

*Leave of Absence*

*Friday, January 28, 1994*

**HOUSE OF REPRESENTATIVES**

*Friday, January 28, 1994*

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*).

**PAPERS LAID**

1. Report of the Auditor General on the accounts of the Sugar Industry Labour Welfare Fund for the year ended December 31, 1989. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. K. Valley)*]
2. Report of the Auditor General on the accounts of the Sugar Industry Labour Welfare Fund for the year ended December 31, 1990. [*Hon. K. Valley*]

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

**ORAL ANSWERS TO QUESTIONS**

**Pointe-a-Pierre Refinery Upgrade Project**

**30. Mr. Trevor Sudama** (*Oropouche*) asked the Minister of Energy and Energy-Based Industries:

Could the Minister state:

- (a) How many phases of the Pointe-a-Pierre Refinery Upgrade Project, undertaken with a loan from the Inter-American Development Bank, have to date been completed and what has been the expenditure incurred?
- (b) Whether this expenditure will be recovered from the increased revenue accruing to refinery operations as a result of the upgrade and, if so, what are the projections for increased revenue over the next 10 years in the light of falling oil and refined product prices?
- (c) What are the remaining phases of the Refinery Upgrade Project to be completed and at what cost.

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- (d) Whether, after the completion of the whole upgrade project, the operation of the Pointe-a-Pierre Refinery will be a financially viable proposition?

**The Minister of Energy and Energy Industries (Hon. Barry Barnes):** Madam Speaker, the Pointe-a-Pierre Refinery Upgrade Project is being implemented on the basis of seven separate competitive bidding packages. Bid Package (A) which was awarded to TECHINT of Argentina comprises:

- (i) Rehabilitation of No. 2 Catalytic Reforming Unit; and
- (ii) Construction of a new hydrogen compression facility.

The rehabilitation of the No. 2 Catalytic Reforming Unit was completed in April 1993 and work on the hydrogen compression facility is continuing to scheduled completion in April 1994.

Total expenditure on the Refinery Upgrade Project as at November 30, 1993 is US \$43.3 million.

Detailed project evaluations were prepared prior to the commencement of the project and were reviewed by the international lending agencies prior to their making of loan commitments in June 1991 and the initial drawdown in December 1991. Moreover, in April 1992, the Standing Committee on Energy reviewed the project and examined an updated project evaluation. A further updated re-evaluation of the project was undertaken by the Technical Advisory Group of the Standing Committee on Energy in August 1993 and was considered by the Standing Committee on Energy prior to Trintoc's award of Bid Package (B) to Wimpey Company, United Kingdom.

All project evaluations done to date show that the project remains viable at various oil price levels. The major areas that will determine the viability of the project are:

- (1) Completion within budget and on time.
- (2) Maintenance of an average refinery throughput in excess of a break-even level of approximately 130,000 barrels per day over an eight-year period.

Madam Speaker, when the question was first posed, there were two additional parts to it and with your kind permission and with the permission of the Member for Oropouche I will answer those two parts as well.

The Pointe-a-Pierre Refinery Upgrade Project comprises the following competitive bid packages:-

Bid Package (A): Rehabilitation of No. 2 Catalytic Reforming Unit and construction of a new hydrogen compression facility.

Bid Package (B): Rehabilitation of No. 2 Hydrodesulphuriser Unit; Construction of a new hydrogen plant; construction of a new sulphur recovery unit.

Bid Package (C): Construction of a new visbreaking unit; revamp of the existing catalytic cracking unit; installation of a new Electronic Instrumentation System.

Bid Package (D): Construction of new control rooms and satellite buildings.

Bid Package (E): Provision of sulphur solidification equipment, storage and loading facilities; upgrading of existing tankage, infrastructure, utilities, and environmental protection facilities.

Bid Package (F): Construction of LPG recovery and storage systems.

Bid Package (G): Construction of a new MTBE plant.

The total estimated costs of the Refinery Upgrade Project is US \$300 million.

The Refinery Upgrade Project will be a financially viable project provided that:

- (i) The project is completed within budgeted costs and on time.
- (ii) The refinery throughput can be maintained above an average break-even level of approximately 130,000 barrels per day.

**Mr. Sudama:** Madam Speaker, since one of the bases of viability is that the refinery must maintain an average throughput capacity of over 130,000 barrels per day over an eight-year period, given the fact that our own local production is merely half this amount, could the Minister tell this House from where the additional supplies of crude are going to be sourced over this period?

**Hon. B. Barnes:** Madam Speaker, the Member for Oropouche is technically correct. We have, at our command at this point about 75,000 barrels of crude per day. The fact is that even today, the refinery is processing an additional 40,000 to 45,000 barrels of crude.

In terms of the resolution of this problem, the Government has said that it will seek a joint venture partner who will bring management, crude and markets to seek to ensure that over that period we would be able to maintain the refinery at 130,000 barrels per day.

**1.50 p.m.**

**Mr. Sudama:** Madam Speaker, in the event that the Government is unable to get a partner in a joint venture project to access this additional source of crude, does the Government have any alternatives?

**Hon. B. Barnes:** Madam Speaker, there are ongoing discussions in respect of this with a number of our neighbours: Venezuela, Colombia. In fact, one of the things that are going on at the present time is our processing crude for both Venezuela and Colombia at the present refinery and post the upgrading when, in fact, the refinery is better able to produce the products that will meet the international specifications, there certainly will be the enhancement of the refinery's ability to secure commercial processing arrangements.

However, it is difficult to guarantee in a very variable market that securing such commercial processing arrangements will give us the guarantee that we will always be able to maintain the refinery at 130,000 barrels per day. Preferably, if we do have a joint venture partner who is prepared to make the commitment of bringing in 70,000 to 75,000 barrels of crude per day—and there are such companies that we know of—then, obviously, there is a much better guarantee of greater security and the assurance that the project would unquestionably be viable. This is what determines the preference. It would be better to have the joint venture partner, if not, then we must rely on, perhaps, the availability of regional crude for processing.

### **Tertiary Scholarships**

**39. Mr. Trevor Sudama** (*Oropouche*) asked the hon. Prime Minister:

Could the hon. Prime Minister provide the following information with respect to the scholarships currently tenable at the tertiary level of education awarded by the Trinidad and Tobago Government:

(a) The names of the recipients?

- (b) The respective fields of study?
- (c) The respective institutions at which studies are being pursued?
- (d) The total length of the period of study inclusive of more than one award to the same recipient?
- (e) The total expenses incurred by the Government on each recipient and his or her family?

**The Minister of Education (Hon. Augustus Ramrekersingh):** Madam Speaker, the Ministry of Education administers at present 62 scholarships awarded by the Government of Trinidad and Tobago which are tenable at the tertiary level of education.

The vast majority of these are based on the advanced level results and the order of merit list prepared by the Cambridge Examination Syndicate. The anticipated cost associated with the grant of those awards, to date, is \$5.9 million.

The Personnel Department administers 47 scholarships tenable at the tertiary level of education. The cost of those awards, to date, is \$1.2 million. A list of the names of the recipients of the awards with details of the fields of study; the educational institutions at which studies are being pursued; the periods of study and total expenses incurred by the Government of Trinidad on each recipient has been lodged with the Clerk of the House and is available for scrutiny.

**Mr. Sudama:** Madam Speaker, could the Minister indicate whether that is the comprehensive list of scholarships issued through the various departments and ministries of Government; that there is a total of 62 through the Ministry of Education and another 47 through the Personnel Department? Am I to understand that that is the total number? There are no other scholarships issued through the Government of Trinidad and Tobago at the tertiary level?

**Hon. A. Ramrekersingh:** Madam Speaker, "scholarship," as we understand it, has a particular meaning, and the response was in respect of scholarships. There would, of course, be situations in which some persons are on no-pay study leave or on study leave with pay. That is a different matter, because there is a dimension: Leave with pay, for example, is different from a scholarship. So that, in terms of scholarships, there is the Ministry of Education, largely through the A' level results; and the Scholarships and Training Department of the Chief Personnel Officer's Department administers scholarships for the rest of the public service.

**Air Caribbean  
(Terms and Conditions)**

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

**49.** Will the Minister of Works and Transport and Minister of Local Government:

- (a) State the precise terms and conditions under which Air Caribbean operates on the route between Trinidad and Tobago?
- (b) Identify the document or documents in which those terms and conditions are contained?
- (c) Lay the documents referred to on the Table of this honourable House?

**Mr. Robinson:** Madam Speaker, the Minister of Works and Transport and Minister of Local Government did call today to indicate that he was not yet ready with the answer to this question. While I appreciate his decency in calling me about it, I have to do my duty to my constituents, the people of Tobago, and also, to the people of the country who travel between Trinidad and Tobago.

The question seeks to find out the terms and conditions under which the air carrier between Trinidad and Tobago is operating. Before a carrier operates, the terms and conditions are to be determined. This has been a burning issue for several months; people who travel between Trinidad and Tobago do not know under what terms and conditions the carrier, to which they entrust their lives and the lives of their families, is operating. This is a matter of extreme importance. It is more important than the Maxi-Taxi (Amdt.) Bill.

**Mr. Valley:** On a point of order, Madam Speaker. Are we getting a speech or, is the question to be deferred?

**Mr. Robinson:** Madam Speaker, do you see the attitude? May I point out that the people of Tobago regard this as contempt—

**Mr. Valley:** Madam Speaker, if the Member wants to file a Motion, he can do so! The Minister had the courtesy to call him to ask that the question be deferred.

**Mr. Robinson:** Madam Speaker, may I also mention a matter that is very important and which is related to this.

**Mr. Valley:** Madam Speaker, I protest!

**Madam Speaker:** The hon. Member for Tobago East—would the Member take his seat—has indicated that the hon. Minister contacted him with respect to his inability to answer the question. May I ascertain from the hon. Minister when this question will be answered.

**Hon. C. Imbert:** Madam Speaker, I am asking for a deferral of one week.

*Question, by leave, deferred.*

#### POPULATION AND DEVELOPMENT

**The Minister of Industry and Trade and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I beg to move that the following motion be now considered:

*Be it Resolved:*

That a Special Select Committee be appointed to consider and report on the issue of population and development.

*Question proposed.*

*Question put and agreed to.*

**2.00 p.m.**

**Madam Speaker:** Consequently, hon. Members, I am about to name the Members who are going to serve on this special select committee to consider and report on the issue of population and development. Members are as follows:

Dr. Linda Baboolal (Chairperson)

Mr. John Eckstein

Mr. Hedwige Bereaux

Dr. Carl Singh

Miss Hulsie Bhaggan

#### ADMINISTRATION OF JUSTICE

[SECOND DAY]

*Order read for resuming adjourned debate on question [October 29, 1993]:*

*Be it Resolved* that this House express its dissatisfaction and concern about the state of the administration of justice:

*Be it further Resolved* that it appoint a special select committee of this House to examine the state of the administration of justice in Trinidad and Tobago and

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for it to make recommendations for its improvement, such committee to report to this House within three months of its appointment. [*Mr. R. L. Maharaj*]

**The Minister of External Affairs (Hon. Ralph Maraj):** Madam Speaker, I join the debate on this Motion brought to this House by the hon. Member for Couva South, but my intervention will not be long.

The matter before us is very clear; it has to do with the administration of justice; and both sides of the House are in agreement that there are significant problems with the administration of justice. It is not a perfect system; indeed, it is fraught with problems, and steps ought to be taken for the preservation and deepening of our democratic process to ensure that these problems are indeed solved.

The record will show that the hon. Attorney General indicated that the Government has embarked on a plan of implementation arising from recommendations contained in the *Gurley Report*. The hon. Attorney General did go into significant detail about that implementation plan; it is in the record of *Hansard* and I do not intend this afternoon to repeat that exercise. So that we are indeed agreed there are problems, and I repeat the fact that the Government has embarked on an implementation plan arising from that report.

There is a very clear need to improve the system of justice in the country, because without that efficient and proper administration of justice, the society will collapse. There is no doubt about that; the fabric of society will collapse. People need to be assured that there is a system of justice in place to which they can turn if they are wronged, and that is important to any stable society; that is important to the whole democratic process of which we are a part.

Also, we know that the situation in Trinidad and Tobago today with respect to crime is particularly acute. The Government does have a plan for fundamental restructuring of the administration of the police service which it sees as pivotal if we are to deal with this problem of crime. May I add that the administration of justice must act as an important supportive mechanism if we are to fight the problem of crime. In fact, both things go hand in hand; they are supportive of each other.

We on this side are convinced that no society can rest comfortably, no government can sit complacently going about its business, if the administration of justice is fraught with the kind of problems that we have. May I also say that the administration of justice—even though we have a plan of implementation, which we have already embarked upon—is not a one-and-done affair as it were; it



is an ongoing process; it is something that needs to be constantly monitored. I am sure that as a society develops, new problems emerge and new laws are needed; new societal problems and challenges face us and we need to constantly ensure that our machinery of justice is properly efficient and organized to take care of our society—one that is constantly in a process of evolution.

On that idea of a society in evolution, even though we are convinced that the system of justice has its problems, we must also look at the other side, the brighter side of the situation because we need to be aware of what is positive as well in the society, and to recognize that our society is based on the ideals of a just society. We operate our country based on fundamental human rights and protection under the law.

The fact that we are having this debate today and the fact that the administration of justice is a concern to us, is evidence that we are striving to achieve those ideals of a just society. But it is a process that is evolutionary. Even though we run a country based on these ideals, we accept the fact that imperfections abound; we accept the fact that sometimes people do not get the kind of justice that is their due.

We accept the fact that in a society like ours, with its history of development, there are instances where there is some discrimination. The full meritocracy that we all desire is not yet established. We are aware of these things and we have public opinion and a Parliament. We have the evolutionary system taking place to move towards that kind of society where there is a deeper and deeper sense and system of justice in this country.

