

*Leave of Absence*

*Friday, April 15, 1994*

**HOUSE OF REPRESENTATIVES**

*Friday, April 15, 1994*

The House met at 1.30 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 of the House to the Member for San Fernando West (*Hon. R. Maraj*) and the Member for Couva South (*Mr. R. L. Maharaj*).

**PAPER LAID**

Statement by the hon. Minister of Trade and Industry and Minister in the Ministry of Finance on Trinidad and Tobago's decision to declare formally its interest to access the North American Free Trade Agreement (NAFTA), made in the House of Representatives on Friday, April 8, 1994.

**ORAL ANSWERS TO QUESTIONS**

**Madam Speaker:** There are some questions standing in the name of the Member for Couva South. He has simply asked for leave of absence. Is any Member asking for leave of deferral?

**Mr. B. Panday:** Madam Speaker, the hon. Member has asked that I ask the questions in his name.

**National Gas Company Chairman  
(Foreign Visits)**

**58. Mr. Basdeo Panday** (*Couva North*) on behalf of Mr. R.L. Maharaj asked the Minister of Finance:

- (a) Would the Minister inform this honourable House of the number of foreign trips made by Mr. Ken Julien, the Chairman of the National Gas Company, for and on behalf of the Government of Trinidad and Tobago and/or for any state-owned company, statutory authority or any agency of the Government of Trinidad and Tobago since his appointment to the National Gas Company after the 1991 general election?
- (b) Would the Minister give the particulars of these trips stating, inter alia, the dates of these trips, the countries visited, the companies or

individuals or firms seen, the purposes of the visits and the costs incurred by the Government of Trinidad and Tobago and/or the respective state authority for the visits?

**The Minister of Finance and Minister of Tourism (Hon. Wendell Mottley):** Madam Speaker, Prof. Julien's travel abroad can be categorized under three broad headings:

- (i) Official visits
- (ii) Promotion and development
- (iii) Other governmental assignments

In the first category, "Official visits," Prof. Julien participated in official Government missions as part of the delegations which accompanied the Prime Minister on his visit to the United Kingdom and Germany in May/June, 1993 and his visit to the United States, France and the United Kingdom in October 1993. Details of these missions have already been reported upon in Parliament by the Prime Minister immediately on his return.

With respect to "Promotion and Development," Prof. Julien, in his capacity as Chairman, travelled abroad in fulfilment of the mandate of National Gas Company Limited (NGC). As part of its strategy to monetize the gas resources of the country, in 1992 Government charged the NGC with responsibility to:

- (i) Evaluate all proposals for natural gas-based projects in the energy sector, and advise on those projects in which a participatory interest by Government may be prudent.
- (ii) Monitor and guide all major natural gas-based projects in the energy sector into the implementation phase.
- (iii) Advise Government on an appropriate regime of incentives to stimulate the development of downstream industries based on iron and steel, ammonia, urea, methanol and other natural gas-based products as feed stock.
- (iv) Apply any regime of incentives as decided by Government with respect to the encouragement and development of downstream industries in the gas-based and petrochemicals sub-sectors; and
- (v) Promote Trinidad and Tobago both at home and abroad as a prime location for investment in gas-based industries and to seek to attract such investments into Trinidad and Tobago.

As a matter of urgency, NGC was also required to ensure the adequacy of the long-term production of natural gas so that both the electricity supply and the output of existing as well as future industries would be properly protected.

In this regard, Prof. Julien travelled abroad on five occasions in 1992 and seven occasions in 1993. These efforts were directed at the promotion and development of natural gas industries and formed an integral part of the Government's strategy to revitalize the dormant energy sector.

In the third category, as Chairman of the Cabinet appointed Task Force on Water, the Chairman of NGC paid separate visits to the United Kingdom and the USA.

The expenses incurred by Prof. Julien in his travels have been borne directly by the NGC and fall within the guidelines for all state enterprises established by Cabinet. These guidelines covered travel expenses by officials of state enterprises on official business. None of these expenses has accrued directly to the Government of the Republic of Trinidad and Tobago or any statutory authority.

Prof. Julien's travel on behalf of NGC over the period is as follows:

DATE	PURPOSE OF VISIT	DETAILS
1. 1992, March 12—16	Expansion of methanol Industry Development of MTBE Project	USA
2. 1992, April—16	Development of Iron Carbide Project Promotion of LNG	Europe, USA
3. 1992, May 4—8	Iron Carbide Project	USA
4. 1992, September 17 to 24	Methanol Expansion	Germany
5. 1992, October 10—14	Iron Carbide Project	USA
6. 1992, November 15—18	Natural Gas Development/LNG Project	London, United Kingdom

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**1.40 p.m.**

DATE	PURPOSE OF VISIT	DETAILS
7. 1993, Jan 10—12	Methanol Expansion/LNG Project Methanol Downstream	USA
8. 1993, March 29—31	Petrochemical Downstream Industries Development of MTBE Project	USA
9. 1993, April 23—27	Project Executive Meeting LNG Methanol Expansion	USA
10. 1993, May 23 to June 6	Part of Prime Minister's delegation	London, United Kingdom & Germany
11. 1993, June 10—12	MTBE Project Petrochemical Downstream Industries	USA
12. 1993, July 7—9	LNG Project	USA
13. 1993, July 24—28	Petrochemical Downstream Industries Methanol Expansion	USA
14. 1993, August 21—28	Meetings with World Bank and IFC	Washington USA
15. 1993, October 17 to November 3	Part of Prime Minister's delegation/LNG Project. (See report tabled on Prime Minister's trip)	Chicago, USA Europe, United Kingdom Puerto Rico

The total cost of these 15 overseas visits by Prof. Julien seeking investment on behalf of NGC is \$216,160.

