tobago to import, they cannot be so stupid as not to know the effect on basic consumer items. But they have to satisfy the foreign masters and their local friends, and in that relationship of satisfying those from whom they want to borrow money with their conditionalities, and satisfy their big business friends in Trinidad and Tobago—because it is the big business element that went week after week to the Member for San Fernando East proposing devaluation, to tell him about the advantages that would accrue to this country if they devalued. Of course, they did not tell him about the advantages that would have accrued to their bank accounts by virtue of the devaluation.

The Government knew about this shock increase in prices coming in the wake of a devaluation, but before that it removed price controls on these basic items, and this affects the standard of living of the poor and the powerless in Trinidad and Tobago.

Mr. B. Panday: That is the "caring Government" for you.

Mr. T. Sudama: On July 23, after devaluing by 35 per cent, the Government removed baby milk from the schedule. We are now told, after all these things, that competition will bring down the prices. The competition in the head of the Minister of Trade, Industry and Tourism!

3.00 p.m.

First of all, I do not know whom they think they are fooling. If one is in a market, there is a cost involved in getting into that market, even for the purposes of imports. If they want to exclude you, you cannot break into a market because they have tied up the retailers. This rubbish about competition without taking into effect the structure of the economy, the monopolistic control of significant sectors

of the economy—whether it is the import of drugs, food, hardware items or clothing—you hear this nonsensical talk about “competition will reduce prices.”

I want to emphasize how critical it is that basic food items be within the reach of the average man. What the Government is doing by its policy is putting those things more and more out of the reach of the average household. Today you would be amazed at the number of people who can only afford to give their children sugar and water for the day, nothing else—sugar and water for the day.

Prices are controlled in our import-dependent economy on a number of factors. The first on which I am labouring is the effect of the flotation of the currency and its depreciation on import costs. There is another assumption that is made, that if customs duties are reduced, somehow or the other that reduction is passed on to the consumer.

When value added tax is reduced on school books, there is an automatic passing on to the consumer it is said. I want the Minister to tell me here today what has been the effect of the elimination of value added tax on the prices of school books. Has the Minister of Education made a survey to find out what has been the effect, rather than parroting this propaganda, "We will reduce tax and you will have an automatic decrease in prices?" In the same way they tell us that if the customs duties are reduced, then automatically that will be passed on to the consumer, without looking at the nature of the market that you are dealing with.

So whether customs duties are reduced or not, as long as the currency depreciates, there will be increased prices. There can be no escape from that. If there is inflation in the countries from which we import, we cannot do anything about that here, and that higher cost of goods imported—if there is inflation in America, Europe, Japan, or wherever—is going to be passed on to the consumer in Trinidad and Tobago. If there are conditions of monopoly existing here, where the monopoly determines the quantum that is released on the local market, then the Government cannot control prices. There will be no impetus for the reduction in prices.

I want to disabuse the minds of the people who are inclined to believe this propaganda that prices are going to fall flat. Even the amounts that we would be charged in 1994 had been specified by a senior economist from San Fernando East—"Professor of Economics—how much it will be in 1993; how much it will fall by in 1994; and in 1995. By 1996 everything will fall flat, including the Government.

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I have a matter here to raise. We are encouraging competition, I suppose, and we have had this problem with the importation of used tyres. I imagine that when the Government decided to do that, it also felt that it would have an impact on the price of tyres locally. I have no problem with that. My concern is, when that is done, standards ought to be maintained. But how does the Bureau of Standards operate in Trinidad and Tobago? I will tell you how it operates in this instance.

Officers go down to the fellow importing the used tyres and they say, "Let me see your tyres." So the fellow has his tyres stacked up, and quite arbitrarily—because they do not walk with any instrumentation or anything to look at the quality of the tyres; no such thing—he says "Yes, this tyre, no good." The fellow asks him, "On what basis do you say that?" He says, "I say it is no good. I am from the Bureau of Standards."

So if he imports 100 tyres and 75 of those are disqualified, then he is left with 25 but he has incurred certain costs in bringing these tyres down here. As I said, a proper standard is something that everybody should support, but it must not be arbitrary. There must be some consistent, basic, scientific principle of what one regards as sound and what is not sound for the purposes of the motor vehicle users. Now the Bureau of Standards is being supported with state funds, yet when the officers go there, they charge the retailer for the inspection of each tyre. Obviously, if he is charged an inspection fee, he is not going to bear that. He will then pass it on to the consumer.

So that this thing about reduction in prices—the operation of the bureaucracy has a role to play in a competitive situation if there is going to be price reduction. If the bureaucracy operates in a way that increases the price to the final consumer, then we are not going to have the benefit of this thing preached about.

I have a receipt here from a tyre dealer who had to pay this fee to the Trinidad and Tobago Bureau of Standards. Whether the tyres were certified as being sound or not, he still had to pay the fee. When the tyre was imported, he had to pay certain taxes, customs duties, value added tax and so forth. When this tyre is rejected and cannot be put out for sale, the tyre has no value. Will the Government consider the refund of taxes in those cases where the fellow's items have been rejected by the Bureau of Standards? I would think it is only fair, because he cannot sell; he was debarred; he was told "The tyres are not sound." Will he be refunded what he has paid in duties and other impositions? I think it is only a fair request to make.

3.10 p.m.

We have that problem with respect to the issue of the increase in prices in Trinidad and Tobago. Today we are told that there are only about five items still under price control. I do not know what these items are, because I see that most of the basic items are removed from price control. If there are only five items under price control, what is the need for maintaining this bureaucracy called the Prices Commission? Why? Is it to give some people jobs? It is your policy to maintain the Prices Commission. There are no boards existing but there is staff, presumably to monitor five items in Trinidad and Tobago. What is the necessity?

When farmers in Oropouche get flooded out I cannot get a penny in compensation for them from the Treasury. The Treasury is always empty. When it comes to Oropouche, somehow, this Treasury runs out of money all of a sudden. If it is somewhere in the PNM-dominated-and-controlled constituencies, the Treasury gets money. It is quite a magical thing. I am saying if we are going this route, there is no need for this. If the Government is telling the country that competition will bring down and control prices, I want to know what is the role and function of the Prices Commission today in Trinidad and Tobago.

There is this other issue which is related to the question of the reduction in prices. We are told that once we privatize and put things in the hands of the private sector, by magic the utility rate—in fact, the prices of water, and electricity and other things will by magic fall. All we have to shout is the magic word “privatization”.

What is happening is that we are privatizing electricity generation. We then have to buy that electricity from a private supplier to put into the distribution system at the price at which that private supplier will sell, because it is a monopoly situation where the private supplier is generating electricity. Are we going to tell him, “I am not buying your electricity?” He says “No, I want an increase in price, I have to recover my costs.” Prices will go up. In every country where that has happened prices have gone up to the average consumer, especially, in the case of water. The Prime Minister knows this. If he does not know it, then his research people ought to tell him that everywhere water and electricity generation—

Madam Speaker: Are you discussing the Trade (Amdt.) Bill?

Mr. T. Sudama: Yes, Madam Speaker. We are on the question of utility prices which is a critical element in this whole issue of control of prices; a very significant point.

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I make the point that whatever pronouncements this Government has been making to the people of Trinidad and Tobago, have been fraudulent, designed to deceive the public with respect to the cost of living, the trend in prices, and just hanging out an empty promise that in the future prices will fall and things will get better. There is no substance to this empty promise at all today. All we have is a set of hullabaloo and propaganda based on the economics of the Member for Diego Martin Central—economics emanating from the towers of Algico.

I just thought I would take this opportunity to expose the non-functioning of the Member for Barataria/San Juan and to expose the propaganda coming from the other side that somehow prices will be brought under control by competition. I went at length to undermine that argument and to expose the false and deceptive promise of the Member for San Fernando East and others in the Government who are telling this country “hold strain, hold on.” People are losing faith and hope daily. “Hold on, wait till 1995, we will fix all the roads, prices will fall flat and we will fix all the drainage problems in Trinidad and Tobago, we are on the route to the millennium.”

As I said, in this House I speak in the interest of the majority of people of Trinidad and Tobago who are suffering the worst of times and I do so in this instance to draw attention to what effect prices are having on their lives.

Thank you very much.

The Minister of Consumer Affairs and Social Services (Dr. The Hon. Linda Baboolal): Madam Speaker, my colleague, the Minister of Trade, Industry and Tourism, was so eloquent in his presentation of this amendment that I really did not think there would be any cause for me to speak. However, after listening to the vacuous contribution of the Member for Oropouche who week after week stands and repeats himself, I felt that I really needed to intervene.

I want first of all to answer a matter that was brought up. It is not on the actual debate before us, but the Member is so used to straying and bringing in all kinds of extraneous matters—it is nothing unusual however. With respect to that emergency grant of which he spoke, I have often stood in this House and mentioned that there was an emergency grant available for anyone in dire emergency, who has lost everything in floods, fires etc. The Member for Oropouche has never approached me for help for anybody from his constituency.

As for non-performance—he is an expert on non-performance. Because of his non-performance he was fired as general secretary of his party. Because of his non-performance he was fired as minister. He was not even given the whole

portfolio. He was only a junior minister and he was fired. God forbid that he will ever have the opportunity of being a minister in this country.

Mr. B. Panday: I will give him a chance.

Dr. The Hon. L. Baboolal: Unfortunately, you will not have the opportunity to give him a chance. I just want in a few minutes to bring a few matters to the attention of this House.

Under my ministry, the Consumer Division together with the Prices Division form what is called the Consumer Protection Agency. The Prices Division itself attempts to monitor prices and commodities, regularly, particularly those that are still under the price schedule, to ensure that the prices are maintained according to the schedule. They also attempt to look at decontrolled goods to ensure that the profit margin that is added onto those goods is not in excess and that goods are kept at a reasonable price.

In order to do this the Prices Division usually chooses about 200 items—as the Member for Oropouche said—from the information he read in the *Guardian*—and these basic commodities usually include household items, furniture, clothes—a wide variety—and they monitor these prices and these goods to ensure that the price variation—one place is charging maybe 10 per cent more on a particular item and another place maybe charging less—to ensure that the mark-up is not unreasonable.

We cannot tell retailers not to put a mark-up on their goods.

3.20 p.m.

Mr. Robinson: Could the hon. Minister state how the Commission ensures that this does not happen?

Dr. The Hon. L. Baboolal: It is the Division, not the Commission.

They choose certain items and send their officers all over the country to keep a check on the prices. As far as the laws are concerned, we cannot force anybody to keep his prices at a certain level. All we can do is to let retailers know that they are being monitored and that these prices are going to be made public. In this way we aim to analyze these price trends and to determine the changes in the prices of goods. This could serve as a deterrent to unreasonable increases in prices.