We ought to celebrate the fact that in Trinidad and Tobago there is no real institutionalized system of prejudice as we had elsewhere in the world, and by and large in this country people do make progress. There is a measure of social mobility; there is economic opportunity for all; there is the opportunity for people to be educated and to develop themselves; to grow and to prosper.

And as we seek to improve our society, we ought to take a more objective view of the situation and not make the kind of wholesale alarmist condemnation of the society which, really, in the final analysis, does nobody any good.

### **2.10 p.m.**

We should also be aware that a country like ours—we have been independent for about 32 years now—is still a very young society and a young democracy. Our institutions are young, growing and evolving. The very Parliament—I am

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sure as we go into the future—would itself undergo some measure of transformation. We hear talk about parliamentary committees coming more and more into vogue. I am sure the debate that centres around this idea is part of the evolutionary process.

For example, one hears about the Government's decision to have a Police Management Board—we have made that decision—the members of which would be appointed by the President, in consultation with the Prime Minister and the Leader of the Opposition. This board would be monitored by a parliamentary committee. The whole evolutionary process is on.

The suggestion in this Motion for a parliamentary committee to oversee and deal with this whole administration of justice is part of the evolutionary process. It is not something about which we ourselves are convinced. The point is that our very Parliament itself is in the process of evolution.

The press is young. It is only recently, about one year ago or so—I think it was during the last administration—that the electronic media were opened up. Licences were granted to radio and television stations. There are three television stations, several radio stations, and three daily newspapers. The point I am trying to make is that our very institutions are themselves undergoing this process of transformation.

Look at our political system and the state of our political parties. Some political parties are now getting themselves organized, creating party structure, insisting on discipline and putting the principles of a party organization into place. That is now happening. The history of our political system, is littered with discarded party names and symbols. Many political parties have emerged and disappeared. It is a sign of a system that is maturing and in the process of evolution.

We are a democracy, and all the institutions, including the administration of justice and the political system, are in the process of growth. When these things grow and we make progress the democracy that we enjoy is in fact deepened. It cannot be doubted that democracy and the administration of justice go hand in hand. As I pointed out earlier on, and I am sure it is indeed agreed, without that efficient administration of justice, the people would eventually become very aggrieved and dissatisfied with the state of things, and our very democracy would in fact be jeopardized.

We cannot also deny that we do have a strong democracy in Trinidad and Tobago. As I said before, we have our freedoms: fundamental human rights,

protection under the law; and as has been said, democracy needs to be strengthened by the efficient administration of justice.

In this administration it is our responsibility to bite the bullet, as it were, and to steer this country through this process of modernization if we are to ensure that it has its place in the world of rapid transformation. We are doing it at levels. We have been talking constantly about the new role of the state; it has a different kind of role in the economy. We have been dealing with decentralization in the health sector. We are looking at the whole process of deregulation, in terms of our financial sector and training regime. We are dealing with public service reform; we are looking at the new role of the Police Service Commission; and the Public Service Commission, the system of justice has also to be part of that modernization process.

**Mr. Robinson:** Madam Speaker, on a point of order. May I ask whether this is a throne speech debate?

**Hon. R. Maraj:** I do not understand the comment, Madam Speaker.

**Mr. B. Panday:** It is your regal splendour.

**Hon. R. Maraj:** I thank the hon. Member for the compliment.

I was saying that we are in the process of modernization. Change is coming—some people say too fast—and we are dealing with it at all levels. I was saying the system of justice that we accept is imperfect. We are dealing with that. As the hon. Attorney General pointed out, there is an implementation plan arising from the recommendations of the *Gurley Report*.

There is not much more for me to say on this matter. The point is very clear. We accept the fact that the administration of justice needs to be looked at, but the point I am trying to make is that we must see it within the context of a society that is evolving. We as a Government, are open to suggestions and are taking steps to ensure that the society evolves in the right way. We are not convinced that the parliamentary committee that is suggested in the Member's Motion is the way to go.

Indeed, I want to end by supporting the amendment that the Attorney General proposed and which is recorded in *Hansard*.

Thank you, Madam Speaker.

**Mr. Trevor Sudama** (*Oropouche*): Madam Speaker, after listening to the Member for San Fernando West, I am reminded of a Chinese proverb which says

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that a man who knows not, and knows that he knows not, is a wise man; but a man who knows not, and knows not that he knows not, is a buffoon. I leave it to the House to judge in which category the Member for San Fernando West falls.

**2.20 p.m.**

I would just make a few comments on his contribution. He started off by agreeing that there are very profound problems in the administration of justice in Trinidad and Tobago which need to be addressed. If that were the case, and if he accepted that need—a clear need as he pointed out—then I should have thought that the logic of it is that he would have accepted the resolution as well.

*"Be it Resolved* that this House express its dissatisfaction and concern about the state of the administration of justice:"

Now, if he sees that there is a significant problem, then he ought to be dissatisfied about the state of the administration of justice. Now, is he or is he not satisfied? If he is dissatisfied, then he accepts part of the resolution.

Secondly, if he is so dissatisfied—and these are matters which need far greater examination and investigation as to the causes and the problems—then logic demands that he accept the second part of the resolution which states that a special select committee of the House should be set up to examine the state of administration of justice in Trinidad and Tobago and to make recommendations for its improvement. So that having accepted the premises of this resolution, I should think that the Member owes it to the House also to accept what this resolution proposes. By his silence I believe he accepts this resolution.

The hon. Minister spoke about the Government embarking on a plan of implementation to deal with the problems of delays in the administration of justice. I merely wish to point out, because I shall be dealing with this report at some length later, that this report was submitted in June 1992—20 months ago. We on this side of the House would like to know what element, and in what measure has any concrete work been done to implement any of the suggestions of this report. Furthermore, this report has certain limitations. It deals with certain administrative and procedural matters and questions of accessing greater amounts of resources for the Judiciary and Magistracy. These are important, but this report has not focused on the fundamental problems which have to do with the state of administration of justice in the country and the basic reasons for the delays experienced by citizens, so the greater the need for a select committee of Parliament to discuss this matter in its full amplitude. Therefore, there is need for this resolution to be approved by the House.

The hon. Minister went on to say that in order to have a stable society and in order to implement the democratic process and to see that it is functioning properly, there must be proper administration of justice. I ask him today: Does he regard Trinidad and Tobago, at this juncture of its history, as a stable society? If he does regard this as a stable society in which democratic processes are being observed to its fullest, may I inform him that, perhaps, he is not attuned to the reality of Trinidad and Tobago where we have a situation of rampant crime, which is threatening to destabilize the whole society and the democratic process. There is a situation of wholesale disaffection in Trinidad and Tobago where we come here, Friday after Friday, to witness a demonstration around the Red House, but he is talking of a stable society existing.

When he spoke about the issue of crime and how the Government intends to address it, it betrays the limitation of the thinking of the Government, of which he is a part, that dealing with the issue of crime is only a matter of restructuring the police service and nothing else. Once they bring to the country these half-baked measures that they are proposing, to set up a Police Service Management Board and other such things, if that is approved, then they are content to tell this country that that is the extent to which they are prepared to go in dealing, fundamentally and basically, with the issue of crime.

Crime is such an all-encompassing issue in our country that the state of the police service is merely one aspect of the problem. The prevention of crime—how we deal with that issue in the first place and what kind of measures and proposals we have to put in place—is something that apparently has escaped the attention of this Government. We are being told, and we have been told repeatedly this afternoon, that this is a society in evolution—all aspects of our lives are still evolving. It was evolution upon evolution and I merely wondered whether the hon. Minister had rediscovered Darwin just before he came to this House today.

The Minister asked us to look at the brighter side of this situation and to be committed to the ideals of a just society. He did not elaborate on what he meant that. Is a just society one in which there prevails a basis of equity and equality? What is his notion of justice and how does it pervade all aspects of our living conditions?

He talked about a meritocracy, he did not go on to say where in Trinidad and Tobago this meritocracy exists. Does it exist in the political system? If it did, we want to know why the Member for Diego Martin West does not act as Prime Minister in the absence of the Prime Minister of this country. Apparently he does not have merit. When I look at his face he looks rather trustworthy, but apparently

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the Prime Minister is not of that view and, therefore, he has to import someone from the other place in order to act as Prime Minister. This is the existing deputy political leader.

**Dr. Rowley:** While I thank the Member for his sentiments, may I inform this House that I have my own advisers and I would not be advised by persons of lesser competence.

**Mr. T. Sudama:** Madam Speaker, I am not advising. I am making an observation on what transpires in this system of meritocracy in the political sphere; in this just society where there are two deputy political leaders and both of them are bypassed when it comes to elevation to the position of acting Prime Minister in the absence of the Prime Minister. I do not want to anticipate the other Motion; I merely wish to make this observation on meritocracy as it relates to the political system.

**Madam Speaker:** I was just about to remind you that there is a Motion before the House.

**2.30 p.m.**

**Mr. Sudama:** Yes, Madam Speaker, but it does need some comment as to the state of meritocracy that exists in the PNM, where there are two elected deputy political leaders—representatives of a democracy which purports to have the ideals of a just society—being bypassed. I wonder how the Member for Diego Martin West feels about this gross injustice and insult meted out to him.

The question we also have to ask is, how does this system operate in practice whether in the political, administrative, bureaucratic sphere, or in the social or economic system. It seems that I have touched a sensitive cord—

**Madam Speaker:** I am sure the hon. Member will have a lot more to say on the Motion, so let us not anticipate.

**Mr. T. Sudama:** Madam Speaker, it seems that I have touched a sensitive cord.

**Madam Speaker:** We have always been touching sensitive cords in this House.

**Mr. T. Sudama:** The hon. Member cannot keep quiet, and you are allowing this interruption.

**Madam Speaker:** Apparently, the Member for Oropouche is having some difficulty in making his contribution; will the Member assist in this regard?

**Mr. T. Sudama:** I am sorry for having touched that cord but I will dismiss that matter and proceed, Madam Speaker.

The question I was addressing, which was stated by the Member for San Fernando West, is that we have and are operating a system of meritocracy. I should like to know whether the operation of that system in practice subverts the principle of meritocracy; whether it is in the political or geographic sphere, the public service, the social or economic sphere, and that we have no institutionalized system of prejudice, whether based on class, race, region, gender, disability et cetera.

If by institutionalized system you meant that no laws have been passed to discriminate on the basis of class, race, region, gender and disability, that may be so. But how does the system operate in practice? Is there an understanding that you will discriminate and not practise prejudice on these bases?

This is a matter that is coming up for debate again in this House and I shall have to say something more about that at that time. I should like to point out that what the Member got up to tell this House is so much without content, so insubstantial as if he was getting up in this House merely for the sake of talk. Whatever he has said, has in no way dealt with the merits and substance of the Motion before us.

The whole issue of a functioning democracy and its relationship to justice was mentioned. Then the Minister spoke about meritocracy and justice in the financial sector—of all spheres—where you have one senior official of the PNM Government having his loans forgiven, while other debtors are harassed by the financial institutions of this country. Where is the equity, where is the justice in this financial sector of which he speaks so glibly? Where is the equity, where is the justice when someone has signed a personal guarantee, but there is an offer of forgiveness of debt to the tune of millions and millions of dollars, while the poor man, if he owes the bank \$2,000 or \$5,000, they are willing to sell his bed and mattress in order to recover these measly amounts? Owe them in the millions, and you are a significant member of the community, the political sphere or wherever, and your indebtedness is merely overlooked as a risk. I want to tell this House, that I, too, am indebted to various institutions and am pleading in the interest of justice for forgiveness through the mechanism of this House. *[Laughter]*

**Mr. B. Panday:** There is a difference in the case, Madam Speaker. In the case he is referring to, that gentleman can pay and is being forgiven. In his case, he cannot pay. *[Laughter]*

**Madam Speaker:** To be fair, at this point there is nothing about forgiveness of the debt concerned, so maybe the Member can move on.

**Mr. T. Sudama:** Yes, Madam Speaker, we had talks about the financial structure—

**Madam Speaker:** We have not been informed that the debt has been forgiven so I do not think that that is relevant here.

**Mr. T. Sudama:** When I got up to speak in this House, I tried to be as dispassionate as possible and to make some relevant proposals to improve the administration of justice, but I was shunted from this very lofty objective by what was said by the Member for San Fernando West—the total irrelevance that came from the other side in response to a very serious issue.

We are fully aware of the chronic delays in the system of justice; which gives ample evidence to the maxim that justice delayed is justice denied. We have cases going to 10 years, and even longer, before resolution. We have cases in the system where the complainants or the defendants have died and the matters could not have been brought for resolution. Then there is the issue of the quality of justice that is meted out, and on this score I want to make an observation. The quality of justice has to do with the administration of justice, the quality of decisions that have been given and, of course, the quality of the personnel who are involved in the judicial system; and whether there is not a greater need to put things in place so as to enhance the quality of the personnel and their decision-making capacity.

I raised this question because the issue of equity, injustice, fairness and so forth has been raised. I have had a case of someone in my own constituency who has had a conviction, and quoting from the *Guardian* of March 19, 1991, I shall merely outline what has been the penalty in this case.

"Mr. Justice Aeneas Wills, presiding in the San Fernando First Assize Court, told Indarsingh..., that hers was a position of trust in that she was acting on behalf of the bank at its Pointe-a-Pierre branch."

The state prosecutor told the court that the accused had no previous convictions. At the time of the offence she was 22 years of age.

Her crime was that on a few occasions in 1984, she:

"forged an EC-1 form to purchase foreign currency in the sum of US\$1,030..."