Mr. Robinson: Would the Minister then admit that the Division is in no position to ensure that these margins are not exceeded?

Dr. The Hon L. Baboolal: As I said, our laws are being looked at. We have set up a committee to work on a consumer policy for this country. [*Interruption*] We never had a consumer policy.

Mr. Sudama: That is an omission in the manifesto.

Dr. The Hon. L. Baboolal: You did not do it when you were in power. Why did you not take the opportunity then?

Madam Speaker: Order, please!

Dr. The Hon. L. Baboolal: We have just appointed a committee to look at the consumer laws in this country, which have not been reviewed—to look at new laws for the protection of the consumer. They have two months to complete that job. We hope that by the end of November, or the beginning of December, we would have that policy in hand. When we have that, many of the matters and questions that are being raised could be properly dealt with. We would be able to bring legislation to this House to make the whole consumer policy and laws more effective to be able to deal with some of the problems which arise from putting on mark-ups that are too high.

The Member for Oropouche mentioned pharmaceuticals. The Prices Division does a continuing survey on pharmaceuticals. A few months ago about 40 items were chosen and questionnaires were handed out to consumers. Some of these were collected, and we hope to get most of the others in pretty soon.

In the meantime, within two weeks of the floating of the Trinidad and Tobago dollar, officers of the Prices Division met with the Pharmacy Board and tried to examine and to suggest ways and means by which drugs could be obtained in larger bulk and maybe from cheaper sources in the interest of the consumer.

At present, the Minister of Health is looking at a system by which drugs would also be always available within the Ministry of Health and could be purchased at lower prices. Certainly, we are looking at pharmaceuticals. We are aware that because of the float there was an increase in the prices of pharmaceuticals. We are trying to maintain prices at the lowest level possible by constantly monitoring the pharmacies and keeping in contact constantly with the Pharmacy Board.

The Consumer Division seeks at all times to protect the interest of the consumer. Some of the major methods which have been employed deal with consumer complaints on a daily basis. Every day consumers come to the Consumer Division, and when a complaint is made against a company or

organization, the Division investigates it and tries to settle the matter between the consumer and the retailer.

Added to that, we are trying to educate the general public on their rights and responsibilities as consumers. Consumers now have to understand that they have the power in their hands to make that choice. As my Friend says, consumer sovereignty. It is their responsibility to shop around and ensure that they get worth and quality for their money.

The Prices Division usually monitors big stores such as Courts and Standard to ensure that when sales and discounts are announced, these are really sales which would be beneficial to the consumer.

The Consumer Division has put some other steps in place to deal with this new economic climate in which we are; that is, as I said, public education. We do this through several different means. There is a column in the *Express* which always gives tips to consumers about what they can do, how they can buy and check to ensure that what they are buying is of good quality; they would know that when they are buying something they must look at the quality. The radio stations also carry consumer education programmes.

I know my Friend the Member for Oropouche cannot read, so I do not expect him to read the *Express*. But, I do not think that he is deaf, so he should be able to listen to the radio, although sometimes I doubt that. If he cannot listen to the radio, there are usually television programmes. Since he wears glasses he might have difficulty too in looking at that.

Added to that, we do lectures to PTAs and groups which desire to be educated on consumer matters. If my Friend the Member for Oropouche would like the Division to talk to people in his area, we would welcome doing that. I would come down personally. I think he needs some education on consumer matters.

Mr. Sudama: When you are coming, bring some flood relief aid. We would welcome that very much.

Dr. The Hon. L. Baboolal: Madam Speaker, I was talking on the matter of consumer education.

The Consumer Division has recently set up consumer action groups. We have chosen these areas in which to set up these groups. They are, St. George East/West, Caroni, Victoria and Tobago. Liaison officers have been employed to work in these areas. The idea of a consumer action group is really to make the consumers aware of their rights and responsibilities—they have rights, but they

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also have responsibilities—and to create an atmosphere of dialogue between the consumer and business places which has been lacking. Sometimes the consumer is unable to talk to business people or maybe, they feel afraid to do so. This has already been started and we expect very good results from those consumer action groups.

3.30 p.m.

We are also continuing with our education programme. We are introducing a television campaign with presentation of short, crisp, attention-grabbing messages which will try to tell the consumers that if they think the price is too high they should not buy, and that they should look for quality rather than quantity. This is the sort of thing that we hope to be able to do.

As I mentioned earlier, we are looking at the formulation of a policy on consumerism to identify the basic principles upon which commercial activities should be conducted, with consideration of the rights and responsibilities of the consumer. In that whole package of the policy on consumerism, we are looking at the consumer laws, and either coming up with new laws or amending those in place.

As my colleague stated earlier today in presenting this Bill, it is really just a mechanism or an amendment to put the authority under one ministry. In the last few months there has been the problem of delays when something had to go between ministries. It is simply to put the responsibility in one ministry, in this case, the Ministry of Consumer Affairs and Social Services, to be able to avoid those administrative delays which are being experienced, especially with respect to price-of-good orders which are legal instruments which give effect to the placement of new items, the removal of existing items or changes in the regulated prices of items under price control.

I see this as a very simple matter and I am sure that the House will agree with me that it is also necessary. I commend this measure to the House.

Miss Hulsie Bhaggan (*Chaguanas*): Madam Speaker, we are accustomed, when Members on the other side speak, to hear them say that the piece of legislation is a very simple matter; and everything in this House becomes a simplistic operation. The only problem is that this Bill before the House is really one which constitutes part of the usual PNM politicking. When the public listen to this debate, they somehow will believe that prices will be controlled by this caring PNM Government. As a matter of fact, this particular amendment is no different from the big promise that we had prior to the 1991 election; that the PNM had a blueprint to create jobs. We had a promise some time ago that with all the things

the Government is doing, we shall be able, pretty soon, to sleep with our doors and windows open. Now the most recent announcement is that prices will fall flat by 1998.

Madam Speaker, I can tell you I was very embarrassed by such a statement from the Prime Minister. It just tells us the quality of the person who holds that office. I cannot understand how anyone with a basic knowledge of economics, or anyone who looks at how the world is moving, can forecast the price of an item in 1998. This Bill therefore, is part of the cosmetic approach to government that the PNM has been practising over the past two years.

The hon. Minister, in presenting the amendment Bill to this House spoke of a liberalized environment. He spoke about market forces dictating prices and competition reducing prices. That is the general argument when one looks at the free market economy and the approach to this economy.

The Member for Diego Martin East said sometime ago that every time we speak in this House we knock the neo-liberal model of capitalism. Well, I am going to knock that model again. I believe that the Members on the other side are introducing a model of capitalism which they do not really understand, because they are doing it on a piecemeal basis and somehow they are not seeing the global effect. We on this side are not saying that there ought not to be some approaches towards a market-oriented economy, because we know that the world is moving that way, but we are suggesting that when they are actually applying measures in this country, they must be cognizant of our local situation. How could we, therefore, import models, wholesale, and expect them to work without due consideration of what is the reality in this country?

What we have today is a Government willy-nilly implementing a model, full steam ahead, and a Government which is sinking this country deeper. When, for instance, the Prime Minister speaks about going down the road and prices falling flat, it is the country that is falling flat. There is no hope for the people of this country under this PNM Government.

The Minister spoke about competition; I want to ask him, what kind of competition is he speaking about. Do we really have competition in the economy of Trinidad and Tobago? What we have is some big retailers and importers who, because of the capital they have, can import in bulk and compete with one another to get a market. The point is, Madam Speaker: How many of us here have the kind of production capacity and the manufacturing capability to be able, really, to have the kind of competition that this model calls for, which will reduce prices in Trinidad and Tobago?

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So that is the crux of the matter. Again, the Minister mentioned the new role of the Government—that of facilitator. We have had a very serious flood in the North; how would they, in a new market economy, in a neo-liberal economy, have a government facilitating in an economy like that? The Government has to intervene. In our economy, therefore, there has to be a mix between intervention and the interplay of market forces. We are suggesting to this Government that it must move into a more social market economy, one which is based on the West German model and which takes into consideration free competition and development under the neo-liberal model of capitalism, but one which, at the same time, looks at the social aspect of it.

Now the Government speaks about the social aspect, but again it is lip service. For instance, we have seen within recent times the old age pensioners get an increase. It was, again, cosmetic. When we look at a social policy for instance, we are not only referring to the whole question of old age pensioners and public assistance, but one which looks at unemployment and one which must be able to devise the kind of programmes which will reskill our people to become employable in the new scenario. It is not a one-hand approach. It seems to me that we are moving in a direction—they say “globalization”—that is true, but the point is, are we preparing our people for globalization? I believe that the Government is moving too fast and is approaching and developing a model which is not relevant to Trinidad and Tobago, and also to this part of the world.

I want to challenge this Government to show this House—provide the reports, the statistics, the studies, which have shown that the policies that it is implementing have worked in any part of this region or in the Third World for that matter. We do not want to bring in economies which are not parallel with ours. Let us look at economies which have certain common parameters like ours and let us see whether those measures have worked in those economies.

For instance, all the measures that they are operating here have nothing to do with the PNM. For instance, cambios, which come under the neo-liberal model of capitalism, is something that Jamaica and Guyana have introduced. Any country which has been able to embrace the IMF programme on structural adjustment has been introducing those measures. What the PNM is doing is nothing new. It is not being creative or innovative. All it is doing is importing everything, from food to models of development, into this country.

3.40 p.m.

Listening to the Minister speak, there is no real mystery about this Prices Commission. In fact this Commission has absolutely no use or relevance in the

model of capitalism that Government is pursuing. How can one control prices? The hon. Minister of Consumer Affairs and Social Services spoke about monitoring prices. What basically is going to happen is that they are going to watch prices increase. It has nothing to do with actually putting controls there. In the first place, one cannot do that in a free-market economy, especially as there is a liberalized exchange rate. Every time something happens in the world market at the level of oil or other commodities and so on, we are affected, as we are interlinked; and interdependent with the outside economy. And so we also have to be careful with respect to the kind of prices we are looking at here.

We are saying, there has to be some kind of control, yes, but how do we reconcile both? How do we reconcile a prices commission with free market forces? There is no way we can do that. When the Member for Tobago East asked how the Government was going to ensure this, the Minister could not answer. Of course she could not answer, because there is no way to ensure that prices remain stable, even if there are very select committees, unless the Government is prepared to subsidize those items. As far as I am aware, the Government is removing subsidies because the whole thing is to liberalize the economy.

Every time the Government speaks, whether it is in here, to the party faithfuls, to the media, wherever, we get confused. I do not understand what the exciting times are about; I think these are confusing times. This Government probably has to go back on a retreat—I think it went on a retreat some time at the beginning of the term; in fact it was in retreat for five years before; this time it should really go on retreat permanently. The PNM has no policies, no development programme and there is no way it is going to make sure that this country moves forward into the 21st century.