**2.40 p.m.**

I want to emphasize the amount to this House: forged EC-1 forms to the sum of US\$1,030, and she did that on a few occasions. For that crime which she committed—and I have no problem with people getting punishment for the wrong that they have committed—this person, with no previous convictions, at the age of 22 years, was sent to jail for 14 years by Mr. Justice Aeneas Wills. I have to ask the question, whether the crime matches the punishment. Then, on the other hand, there are people like Dennis Davidson, who defrauded this country and who manipulated EC-1 forms to the tune of hundreds of millions of dollars, and to date the police cannot even bring a charge against him, let alone a conviction.

Therefore, Madam Speaker, you understand what is happening with the state of administration of justice in this country. Is it fair, is it equitable that these kinds of sentences ought to have been passed, given what has been transpiring in other cases of criminal activity in the same sphere?

I merely raise that point because the person concerned was, in fact, one of my constituents and I saw a kind of manifest injustice in terms of the punishment meted out to this person. Therefore, it really begs the question: "What, in some instances, is the nature of the quality of justice meted out in Trinidad and Tobago, which reflects on the state of judicial administration in this country?"

As I go on further, we have had proposals as to how to deal with this problem, as it relates to the quality of the personnel in the administration of justice. My contention is that, perhaps, we ought to have a slightly new approach to the administration of justice. The view has been expressed that our courts deal with the application of the law and not necessarily with the dispensing of justice. As one US judge stated, in fact, what we have are courts of law and not courts of justice.

Therefore, what I think we need is a balance in perspective and a greater exercise of discretion and judgment, taking into full account the specific socio-economic circumstances in which we find ourselves. I think people in the judiciary ought to be appreciative of and sensitive to what is happening in the rest of the society when they are administering justice. And, yes, there must be the rule of law; there must be the application of law. How, in fact, that is applied is a question we ought to address. This is why a joint select committee of Parliament is so necessary to deal with the larger, more fundamental problems now affecting the course of justice.

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There is the perception of the layman, and I speak today as a layman myself. And I do so on behalf of the majority of the people of Trinidad and Tobago who, in one way or the other, have to deal with the administration of justice—how they perceive the system; whether they have confidence or whether there is a lack of confidence in the operation of the system. I speak on their behalf.

It is a perception that the courts have become entrapped in a net of legalism, procedures, rules and processes, some of them rather archaic; rules of justice, if at all, grind very slowly. While they are entrapped in this syndrome they do not take into account adequately the objective that is to be served. That objective is the advancement of the cause of justice. Therefore, how justice is perceived, the concept of justice among the masses, is very, very important.

Justice, I have been told is not a cloistered virtue, so that today if we make comments on the state of justice, on the administration of justice, then we are saying that that system needs thorough examination in order to come to grips with its very many deficiencies.

The new approach of which I speak, has to do not only with the application of the law as it stands; it also has to view justice, the application of the law as a mechanism for problem solving and concrete resolution. If there is that kind of perspective, resolving a conflict which is placed before it within the ambit of the discretion allowed by the law, then perhaps if judicial personnel were to reorient themselves in that way, we would not have these delays, and, in some instances, the objective of justice being subverted. This resolution and problem-solving approach should be done in the most speedy and efficient manner possible.

One of the things we have to recognize is that this is a litigious society. Trinidadians and Tobagonians, we are told, are very, very much inclined to go to court.

**Dr. Rowley:** They "Rameshie."

**Mr. T. Sudama:** They want to go to court because there is a certain aura of court, the aura of a drama being enacted in court. So when they go to court they feel that they are a part of this drama that is taking place.

**Mr. Mohammed:** Domestic violence too?

**Mr. T. Sudama:** Including domestic violence, part of the drama re-enacted. We have this inclination in the society, and how in fact do you try to persuade people not to have immediate recourse to the court if there are no other ways and means of solving a problem? Therefore, if you lessen the burden on the court

system you are bound to have a speedier administration of justice. Given that fact, should we not be exploring, as a Parliament, other ways and means of decision-making and resolving conflicts which, in fact, take off some of the burden on the court system?

I suggest that the matter should be examined, of course, as to whether we ought not to make greater use of quasi-judicial mechanisms and processes. For example, the greater use of hearing by tribunals and boards where there are matters to be decided, where there are disputes and conflicts, where we have a more informal, a less legalistic system administered perhaps by qualified, non-legal persons, who will, of course, have recourse to legal and expert advice. And of course, not depriving people, who want to go through the system where it can be applied, of the right of recourse to a court of law if they so wish. But you will understand, that there is a continuing conflict. The right balance must be established. One wants decisions to be made more speedily, but at the same time one wants to preserve the rights of individuals to an adequate hearing.

**2.50 p.m.**

Perhaps we could take this kind of approach in the various processes of our legal system and see to what extent we would be able to address this question of speeding up the administration of justice; and by speeding it up, at the same time dealing indirectly with the quality of that justice.

The matter of where we strike the balance is one for ongoing debate, because if we are involved in a system where there is the right of recourse to appeal after appeal on matters of legal technicality and that delays the system, to what extent do we find that that is merely a subversion of the system, engaging in this kind of inordinate delay? Yet one has to preserve that right, that balance, as against the need for a speedier administration of justice.

On page 54 of the *Gurley Report*, the committee noted several deficiencies with respect to the administration of justice in the magistracy. In that report one sees how a magistrate's time is spent in various courts. In Arima, there are "175 cases on average each day." Many of these are criminal matters of varying degrees of seriousness; "136 inquests," and so on.

In Tunapuna where the Traffic Court is held we find a large number of traffic offences, which tie up the time of the magistrate. Then there are all sorts of other Petty Civil matters, family matters, maintenance, custody, adoption cases, and so on. Princes Town, "50 traffic cases per day." As one goes down this list one will see that a lot of the court's time is occupied in dealing with these breaches of the

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law, some of which cannot be regarded as very serious. The question then is, how does one address the speeding up and expediting of the system?

For example, there is the issue of licences. Now, I sat through a licensing session in one of the magistrates' courts and I could never understand why a magistrate has to preside over the sitting of a licensing committee. Why? You see, there is a committee—Clerk of the Peace and others—and the magistrate sits there and calls up the cases. In 90 percent of the cases he calls on the Prosecutor, "Any objection?" He calls on the Fire Services, "Any objection?" He calls on the Health Authority, "Any objection?" No objection. Licence approved. This is how he goes, down the line. The magistrate, it seems to me, is exercising a junior administrative function. It is only where an objection is lodged that he has the need to look at and listen to the evidence.

What I am saying is, why can that function not be done by a qualified layman, who will have recourse to legal advice and, of course, if people are not satisfied with the decision of that committee, they have recourse to the courts. But that will only be a very small number of cases, so there would not be a magistrate carrying out this routine function. I am amazed that the magistrates have not protested against the misuse of their expertise. This report does address the issue at pages 68 and 69 but so far we have had no improvement in the situation—no lessening of the time consumed in these rather mundane matters of listening to licence applications.

Then there are the traffic matters which consume another large portion of the time of the magistrates' court—parking violations, and so on. One wonders whether, in fact, this system could not be dealt with in such a way that, if where there is very serious infringement of the law, that jurisdiction could be reserved for a court of law. But in all other cases could this not be done through a quasi-judicial mechanism and, therefore, free up the time of the court?

Then there are minor land disputes, rent board matters, small claims, certain private complaints, and so on. We are told in this report that a large proportion of the matters deal with running down cases, probate matters and matrimonial matters. How could these matters be expedited? What new thinking can be brought to bear on decision making in these spheres? For example in uncontested divorce cases, why should those be heard in open court, and why should we have to employ lawyers on both sides to make whatever arguments they make in a matter which is uncontested?

Now, the General Recommendations of this *Gurley Report*. If one looks at it, one will see the limited focus in terms of improving the quality of the administration of justice. It deals with resource. It says here: increase the judicial establishment which includes judges, masters, magistrates and registrars. Yes, we ought to do that, but given the rate at which crime is committed in this country, there will never be enough judges or magistrates. Therefore, we have to tackle this problem, as well, at the root, and that is crime prevention in Trinidad and Tobago. Merely placing emphasis on adding more personnel to the Judiciary and magistracy is not really going to solve our problem in any basic way.

Then we are told we must commission additional court buildings, and all these things require additional resources. Yes, we need additional court buildings, but is that enough? Substantially revise our management systems to improve the use and benefit of modern information management systems and technology, yes, that is important. Introduce specialized training and human resource management; seriously examine our approach to the practice of law; undertake a general review of the rules of court to deal with and facilitate the expeditious determination of civil matters; enact such legislation, and so on, as is necessary.

So that, this whole report is taken up with these matters of resource availability and matters of administrative procedure and detail.

**3.00 p.m.**

I am arguing here, that the problem with the administration of justice is much larger than is encompassed by the recommendations in this report, and this is why there is a greater need to have a joint select committee of Parliament to look into this.

Now, the question I asked was: How should crime prevention be approached in order to have a lesser burden on the judicial system? Crime prevention today is being made into a political issue, where it is said that if the Opposition does not support the Government on certain issues, then it is the Opposition that is the obstacle to crime prevention. This is the way it is being put forward to the public.

**Miss Nicholson:** Yes. They used to say it was the NAR that created crime in this country. Those people sitting there! Marshall and Manning led the attack and nobody said anything. Pound them!

**Mr. T. Sudama:** Madam Speaker, today the escalation of crime is at its most intense and its most vicious in the history of the country under this new PNM

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regime which is now 25 months old. Twenty-five months ago, they had, according to their manifesto, a plan. They always have a strategic plan of some sort to deal with every situation, whether it is employment, crime, or public utilities. Whatever it is, the plan is always there. The only problem is that this is a plan on paper. This paper plan could never get implemented.

Today, crime has reached the stage where we are regarded as another banana republic of South America where there are soldiers at every street corner and in most of the urban areas, trying to suppress this violent upsurge in criminal activity.

When we made certain proposals, when we spoke about decentralizing the police service, involving the various local government regions in the policing activity, when we spoke about instituting a system of crime watch throughout Trinidad and Tobago involving the communities in their own security, they laughed and thought that they were all airy fairy proposals.

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

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

*Question put and agreed to.*

**Mr. T. Sudama:** Madam Speaker, it is not that we did not have ideas and did not put forward proposals, but, like everything else, those ideas and proposals were ignored, by the glorious media we have in Trinidad and Tobago. Whatever the Opposition proposed could never see the light of day and never be given effective publicity.

We are being portrayed by the media as people who oppose only for opposing sake, who have no ideas, and they merely mindlessly reiterate the propaganda of the PNM Government. The media are one of the disaster areas in Trinidad and Tobago, when it comes to dealing with the views, concerns and positive attempts by the Opposition to deal with the basic problems.

In the UNC Manifesto, we made certain proposals to deal with the issue of the administration of justice. We spoke in that manifesto about upgrading, improving and enhancing the quality of judicial personnel so that the country at large would have confidence in the judgments given, in the quality of justice being dispensed. We did also put forward proposals for improving the quality of the legal profession, because that is also an important element in improving the administration of justice—the quality and the speed with which justice is dispensed.

We also indicated that there ought to be a continuous examination and reform of the laws and regulations concerning the administration of justice, that we keep up to date and abreast of the problems as they emerge and then deal with them.

We also proposed an overhaul of the Judicial and Legal Service Commission to make it accountable to a standing committee of Parliament, so that this Parliament would be apprised of the work of that commission, and, in fact, would have a view as to the quality of people who are being attracted and inducted into the administration of justice in this country.

We had also proposed a new post of Chancellor of the Judiciary who would be responsible for the administrative element of the administration of justice. If we have such a person, who would be different from the Chief Justice, he would relieve the burden on the Chief Justice, who would have more time to do judicial work and to take a judicial overview of the functioning of the administration of justice.

**Mr. Mohammed:** Solid proposals by the UNC.

**Mr. T. Sudama:** These we had put forward. We also said that we must explore the possibility of unburdening the official system of administration of justice by the introduction of village or community courts for hearing of minor disputes where a lay magistrate from the community would preside; the extent of his jurisdiction, of course, would be limited. There would be no bar to appeals from that, but once such a system was established, I feel certain—

**Mr. Mohammed:** Yes. There are lay magistrates in England.

**Mr. T. Sudama:** —that the number of appeals that would emanate from that system would be so small as to justify its existence and relieve the official system of the burden under which it labours.

We also raised the question of the introduction of the system of night courts because, Madam Speaker, you must be aware of the number of man-hours that are wasted in going to court for adjournment after adjournment, after adjournment. If we could have a more flexible system of court hearings with respect to time, it would increase production in this society and would save the time and effort of many persons whose time is very important.

On the whole question of the interminable adjournments to which the system is subject, this matter was also addressed in the report that the Government requested which was received in June 1992, and yet, today, if one goes to the courts, one sees that nothing has improved. For some reason or other, either the

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defence or the prosecution seeks an adjournment, and while there ought to be a sufficient amount of time given to either party to hear their cases, these interminable adjournments granted by the magistrates and the judges do very little to enhance the cause of justice; they seem to be merely a matter that satisfies the convenience of lawyers and prosecutors—people in the state, people in the legal profession—but not the plaintiffs and the defendants, the people who suffer most.

There must be a system—and mention was made in this report of certain initiatives which can be taken, which I do not want to go into in any great detail—that can be used without excluding legitimate requests and the legitimate need to have a deferral of hearing. There must be rules and procedures which could be instituted that can deal with these problems. Again, since these matters will require very specific and in-depth examination and investigation. This is why we feel that a joint select committee of this House will be the most appropriate mechanism to look into this matter of the administration of justice in this country.