Then the Minister of Consumer Affairs and Social Services spoke about the fact that there had never been a consumer policy. I think that is absolutely outrageous, that under the PNM for 32 or 35 years there had never been a consumer policy, and hence part of the confusion. This Government never had policies, period! All it had, was a group of people who wanted to hold down a political office at the expense of everything.

This is why today we can look at this country and with all the resources and talents of our nation, with a very tiny population, we are still in a state where today, at least 300,000 people, I understand, are under the poverty line; 120,000 people are out of jobs; children cannot go to school and yet we are speaking about

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having a modernized economy. How can we have a modernized economy when parents cannot buy books and children have to stay at home? Thousands of Common Entrance students, I understand, have no opportunity for educational advancement.

A modern economy does not only speak about economic policies, it has to do with social policies; and part of the social policy has to be an investment in education. So when the Government speaks about modernizing the economy and once more becoming part of the liberalized trade regime and all the fancy words that are being used all over the world, I get very worried, because I do not see any real development taking place in this country.

Then there is this usual call, if prices are too high, do not buy. What you are telling people basically is, do not eat, do not use water or electricity, and go back to the Stone Age. This whole concept about, "if prices are too high, do not buy" is an irresponsible statement coming from a Government.

The Government speaks about consumer rights. I believe one of the rights of consumers is to be able to have money in their hands so they could go out and buy. Consumer rights do not only have to do with the types and quality of goods, whether this store is selling cheaper, whether there is a sale or whether the profit margin is too high and so on. The rights of a consumer are to have a job, to have money to be able to buy books for his children, and to be able to buy clothes and food. Those are the rights of consumers, too. I do not understand what this Government means when it speaks about consumers' rights being a question of only being able to protect themselves against unfair trade practices.

Another problem I want to address is the question of a policy of consumerism that the hon. Minister spoke about. The very word "consumerism", again, is part and parcel of the free market economy approach. The general idea is that anything can be imported, and once you have the money you can buy it, so it promotes consumerism. I do not understand what this policy of consumerism is about. Maybe it has to do with certain laws and regulations and so forth, but basically, it has nothing to do with fighting a situation where people want to buy whatever they wish.

For instance, there is the question of hire purchase agreements. How often does the ministry go and look at those agreements? I know of poor people, very poor people—in fact the poor are the ones who are suffering—who take things on hire purchase, they may have paid 75 per cent of the price and their goods are seized. Really, who protects these people? What kind of protection is there for

these poor people? If we are going to speak about the whole question of liberalizing the economy, we ought not to be moving so fast; we ought to make sure that safeguards are in place.

The Anti-dumping and Countervailing Duties Act was passed in this House. Up to this day, I have not seen or heard of the regulations, but we are going full steam ahead, and today we come to this House to bring a little amendment to talk about five items which are going to be controlled. I would have loved to know what these five items were. So far, we have not had any response from the other side or any indication as to what these five items under price control are. We know that this price control system is not going to be part and parcel of the economy that we are presently pursuing; in fact it is an anachronism, it has no real value, it is not relevant any more. What we are doing here today is wasting time. There is other legislation that could have been brought to this House where we could have made some kind of valid input.

Another point I should like to make deals with the question of ensuring that the mark-up is not unreasonable. How does this Government intend to ensure that the mark-up is not unreasonable? Is it going to jail people? Is it going to set some kind of standards or profit margins? Does it understand what happens in the basic pricing of items, what are the inputs into that and all the various mechanisms and issues involved? I do not understand. It seems to me that the Members on the other side are not thinking out things properly before they bring Bills to this House; or, they are assuming that the Members on this side do not know what is going on.

I suggest to this Government that the way it presented this amendment today—the kind of arguments we have had from the other side—is an indication of the poor quality of leadership. I suggest to this House that when we are considering Bills of this kind, we do not just come and say that it is a simple amendment of the Prices Commission moving from the Ministry of Trade, Industry and Tourism to the Ministry of Consumer Affairs and Social Services.

We would like to know, after two years of the PNM being in government, what the Ministry of Consumer Affairs and Social Services is promoting as a social policy for this country; not only in terms of prices, but what is its social policy with respect to unemployment. And do not tell me the Unemployment Relief Programme. What is Government's social policy with respect to modernizing this economy in terms of the skills of our young people? What about the poor? What about the children who cannot go to school? What about our future in terms of

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what we want to do at the level of development? I want to know how the social policy relates to all those developments and what exactly is the social policy of this Government.

3.50 p.m.

We cannot come here day in and day out and speak only on economic policies, about removing barriers and the kinds of measures undertaken to put a system in place which brings foreign investors to this country so the Government could sell-out the resources of the country and not speak about how that is going to affect the population, and how this supposedly responsible Government, is looking at the impact of its policies on the population.

For instance, I have seen a document on my desk about loans, which states that Government is looking at a social programme and the question of food security. I got the impression that food security had to do with giving out food hampers. I do not know what it relates to exactly, but to me when the Government speaks about social policy and food security, it should look at our capacity to produce food and whether or not we would be able to feed ourselves as a nation, because there are no reasons why we should not be able to do that.

If the Government is looking at a social policy, I still cannot understand how it could look at the question of education in isolation. How, for instance, the Member for St. Joseph could stand in this House and talk about there not being money to build or repair schools, or to educate our young people, and yet the Government wants to move into the 21st century and become part of this liberalized economy. Madam Speaker, there is a serious problem here.

Again, the Government is speaking about a short-term dislocation. I do not believe the policies being introduced by this Government are going to have any short-term effect on the population, I believe it is going to be long term because of the way it is being done. It is our view that it is going to take between 5 and 15 years before the social problems of this country could be dealt with effectively. And I do not believe this could be done under a PNM Government either, because all they do is talk, propagandize, public relations, but nothing substantial is done to develop this nation. We are very saddened by that, because when the new role of Government, is mentioned, we on this side are very worried. The way this Government sees its role, apart from being the facilitator, is as one who is somehow entrusted with the assets of this nation and that it is supposed to liquidate those assets and take that money and pay off the foreign debts, so that we are back flat broke, and have to begin all over again. That is a policy which we

do not support. As the Member for Couva North said, it is a Government in liquidation. We cannot support such a scenario.

We on this side know that there has to be some element of privatization; we know that. We are not suggesting, for instance, that we should continue at the rate we are going, but that has to be done through a careful analysis. We are worried about what has happened at T&TEC. If one is looking at privatizing even one aspect of it, it means that that private investor is somehow going to influence the price of that commodity. If the price of natural gas, or whatever is used as an input into the industry, rises, it means once more that they would apply for an increase in rates. Private industry looks at the bottom line and when the Government decides to put water, electricity, transport or whatever utility in private hands, it is telling the population, people in Cedros, who do not have a pipe-borne water supply, that they would never get water.

Whenever these companies should decide to put water or electricity or run a bus service in an area it would be based on a cost-benefit analysis, the profit margin, the bottom line, whether the cost of that particular facility would be covered. So there are people in this country who will remain without water, electricity or a bus service, simply because this Government is introducing a policy which says "privatization," without due care and attention to the plight of the poor citizens of this country. We are totally against that.

My intention here today is not to make any long speech on this issue, except to say that we on this side are displeased at the way this Government is moving. We are displeased that all that has been said by this Government, while in Opposition, is now being negated. Regardless of what is said to the contrary, this Government is continuing policies of the former government and importing policies of its own, which are not relevant to this country. The Government has not studied the realities of this country and we are particularly concerned that the vital human resources of this country are not being prepared for what the Prime Minister calls "a modernized economy." In other words, instead of us going forward, we are going backward. As the Prime Minister says, we are going down the road. We would prefer to go up the road. Going up the road has more potential and hope; in fact, it is a vision for this country. We do not intend to go down the road with the Member for San Fernando East and that PNM Government. Theirs is a cosmetic approach to a very simple amendment which is going to have no effect on the population of Trinidad and Tobago.

Thank you, Madam Speaker.

Mr. Valley: Madam Speaker, just before the Member finishes her contribution, please. The Member has said on a number of occasions that the realities of Trinidad and Tobago are different from those of other countries, without pointing out what the realities are that are so different. For my own benefit, I wonder if the Member could do so, please.

The Minister of Trade, Industry and Tourism (Sen. The Hon. Brian Kuei Tung): Madam Speaker, let me first thank the Minister of Consumer Affairs and Social Services for her intervention with respect to the Ministry of Consumer Affairs. It is to the Minister's credit that under her jurisdiction several items have been removed from price control.

Let me start by addressing one of the questions raised by the Member for Oropouche when he asked what has been the effect of the present anomaly over the last 20 months. In essence, when we came into Government, because the question of price control and the Prices Commission had been assigned to the Minister of Consumer Affairs and Social Services, the Division was physically transferred from the Ministry of Trade, Industry and Tourism to that ministry early last year. So that, in effect, the Minister of Consumer Affairs and Social Services has had control over the Prices Division and has been able to get the support of the Prices and Consumers Division of that ministry over the last 20 months.

What has happened, however, is that it became bureaucratically impractical for the Minister to function effectively, as the legislative authority resided in the Ministry of Trade, Industry and Tourism under the Trade Ordinance, and documents could be signed only by that Minister. Therefore, there was very little responsibility left with the Ministry of Trade Industry and Tourism, which at this time sees its responsibility as ensuring, not just a free market or free trade regime, but also ensuring fair trade.

It is in that context that the Ministry of Trade, Industry and Tourism continues to have some role on the question of prices. Obviously, the ministry will be concerned if indiscriminate and unscrupulous business people should seek to exploit unduly high prices from consumers.

Mr. B. Panday: Madam Speaker, I wonder if the Minister would give way. That is exactly the question we have been asking. Suppose they do, what are the mechanisms in place, with sanctions, to deal with that kind of thing? The Member for Tobago East was also trying to find that out from the former speaker.

Hon. B. Kuei Tung: Madam Speaker, in essence there are a number of mechanisms in place to ensure that prices can achieve stability and, hopefully, equilibrium. One of the things we have done since coming into office is to ensure that there is an adequate supply of goods to meet consumer needs. The fact that there is a variety of suppliers will ensure that prices are kept in equilibrium. However, we have maintained—

Mr. Robinson: Madam Speaker, could the Minister explain to this House what is meant by "prices being kept in equilibrium" whether he has any control over the prices of imported products in their countries of origin?

Hon. B. Kuei Tung: It is not a question of economics; it is a question of pure business sense. As a matter of fact, as the Member for Oropouche knows, if there is an abundant supply, this will drive prices down. That is simple; that has nothing to do with economics; that is pure supply and demand.

Mr. Sudama: Would the Minister give way. Madam Speaker, how will the hon. Member, as a Minister, ensure that there is an adequate supply?

Hon. B. Kuei Tung: Because we operated in a restricted regime before, it was almost impossible to ensure that supply was adequate. Now that we are operating in a free-market economy, by eliminating bureaucracy importers are encouraged to bring in goods. This is exactly one of the reasons that we are trying to simplify the process, whereby the Minister who is responsible for the Prices Commission will have the legal and legislative authority to carry out the function. It was impractical for us to have one Minister carry the legal and legislative authority and another minister have the responsibilities and duties to carry out.

Mr. Robinson: Madam Speaker, if the Minister would care to answer, what I am getting at is this: A price is determined in Germany for a product produced in Germany; how is the Minister going to bring the price of that product into equilibrium in Trinidad and Tobago?

Hon. B. Kuei Tung: I am presuming, Madam Speaker, that the Member for Tobago East wants to get into an economic argument. I do not know whether the product that the Member speaks of in Germany comes only from Germany, in which case the Member is right, we have no control. But if one assumes that there are enough suppliers in the world, even the point that was made by the Member for Oropouche, that we would import inflation, we assume that if competition could be engendered among suppliers they would seek to obtain their supplies from the cheapest possible source and Trinidad and Tobago is going to benefit

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from that flow. It is not a question of economics; it is a question of pure business sense.

Mr. Robinson: I do not wish to appear to want to argue. The Minister is saying that importers will try to obtain products from the cheapest source, but that is not bringing prices into equilibrium. It has nothing to do with bringing prices into equilibrium. If the Minister is going to say he is obtaining products from the cheapest possible source, that is one thing, but he has no control over the price at that source. If it builds up, he has to take it at that price.

4.00 p.m.

Mr. Valley: Nonsensical argument.

Hon. B. Kuei Tung: Madam Speaker, I have indicated that it is the Government's intention that consumers be given the widest possible choice. It is because of this choice that we see consumers being able to control prices. Consumers have always had an opportunity to control prices in the way they manage their own demand. I am not making economic arguments for this. I see this myself, having come from the private sector, and experienced these things. *[Interruption]* There is no substitute for bread? What about roti?

Mr. Sudama: You have cake!

Hon. B. Kuei Tung: Madam Speaker, as I said, I attempted to indicate—

Mr. Sudama: Could you just enlighten me? Is the cheapest source of drugs, the United States and Europe? Are these countries the cheapest source in the whole world for the benefit of the customer? Most of our drug supplies come from Europe and America.

Hon. B. Kuei Tung: Madam Speaker, I had intended to indicate to this honourable House the type of items that remain on the price control list; and the Member for Oropouche has now prompted me. It is precisely because there are some cases where particular types of drugs are sourced only from a particular country that pharmaceuticals remain under price control. It is areas like that where we feel that price is influenced unduly by the supplier that we want to use the mechanism of price control, which is not to be done away with at this time.

I do know why the Member for Chaguanas felt that she was getting confused, because we say we want to operate in a liberalized and free market economy, that price control has no function and no relevance at this time. I agree with her that it appears to be that way, but I disagree with her that price control cannot be used at

this time even though we pursue an open market economy. There are going to be instances when the market, because it is not totally perfect, will have artificial shortages and—

Hon. Member: What are the five items?

Hon. B. Kuei Tung:—it is at that time, for one reason or another, that one would need to impose price control which will ensure that the few suppliers, who happen to be in charge of the supply, will be able to be kept in check and in control by the price control mechanisms.

Mr. B. Panday: Will the hon. Minister be so kind as to say what are the items that are going to be retained under price control? I think everybody has been asking.

Hon. B. Kuei Tung: I cannot say at this time, because I cannot anticipate and I do not want to fool this House into believing that I can see down the road with respect to what shortages will occur. That is unfair.

Mr. Palackdharrysingh: Is this a “cat-in-bag” Bill?

Hon. B. Kuei Tung: What I can say at this time is that we have baker's flour, rice, sugar, school books and pharmaceuticals on. Now it may seem, as well, as the Member for Chaguanas indicates, that there are only five items, but pharmaceuticals constitute a very wide range of goods. There could be a schedule of 15 pages to deal only with that item, because it requires detailed and complex calculations done by the Prices Division.

Mr. Jurai: Can I refer the hon. Minister to an article appearing in the *Newsday* of September 23, 1993 when he said that the 25 items were reduced to five items, namely, counter flour, rice, sugar, pharmaceuticals and school books? Is he aware of this?

Hon. B. Kuei Tung: I am sorry, Madam Speaker, but I did not give it in that order. If I knew the Member wanted it in that order, I would have quoted it. *[Interruption]*

Madam Speaker: Proceed, please.

Hon. B. Kuei Tung: Madam Speaker, one of the points that were raised by the Member for Oropouche was the question of my statement that price control was meant to protect manufacturers. I wish to quote precisely what I did say earlier in introducing the Bill. I said that price control served to prevent market exploitation by enterprises which had been created as a result of the protection

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given to manufacturers in our industrialization drive..." I did not say that price control was meant to be a form of protection for manufacturers.

Now, a great part of the contribution of the Member for Oropouche dealt with the question of used tyres. I have received several complaints from people who purchased used tyres and who as a result said that they had been jeopardized on the roads. In one case, I was told about a young woman who bought a used tyre and met her death as a result of the blowout of that tyre. I was told of this by her husband, who wrote to complaint about the importation of used tyres into Trinidad and Tobago.

We can only seek to use the mechanisms available to us to protect consumers. In this case, the Bureau of Standards has come up with a mandatory standard which says that all used tyres must meet a certain tread depth to ensure that the consumer at least receives a tyre that has some measure of roadworthiness. These standards have been developed with respect to both new and used tyres after wide consultation with many people in the industry. It is unfortunate that there are still a number of used tyre importers. Let me, for the benefit of this House say that initially the used-tyre industry was developed, not to sell used tyres to the unsuspecting consumer, but it was intended that the used tyres should come in buffed, be retreaded so that they could, provide the consumer with a reasonable alternative to a new tyre.

Instead, it became a common practice for people to sell used tyres to the unsuspecting consumer, and many consumers had no way of knowing whether the tyre they purchased was one that would give them one day, one week, or one month of road-worthiness. In the environment that we now seek to develop where, literally, the market is fairly open, we seek to protect consumers by ensuring that some minimum standard is in place to provide that protection.

It is not just a question of safety on the road; there is also the question of the health hazard that the importation of used tyres creates. Recently there was an article written in a South American newspaper in which mosquitoes and other pests breeding in carcasses were found to be able to cross borders because they were being carried by used tyres. In other words, these tyres are stored so badly in some developed countries that they create a real health problem for us.

So that, in essence, we need to address not only the question of used tyres, but we are also seeking to ensure that these tyres are properly sprayed before they are released to the public. I hope that the Member for Oropouche will understand that it is not the intent of the Bureau of Standards to discriminate against anyone; it is

to ensure that we protect the nation from indiscriminate and unscrupulous business people.

4.10 p.m.

I heard the Member for Chaguanas say that we are now using our role as facilitator, not to facilitate in cases of floods and that we should intervene when there are floods in the country. I want to assure the hon. Member that when I speak of the role of facilitator, I use that term in specific reference to trade facilitation. It has always been the experience of Trinidad and Tobago that trade has been very bureaucratic. It has been so from the regime when we had to put in protection through the negative list for young manufacturers; we have had to put in a system of controlling foreign exchange, and so forth. It is within that context that we see ourselves as being a facilitator: To ensure that the private sector can develop. That is the role of facilitation that I meant. We continue to be committed to our policies in health, education, in our social services and we are not merely intervening; we are driving these processes from up front. So the question of facilitation, I assure the Member for Chaguanas, is only with respect to trade, industry and our seeking to achieve fair trade.

I had not anticipated this kind of debate that arose on a matter that is not merely simple, it is was extremely straightforward. We sought to ensure that in our quest for this facilitation, any bureaucratic procedures that we can cut out would be addressed properly. It is only this House that can give the legislative authority to the Minister of Consumer Affairs and Social Services, powers that have already been assigned to me, as Minister of Trade, Industry and Tourism, under the Trade Ordinance, 1958.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

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

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

House resumed.

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

COMPANIES BILL**Joint Select Committee**

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Madam Speaker, you will recall—and I am certain that most Members of the House will recall as well, that the second reading of this Bill was moved on May 21, 1993, at which time I referred, generally, to the provisions of the Bill, indicated that it comprised 553 clauses, and gave a general overview of the different provisions it contained. I pointed out that the major heads or divisions of the Bill were, the first one dealing with the preliminary matters, the second, dealing with construction and interpretation of the Bill, the third, dealing with the formation and operation of companies, the fifth, dealing with other registered companies, sixth, winding up and seventh, administration.

I had also indicated on May 14, 1993, in a statement when the Bill was first introduced into Parliament, that the Bill had been a long time in preparation and that there had been consultation with several different organizations and individuals; that it had been subjected to discussions at seminars organized for the purpose of reviewing several drafts of, what turns out now to be, the Companies Bill, 1993.

I had also at that time indicated that it was the intention that this Bill, because of its complexity and its size, should be referred to a joint select committee of both Houses of Parliament. I do not propose, therefore, to go into any detail as to the contents of the legislation. As I said before, I had referred to it during the second reading in May this year and I merely propose at this stage to, again, recommend that this Bill be referred to a joint select committee of both Houses of Parliament. I beg to move.

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, in accordance with Standing Orders 51(1) and 79, I beg to move that this Bill be committed to a joint select committee of both Houses of Parliament.

Mr. R. L. Maharaj: Madam Speaker, we had agreed with the concept that the matter go to a joint select committee, but I want to point out that we are of the view that after it is read a second time, we cannot appoint a committee. It is before it is read a second time.

Hon. K. Valley: Madam Speaker, if one reads Standing Order 51(1) which provides for the appointment of a select committee, and Standing Order 79 which

points out the manner in which a joint select committee is appointed, one sees at 79(1):

"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."

4.20 p.m.

Madam Speaker: The Member for Couva South is saying that the appointment of the select committee ought to come before the second reading. This is not so because Standing Order 51(1) says that:

"When a Bill has been read a second time it will then stand committed to a Committee of the whole House..."

unless there is a motion for it to be committed to a select committee. Now that the second reading has been passed it is now to be referred to a select committee.

Mr. Mohammed: Madam Speaker, would you permit me to point out to the honourable House that Standing Order 51(1) does not, in fact, deal with a joint select committee, and if the intent is to appoint a joint select committee this Standing Order should be suspended to permit that to be done.

Madam Speaker: Then the House would have to vote.

Hon. K. Valley: Madam Speaker, Standing Order 51(1) talks about a select committee. Standing Order 79 makes the point that any select committee could be a joint select committee as long as there is approval from the other House.