### **3.10 p.m.**

I come now to the question of bail. That, too, is an important aspect of the overloading of the court system, in the sense that the experience has been that there are hardened criminals who are apprehended and charged and when they go before the magistrate or judge, they are given bail. I want to address this point. Yes, a person is not guilty until he is found guilty, and therefore, on the presumption of innocence he ought to have his freedom. But the law also grants a discretion to the presiding magistrate or judge who must exercise that discretion, whether or not to grant bail according to the circumstances of each case and according to the prevailing conditions in the society.

If we have a rampant criminal activity in this country where people who are on bail commit crime after crime, then it seems to me that a more serious view ought to be taken of the granting of bail and letting people loose. Because while we have to observe, as a democratic society, the principle of innocence before the guilt is proved, we also ought to balance that with the other objective of Government, that is, the protection of society from the marauding and vengeful activities of the small criminal minority in our midst.

The issue of bail has to do with the law. Again, I do not presume to be a legal luminary of any sort, but I use my own limited education to try to unravel the



contents of the law. I want to raise this point with respect to bail and it says here in the Bail Act, Chap 12:01, section 29(1):

"With respect to bail, the following provisions shall have effect:

- (a) the Magistrate shall not admit to bail any person charged with treason, murder or piracy or with any offence for which death is the penalty fixed by law."

The magistrate has no discretion here. The law makes provision that in certain cases of being charged, no bail at all should be granted. All I am asking is that as the principle is enshrined here, bail ought not to be given for certain categories of crimes, charges, and so on; that should be extended, given the circumstances of the individual case and the prevailing conditions in the society.

- "(b) a Magistrate may, in his discretion, admit to bail any person charged with an offence that is not specified or referred to in paragraph (a)."

That is, the magistrate may use his discretion. Now the question of how this discretion is exercised is very important with respect to the number of offences which are committed and consequently the number of cases which go into the judicial system.

Subsection 29(1)(c) is rather amusing, and I do not know if this matter has been addressed to date.

- "(c) the discretion of the Magistrate under paragraph (b), or of the Court or a Judge under section 34, shall be exercised in accordance with the principles in force in England on 30th August, 1962..."

This is Trinidad and Tobago in January 1994. While we must take cognizance of what is happening in England, the precedents and so on—after all, we have derived our system of justice from there—to have in our law that the magistrate must exercise his discretion in accordance with the principles in force in England 32 years ago, does not seem to be any kind of credit to the administrations which have held the reins of power in dealing with this problem. Because the situation in England cannot be the same as that existing in Trinidad and Tobago with respect to the commission of offences, the type of offences committed and the regularity of some people who are on bail in continuing to repeat crimes. So I hope that if this is still the law of Trinidad and Tobago, it will be looked into—the more the need for a joint select committee of Parliament.

We go on and on this issue. As this *Gurley Report* points out at page 71, there is a certain procedure which is observed in dealing with the issue of bail. That in

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itself incorporates a time-consuming practice. Time permitting, I should like to read this page of the report into the record of Parliament to show the great urgency, the great need, to deal with these systems and procedures which have been the practice for ages in Trinidad and Tobago mindless of the consequences. It states:

"On the first appearance of an Accused/Defendant charged before a Magistrate with a bailable offence an Application is invariably made for Bail. Bail is either granted in a particular sum or bail is refused. If bail is refused or not taken, then the matter is adjourned, usually for a ten (10) day period.

When the matter is next called the Accused/Defendant appears before the Magistrate once again. In the case of the Accused/Defendant who was previously denied bail, another application is made before the Magistrate."

So you have the right to interminably make applications.

"The Magistrate has to entertain the application and, because there is often no change in the circumstances of the particular Accused/Defendant, bail may be denied again.

On every subsequent occasion the application is repeated. In the case of the Accused/Defendant who has been granted bail, an application is often made for a reduction in the sum fixed by the Magistrate or an application is made for one or more of the conditions attached to the Magistrate's Order to be removed. This application is repeated on every subsequent occasion that the matter is listed for hearing. The Magistrate is therefore obliged to entertain each fresh application and make a ruling on each occasion."

So you understand how the precious time of the court lapses.

"The Committee has found that this process occupies a considerable amount of the Magistrate's time. Further, in the case where an Accused/Defendant is denied bail by the Magistrate, he is advised of his right to apply to a Judge in Chambers for bail who sits once per week for the purpose of hearing these applications."

taking up now, unduly perhaps, the time of the judges.

"As in the Magistrates' Court, the applicant if unsuccessful on the first occasion, repeats his application on successive hearings."

**3.20 p.m.**

This report has made recommendations. We should like to know, in light of the recommendations made, whether anything has been done to improve the

system of the granting of bail on application; and, whether that has in any way resulted in a speeding up in the process of trial.

"Recommendations:—

- (1) To avoid such abuse of judicial time it is recommended that legislation be enacted to set down guidelines for the granting or refusal of bail.

That the Law Commission be mandated to revise the Bail Law of Trinidad and Tobago and in this regard the Commission pays particular attention to the Bail Act, 1976... .

- (ii) Repeat offenders, in particular those charged with housebreaking, larceny, car theft, drug related offences and offences involving violence should be denied bail save in exceptional circumstances."

These comprise, perhaps, the bulk of the criminal activity at that level.

"The Law Commission should be mandated to review the Bail Bill, 1987 with a view to appropriate legislation being enacted."

Now, according to this, a Bail Bill was introduced in 1987 and up to today, 1994, we have not had a revision of that measure in order to deal with those very serious problems in the administration of justice.

I am aware that the Government would argue that if one incarcerates all these people—they are not given bail—there would not be sufficient space in the jails or remand yards—or wherever prisoners are placed; I have never had the opportunity of going to one of these places, so I cannot tell of the conditions which persist there; the overcrowding or whatever it is. Do you know why they are overcrowded? Because of the policies of the Government in creating the conditions in which crime escalates. This is why.

Therefore, the critical issue that we have to confront, with respect to the administration of justice, is how to prevent crime so that there are fewer offences committed, fewer offences coming to trial. We would therefore be able to expedite the work of the court as the workload would be correspondingly decreased.

The prevention of crime is a large issue. It has to do with the state of the economy, and over the last two years this Government has presided over the deterioration of the economy to the extent that today there is an official figure of 22 per cent and, perhaps, an unofficial figure of 30 per cent unemployment.

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And sadly, there is nothing on the horizon: no initiative, no plan, no proposal, to deal with this basic problem; no investment strategy, no strategy for diversification of the economy, no strategy with respect to the development of a small manufacturing sector and agriculture, where limited amounts of investments could create a large number of jobs; no such views.

As I said, the Government is bankrupt of any new initiatives that would go to the root of the problems confronting us with respect to unemployment. I have heard so many people justify the criminal activity in this country—but I do not think it is justified in these terms—"Well, if people doh have wuk, and when they look around there is absolutely no prospect of anything to do in order to maintain themselves and their families. What you want dem to do? Not tief or commit violence?" That justification seems to be getting widespread acceptance among a certain group in the country.

Where has the buck to stop? The buck must stop with the Government of Trinidad and Tobago and, particularly, with our esteemed Prime Minister—I see he has a deputy in his seat—

**Mr. Mohammed:** Be careful with that word.

**Mr. T. Sudama:** I mean, somebody is deputizing in his seat. He is not present in this House to engage in debate on this very important Motion on the administration of justice in Trinidad and Tobago, but he has the time to run all over the country visiting panyards and engaging in these elaborate propaganda exercises, but not here in this Parliament today to make a contribution to a debate on one of the critical issues that face this country.

The prevention of crime, dealing with the economy in this country, and, particularly, job-creating activities—I mean permanent job-creating activities and not this "10-days" LID Programme under the control of the Member for Diego Martin East which, in fact, is creating more violence in the country than solving the problem.

As the Member for Couva North has indicated in his contribution to the budget debate of 1993, the LID Programme has been taken over by thugs and criminals presided over by a ministry headed by the Member for Diego Martin East. I am not insinuating at this time that the Member for Diego Martin East is a criminal man; what I am saying is that he is presiding over a ministry where this LID Programme has fallen into the hands of a number of people who are criminally bent, according to the Member for Couva North.

Instead of trying to solve the unemployment problem in a very basic and fundamental way, what they are doing is just trying to place a plaster on this; and trying to placate certain elements in the society for political purposes. That is all that is happening.

Then, with respect to the situation in the police service; this is the arm of the law that is involved with the preservation of law and order. If there is any institution in this country that seems to be without any law or order, it is the police service which is charged with the responsibility of law and order. Who is responsible for this state of affairs? None other than the PNM administration that has sat over the problem.

This problem did not start today. The orientation of the police service did not start today; it started way back in 1956. I recall, as a young man just completing secondary school, and going to meetings, the partisanship of the police service encouraged by the PNM.

**Madam Speaker:** The hon. Member has three minutes to wind up.

**Mr. T. Sudama:** I told myself, that if this continues, we are not going to have a police service that deals fairly with the citizens of Trinidad and Tobago and it is not going to address its role and function in this society.

This problem has been incubated and encouraged over all these years, so today there is a police service where, in order to deal with the problem, the Government is proposing certain kinds of measures which, it seems, would further entrench political control over the police service. Will that solve the issue of crime in this country? We do not know. In fact, we doubt whether it would.

There are a number of other concerns with respect to the administration of justice. Time, of course, does not permit me, but I am sure that there will be another opportunity in this House to deal with crime and crime prevention, and the gross mismanagement, the gross ineptitude and ineffectiveness of this Government in addressing the issue which has a bearing on the state of administration of justice in Trinidad and Tobago.

With these few words, I thank the House for this opportunity.

**3.30 p.m.**

**Madam Speaker:** Members know that the Standing Order says if a Member wishes to speak he must rise or try to catch the eye of the Speaker. Members having their Leader of Government Business or the Chief Whip announce their

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names is not what really should be done. I wish Members would let me know if they wish to speak by looking at me or standing so that they can get my attention.

**The Parliamentary Secretary in the Ministry of Legal Affairs (Mr. Andrew Casimire):** Madam Speaker, I was looking at you not only for recognition to speak, but I was looking at you all afternoon. *[Laughter]*

I join this debate on a topic that is very dear to me and that has to do with the administration of justice. I sat here and listened to the Member for Oropouche. He said, in commenting on the contribution of the Member for San Fernando West, that he who knows not and knows not that he knows not is not a wise man, and we should pity him. I do not want to use the exact quotation.

After listening to him I fail to understand the logic of his contribution. At one point he was talking about the prevention of crime. I do not know in which society he has lived where it was possible to prevent crime. We are debating a very serious issue.

**Mr. B. Panday:** You cannot control it; ban it.

**Mr. A. Casimire:** Madam Speaker, "Justice" as he quoted, "is not a cloistered virtue". I want to expand the quotation and tell him that though it is not a cloistered virtue." I want to expand the quotation and tell him that though it is not a cloistered virtue, it is also not the hand-maiden of desperate men, nor must it depend on the size of its proponents' foot. It must be even-handed, and it must be tempered with mercy. Justice is not reflected in the buildings and the other paraphernalia that the Member spoke about. It is something which the community feels. The community must experience justice, and they must feel that through the internalization process. It is not the buildings that are put up or how many judges you employ. The community must feel that it has got a fair deal in order to feel that justice was done.

Let me at the outset admit that the system of justice in Trinidad and Tobago is a bit sluggish in its operation. Many reports have been done and many pronouncements have been made on the administration of justice in this country; of most recent vintage is the *Gurley Report*, which has looked at the problem on a most practical basis and come up with some recommendations that we feel, if implemented, could go a long way in alleviating the delays and injustices, as some people say, in the justice system of Trinidad and Tobago.

The system of justice in this country includes several actors or several facets as you may want to call them. They include judges, magistrates, police officers, lawyers, witnesses, staff, and of course, court buildings. One of the most important recommendations of the *Gurley Report* is that all existing vacancies in

the judicial system should be filled at the earliest opportunity. I do not want to make a broad statement against what my Friend the Member for Naparima calls competence. I do not want to stand up in this House and criticize the Judiciary.

Our judiciary is topped by men of integrity and, I believe, the best that are available to us at this time. I have looked at the judgments of most of the judges and most times they can stand scrutiny among other great judges in the English legal system.

**Mr. Palackdharrysingh:** That is why they must be accountable to Parliament.

**Mr. A. Casimire:** We must understand that when we sit and criticize the actors in the system we are criticizing ourselves as a people, because after all, the judges and the magistrates are of us. They come from the same society and background from which we came, and if today we find that the system includes, as the Member for Oropouche said, laws inherited from England, there is nothing wrong with that. We were a colony and England has good laws!

**Mr. Sudama:** Not all of them are.

**Mr. A. Casimire:** Of course, we have got to modify some of them to meet our own circumstances. We inherited those laws while we were a colony. They came down to us and have served us in good stead. To come and criticize the laws of England as if the entire body of laws is of no use to us, is a waste of time.

**3.40 p.m.**

I just want to make one point about something that the Member for Oropouche said about marching around the Red House today. Our legal system is based on democracy. I have no problems with any union or body of persons exercising their democratic right, once they remain within the law. That is their democratic right. If they are seeking some form of justice or attention, then so be it. The law provides for it. Let us give praise that a country like Trinidad and Tobago can accommodate that level of peaceful dissent.

Everyone speaks about justice as if it is only the criminal element that requires justice. The workers require justice like anybody else.

**Mr. S. Panday:** Tell the Member for San Fernando East that.

**Mr. A. Casimire:** In this regard, it would be remembered that a past PNM Government established an industrial court and provided mechanisms for dealing with problems of this kind with the least disruption to the national community.

**Miss Nicholson:** We know that.

**Mr. A. Casimire:** That is justice!

An eminent writer has said that the Industrial Court and the Industrial Relations Act are heavily weighted towards the worker—an indication that this Government cares about workers.

**Mr. B. Panday:** Go outside and tell them that!

**Mr. A. Casimire:** I told them that before I came in here. I stopped and spoke with them outside.

**Mr. B. Panday:** That is why they demonstrated more violently.

**Mr. A. Casimire:** I did not see that.

We have set up institutions and given those very workers recognition. We have given their organization status in this community. That is what I call justice.

I want to move on to the police service because, as we know, the courts cannot operate without the police officers and prosecutors. If you spend one day—I think the Member for Oropouche mentioned it—you would see a magistrate—and I am speaking about the lower court—with a list of about 200 cases sometimes. By the time he adjourns and asks for applications around 10 a.m.—and now there is the rat race among the lawyers to have their matters heard—he is confused, he does not know which one to start. At the end of it all, a whole day is spent in court; about four cases might be completed and then everyone would leave frustrated, except of course, the lawyers. Everyone knows what happens. The lawyers are the only ones who do not leave frustrated.

Coming back to the question of the tardiness of the courts, we must understand that we as lawyers have a very important role in the administration of justice in this country.

**Mr. Palackdharrysingh:** You are a parliamentarian here, not a lawyer.

**Mr. A. Casimire:** Madam Speaker, I was corrected and was told that in here we are parliamentarians. I stand corrected.

As parliamentarians, we must tell our brother lawyers that they too have an important role to play in the administration of justice in this country. They are not without blame, because for the most frivolous of reasons, many applications would be made not to go on with a matter. Then, there would be adjournment upon adjournment.



**Mr. B. Panday:** You just said there was a rat race among lawyers to hear matters. Make up your mind.

**Mr. A. Casimire:** What takes place? At the end of it all, there is interminable delay and up to six and seven years after a matter has been put into court, there would then be a determination. The witnesses would get fed up and they would not come, and one would hear: No Evidence Offered, Dismissed (NEOD), or one would hear that a witness died.

**Mr. Imbert:** Or was killed.

**Mr. A. Casimire:** Or something of the sort, which would not allow for the matter to be continued. I must touch all these because they contribute to the delays in the administration of justice. How many times have we heard the names of witnesses or defendants called in court and they are not there because they have not been properly served, or served at all. The serving of witnesses and defendants is an element discussed in the *Gurley Report*. This is an important matter but those who are looking for headlines tend to look only at the dramatic aspect of it.

When these little things come up, they take up considerable time. I am saying that they do contribute to delays in the administration of justice.

**Mr. Palackdharrysingh:** Have you done anything about it?

**Mr. A. Casimire:** We shall come to that at the end.

The Member for Oropouche touched on a matter concerning Ex-Justice Wills. He was talking about the inordinate sentence—at least what he thought was inordinate—passed on an accused in proportion to the crime for which she had been convicted. I am not standing in this House to criticize any judge or magistrate for passing whatever sentence he thinks fit, because he is the man who is in *locus* hearing all the evidence and looking at the conduct of the witnesses, and he must have an evaluation. I am one person who believes that it is better that 10 guilty people go free than one innocent man gets punished.

**3.50 p.m.**

The Member for Oropouche referred to Dennis Davidson and I want to take that up. One does not charge people on sentiment, or take them to court because one does not like their politics, or because one does not like how they look or with whom they go out. There must be sufficient evidence, at least, to found a *prima facie* case before one decides to take someone to court.

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We see what happens when the police act precipitately and charge people without evidence. I see the Member for Couva South smiling; he knows why. We do not want to advocate that kind of activity in any judicial system. We have had cases where the state has been sued for malicious imprisonment and prosecution. That is open fact! That is there! I do not want to call names or refer to instances here, but there were instances where people were arrested and charged on the whim, perhaps of a Minister, and after months and years, one hears that the case is dismissed for want of prosecution or lack of evidence. That is part of the problem in the quest for ways and means of greasing the wheels and making the administration of justice flow freely.

We do not want to enact draconian laws just because we feel that the society is being attacked or something happens out there. We are a modern society and we must behave accordingly. We in this honourable House must understand that this is not an easy task. The *Gurley Report* is now the basis of study by my ministry. We have developed a plan for implementation of the recommendations of that report, and I am proud to have been part of that plan. In arriving at that plan we solicited the assistance of all the ministries which will have to contribute to its implementation. Only last week the plan went to Cabinet and was accepted. The hon. Attorney General did not ask me to say this, but I take it that the plan will be made available to Members of this honourable House in due course. I see nothing wrong with that.

**Mr. Maharaj:** Will the hon. Member give way to a question? In deciding upon that plan, did the Government consult with the profession and the public to come up with a policy to deal with the administration of justice?

**Mr. A. Casimire:** The *Gurley Report* was the subject of extensive public activity, and we are saying that coming out of that report are recommendations which we see as practicable, that can be effective, but which require the co-ordination of many ministries, and that we have put together. We are now in the process of attempting to implement those parts of the recommendations which call for very little public expenditure at this time.

If we look at the department of the Director of Public Prosecutions, we would see that up to about one month ago there were almost seventeen vacancies in that department. These posts are now being filled by the Judicial and Legal Service Commission. So, too, in the office of the Chief Parliamentary Counsel and the Magistracy. The Judicial and Legal Service Commission has moved—and swiftly, I may say—to fill most of the posts of magistrates and legal officers in those departments. We see that as a first move, because if there are competent and

committed officers, it is a start in getting this matter going. The thing is that the Government is not in a position to implement all the recommendations of the *Gurley Report* at this time.

**Mr. Maharaj:** Would the hon. Member give way to a question? Does the Government have any guidelines or criteria to determine the competence of these officers?

**Mr. A. Casimire:** There is a Judicial and Legal Service Commission within whose portfolio the appointment of officers falls. That is not the purview of the Government. One minute they want the Government to interfere, the next they do not want us to interfere. Where do they want us to go? *[Interruption]* The Management Board is for the police service, not for judges and magistrates.

We need to understand this very clearly for it is very easy to criticize. According to my Friend the Member for Couva South, one must be able to stand scrutiny. That is where we are at. These officers are not readily available; it is not easy to find officers overnight; one must search and advertise. There were many applications for the post of magistrate. *[Interruption]* We know the number, but we do not know who they are. *[Interruption]* We know! We must know! *[Interruption]* Seek and you shall find: knock and it shall be opened unto you. I am saying that it is not very difficult to find out how many persons have applied for a particular job. What is the matter with that?

#### 4.00 p.m.

So as we were saying, we are moving to tidy-up these departments which were deficient in terms of staffing and materials to carry out their work. I am happy today that this Motion is before this honourable House, as it affords me the opportunity to speak on it, because when we move from the DPP's department we move onto other aspects, touching persons who would have to contribute to this system.

I want to say to this House today, that even the position of judges is now under active consideration by the Judicial and Legal Service Commission. That is all I can say on that score.

The Member for Oropouche criticized magistrates for officiating at licensing sessions.

**Mr. Sudama:** The Member must not mislead this House. What I said was that the nature of the function is such that I did not see the need for a magistrate's time to be tied up with carrying out those functions. I did not criticize magistrates.

**Madam Speaker:** The Member was commenting on the fact whether or not—

**Mr. A. Casimire:** Thank you, Madam Speaker; it is not always easy to hear and understand the hon. Member sometimes.

The Member for Oropouche—correct me if I am wrong—commented—to use his choice of word—on the activities of magistrates in the licensing function. I wonder how he feels about magistrates doing other things, for example somebody pleads guilty, let the magistrate go and try cases, do not interfere with the guilty pleas. *[Interruption]*.

I understand that we are going rapidly on implementation of the *Gurley Report*. The question was raised on the spate of crime in the country and how the judicial system would cope. It is well known that many criminals commit crimes while they are out on bail—that is known to the system—and my Friend the Member for Oropouche commented on that as well. He read extensively—I did not know he was a lawyer—

**Mr. Maharaj:** Only lawyers read? *[Interruption]*.

**Mr. A. Casimire:** *Non sequitur* Mr. Couva North. It is well known that many criminals commit further crimes while they are out on bail. I wish to inform this honourable House that in keeping with the recommendations of the *Gurley Report*, which the Government has accepted, a new Bail Bill will be brought before this honourable House shortly. We hope, that after hearing the contributions so far, we are going to get unanimous support *[Interruption]*. I am saying hope: hope is something in the future.

**Hon. Member:** You are still buying cat in bag?

**Mr. A. Casimire:** You did that already. *[Interruption]* We hope that we shall get unanimous support on the Bail Bill when it comes before this honourable House.

One of the other aspects of the improvements is in the line of recording of the proceedings of courts. A programme of training is now on stream where 9 or 10 persons are being trained in the use of the CAT system which is now almost fully operational in the Supreme Court and which we hope to introduce into the magistrates' courts in the not too distant future. Achievements in this area will bring much relief and assist in no small way in making the work load of judges, lawyers and all the actors in the court easier.

On the question of the numbers of persons in the magistrates' court let me say that I have had the opportunity of going to NIPDEC House and was really appalled at the lack of space for witnesses, sometimes defendants and accused; we need more court space. There is now a recommendation which we are actively considering, of taking the top floor of NIPDEC House to provide additional courtrooms and space for the magistracy. We hope that by the time the debate on this Motion ends—if it does not end today—we would be able to tell this honourable House our achievements in that regard.

**4.10 p.m.**

There is also the annoying question of bailors—when I say bailors I mean “professional” bailors. The Ministry of Legal Affairs has been inundated with letters bearing complaints about the activities of these “professional” bailors. Last year a training programme for justices of the peace was held, because, apparently some of them did not understand the true nature of their functions. We have had complaints that justices of the peace are now hanging around the jail, soliciting to stand bail. This is a terrible practice. So that it was necessary to call in all justices of the peace to a seminar to explain to them the level of conduct required of them as JPs. I should like to say today that at the end of the programme it was felt that much was achieved, because we had reached these JPs, we imbued them with the sense of duty required of them as justices of the peace.

There are also instances where deeds and other documents for standing of bail were forged, and one of the aspects of the seminar was to assist these justices of the peace in detecting forged documents. In one instance it was discovered that no less than 17 bails were taken on one deed. That is terrible! We are now seeing a great reduction in that kind of activity, however, thanks to the seminar held.

As I said, a new Bail Bill will be coming before this honourable House shortly. This country, my country, your country, our country, has always shown great respect for the rule of law; there cannot be any democracy without respect for the rule of law. Therefore, whatever happens, we must understand that we must always, even in our moments of anxiety, adhere to the rule of law. So, even if we are besieged or the state is under attack, we must ensure that we do not pass draconian laws. I say this again: We must pass laws to remedy the vice that exists; we must pass laws so that we can curtail the criminal activities of people, always remembering that free people, self-respecting people, are depending upon us as parliamentarians to protect them under the rule of law. Today, if we find that the criminal element has reared its ugly head in this country, we must move to lop off

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that head. It is a common sense of commitment, a common sense of freedom and a common sense of safety that we would like to feel.

**Mr. B. Panday:** Corruption.

**Mr. A. Casimire:** I am asking that all of us put our heads together to fight this crime that has shown its ugly head in this country.

**Mr. B. Panday:** Is corruption included? Why do you not want to include corruption?

**Mr. A. Casimire:** I have not specified any crime, I said "crime"...

**Dr. Rowley:** Ban Ramesh.

**Mr. B. Panday:** Get forgiveness when you could pay.

**Mr. A. Casimire:** Madam Speaker, as I was saying, we have to deal with this problem together; it does not concern us only as parliamentarians; it concerns us as a nation.

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

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. K. Valley*]

*Question put and agreed to.*

**Mr. A. Casimire:** Thank you, Madam Speaker and hon. Members.

As I was saying, this is something which requires our combined effort.

**Mr. B. Panday:** Madam Speaker, would the hon. Member indicate—I agree with him, he is so very concerned—why the Government has not given the police vehicles to deal with crime?

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

**Mr. A. Casimire:** Madam Speaker, I would not reply to the rhetoric of the Member for Couva North, because he knows that the police have vehicles; perhaps not sufficient vehicles, but there are vehicles.

**Mr. B. Panday:** Are you saying that the police have vehicles?

**Mr. A. Casimire:** Perhaps not sufficient, but there are vehicles in the police service.

**Mr. B. Panday:** The police have vehicles, okay.

**Mr. A. Casimire:** I cannot help but repeat my call not only to us as parliamentarians but to all right-thinking persons in this country to come forward and join the fight against crime. We want to be able to live and we want to be able to live in peace.

We were trying to understand—

**Mr. B. Panday:** They had a plan for unemployment, where is it? They had a plan for crime, where is it?

**Mr. A. Casimire:** Together with the plan for implementation, for putting the infrastructure in place, there is also a list of legislation which will be coming before this honourable House to complement the other aspects of the implementation plan, so that we can really attack the problem that is facing us at this time.

**Mr. Mohammed:** Do you have the list?

**Mr. A. Casimire:** Some are already before this honourable House and some will be laid shortly.

**Mr. Maharaj:** Madam Speaker, I wonder if the hon. Member would give way to a question. Could the hon. Member tell this honourable House of that part of the Government's plan to deal with crime as distinct from constitutional reform?

**Mr. A. Casimire:** Madam Speaker, that would fall to be discussed by the Minister of National Security. Fortunately, or unfortunately, we have what is called discipline on this side, and the Minister of National Security, whose portfolio it is, will be addressing those problems before us at some time.

Having said that, I should like to thank this honourable House for giving me the opportunity to speak on a Motion that I feel is so important for keeping the fabric of our life intact. [*Interruption*] Madam Speaker, I would not do like my Friend the Member for Oropouche—take up a paper and read to make up time. You know, if he was a lawyer, and a good lawyer, he would know that he should not do that. I would leave him at that.

Thank you, Madam Speaker.