Mr. Maharaj: Madam Speaker, we would like to put on record—I know the Government has the majority—that we totally disagree with the procedure in that this House cannot appoint a joint select committee. This House can appoint a select committee. The other House appoints a select committee and then you have a joint select committee. We are totally opposed to it.

Madam Speaker: Hon. Members, the vote was taken and the "Ayes" have it with respect to the second reading. The Leader of Government Business will make his statement.

Hon. K. Valley: Madam Speaker, I was saying that in accordance with Standing Orders 51(1) and 79, I beg to move that this Bill now committed to a joint select committee.

Question put and agreed to.

Madam Speaker: There are three Motions on the Adjournment and we also have the Motion of the hon. Member for Oropouche. We will take these after the tea break. This is a convenient time to take the tea break. The sitting is suspended until 5.00 p.m.

4.25 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

**PICTON PRESBYTERIAN SCHOOL
(SUSPECTED FOOD POISONING)**

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, I rise to deal with the problem that we are facing at Picton Presbyterian School at this time. It is an extremely sad situation. It is something we wish did not happen. Therefore, it is not a case of coming to this House on a partisan issue because what affects a school in my constituency today, could very well affect the students of a school in one of the other constituencies represented by the Members opposite.

As I said, for the last week we have had tension and anxiety in that district about what is going on at that school. It is my view that we should do whatever is necessary to avoid such things in the future. The scale of the problem is that Picton Presbyterian School has an average attendance of less than 200 students and out of those, 47 of them were afflicted with this suspected food poisoning. We are talking about 25 per cent of the school population. It is not an isolated case.

My contention is that such a situation must never be allowed to happen again. Another Sahadeo Boodram must not die under those circumstances again. We are concerned that these things are happening at these schools with such regularity. It must be a matter of concern to all of us in this House and to the country at large that these instances are occurring with such regularity.

Therefore, I think today we have to address the question of where the weaknesses in the system are which allow for such situations of food poisoning to occur on the scale on which this one has occurred, and as I said, with such regularity. What are the precautionary measures that we have to put in place to address the situation? In this debate I wish to focus on that and get a response from the Government Minister or Ministers involved as to what needs to be done and how far we can go in taking pre-emptive action.

The first issue is the lack of security at the school. Since last year I drew to the attention of the Minister of Education that the school's fencing was breached in a number of places, and therefore, one could easily walk in and out of the school compound. When one can do that the security of the water tanks is in jeopardy. That matter has not been addressed by the Minister of Education.

At this time it is not known what is the source of the food poisoning, whether it is contaminated water; contamination in the lunches provided by the School Feeding Programme; or contamination of the foodstuff that is sold by the vendors on the compound. No one knows. What we have to do is attempt to plug all the loopholes where there might be a lapse that could cause such a situation to occur again. The question of the security of water tanks in a situation where deliberately or otherwise, water seems to be contaminated, is something that the Ministry of Education has to address with some urgency.

Today we have to ask the question: Why did Sahadeo Boodram have to die in a so-called modern society where every day this PNM Government is praising our facilities and saying we are moving ahead?

Apart from the lack of security at the school and the security of the water tanks—which as I said, was drawn to the attention of the Minister of Education since last year and nothing has been done—the whole issue of the monitoring of the School Feeding Programme and the sanitary conditions under which this food is prepared and distributed where does that responsibility lie? Does it lie with the Minister of Education, the Minister of Health or the Minister of Local Government? We should like to know.

Mr. Valley: What have I done now?

Mr. T. Sudama: Whose responsibility is the School Feeding Programme? We do not know. He throws his hands up in the air and says that he knows nothing about where the responsibility for the School Feeding Programme lies. You understand the kind of government they are running.

Mr. Sobion: Who 'we'?

Mr. T. Sudama: I said we understand the kind of Government they are running.

Mr. Sobion: You said 'we' are running.

Mr. T. Sudama: No. At no time would I be party to your misdeeds.

Madam Speaker: Would the hon. Member get on? It is raining and the staff has asked me, "Madam Speaker, when are we going home?"

Mr. T. Sudama: Madam Speaker, this Member for Ortoire/Mayaro keeps interjecting. He comes here as a Johnny-come-lately to this House and he keeps interjecting on matters which are really not his concern.

Who is responsible for the School Feeding Programme and ensuring that the sanitation is satisfactory, and for monitoring the preparation, transfer and distribution of the food? We are not sure where this responsibility lies.

5.10 p.m.

Finally, there is the question of the supervision or the licensing or the regulation of food supplied by vendors, especially on school compounds. What public health regulations are required to be satisfied, and are they in fact being satisfied? What is the role of the Public Health Department in this whole exercise, and, indeed, the Ministry of Education? It is not a light thing to have one death out of 47 students hospitalized with food poisoning. This ought to be a matter of concern to the House of Representatives and the community at large.

The other issue is the response of the Government, the bureaucracy and, indeed, the hospital administration in Trinidad and Tobago, this incident having occurred. Sahadeo Boodram died as a result of the maladministration in the San Fernando General Hospital and the Minister of Health, is culpable for the total inefficiency in that institution, and I dare say in other institutions. He does not care.

Madam Speaker: I think you are going off course now. The matter relates to suspected food poisoning suffered by students.

Mr. T. Sudama: Madam Speaker, one of the students, who should have been alive today, died. I wish I could get that through.

Sahadeo Boodram was taken to the hospital at about 8.00 o'clock.. He was not admitted. He had to lie there in the Casualty Department until 11.00 o'clock, until his mother pleaded that somebody see him. I do not know what is happening in hospitals; what is the quality of expertise and medical resources available. When he went up to the ward he was given the most casual treatment in a situation where he is on the verge of death; and Members opposite come here to talk about a caring government. From 11.00 o'clock to 7.00 p.m. when he died, it was sheer agony for his parents, as they witnessed the callousness and indifference of the hospital and the total lack of capacity of the medical personnel who were there to deal with the situation.

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There are hordes of people at the San Fernando General Hospital who apparently do not know what they are doing. I do not know what is their level of medical expertise. What is their level of medical expertise? There are so many of them there and in a case of suspected food poisoning no one seemed to know what to do, until at 7.00 p.m., after vomiting and having diarrhoea, 11-year old Sahadeo Boodram died. That is the situation.

How are we going to prevent this in future? Even if he had gotten food poisoning, should he have died? Are our medical services in this country so decrepit that we are worse than a Third World country under this PNM administration? Should a person in these circumstances really have died? In any other country with a functioning parliamentary democracy, this would have been a case for an official inquiry into the death of Sahadeo Boodram and the circumstances surrounding his death. I am asking the Minister of Health to conduct such an inquiry into the death of this boy who was not given the proper management and care that we expect in Trinidad and Tobago in 1993, and to make those findings available to this House.

The Minister presides over that and blames the system, as if he has no responsibility for the system. All the complaints are about the system. The system does this, that and the other; therefore, I want to know what he does.

It is not an isolated case. I do not know how this second case will fare. Rudranath Ramgoolam, also suspected of food poisoning, was taken to the hospital on Wednesday at 8.00 p.m. and was in the Casualty Department for five hours. They know that there is a case of suspected food poisoning at the Picton Presbyterian School because the child, Boodram, died the previous day. They know. It is not that they do not know. It took Ramgoolam five hours from the Casualty Department to the ward; at 1.00 a.m., on Thursday, Rudranath Ramgoolam was put into a ward for whatever specific care and attention he may have required. Why is this system working in this way? As I stand here, I hope that Rudranath Ramgoolam is not the second victim of the suspected food poisoning at the Picton Presbyterian School.

The question is: Why is there a delay in getting this bureaucracy to act in an expeditious manner? This is not just a routine case. There is need to find out quickly the root cause of the problem and to take some remedial action. In the meantime, children are not allowed to go to school for the fear expressed, and their education is suffering as a result. The bottom line is, what need we to do? The situation has arisen already. We have to manage that situation to prevent further incidents of the kind.

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For the future, what do we do to contain the situation? This is happening with unconscionable regularity in schools all over the country. Has the Minister of Education addressed this matter at all? Have his people in the ministry addressed it? If they have, what are their findings and conclusions? Do they have any programme to deal with the situation? Lives of innocent children are exposed to conditions which put them at risk. Quite apart from their not being able to get enough food, now when they go to school, they are liable to die. This is what this PNM Government has reduced this society to.

5.20 p.m.

As I raise this issue, I want the Government to understand the seriousness of this problem and to address it with some measure of urgency so that we would prevent loss of life and this on-going incidence of food poisoning, and the inability of the administration to do anything about it. I wait to hear the response of whoever is responsible on the other side; I do not know if it is the Minister of Health or the Minister of Education.

It is a pity the Member for Barataria/San Juan is not here because this is a case of desperate need, the family of Sahadeo Boodram is an extremely and desperately poor family, in urgent need of immediate resources in order to look after funeral expenses and so forth. As part of a caring Government, she being part of a caring Government, I want to address this case to her I understand she has a fund which she can access for these purposes. As a result, Madam Speaker, I stand here and plead on behalf of the students and particularly the family of Sahadeo Boodram.

The Minister of Education (Hon. Augustus Ramrekersingh): Madam Speaker, I thank the hon. Member for Oropouche for having raised the issue. I think all of us in this House would be of one mind and disposition in this matter and would offer our deepest condolences to the parents and relatives of the child who died in this unfortunate incident, as well as our best wishes for a speedy recovery to the other children who were affected.

I should also congratulate the Member for Oropouche for not attempting to jump to conclusions but to look at the situation from a more responsible perspective. At this stage nothing is definitive and speculation is probably the worst action in such a situation.

Just to correct the record, my information is that the enrolment of the school is 335 and on the morning of that day attendance was 251. My information also, is

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that 30 students suffered the effects of whatever the problem was, including the unfortunate student who died.

I have written to the parents of all the affected children and the authorities moved very quickly to the school once the information was known, whether it was the school supervisor, public health or the Ministry of Health. At present, samples are being analyzed and in the case of the student who died, the body has been transferred, I am informed, to the Forensic Sciences Centre; so that samples are being taken, tests are being done, including the water, the foodstuff—the pennacool, sucker bag and so forth, even the school meals. On the basis of that analysis we will be able to come to definitive conclusions which will direct us along a particular path in terms of remedial action in this situation. I do not want to anticipate the conclusions. We ourselves are awaiting the results of these tests.

It is also interesting to note from the information I have, that not only were children affected, but it seems also that five families were also affected by whatever it was.

I want to turn in particular to the School Feeding Programme and certain comments which the Member for Oropouche made. Very high standards of sanitation are insisted upon and I think the administrators of the School Feeding Programme do all that is humanly possible to ensure that the meals are in good condition. In fact, there are 60 caterers and they are supervised by 24 food service officers, whose job it is to inspect the kitchens and meals on a regular basis. In addition, each day samples of the meals are taken and kept so that in case there is a problem the analysis could be done. In fact, when caterers are bidding for contracts, not only are their premises examined by the School Feeding Programme authorities but also by the Public Health authorities. So that as far as it is humanly possible, they try.

Mr. Sudama: The Minister is saying that samples are kept of the meals prepared; can he tell me where these samples are stored and for how long?

Hon. A. Ramrekersingh: Madam Speaker, I am in no position to get into some of those technicalities. I am giving the information that I have. I have no idea of how long a sample can be kept and remain valid.

Mr. Mohammed: Would the hon. Minister give way? Is the hon. Minister therefore excluding the School Feeding Programme as a source of the possible poisoning? He is dilating on the School Feeding Programme and all the different things that have been put in place.

Hon. A. Ramrekersingh: Madam Speaker, I thought I had said no definitive statement can be made until the various analyses have been done. I am only referring to certain points about school feeding because they were raised by the Member for Oropouche about certain conditions. I am not excluding it. I never said any such thing. To exclude, include or to make correlation at this stage would not only be premature, it would also be grossly irresponsible. I am convinced that the School Feeding Programme authorities take the best precautions they can, but we shall see how the analyses go.

It is interesting that some of the children who are ill did eat school meals, some of them did not. It is also interesting that some who ate are perfectly all right, so that we cannot make any judgments.

5.30 p.m.

There are two kinds of venders—venders on the school compound and venders off the school compound. Again, to be a vender certain health regulations must be observed and principals will determine whether they allow venders or not. Most of them do not. However—and I am not saying that this is the case—I know of instances where there are parents who have no other source of income and selling in or around the school compound is a way of keeping their children in school. So that venders on school compounds ought to be monitored a little more stringently. In terms of venders outside the school compound, it calls for greater collaboration with the public health authorities, because the principal cannot really do anything directly about a vender outside.

At this point, we await the results of the tests. Based on that evidence we will proceed to take remedial action. I hope that these test results would be available very speedily so that activities at that school can be returned to normalcy. I, therefore, wish to say no more until there is evidence to make definitive judgments. Once more, I express the Government's concern and regret about this incident.

ADJOURNMENT

Motion made, That the House do now adjourn to Friday, October 15 1993 at 1.30 p.m. [*Hon. K. Valley*]

**Dr. Ramnath Chandu Lal
(Contract)**

Dr. Carl Singh (Tabaquite): Madam Speaker, I rise to speak on the non-renewal of Dr. Ramnath Chandu Lal's contract as the Government Forensic

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Pathologist. I hasten to add that I have never met the goodly doctor nor do I hold any brief for him, but it is a national issue which I thought should be ventilated in the House and have some answer to it.

The whole issue centres around the general lack of planning and administration by this Government and in the Ministry of Health, in particular. This matter goes back to 1972 historically, when the qualified national forensic pathologist, who was trained at government expense, left the post in disgust. After his exit, there was another fiasco with Dr. Bhotra who was chastised after an investigation, and the police were exonerated. He was put to do a job for which he was not qualified, but he was aided and abetted to perform the function of a forensic pathologist. On his departure there was the entrance of another national in the person of Dr. Dobson, an eminently qualified forensic pathologist. He, too, left the forensic scene in disgust after tremendous investigation and the setting up of the Forensic Sciences Centre. Then the saga of Dr. Chandu Lal on the forensic scene.

Dr. Chandu Lal was contracted by the Ministry of Health in 1983, and on the departure of Dr. Dobson took over the chair of the Forensic Sciences Centre in 1984/85. He has had, then, approximately 10 years' service with the Government as a pathologist and the latter years as a forensic pathologist.

Let me define briefly what is a forensic pathologist. A pathologist is versed in pathology, one who makes a special study of the morbid changes associated with disease. A forensic pathologist, is one who relates to the law, especially in the determination of questions arising during a trial in court.

The Minister has said that this is a rather dead-end type speciality, and as such, this pathologist is in a position to hold us against the wall.

At present there are approximately 1,000 cases in which this forensic pathologist would be required to answer questions. In many instances no one can answer these questions except those who have actually seen and performed the post mortem examination. With respect to the renewal of the contract, at one stage the Minister stated quite clearly that he had taken a note to Cabinet to have the contract renewed; in the next breath the Minister said "Chandu Lal wants \$30,000 per month which is, of course, ridiculous." In the present scenario, can that be considered ridiculous when it is a scarce type of scientific expertise? Can the position be determined by market forces?

I refer here to the editorial of the *Trinidad Guardian* of June 16, 1993:

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"While Dr. Chandu Lal may be asking for a little too much, the fact is that, in the present circumstances, we need the pathologist far more than he needs us. In terms of supply and demand he holds the advantage. And he may well continue to do so until such time as we can provide our own forensic pathologists."

We have had our own, both have left in disgust.

"So that clearly the Government should be prepared to offer Dr. Chandu Lal at least more than the terms and conditions of his last contract. Judging from the pathologist's own statements we believe this issue could be settled by continuing negotiation."

As I said a while ago, the Minister told this House that a note had been taken to Cabinet to have the contract renewed; he came back later and said that the demands were ridiculous—expressing a degree of ambivalence—one moment: "I have arranged to renew the contract;" and the next moment: "it is ridiculous." So we have found ourselves in the position where we are without a forensic pathologist.

5.40 p.m.

This week, there is another delay with the performing of post mortems at the Forensic Sciences Centre, which the Princes Town police are awaiting to make the definitive diagnosis in the case of an incident. It says here: "No post mortem: murder enquiry at a standstill." Now this patient had an altercation in his home area, was admitted to hospital, and died on September 30. I believe, if my information is correct, that yesterday the body was delivered, having waited for seven days for a post mortem to be performed, because the Forensic Sciences Centre is without a forensic pathologist.

The report of the Gurley team, which was instituted some time ago, I think, to some extent at the instigation of the last forensic pathologist, for quickening inquiries, recommended that the staff be improved, particularly at the Forensic Science Centre. Today we do not even have a forensic pathologist, and further, one or two weeks before the completion of the forensic pathologist's contract, a scholarship was offered.

It takes years to prepare one in this particular speciality. Why not re-hire, or re-negotiate, at least, on a contractual basis as usual, Dr. Chandu Lal notwithstanding the cost to bring him back mainly to handle the court matters in which he would be required to give material evidence? At the same time, give

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him an understudy to do the actual work so that, at the end of his contract we may be able to be replace him with a local. If we should leave it as it is—there is a crying need in the courts; lawyers are asking for the presence of the doctor in court to answer questions and to be cross-examined. This is basically why I brought this Motion to the House.

I thank you.

The Minister of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, we start the matter of Dr. Chandu Lal from the expiration of his contract in 1992. Dr. Chandu Lal, proceeded on 54 working days' post contract leave, with effect from January 29, 1993 to April 16, 1993. On January 14, 1993, as I have indicated to this House before, the Cabinet agreed to the renewal of Dr. Chandu Lal's contract for a period of three years, with effect from April 11, 1993 on terms and conditions to be negotiated with the Chief Personnel Officer, approved by Cabinet. Let me make one point clear. The fact that the Government has agreed to renew someone's contract, does not mean that that person has a contract. It is the function of the Chief Personnel Officer to agree to terms and conditions and it is only upon the agreement of those terms and conditions that the Cabinet is then put into action again.

The position concerning Dr. Chandu Lal is that those terms and conditions have not been agreed upon to date. He initially submitted proposals in respect of the terms and conditions which he would like to have. The Chief Personnel Officer submitted counter-proposals to the effect that he was offering the same terms and conditions as existed in the previous contract. Dr. Chandu Lal, in February, 1993, not only did not agree with the Chief Personnel Officer's offer, but also modified his original offer, increasing the figure he had originally put forward to the Chief Personnel Officer. The figure as it stands today, is in the region of \$1.095 million, which Dr. Chandu Lal is requesting for a three-year period.

The Chief Personnel Officer, of course, has rejected this because it is an increase of approximately \$450,000 above the offer made by the Chief Personnel Officer. That figure includes salary, clothes and special fees for performing post mortems. For every body on which he performs a post mortem, he is requesting a fee, which is in addition to his salary. He is also requesting a work permit, notwithstanding the fact that he has residence.

Now the importance of that lies in the fact that, by virtue of his being a resident, he is not entitled to certain allowances by way of remuneration. Dr.

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Chandu Lal applied for residence, and was granted residence, but is insisting that he be given a work permit, so that he can get these allowances which only persons who are on work permits can get.

Of course, the Chief Personnel Officer does not agree with that position. That is really the long and short of the story. I recognize the fact that it is a difficult position to fill. I also recognize that the reason for that is that it is a dead-end job. I do not agree that it is going to take years to train someone to fill that position, because the first step to becoming a forensic pathologist is becoming a pathologist. We have several pathologists in the country. I have had discussions with some of them.

One of the difficulties being encountered—although some of them have indicated that they are prepared to improve their professional training towards becoming forensic pathologists, it is very difficult to find institutions at which this further education can be obtained. I am told there are only two such institutions in the United States. One is run by the United States military and admits only military personnel. In the other, situated somewhere in Miami, the class is full, and we are having difficulty getting into that college at least two pathologists from Trinidad who have indicated their desire to pursue their further training.

I have made requests through the British High Commission to find out whether this training can be obtained at institutions in the United Kingdom; and the British High Commissioner is at present looking into that. I have also gone to the Commonwealth—I cannot recall the name of the organization now—seeking assistance in finding a retired pathologist—I understand there are a few of them around—to help us out.

But the Government is not prepared to be held to ransom by Dr. Chandu Lal. We will not tolerate that position. The Chief Personnel Officer has put, in our view, a reasonable proposal to Dr. Chandu Lal but Dr. Chandu Lal is insisting on these outrageous conditions, and this is where the matter is at this time.

As it is, the functions of the forensic pathologist are being carried out by Dr. Neville Jankey, who has always acted in the absence of Dr. Chandu Lal; and whilst we recognize that Dr. Jankey has to carry out his functions at the Port of Spain General Hospital, he has been given an assistant, who will relieve him of some of those responsibilities.

5.50 p.m.

Again, I do not accept the position that because of the actions of Dr. Chandu Lal, evidence pertaining to pathologist reports cannot be entered into evidence.

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The Evidence Act makes provision for that sort of thing. Pathologists die and they leave reports behind. These things can be admitted into evidence by virtue of provisions in the Evidence Act. But the bottom line is that we are of the view that Dr. Chandu Lal is out to make a killing, and we will not be held to ransom.

Thank you, Madam Speaker.