#### ADJOURNMENT

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I beg to move that this House do now adjourn to Friday, February 4, 1994 at 1.30 p.m.

*Adjournment*  
[HON. K. VALLEY]

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May I inform the House that on that day we shall continue with the debate on the Regional Health Authorities Bill.

**Madam Speaker:** Hon. Members, there are some motions on the Adjournment. How many do we have at this time, three?

**Mr. Maharaj:** Yes, Madam Speaker, but with respect to the Motion of the Member for Oropouche, the Minister of Finance is not here, so I do not know if the Government would be prepared.

**Mr. Valley:** Madam Speaker, the Minister in the Ministry of Finance is here, and I am prepared to proceed with the Motion.

**Mr. T. Sudama:** Last week you said you could not proceed.

**Mr. K. Valley:** Madam Speaker, that was last week when I was called in to bat at a late hour. I have had a week, so that if the Member wishes we can proceed with the motion.

**Madam Speaker:** All right, so there are three. I think the motion of the Member for Oropouche is first. Will the Member proceed.

I think hon. Members are appealing to the Chair that this is a convenient time for the tea break. So the House is suspended until 5.00 p.m.

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

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

### **First Citizens Bank**

**Mr. Trevor Sudama (Oropouche):** Madam Speaker, this Motion on the Adjournment, as you are aware, has been outstanding for a very long time. One got the impression that the Government just did not want to debate it and that, perhaps, there was something to hide in the issue raised in it.

This Motion has to deal with the establishment and operation of the First citizens Bank of Trinidad and Tobago. And if there ever was fiasco with respect to the bringing to the bringing into being of a financial institution in this country, it is that bank.

There are two major issues involved here: the manner in which the National Commercial Bank, the Trinidad Co-operative Bank and the Workers' Bank operated, and were permitted to operate, by the supervising authorities. The ultimate responsibility for this, I want to emphasize, really rests with the Minister of Finance, to whom the Central Bank has to report.



The second major issue is the role of the Central Bank in its supervisory functions over the financial system, and in the manner in which the merger was brought about; the erosion of confidence in the Central Bank as an institution whose integrity should be beyond and above question. As I proceed I will give further specifics of that—the erosion of confidence in the Central Bank, which is supposed to be the monitoring authority over the financial system in this country, and the big question mark which has arisen on its role in this whole exercise.

The public has paid dearly for the laxity, the incompetence, the inefficiency and, indeed, the downright corruption involved in the operation of these three banks, which were state-owned enterprises or enterprises in which the state had significant and substantial participation. The state, in fact, was the moving figure in the creation of these banks.

Very many questions are left unanswered. What we are talking about is millions of dollars in public, institutional and individual funds which has been lost. How were these banks operated by their boards and executive staff? Why was the mandate given to these banks? What was the scale of losses involved, about which the Central Bank and the state knew, and the write-off of bad debts?

I tell this House that the management of a loan portfolio is the heart and soul of commercial banking. Because a bank is in the business of getting depositors' money and lending that money in a way that would bring in a profit, the lending is secured and, of course, turns over, so that the funds are accessible. The moment one goes on a path of laxity, inefficiency and corruption in the manner in which one lends money, that financial institution is subject to collapse and, indeed, has a very negative effect on the integrity of the whole financial system. So that, it is the land portfolio of these three banks, the manner in which they incurred bad debts, the extent of the bad debts, the manner in which they resolved the issue of bad debts; and the role of the Central Bank.

There is a report here which shows the extent of the incompetence of this management which has involved the Treasury in substantial loss, quite apart from individual shareholders and institutions.

“A top banker has estimated that failed financial institutions have cost the country about \$1 billion to \$1.5 billion over the past 10 years.”

Money which, if it were available today, there would not have been the problem which the Minister of Public Utilities is having trying to get a few million dollars to deal with the acute and critical water supply. But here we are arguing over budget surplus—avoidance of budget deficit, and we have a situation where this

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government can just oversee a loss of between \$1 and \$1.5 billion in the financial system.

“...this figure included the cost of restructuring Workers’ Bank in 1989, the cost of capitalizing First Citizens Bank, payments by the Deposit Insurance Corporation (DIC) to depositors of the failed institutions and loss of shareholders capital.”

Now, the state—the Government—is involved in all this—restructuring the Workers’ Bank. The Central Bank found the money—I should like to know from where—to restructure it, not once, but twice. In other words, restructuring meant a write-off of losses, making the bank start again.

“the cost of capitalizing First Citizens Bank...”

to the tune of \$200 million and change. Now where did this money come from? The Central Bank of Trinidad and Tobago. If that money were available for other purposes we would not have had the stringency on the Treasury which we have today.

“...payments by the Deposit Insurance Corporation...”

to which the Central Bank is a contributor—

“to depositors of the failed institutions and loss of shareholders’ capital.”

The Central Bank and the Government are also shareholders in all these failed institutions, so one sees where public money is going.

**Mr. Valley:** Madam Speaker, I wonder whether the hon. Member could just repeat the figures, so that we can get a total figure of these losses.

**Mr. T. Sudama:** They are just estimates.

**Mr. Valley:** Yes, I know, I just want to get the total figure.

**Mr. T. Sudama:** The figures range between \$1 billion and \$1.5 billion over the last 10 years.

**Mr. Valley:** What about the \$2.1 billion that went to Caroni?

**Mr. T. Sudama:** Yes, we will deal with that too, but let us deal with the operations of the Central Bank and with the eagerness with which this Government influences write-offs of bad debts. We are coming to that.

**Mr. Palackdharrysingh:** What has Caroni to do with this—where is the relationship?

**Mr. B. Panday:** Caroni is an indigenous bank.

**Mr. T. Sudama:** Now, control was supposed to be exercised by moral suasion over these failing banks. Moral suasion simply did not work, because these fellows who were running these banks, the board and the executive, were not accountable. Every time they ran into losses they knew the Central Bank was there to bail them out on the pretext that if they were not bailed out, then the whole financial system would collapse. That is how they operated—completely without accountability. How is one going to try to use moral suasion on these people, who are intent on being inefficient and, indeed, as the evidence shows, pointing in the direction of corruption?

The same banker argued that—

“non-indigenous banks responded pro-actively to these challenges at the expense of short-term profitability, and were able to retain business confidence.”

The banker said that the \$600 million in bad debts incurred by the indigenous banks was a—

“...staggering amount and difficult to come to terms with. Some critics attribute this to a virtual splurge...”

and this is putting it very, very mildly—

“of injudicious lendings combined with lack of decisive action on non-performing accounts.”

Because of the state of their losses and the state of their write-offs of bad debts a merger was forced upon them.

**5.15 p.m.**

“He said that it should not be necessary to remind persons charged with running financial institutions of their serious fiduciary responsibility to shareholders and depositors as well as the system as a whole.”

Apparently, this principle was lost on these institutions where the state has significant shareholdings and which were, in fact, directed by the state. Their operations were influenced because of the board of management which was appointed.

What emerges from all this is that these indigenous financial institutions seem to have been part of the spoils system. A party gets into power, there are spoils to be had, put fellows in positions as board members. Therefore, it was a question of spoils and no accountability on how the public’s money was handled.

**Mr. B. Panday:** We want the names. We want the names of all the bad debtors.

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**Mr. T. Sudama:** I want it understood that private auditors make their audits of the accounts of these financial institutions. They then give a certificate that the accounts show a true and fair value of the assets. It is on the basis of that audit that people invest money in these banks, or depositors, deposit. They rely on the auditors' reports. Yet, when the Inspector of Banks goes into these institutions, a completely different picture emerges. Why and how? Why was this allowed to go on?

“Jeffers—TCB made \$5.5m from illegal \$\$ sales.”

Illegal trading in foreign currency. These transactions do not appear to be sanctioned by the board.

“As long ago as 1985, an on-site inspection of TCB found weak management, poor controls and no adequate systems...for identifying problem loans and for determining provisions for loan losses. The accounts later showed that ‘substantial new funding was required to permit TCB to carry on its business but there was no suitable source for such financing available.’ So the Central Bank assumed control.”

Do you understand? No suitable source. They know that they can rely on the Central Bank to assume control, bail them out and:

“—paid TCB \$81.2 million of the nation's money for non-performing loans with a face value of \$84.9 million. The Central Bank has recovered only \$1.8 million from these loans.”

Do you understand the manner in which these banks are run? Then he went on to list irregularities. The Trinidad Co-operative Bank had a declared profit of \$611 million and when the Inspector of Banks went in, he found a loss of \$7.3 million. It would not be believed what was going on in this—

**Dr. Rowley:** Madam Speaker, on a point of clarification. Did I hear the Member say that the Trinidad Co-operative Bank had a profit of six hundred and something million dollars?

**Mr. T. Sudama:** No, no.

**Dr. Rowley:** I think you said million.

**Dr. T. Sudama:** It is \$611,000 that showed up as a loss of \$7.3 million.

The Inspector of Banks continued:

“The Inspector's examination reported revelations of ‘abuse of credit facilities by members of senior management.’ There was, he said, ‘evidence of

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unauthorized excesses on overdraft limits and generally, the terms and conditions of the facilities were not being adhered to.” Some of these deficiencies, he described as serious in nature.

Indeed, in one instance, the balance outstanding at inspection date on a credit line of \$15,000 was in excess of \$700,000. Furthermore, this officer’s total indebtedness to the bank, at inspection date, amounts to \$1.9 million with a substantial portion being unsecured with no clearly defined repayment schedule established.”

This is an officer of the bank helping himself to \$1.9 million as unsecured credit. That is the way they permitted the system to operate. In just want to give an idea of how these banks reached the state in which they found themselves. Lack of decisive action that the inspector found; downright irregularity; and favouritism in dealing with bad loans. There are a number of these instances—people in high positions in the society. I have in front to me a report in the *Daily Express* of Thursday, December 9, 1993, which spoke of the board of the National Commercial Bank—First Citizens Bank, but this is a loan secured with the National Commercial Bank:

“The \$12 million loan was raised in 1982 by ... Rema Property Development, for the Southland Mall in San Fernando.

...the initial move to release the Saiths from the loan guarantee came from First Citizens Bank, which reportedly owns 25 per cent of the loan.

The board—”

of First Citizens Bank—

“was being asked to ratify a management decision to sell off the mall, estimated to bring in \$3 million, and write off the remaining \$9 million while releasing the Saiths from their guarantees.”

Now, if people’s money is taken and dealt with in such a fast and loose manner, are these financial institutions expected to survive? It is not a question of whether the Minister of Planning and Development, Dr. Lenny Saith, asked for any debt forgiveness. That is not the issue! The issue is, why was this management of the First Citizens Bank, which took over the loan from the National commercial Bank, so eager to go for write-off and debt forgiveness? Why? Not realizing—surely they would know the consequences on the finances of the First Citizens Bank by engaging in this kind of activity.

**Madam Speaker:** As the member is not reading, maybe I could just indicate that since we have three Motions on the Adjournment and we must finish by 7.50 p.m., each Member will be allowed 27 minutes to make this contribution.

**Mr. T. Sudama:** All right. Madam Speaker, the Saiths' loan and the circumstances of its write-off are not the only example of how the management of these three banks dealt fast and loose with the people's money.

There is the issue of Mr. Bruce Procope. He was the chairman of the Workers' Bank Board lending to himself. This is like putting a cat to watch milk. They cannot recover \$3.7 million. "FCB targets Procope for \$3.7m again". Loan after loan—if one reads some of the names, one would think we are in Roman times. Loan to Cicero Holdings—\$287,000; loan to Caesar Holdings; loan to Catullus Holdings. I see Pamela Farms—Well, I doubt it has anything to do with the Member for Tobago West.

**Miss Nicholson:** I wish I owned it!

**Mr. T. Sudama:** All these loans, accumulating, one upon the other. Here we have the chairman of an institution either directly or indirectly influencing lending to himself which cannot be recovered and adding to the total losses.

Then there is the Prime Minister advising. He spoke to the credit unions and this is what he told them.

“—Credit Unions... losing sight of the principles of “sound credit management and standards of prudential behaviour.”

Do you hear the lecture? And here he has his right-hand man and one of the state enterprises engaging in behaviour, which one could never talk about in terms of sound credit management and standards of prudential behaviour.

### **5.25 p.m.**

Listen to this, in the Trinidad Guardian of January 11, 1993:

"Prime Minister Manning explained that credit unions must avoid falling into the trap of sympathetically lending to their members without adequate credit management.

...he said it was easy to understand the dilemma credit unions face when members request financial aid but are not able to repay."

These are just members of a credit union. What about a Minister of Government? What standards do you apply to a Minister of Government? Here is the Prime

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Minister lecturing; he has gone on his podium; his religious pulpit, to lecture to the credit union movement while his own Ministers of Government are involved in issues of bogus credit management.

“...when members request financial aid, but are not able to repay.”

He continued:

“ ‘...In the final analysis,’ he advised, ‘there can be no doubt how it must be resolved’.”

He did not tell us how. But I should like to know, in view of his Minister of Planning and Development being in the same precarious position, how he would advise that that matter of the loan on the Southland Mall should be resolved.

It is not only the moneys of financial institutions and banks and so on. I have a letter here from the Secretary of the Pension Plan Committee of Trinidad and Tobago Electricity Commission, and you see the co-ordination and the orchestration of this whole exercise of debt-forgiveness. It states:

"Mr. Gregory Thomson,  
Manager-Designate,  
Republic Bank Ltd.  
Trustee Branch,  
Port-of-Spain:

Dear Mr. Thomson,

RE: REMA PROPERTY DEVELOPMENT LIMITED

Our telephone discussions of 1993 11 26 refers.