Drains and Watercourses (Maintenance)

Mr. Sahid Hosein (*Siparia*): Madam Speaker, the Motion in my name has to do with the indiscriminate filling of roadside drains and watercourses and the inability of the relevant state agencies to deal with this breach of the law.

From the outset, I wish to point out that this is a major problem occurring throughout the country, a very significant problem, causing not only flooding, but having serious implications for the health of communities so affected. I want to make it quite clear: this is separate and apart from the flooding that is caused by the failure of the Ministry of Works and Transport and the Ministry of Agriculture, Land and Marine Resources to clean rivers and natural watercourses.

In terms of monetary value, we are paying, as a nation, a tremendous cost, because when these situations occur, of course, they impact upon the stability of roadways and so forth. To go further, even in some cases where drainage is provided by these individuals who block up these roadside drains and watercourses, it is of such a nature—for example, you would have a passageway of two feet and somebody would put a piece of pipe four inches in diameter, so you could imagine the implications of such a situation.

What is important is, there are laws in this country which are designed to deal with these situations, as indeed, there are laws to deal with most situations in this country, but the problem is implementation. We had the passing of Act No. 21 of 1990 which governs the municipal corporations and city councils and there is a provision in that Act, I think it is section 145, which deals with the situation. It sets out certain fines and procedures, in that if somebody is found guilty of that offence, he is charged \$1,000 and for every day that the offence continues, it is \$100. That law is not applicable, however, for the simple reason that when this Act was passed, there was a subsequent amendment, Act No. 8 of 1992, which took the properties away from what was the county councils and vested them in the state, and up to this time these lands have not been re-vested in the local authorities so that they may implement this Act. So you have that problem—it can

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still be addressed under an old law; I think it is Chap. 12:04, section 52, which states, upon conviction, persons are to be fined \$48 and \$10 each day that the offence continues.

As I indicated earlier, this is a very significant problem and there is need, virtually immediately, to try to address it. Previously, I belonged to a local government council and when these matters came up before the council, they were invariably referred to the State Solicitor who would say, "Hear, nah man, we do not have lawyers to fight serious crimes; you are sending something to us about drains and somebody blocking a drain?" So the matter is never addressed; it is left in abeyance, communities are affected and roads deteriorate.

I would hope, given the present situation with the courts, the State Solicitor's Office and the administration of justice in the country generally, someone would take the onus and address this matter because it definitely has to be done. I ask: As a move towards that, is the Minister of Local Government and Minister in the Ministry of Finance going to ensure that the properties that were taken over by the state are re-vested in the local government bodies; and at the same time, proclaim the section of the Act which covers this, which section, I understand, has not been proclaimed at this time?

I would expect an assurance, given the gravity of the situation, that this matter, as I asked earlier, will be aggressively dealt with. Thank you, Madam Speaker.

The Minister of Works and Transport (Hon. Colm Imbert): Madam Speaker, I am very pleased that the Member for Siparia has raised this matter, not with the substance of the matter, but the issue of tampering with roadside drainage and main watercourses. The reason I am pleased is that, in my view, it represents a turning point in the policy of the Opposition, in that they are now supporting the Government in enforcing the laws of the country with regard to the clearing of watercourses and roadside drains. In the past, when the Government sought to enforce the law to remove illegal entrances to clear drains, Members on the other side would rise in defence of their constituents and take certain action—

Mr. Hosein: Madam Speaker, unless the Minister can cite instances, I would ask him to refrain.

Hon. C. Imbert: Madam Speaker, at this very time there are matters before the court which relate to destruction of the environment and tampering with natural watercourses, and Members on the other side are involved—but I would not go into that.

The relevant pieces of legislation which deal with this matter are the Highways Act, Chap. 48:01 sections 52, 53, 54, 66 and 68, and the Waterworks and Water Conservation Act, Chap. 54:41. In particular, under the Waterworks and Water Conservation Act, it was only recently that the state was able to take action against persons who blocked and diverted watercourses, since the authority under the Act had not been properly defined. When the state took action and brought persons to court with regard to breaches of this Act, it was unsuccessful because persons were always able to escape under the ambiguity and the loophole in the Act where the authority—the enforcement agency—was not properly defined.

6.00 p.m.

This was brought to my attention early in 1992 and the substantive Minister for this Act—in this particular case it is the Minister of Public Utilities since it is an Act that relates also to water conservation—designated the Director of Drainage in the Ministry of Works and Transport, by letter, as the enforcement agency. Under this Act and since that time a number of actions have been successfully brought against persons who have blocked and diverted watercourses. I have before me three of the several instances where the ministry has taken action against persons who have blocked watercourses.

In the first instance, it is the Blackwater Polder in Penal. I will not call the names of the individuals but the perpetrators of the illegal action, the blockage of the Blackwater Polder, were written to on July 20, 1992 under Chap. 54:41, of the Waterworks and Water Conservation Act, and they were instructed to remove the blockage. Having allowed a grace period and seeing no attempts made by the individuals to accede to the ministry's request, the Drainage Division was mobilized and on November 26, 1992 the watercourse in question was restored to its original condition.

It is to be noted that in undertaking this action security was provided to the Division due to threats received by officers of the Division and general intimidation from residents in the area. This is what I am talking about. In the past, Members on the other side have supported residents in actions against the state when the state sought to clear watercourses.

Mr. Sudama: On a point of order. The Member consistently makes allegations in this House which he is not prepared to support. Which Member on this side has supported residents in obstructing the carrying out of the law, and in what instance? The Member cannot come and make allegations and use this House in that fashion.

Mr. Palackdharrysingh: Madam Speaker, I raised matters about drains and blockage of drains in Caroni Central; in two instances—Penco lands and the area near the ice factory.

Madam Speaker: I think the Member was talking about another matter.

Mr. Palackdharrysingh: The point is we have supported him previously, not only now.

Hon. C. Imbert: Madam Speaker, in the recent flooding in the Oropouche Lagoon and the surrounding areas, when it was pointed out to Members of the Opposition that much of the flood damage was caused by persons who had filled up lagoon areas and blocked natural watercourses, the response of Members was that the people have to do this because they want to be close to the lands they cultivate. That is supporting the action. I heard it myself, Members on the other side supporting persons in filling up lagoon areas and blocking watercourses. So I am happy that the Member for Siparia has now shown a policy change and that Members on the other side will now support the Government when it seeks to enforce legislation to clear watercourses and unclog drainage channels.

Another example, the Caparo River in the Durham Hills, east of Chaguanas. Another individual blocked a tributary and was written to by the Division. When a response was not received, the Division again took action to restore the tributary. On the Holder Street drain, in Pas Fort Street, Gasparillo—you will notice where these things are happening—another individual carried out unauthorized action. The Drainage Division investigated and concluded that an illegal action had been undertaken and we are presently redirecting that watercourse to its original route.

This is the action that is being taken by the Drainage Division under the Waterworks and Water Conservation Act Chap. 54:41. It is, therefore, not correct to say, as the Motion indicates, that the relevant state agencies are unable to deal with these breaches of the law. We are very capable of dealing with them. What happens is that when we seek to clear watercourses, we are obstructed by persons who support those taking this illegal action.

I shall now turn to the question of roadside drainage. Under the Highways Act, Chap 48:01, the road construction branch of the Highways Division has been regularly removing illegal entrances along roads which are mainly responsible for the clogging of roadside drains and watercourses. We have been regularly removing these illegal entrances on the Solomon Hochoy Highway, the South Trunk Road, Churchill-Roosevelt Highway and North Coast Road—but as

quickly as these entrances are removed, the individuals put them back, because they are supported in this action.

Recently the ministry published in the national newspapers a notice of its intention to take action under the Highways Act to remove these illegal entrances and to deal with persons who have blocked roadside drains. We did this to apprise the public well in advance of initiating the action. In another week or so we intend to initiate action under the Act which will result in the serving of notices on all persons who have built illegal entrances and who have clogged up roadside drains. I hope at that time when we mobilize the ministry's equipment to remove illegal entrances and to clear roadside drains, Members on the other side do not support these persons who have created the blockage.

I am particularly referring to Members on the other side who have a tendency, whenever Government seeks to take action in the public interest to protect the environment and to deal with drainage, to support persons in illegal action against the state. I am calling on the other side to support the state, the Member like for Siparia, in its action to clear roadside drains.

Finally, I am advised by the Minister of Local Government that his Ministry has its own attorney and therefore, regional corporations can refer matters of this nature to the attorney in the Ministry of Local Government.

I thank you, Madam Speaker.

Garbage Collection Contract

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, I rise to raise a matter in this House today with respect to the relationship of the Minister of Local Government and the promotion of a company with respect to garbage collection in Trinidad and Tobago. We have a problem. There is a procedure for tendering when garbage collection comes up for tender periodically, but the Government and the Ministry of Local Government have delayed and have refused to put tendering procedures into operation.

We have had a case where the contract period lapsed, so those who had a contract for the collection of garbage no longer had that contract. They were given a temporary contract to proceed on a month-to-month basis to deal with the garbage situation. While this has been going on, the Government dilly-dallies and refuses to put this matter out for tender so that all interested groups and parties would have the opportunity to tender and whoever has the capacity, at the proper price, would, of course, be given the contract.

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It appears that the Minister of Local Government is manipulating and influencing the procedure, whereby he is attempting to push the virtues of one garbage collector in the country—that is a firm which does not have very much business in that respect. It leads one to ask the question—

Mr. Valley: I wonder if the hon. Member would state the firm.

Mr. T. Sudama: I am coming to that.

Mr. Valley: Madam Speaker, could the Member state it now, because what he is insinuating, obviously, is that the Minister of Local Government is trying to push business to a certain firm. Could he kindly state the firm?

Mr. T. Sudama: Madam Speaker, this firm is called Solid Waste Management Company Limited. Who manages Solid Waste Management Company? I am coming to that issue and why Solid Waste Management Company Limited.

If we are going the way of competition—apparently the Government wants to induce competition in the rest of its policies to get the best prices and let the market determine, but when it comes to garbage collection and pushing the interest of one state-controlled company, the Government seems to be adopting a different strategy.

First of all, we have never had much accountability for what goes on with the Solid Waste Management Company. The last audited statement available for that company is dated December 31, 1982. There are many things about this company. We look at the balance sheet and we see items such as staff loans to the tune of \$215,873.00. This is a company that is funded wholly by the Government.

Mr. Valley: That is a misrepresentation. Solid Waste Management Company is not funded by the Government. It provides a service to the Government; it is paid for that service and it earns income otherwise.

Mr. T. Sudama: According to this Revenue and Expenditure Report, the Government's fund is \$22,930,575, operating surplus, \$1,178,736. I can only go on the basis of the audited statements that are there. We want to know what has happened. Certainly things have not improved for Solid Waste Management from 1982 to 1993.