This serves to confirm the following:

- 1.0 The Pension Plan is no longer interested in pursuing the purchase of the property known as Southland Mall owned by the captioned and mortgaged to a consortium of lenders.
- 2.0 The Plan's Management Committee is prepared to accept the offer of \$3 million as the full and final settlement of the total debt to the consortium, however without the release of the personal guarantees of Mr. Lenny Saith and Mrs. Radhica Saith."

We do not know what has happened since.

- 3.0 In the event that our position at 2.0 above is unacceptable, the Committee has instructed that efforts should be made to recover the funds through payments on an instalment basis."

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But the whole issue is the readiness to take pension plan money, workers' hard-earned money, to invest it in real estate development and then to be so eager to write off losses incurred. Who will bear the losses, except the poor workers of Trinidad and Tobago?

The role of the Central Bank in executing the merger appeared to have been triggered by a report in the Bomb of September 10, 1993, which says:

"Two major problems which confront the merger team are what to do with the bad debts portfolios of the National Commercial Bank, conservatively put at one billion dollars, and the bad debts of the Workers' Bank, reportedly some \$800m... The write-off of the NCB debts, mainly given to "big boys" in the country, has not been ruled out."

This is not an unusual disclosure. These banks are heavily indebted. Why did the Central Bank then act so precipitately on the basis of this report in order to push through and dictate the merger on a basis which has caused so much confusion with the shareholders of this company?

The statement from the Governor of the Central Bank from September 12 to now has merely compounded the confusion. If you look at the Express of September 15, 1993, the statements made by the Governor of the Central Bank are openly refuted by Mr. Emile Elias, a large shareholder of the Trinidad Co-operative Bank. In fact, Emile Elias has virtually called the Governor of the Central Bank a liar. In a Statement Of Facts issued by the Governor of the Central Bank, we see:

"—a Memorandum of Understanding to hold discussions with a view to achieving a merger. At the request of the Chief Executive Officers, the Central Bank became a signatory to the Memorandum of Understanding, to act in a facilitating role."

This is disputed. It is said here that it was Mr. Philip Rochford who announced that it was a good idea. There was no request from the Chief Executive Officers of the three Banks. It says here, the merger committee, "comprising the Chief Executive Officers of the three banks and two senior officers of the Central Bank." Mr. Elias says that it was established wholly with Central Bank personnel.

As we go along, every detail of the Statement Of Facts being challenged. Now, where is the truth in this matter? Do we unreservedly accept the word of the Governor of the Central Bank, or do we have a committee of this Parliament which we are now advocating, to probe the circumstances of the establishment of this First Citizens Bank? We should like to know: Was it a merger or a takeover?



The Governor of the Central Bank himself is not clear whether what he did was a merger or the arbitrary takeover of the assets of these three financial institutions.

The statement of the Governor of the Central Bank goes on to make several contradictions, and these, as I said, can only be answered by a full inquiry of a select committee of this Parliament, which will go into all the circumstances, into the background of the necessity for this merger, into the issues of why was the first merger committee under Deputy Governor, Terrence Farrell was undermined and dismantled and the recommendations rejected. These recommendations were acceptable to all the shareholders of the three financial institutions.

Mr. Emile Elias said—and this is very important as to how the Central Bank operated in this role—in the Sunday Guardian of December 12, that while this merger committee was doing its work, Mr. Leonard Williams was sent to hold talks with Ernst & Young to come and do a Due Diligence Report when, in fact, such a report was already done by Price Waterhouse, the auditors of Trinidad Co-operative Bank. When Ernst & Young came to Trinidad, they consulted with nobody; they went out and did a report which showed that the bank had an asset value of \$230 million. When Ernst & Young was finished with them, they had a minus asset value and their shareholdings became worthless. But while their shareholdings were worthless, arbitrarily the Central Bank put a figure on the shareholding at \$1.00 per share.

So why was Dr. Terrence Farrell's committee disbanded and their recommendations rejected? It is being challenged that his work was undermined by the Governor of the Central Bank. Here you have a Central Bank where the Governor and the Deputy Governor are not on speaking terms; they are at loggerheads, and this is an institution in which the public is supposed to have confidence.

What was the rationale, what was the mandate of the second merger committee which was established in March 1993? What was the mandate given to Ernst & Young? Why has the report not been published, as requested by the shareholders and by a large sector of the public of Trinidad and Tobago? In what manner was the review of the value of the shares as well as the offer made by the Central Bank done? Here you have the auditors of the bank saying one thing—listen to what the audit certificate of the Workers' Bank says:

"The Statements and Notes...are in agreement with the books of the Company and are properly drawn up in accordance with generally accepted accounting principles and exhibit a true and correct view of the state of affairs of the

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Company at 30th September, 1992 and of the results of its operations for the year then ended."

That is what the auditors are saying; the Inspector of the Central Bank is saying something diametrically opposed to this. Then the NCB, whose auditors are Coopers & Lybrand also got such a certificate and the Inspector of the Central Bank has stated contradictorily.

**5.35 p.m.**

I want to conclude by talking about the qualifications of the people who have been put to operate and manage the First Citizens Bank of Trinidad and Tobago. First and foremost, are the qualifications and the performance of Mr. Lennard Williams as chairman of First Citizens' Bank. Mr. Lennard Williams was chairman of the Workers' Bank between 1989 and 1993. I do not have to recall the report of the Inspector of Banks on how Workers' Bank was operated between 1989 and 1993. Having failed that institution, and the people of Trinidad and Tobago, and having brought the integrity of that institution into question, we want to ask: Why was Lennard Williams, among others, appointed to run First Citizens' Bank of Trinidad and Tobago as its first chairman?

**The Minister of Industry and Trade and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, the issues raised by the Member for Oropouche are very important and, perhaps, very relevant, but they cannot really be dealt with at this time, first of all, because the restructuring exercise is not complete, and, more importantly, there is a close nexus between some of the issues raised and the application for judicial review by one of the shareholders of Trinidad Co-operative Bank. So, this matter is sub judice.

I just want to comment, rather quickly, on a point with which I agree, raised by the Member for Oropouche, and that is the fact that we have had to write off some indebtedness of the bank, but I make the point that, really, over the last few years, Government has had to write off a considerable amount of indebtedness of some of the state companies.

With regard to TCL, the Government has had to write off some \$192 million in indebtedness. In the overall restructuring of BWIA, based on our current initiative for the new Caribbean airline, we are faced with having to do something with the accumulated losses of more than \$700 million. Caricargo, an investment which we got into with the government of Barbados; WISCO, Printing and Packaging, Farrell House and, of course, as I said, across the floor, Caroni (1975) Limited, where we had to write off \$2.1 billion.

Of course, these were excesses in the time of plenty; let us face it. If one looks at what the Government is doing now, one will see that it is attempting to put the state sector on a good footing. As we move to do that, one would hear the type of arguments coming from the other side about privatization and so on. I say, again, that we were very clear with respect to our state enterprise policy as outlined way back in 1988, before we got into Government. That is what we are doing because we understand that there is a problem; and, yes, there would be other companies in which Government would have to write off indebtedness. Right now the Government is looking at National Poultry, and something has to be done with their indebtedness.

So, it is not simply the Workers' Bank, the Co-operative Bank or NCB, but state companies. It points to the fact that governments ought to get involved in the commercial sector only when it is of strategic importance, leaving the private sector to run their business; they are much more efficient in dealing with that.

On the other matters, I am afraid that while I share some of the concerns expressed by the Member for Oropouche, as the matter is, in fact, before the courts I think we would have to leave it there.

Thank you.

### **Southern Finance Company Limited**

**Mr. Sahid Hosein** (*Siparia*): Madam Speaker, my Motion has to do with the laxity of the Central Bank in not properly monitoring financial institutions especially Southern Finance Company Limited, causing thousands of depositors to lose all their moneys. And this continued laxity being responsible for the serious disquiet being expressed by citizens with regard to the operations of the banks that today constitute First Citizens Bank Limited.

With the downturn in the economy, several finance houses went under in the 1980s, causing thousands of persons to lose significant amounts of money. The Central Bank was forced to move in and we had the provision of deposit insurance, so that, depositors are now protected up to a certain level. This was an added safeguard in addition to the supervisory and monitoring role of the Central Bank, a role which failed miserably in the period before the establishment of deposit insurance, when one looks at the magnitude of the problems that developed with those financial houses.

It would, therefore, be logical to expect that with the demise of those financial institutions, and with the establishment of deposit insurance, the Central Bank

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would have been more alert to prevent a recurrence of this problem, but the evidence clearly shows that they have continued in what appears to be a very off-hand manner.

This afternoon, I want to cite the case of a depositor of Southern Finance Company Limited, Ramberan and Rajkalia Mohess. Ramberan is 84 years old and is bedridden; Rajkalia Mohess is 80, and suffers with her heart. The certificate of deposit from Southern Finance Company Limited, which I have in front of me, has an issue date of July 31, 1987, and the sum involved is \$16,694.80. To many of us, that is not a significant amount of money, but to-

**Mr. Valley:** In 1987?

**Mr. S. Hosein:** In 1987, that is correct. This is what makes this whole case strange. To us, as I said, it is not a significant amount of money, but to those two old persons who told me they had spent all their pensions on procuring medicines, it means a lot-this \$16,694.80. In fact, the lady, Rajkalia, has stated that she is prepared to go to any lengths, even giving away half of the deposit, in order that she can get back some, because things are so bad with them.

So there is this situation where deposit insurance was established in 1986. I spent three days, Monday to Wednesday, calling various people at the Central Bank, trying to get to the root of this problem, and on the Wednesday I was told that these people have absolutely nothing to get. However, the official to whom I spoke was a bit surprised that the deposit certificate was dated July 31, 1987. I have a copy which I can pass on to the Minister of Finance. In fact, I passed on a copy to that official in the Central Bank.

That person at the Central Bank is saying that these people have nothing to get, and I find it extremely strange, in that there was a company that accepted deposits and the company has gone out of existence through bad management. In fact, I was told-it was assumed; I was not told with any certainty-that the reason why nothing could have been done for these people is that that company may not have had a licence to operate. Or, their licence might have been suspended.

**5.45 p.m.**

I ask: What is the role of the Central Bank? In fact, given the fiasco pre-1986, was anybody monitoring the situation to ensure that depositors would be protected and that the same thing would not happen again? If the company licence was suspended, it raises the question: Was this suspension publicized? Does the Inspector of Banks or the Central Bank itself not have a

responsibility to the citizens of this country to ensure that if a licence of a financial institution is suspended or revoked, it is publicized and fully aired? If it is published in the *Gazette*, it is not publicized; the *Gazette* is not as widely read as the other arms of the media.

I argue that since the Central Bank is responsible for the monitoring of the operations of these financial institutions then in the final analysis, they are the ones who have to be responsible for paying these people their money. One cannot say otherwise, especially after the 1986 period.

During the course of my inquiries I learnt that the company has no assets. The whereabouts of the principals are unknown—and we are talking about millions of dollars here. There are many deputies. Trinidad and Tobago is so small that it boggles the mind when somebody at the Central Bank tells you that there are no assets and the whereabouts of the principals are unknown. It seems to me that, indeed, we are a land of savages and the jungle has taken over. There is no recourse for innocent citizens in this country. Are the principals not liable? Are there no avenues open to the Government, to the Central Bank and the state to ensure that steps are taken to bring these people to book?

It raises the question that was raised moments ago: What is the role of the Inspector of Banks? What are they doing? I want a commitment from the Minister of Finance that this particular matter will be thoroughly investigated. And if there is merit in the case, as I think there is, then the aggrieved persons should be properly recompensed.

Thank you.

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, the issue here is quite simple. First of all, before the legislation of August 1973 was passed, the Central Bank was governed by the Central Bank Act of 1964 and the Financial Institutions (Non-Banking Act) of 1979.

Some time in the 1970s these finance houses developed quite rapidly because of the economic situation in the country. By the time the legislation was passed in 1979—the Financial Institutions (Non-Banking) Act—there were a number of these institutions already existing. They had certain guidelines to meet under the legislation. Because they were already existing, obviously, there had to be transitional provisions, as it were, and thus most of them were given time to meet the new conditions.

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They could not qualify at that time. If one were to close them down then, it would have wrought havoc on the economy and on depositors. Southern Finance Company, one of those companies—and the history suggests that it was licensed in 1981—given certain conditions, was severely affected by the closure of International Trust Limited in 1983, and the contraction of the economy which commenced in 1982. Within the statutory limits of the powers of the Central Bank, Southern Finance Limited was initially suspended in March 1984 but was allowed to resume business in April of that year on certain conditions, but despite good efforts, the management could not meet those conditions.

The Central Bank then supported efforts made by Southern Finance Limited to have the company taken over by a foreign company in an attempt to safeguard the interest of depositors, and to this end discussions were held in the course of 1985 for the Bank of Credit and Commerce International, (BCCI) and Southern Finance Limited was granted a licence for 1985 on the condition, inter alia, that its name be changed to Bank of Credit and Commerce International, Trinidad and Tobago Merchant Bankers Limited in anticipation of a takeover by BCCI.

Those discussions failed in 1986 and the state of Southern Finance Limited at that time was such that a further licence could not be granted. That is why I expressed surprise. Southern Finance Limited in 1987 was not a licensed institution. Let me make the point—if Southern Finance Limited took a deposit in 1989, obviously that seems to be a criminal matter.

**Mr. Hosein:** Madam Speaker, that is exactly the point. If they did not have a licence to operate, do you not think it was the responsibility of the Central Bank to ensure-what did the Central Bank do? Can I go and open a bank in the morning and operate and the Central Bank would shut its eyes to this? The Central Bank has certain responsibilities.