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When one looks at how that company is expending money, and why this need, obviously, it must be in a parlous financial position for the Minister to be so desperate.

Expenditure on projects:

Item	Cost
General waste collection	\$ 11million
Disposal	\$ 3 million
Faecal waste collection	\$1.2million
Disposal	\$ 427,000
Hazardous and special waste	\$ 251,763

What hazardous and special waste collection has this company done? We still have a problem of lead poisoning in a river and other hazards.

Overall project management	\$681,735
Consultants expenses	\$898,465
Consultancy fees	\$ 36,930
Entertainment	\$ 20,383

This is a public company with no accountability. This is the record of the company that the Minister of Local Government is promoting. Public education and public relations—we should have thought that if this was concerned with the management of the environment, we would have had a better environment today. In 1982 the sum of \$923,878 was spent on public relations and public education with respect to garbage collection management and environmental protection. The cost of repair and maintenance of Solid Waste Management Company Limited equipment was \$255,182.

The Auditor General went on to make certain comments. The accounts reflected extensive maintenance and repairs on equipment. A supply of spare parts was obtained with equipment purchases and these are stored at Ross and Sons. Separate requisition books are not kept to record issues from spares and total cost of spares was not allocated over the items. Ross and Sons were using their own spare parts for servicing the company and recovering costs from the company, but at the same time, storing the Government's spare parts for the Solid Waste Management Company Limited.

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Do you understand what is happening? Do you understand our concern about the Minister pushing Solid Waste Management Company Limited to be the garbage collector in various local government agencies in Trinidad and Tobago?

Mr. Valley: Madam Speaker, I am asking that the Member refrain from pursuing that line. He is insinuating motives to a Member. I am asking for your ruling because I find that is the height of farceness. He is insinuating improper motives to a Member.

Madam Speaker: I am trying to read the Member's insinuation. Hon. Member, maybe you can continue your argument, but refrain from that.

Mr. T. Sudama: I am saying that Solid Waste Management Company Limited does not seem to be, on the basis of its record, in a proper financial position. It has no accountability and some of its expenditures are rather questionable. We do not know what has transpired with this company for 11 years, but from what I know, this company is being promoted.

I read from the notes of the meeting of Mayors and Chairmen of municipal corporations. These are the minutes of the meeting held on Wednesday, 28 July, 1993. What has happened is that there were other garbage collectors in a particular region. The move was made to replace these garbage collectors by Solid Waste Management Company Limited. The legal advisor to the ministry stated that it was illegal for corporations to contract Solid Waste Management Company Limited and that section 33 of the Central Tenders Board Ordinance is a default power to be exercised by the Minister of Finance. In cases where a decision had to be made, and somebody had left, a default power that went contrary to the Central Tenders Board Act, can only be exercised by the Minister of Finance.

The Member for Diego Martin Central is not the Minister of Finance. Let us get that very clear. The Member for St. Ann's East is the Minister of Finance. The Permanent Secretary advised that the Ministerial Tenders Committee could award contracts within the limit of \$100,000 until a long-term solution was reached. What do you think transpired? An understanding was promoted that Solid Waste Management Company Limited go into a certain corporation for one month, and that brought them within \$100,000, which then was subject to the decision of the Ministerial Tenders Committee.

6.20 p.m.

I want to know who this Ministerial Tenders Committee is, because in the next paragraph the Minister of Local Government instructed that Solid Waste

Management Company Limited commence work in the region pending determination of the manner of payment.

First of all, the Minister of Finance is the one who can exercise the deferred power under section 33 of the Central Tenders Board Ordinance. The Member for Diego Martin Central really is not the Minister of Finance—however much he would like to be—and does not have the responsibility which goes with the Ministry of Finance. The Member for Diego Martin Central is, as far as I am aware, not the Ministerial Tenders Committee either. Therefore, this decision and the exercise of this power should have been done by the Ministerial Tenders Committee, but the Ministerial Tenders Committee and the Minister of Finance can go wherever they want, because the Minister instructed that Solid Waste Management Company Limited commence work in the region immediately.

Why? Why not put this thing out to tender, give everyone the opportunity to tender, let the market operate and whoever has the capacity and comes up with the most reasonable price will get the tender? Why is there this surreptitious pushing of Solid Waste Management Company Limited to get a toehold? Of course, they say there is a cartel, but they want to push a state enterprise, which is in fact a Government monopoly, to take over. This time, market forces are not operating at all. It is the minister's agenda that is relevant to this particular situation, Madam Speaker.

We have had Solid Waste Management Company Limited in the Penal/Debe Corporation for one month and they have been a total disaster with respect to garbage collection. They say that they are doing the work cheaper, but only 50 per cent of the work is performed. They claim to be doing it for 15 per cent less than the previous company, but they are doing only 50 per cent of the work. So what is being cheaper? They are a total disaster, and they are being pushed into garbage collection in that and other corporations with the facilitation—they like that word—of the Member for Diego Martin Central as the Minister of Local Government.

I am saying, let this matter go to tender. Solid Waste Management Company Limited and anyone else who has the capacity to do the work can tender. On the basis of that, they can be awarded the tender, taking into account past performance with respect to garbage collection in whatever areas they were assigned.

I raise this issue in the context that if they want open government and accountability, they ought not to come with these surreptitious measures and

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manipulation of local government bodies to pursue their own private agenda, whoever it involves. This is the submission I am making.

The Minister of Local Government and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, the Member has persisted with his insinuations, but here he has the protection of the House. He will not say that outside.

Solid Waste Management Company Limited is part of the local government system. As Minister of Local Government, I have responsibility for Solid Waste Management Company Limited. As Minister in the Ministry of Finance with responsibility for investments, I have corporate responsibility for Solid Waste Management Company Limited.

Solid Waste Management Company Limited is used by the Ministry of Local Government to manage landfills, for which it is paid a fee. It does other work of a technical nature for us. Earlier in the year it completed a study on contracting services. We commissioned the study because we were concerned about the cost we were paying for contracting services in the various regions. It was surprising; we found that for a service which cost approximately \$550 per day, we were being charged \$2,000 per day. We found out that the graft and corruption were in the scavenging services.

On the matter the Member raised, I have had no fewer than five different calls telling me that I should pull Solid Waste Management Company Limited out of it.

Mr. Sudama: Madam Speaker, the Member is seeking again, with the protection of this House, to make allegations about graft and corruption, but then he accuses me of making allegations under the protection of this House. Bring the evidence of corruption.

Hon. K. Valley: As I was saying, Madam Speaker, everybody and his brother has been calling. I am having a meeting with the Scavenging Association on Tuesday morning. What are the facts?

Like all ministries, the Ministry of Local Government is strapped for funds, so that we are in a situation where we have to look at how we cut expenses. Our two major expenditure items are daily-paid workers and contracting services, and we are taking steps with respect to daily-paid and, obviously, we are looking at contracting services.

We have sent a clear message. I meet with chairmen and mayors on a monthly basis. We have minutes. There is nothing to hide. The fact that he could get a

copy of the minutes of the meeting means that we do not hide anything. I am talking to my chairmen and mayors and pushing them towards autonomy. I am telling them that they have to look for ways to save money. His chairman, the chairman of the Penal/Debe Corporation, came to me and said that he had received a proposal from Solid Waste Management Company Limited which suggested a saving of 15 per cent on their current contracting services. He knows about it, does he not? He was talking to Mr. Panday about it before he signed. He does not know? He is here talking now. Why does he not talk to his colleagues?

Mr. Sudama: Can the Minister tell me which other corporation Solid Waste Management Company Limited has approached?

Hon. K. Valley: I do not know whom they have approached. I know they are in no other corporation. I know that Mr. Mahabir, the chairman of the Penal/Debe Corporation, came to me. He said: "Mr. Minister, you are telling us to see how we can effect savings; I have a proposal that is going to save me 15 per cent of my cost on scavenging services." I asked him if he had a contract. His reply was that they were on a month-to-month basis because the contract had expired some time ago. Madam Speaker, you are aware that with Government agencies, the Government can contract with any state company without going to tender. That is provided for in the Central Tenders Board regulations. So that, in talking with the chairman, one could not at the same time be pushing him to be efficient and then be tying his hands the first time he comes up with an initiative. That is what it was.

Even some of the employees at Local Government said that we should go out to tender. I told them quite clearly that we cannot push these corporations towards autonomy, trying to get them to do things to effect economies, and whenever they come up with an idea, tie them up with bureaucracy. *[Interruption]* They do not have to tender with Solid Waste Management Company Limited. Here they were effecting a 15 per cent saving. I had spoken with Solid Waste Management Company Limited and told them that was not the role I saw them playing. That is not the role we have for Solid Waste Management Company Limited but I tell you—and you should tell them clearly—that from 1994 Solid Waste Management Company Limited will be managing all our contracting services. They will not get involved in contracts, but in terms of entering into agreement with those contractors, Solid Waste Management Company Limited will be doing that. I do not know anything about contracting scavenging services. They have that information and expertise. They are going to do it.

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They tell me that we are paying too much for contracting services. I have an obligation to reduce my cost—and you can make all kinds of stupid insinuations. The only money Ken Valley wants is his own.

Mr. Sudama: Could the hon. Minister tell me—Solid Waste Management Company Limited has the responsibility for three dumps, Port of Spain, Claxton Bay and Arima—what the Government is paying Solid Waste Management Company Limited for the maintenance of three dumps as against what is being paid for scavenging in Trinidad and Tobago? *[Interruption]*

Hon. K. Valley: Yes, I will define it—and they are not dumps; they are managed landfill sites *[Interruption]*. Madam Speaker, the Member comes with 11-year-old accounts to talk about Ross and Sons. It is the type of politics *[Interruption]*. He is talking about garbage.

Mr. Sudama: Madam Speaker, I am asking the Minister if he has any more recent accounts of Solid Waste Management Company Limited if he could let this House have them. Because these are the most recent ones that were submitted—submitted in 1982.

Hon. K. Valley: Even if that is a fact, the Member must know that he cannot rely on a 1982 account that is dated; he knows that; he has some experience.

I want to send a clear message to all who have dummy companies working in the corporations for scavenging contracts and so forth, that will be finished in 1994. You tell them, a clear message, whether they like it or not, Solid Waste Management Company Limited are going to be there seeing about the contracting services for Local Government. They are not going to get involved in the contracts, doing the work, but they would be entering into *[Interruption]* we are going to deal with that, okay?

Madam Speaker, quite simply, his corporation, Penal/Debe, I understand before the chairman signed the contract he was on the phone to the Leader of the Opposition—I do not know, that is what I heard—now they are asking me. I am trying to ensure that there is autonomy in the regions, allowing them to do some things. When those people run to you, you must run them.

I thank you, Madam Speaker.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.33 p.m.