**Hon. K. Valley:** Madam Speaker, as you know, the role and function and authority of the Central Bank are spelt out and, as my Friend the Member for Couva North pointed out, the Central Bank would have had to announce this by way of Gazette notice. They would have most likely shown the list of financial institutions which were licensed for the year in question. In law they say caveat emptor, "let the buyer beware." One is expected to exercise due care and attention in one's business including financial business.

**Hon. Member:** Then remove the institution of the Central Bank.

**Hon. K. Valley:** Madam Speaker, more and more one has to move to rely on the individual. Before one places a deposit in a financial institution one has to

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ensure that it is properly licensed. More than that, because that institution was not licensed, it could not qualify for deposit insurance, so that depositors could not benefit from the existence of the fund. That may be the difficulty in which the Member's constituent has found himself or herself.

You ask for an assurance. There is no problem. I am going to ask the Central Bank to look into the matter, but given the facts as I heard them and not being a lawyer—it seems to me that it is a situation where a deposit was placed in an unlicensed financial institution, and because of that there is no recourse other than to the criminal courts.

I thank you, Madam Speaker.

**5.55 p.m.**

**Princes Town Junior Secondary School  
(Water Shortage)**

**Mr. Mohammed Haniff** (*Princes Town*): Madam Speaker, I rise to raise the matter of the lack of a regular water supply at the Princes Town Junior Secondary School and many other schools across the nation. You would recall my efforts to raise it under “urgent public importance.” Since it was disallowed, I chose to do it this way because of the urgency and nature of the suffering of the students concerned.

There is a situation where the Princes Town Junior Secondary School was without water for a three-week period, since school reopened on January 03, 1994. I have in my possession a document given to me by the principal of the school. It states that—it is a double-shift school—nine out of ten shifts were affected and the children had to leave school; sometimes classes did not begin at all; at other times at 9.00 a.m.; and the evening shift was similarly affected.

During the second week, they continued without a pipe-borne supply, but trucks started delivering some water. The volume of water required at that school is about three of four truckfuls. When they receive one truckful, they would allow classes to go on for a short while and then send the children home. When school is affected today, it means that the children would not come the next day because of the continuing situation. It went on for two weeks.

It is in that context I sought to raise it, hoping that those concerned, like the Minister of Public Utilities, and indeed, the Minister of Education, would become aware. I am not sure that they have been alerted to this situation. As a result, that is the kind of situation that existed at the Princes Town Junior Secondary School

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for three weeks. The effects of the children not having any classes during that period-I spoke about children being on the road at different hours during the day. You, Madam Speaker, and others here are all concerned. Every single person would understand the difficulties associated with children being on the road at all different hours.

When these children are sent home, naturally their education is being affected. I am using that situation with the Princes Town Junior Secondary School to give you a reference but there is a similar situation at many schools across the nation. Do you know what happens in the Princes Town area? The Water and Sewerage Authority has to supply water to the schools. There are 25 schools waiting on a truck-borne supply, and if they do not get that supply, their school day would be affected.

In a situation where there are two trucks, the contractors' trucks deliver water. I have all sorts of clippings to prove my case. Those contractors have not been paid for more than two years and in many cases they have withdrawn their services. As a result, there is no water in the lines and no contractors to deliver water, and children are going home at all hours of the day.

I was there at the Princes Town Junior Secondary School and the phone did not stop ringing. The principal and the vice-principal were receiving calls and giving information as to whether there would be school or not. It was normal and natural to understand that if the schools in a particular area do not get water through the lines, the residents would not get water either. This is the third time in six months that we had a three-week period without any water. It happened at crucial times. It happened for the Divali celebration; Christmas Season. The supply resumed for a short period and it went again. *[Interruption]* A plan, hopefully that would be implemented some good day, we pray. Hopefully, the Minister would tell us if there is a plan and whether it would be implemented.

**Mr. B. Panday:** There is a plan, but it would not be implemented.

**Mr. M. Haniff:** Madam Speaker, I am going to give the list of schools in the Princes Town area. There are 25 of them. They are: Mayo R. C. School, Eccles Village Anglican, Williamsville Junior Secondary, Brothers' Presbyterian. They are in one area, the Williamsville area. They depend on three trucks of water each week, or school would be affected. This is in the heart of Princes Town now: Princes Town Methodist, Princes Town Presbyterian, St. Michael's Anglican, St. Stephen's College, Princes Town Junior Secondary, Princes Town Senior Secondary, Christ College, New Grant Government, Hindustan Baptist, New Grant E. C., North Trace Government, Nepal Presbyterian, Robert Village Hindu.



Most of these schools are along the Naparima/Mayaro Road. The hon. Minister of Public Utilities would remember that I raised the very issue concerning Robert Village in the Tableland area, and he indicated that WASA pointed out to him that there is need to change a piece of main in that area. The hon. Minister visited that area recently. I should like to know whether the Government and WASA have reached the point where they are in fact going to change that main.

People are crying out for having to pay for a service that they are not receiving. This is the dry season and there is no water. I am the type of representative that people can communicate with at any time. Do you know that we cannot even get in touch with WASA by telephone? It is indeed very difficult to get in touch with them, and when we do, that is it. The engineers are saying without doubt that they have now reached the point where they cannot do anything; and they have not been doing anything in terms of repairs to the lines.

I have information that that area I am speaking about has no fewer than 100 leaks, broken mains and connections. Nothing is happening. The engineers said to me that there are no materials, staff, welding rods and transportation. Even in the areas where there is some water in the main, the only answer to the leaks is to turn off the valve. That is the situation we have found ourselves in.

**Mr. B. Panday:** Nothing would happen as long as the PNM is there.

**Mr. M. Haniff:** We all know that it is happening all over the country.

**6.05 p.m.**

Let me give you a list of a few of the schools in Caroni Central: Freeport Presbyterian, Carapichaima Presbyterian, Preysal Government R.C., Flanagan R. C., Gran Couva R.C., Lendore Hindu; Caroni East: Todd's Road R. C., Mamoral R. C., and I can go on. I did not seek to collect the names of all the schools in the area.

I call upon the hon. Minister of Education to do a survey to let this country know how many school hours are being lost as a result of no water in the country. It has to happen. What are we doing? Parents are crying out against the high prices of everything, and are sending their children to school only to have them return home without having had classes. And yet Members opposite say we are improving; and we are hoping for the best.

Trinidad and Tobago, the financial centre of the Caribbean—we are boosting tourism and we do not have water to drink. The survey says that there is no

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shortage of water in Trinidad, so it is a matter of collecting it, treating it and distributing it through the lines. I raised this matter for two years and we continue to raise it. I have a list of the number of occasions on which I raised it. What is more painful is that when I raise it I am rejected. I am not allowed to raise it under certain headings, but, we will continue to raise it because the Government has a responsibility-

**Madam Speaker:** You did not raise it under the right heading. *[Interruption]* Hon. Member, I have ruled on the matter and I wish you would not comment on it. You have raised it under the right heading this time.

**Mr. M. Haniff:** I have taken your advice; it is just that I did not agree.

**Madam Speaker:** Then there is no need to comment on it.

**Mr. M. Haniff:** I did not agree, but I have taken your advice.

Do you know what I realize? Every day we have an excuse-no alum, no materials. Do we have a water and sewerage authority? If the answer is yes, do we have a Minister who is functioning in public utilities and dealing with the problems? I should like to know. Do we have a Government which is responsible for giving us water? It seems not. In this situation we should like to get some answers.

As I said, I have several clippings. The Minister went to the Tableland area recently. If we look at these clippings, according to one dated January 24, 1994, *Trinidad Guardian*, we would find that the Government is seeking a loan of US \$60 million. I am asking: Is it a situation where, if we do not get the US \$60 million, we would have to do without water? Is anything going to happen with those leaks? Is anything going to happen with the distribution of water now that the dry season is here, and there are areas where there are no pipes and the local government bodies ought to be distributing? Is there going to be truck-borne distribution in these areas? Are we really aware of the severe problems people are encountering all over the country with this water situation? If we are aware, what are we doing?

I have many clippings in my possession here, but I will just refer to a few. I refer to one from the *Express* dated January 18, 1994, "Residents tell WASA, no water, no dollars", but that really is not the answer because the residents of Moruga, Penal Rock Road, La Lune and Marac, and many other areas which have been represented by the PNM, and Ministers at that, for all the years have no water. In this day and age people have to depend on water from ponds and rivers.

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The water is polluted. The Minister of Health is not here today. We can understand the problems that may arise from a situation like this.

What do we hear? We hear of charges: "WASA to investigate sabotage allegations." I submit to this House and to those in authority that the sabotage in the Water and Sewerage Authority is coming from the Government itself. They are the ones who have not given the funds and the machinery and the labour, they have sent home labour, for the sole purpose of running down the utility so that, in the end, the people would say, "Yes, go ahead and give it away; privatize it."

I submit to this House this evening that water is too crucial for us as a nation to hand it over to any foreign firm. As a result, if there is need for divestment, there must be proper consultation. Do not hand it over. We on this side have confidence in the people of this country. We ought to be able to distribute water to our citizens. We are saying that the Government has a responsibility. I have no doubt that the hon. Minister will get up this evening and give a response to end the day's sitting, but we will not get a response that will give us water.

I cut short this contribution, not wanting to go into very much detail, but I wish to inform you that we have a very terrible situation out there and, for God's sake, would those in authority recognize their responsibility? They say that they have the authority to rule, but they also have the responsibility to provide a health service and all that goes with it. The public institutions are being closed on a day-to-day basis. If one goes to the Warden's Office and any of the public institutions and businesses, they are seriously affected. I look forward to hearing from the hon. Minister whether they are, in fact, prepared to deal with the situation.

**The Minister of Public Utilities (Hon. Morris Marshall):** Madam Speaker, I will just make some very brief comments. I cannot argue with my colleague on the other side. It is a matter with which I am very concerned, as Minister. We do have a serious problem with WASA.

I want to respond very quickly to what is indeed before us, and that is the lack of a regular water supply at the Princes Town Junior Secondary School and many other schools across the nation. The situation which obtained at the Princes Town Junior Secondary School, was correctly outlined by the Member for Princes Town. There was a problem during the period December 28 to January 23 as a result of several leaks on the transmission system. That has since been corrected and there is water at the school now. I spoke with the principal of the school, I think it was on Wednesday of this week, and I have been assured that the problem has been corrected.

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As it relates to problems in schools generally, that is a situation that we really have to do something about. We cannot tolerate a situation where every now and then principals have to send children home because there is no water. I have been speaking to my colleague at the Ministry of Education about this. It is a matter of serious concern to us and in fact what we are going to do, especially in the dry season which will be with us very shortly, is to a co-ordinated approach to this problem, and this week we will be pulling together officials from local government, WASA, and we will seek some assistance—I have not yet discussed this with the Minister of National Security—even from the Fire Services Department, to see if we can put something in place, on a short-term basis, to address that problem in schools. That is a problem that cannot be tolerated.

It is not that the Government is deliberately doing things to force a collapse of WASA. I will not tolerate that at all. That is not the case at all and you would not find this happening under this Government. You have my assurance.

**6.15 p.m.**

I will just make the point very quickly that it is most unfortunate that people forget the history of WASA. Every night, on one or all of the television stations, you would find that a new community is targetted and there is something about the WASA situation. Only recently, I saw a programme where someone talked about no water for 25 years. That makes the point about the seriousness and extent of the problem, and people expect that those problems would be solved immediately.

I have made it clear from day one, and there is no mystery about it, that we will not solve the problem overnight, it just cannot happen. I have said it before and I will say it again: It is not that we are not doing anything about it. I say without any apologies that as Minister I accept the responsibility for the utilities. If I succeed, fine. If WASA fails, it is not going to be the management of WASA that is going to accept responsibility, I am going to accept responsibility for that. That is my position. I am on the job; I am trying to do as much as I can given the resources.

It is unfortunate, that we have to be tackling the WASA problem at a time when finances are extremely short. That is part of the problem. *[Interruption]* It is certainly not going to help us if we go back into the past and talk about what we had then. The fact of the matter is that WASA tells me, and based on all the data coming through, it would require \$2 billion to address—very fundamentally—the WASA problem over the next ten years. That is the reality. We are seeking to grapple with the problem in that kind of environment.

It is not that we are making excuses; it is not that we are seeking to put the blame on anybody else. We are simply saying what the reality is in 1994. For the last few days I have been talking directly to some of the key persons all over the country with respect to this problem, ensuring that we do as much as we can in the short term to treat with the problem.

More than that, and more importantly, is that we have tried many things over the past few years; some of them have worked and some have not. No mystery! And we are not seeking to give the impression that we are gods; we have tried certain things, some have not succeeded, we are in fact reviewing those positions—*[Interruption]* Member for Couva North, please! We are speaking in the context of some of the successes and failures; reviewing this position; a task force has been appointed and a report has been submitted. It was only last week that the Energy Committee met. This morning, again, we met for a very long period, and I am pushing to be able to carry something to the Cabinet to review what has been happening and to move forward in terms of treating with the fundamentals of the Water and Sewerage Authority.

I do not want to say anything more about that. As soon as the matter is finalized at the level of the Cabinet, I am going to talk directly to the national community about what we are going to be doing in an attempt to address the problem. I am extremely concerned about it. I visited Poole Village about two weeks ago and I met many people there. There was an aged couple, virtually under siege in terms of the water situation, with no young person there to assist them. So it is not a pleasant situation; it is not something that we are happy about, and we are doing as much as we can at this time to address the problem. We are taking the fundamental decisions, and as soon as that is finalized in the next few days we shall be able to say something very precisely to the country on that issue.

My apologies for any inconvenience caused to all those who are experiencing problems. I want to assure you that we are not giving up, and I feel assured that with some help, we shall eventually get behind the problems facing us in the water industry in Trinidad and Tobago.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.20 p.m.*