As a result of these efforts over the course of 1992 and 1993, Trinidad and Tobago was successful in attracting new investments of more than TT\$3.6 billion. These include:

US\$ Million		TT\$ Million
TTMC expansion	235.0	1,386.5
Nucor	80.0	472.0
British Gas - Dolphin	250.0	1,475.0
Enron	<u>60.0</u>	<u>354.0</u>
	625.0	3,687.5

Moreover, these investments have served to fulfil one of Government's primary objectives, that of securing additional sources of natural gas. Trinidad and Tobago can now boast of a healthy natural supply, well in excess of projected demand. The success of this strategy can be gauged from the fact that an LNG Plant is now highly probable.

**Mr. Sudama:** I do not recall the mentioning of whether Prof. Julien travelled as head of the Cabinet appointed task force on electricity. Does the Minister have the details of Prof. Julien's travel with respect to his role as Chairman of the task force on electricity?

**Hon. W. Mottley:** Madam Speaker, I have answered the question as has been put to me. If the hon. Member wishes, he can place another question. The answer I have given is comprehensive with regard to what was posed.

**Mr. Sudama:** Let me tell him what the question is because he excluded electricity. The question is as follows:

- (a) Would the Minister inform this honourable House of the number of foreign trips made by Mr. Ken Julien, the Chairman of the National Gas Company, for and on behalf of the Government of Trinidad and Tobago and/or for any state-owned company, statutory authority or any agency of the Government of Trinidad and Tobago since his appointment to the National Gas Company after the 1991 General Election?

T&TEC is a statutory authority. I want to know what travels Prof. Ken Julien made with respect to electricity. This is inclusive in the question.

**Mr. Valley:** If the Member wishes he can file a separate question.

**Mr. Sudama:** Madam Speaker, this is inclusive in the question.

**Madam Speaker:** If this is the position, I think, clearly, the hon. Minister would have to furnish further details on that.

**Hon. W. Mottley:** If that is a specific question I have no difficulty in providing the answer.

**Mr. B. Panday:** I trust that the Minister would supply that information.

**Mr. Sudama:** When?

**Mr. B. Panday:** Before Friday. He is very prompt.

**Mr. Valley:** Madam Speaker, first of all, let me say that this answer is complete. If the Member wishes additional information—if he believes that it is not included here—then he should file a separate question.

**Mr. B. Panday:** Is this question No. 63 to the hon. Prime Minister that the hon. Member is answering?

**The Minister of Trade and Industry and the Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, the Government is asking for a deferral of the questions on the Order Paper, other than questions 84 and 98.

*Question put and agreed to.*

**Miss Nicholson:** Madam Speaker, is that inclusive of No. 82?

**Madam Speaker:** Yes.

**Miss Nicholson:** A strong promise was made last week by the Member for Diego Martin East that question No. 82 would be answered this week—after two months.

**Madam Speaker:** I think the hon. Member knows what my position is in the Chair. I can only go along with what can be provided.

**Miss Nicholson:** We would like an explanation to the nation on that.

*The following questions stood on the Order Paper:*

### **Prime Minister's Trips**

**63.** Could the Prime Minister kindly state:

- (a) The cost to the public of Trinidad and Tobago of his recent trip to Cyprus, the United Kingdom and the United States of America?

- (b) The names of the persons who formed part of the official party at each of the destinations, and could he inform this honourable House of the expenses incurred by the Government of Trinidad and Tobago for having those persons as part of the trip? [*Mr. R. L. Maharaj*]

**Domestic Route  
(Air Fares)**

**82.** Could the Minister of Works and Transport kindly state:

- (a) Whether he is aware that there was an increase in airfare after the new domestic travel arrangements were established from August 8, 1993?
- (b) Were there any identified concessions that the two airlines serving the domestic route should meet and if there were any, would the Minister identify these concessions?
- (c) Since the increased airfares, did the Government or its agent, ATLA, confirm these changes? If the answer is in the affirmative, would the Minister say why there is a difference in the fare structure between British West Indian Airways and Air Caribbean?
- (d) Would the Minister please inform the House what were the conditions outlined in the agreement reached after an attempt was made to keep or limit British West Indian Airways' operation on the domestic route?  
[*Miss P. Nicholson*]

*Questions, by leave, deferred.*

**Trinidad and Tobago Methanol Company  
(Equity Sold)**

**84.** Miss Pamela Nicholson (*Tobago West*) asked the Prime Minister:

- (a) Would the Prime Minister state what percentage of the equity in the Trinidad and Tobago Methanol Company was sold to Ferrostaal and Helm AC respectively?
- (b) Would the Prime Minister indicate whether domestic and other foreign investors were given equal opportunity to bid for the available shares in the Trinidad and Tobago Methanol Company? If so, was the opportunity provided through advertisement in the local and international media including industry magazines? Would the Prime Minister indicate the dates and publications used?

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- (c) (i) Did the advertisements information memorandum state the date by which bids should be submitted in the number of shares being offered for sale and the criteria by which the bids would be evaluated?
- (ii) Would the Prime Minister indicate the names of the bidders and the amounts offered?
- (d) If such bids were received, would the Prime Minister indicate by whom the evaluation was done and who negotiated the final terms of sale?

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, 31 per cent of the equity in Trinidad and Tobago Methanol Company Limited has been sold to Ferrostaal and Helm AC in the proportion, Ferrostaal AC 26 per cent and Helm AC five per cent.

In addition, in order to satisfy the requirement of the majority private sector participation for the financing from the German export bank, another 24 per cent of the equity of the company is being held in trust for the Government by Ferrostaal and Helm AC.

Government did not invite any bids for the acquisition of shares in the company as it had accepted the proposal of Ferrostaal and Helm for the expansion of Trinidad and Tobago Methanol Company Limited. Government would be divesting shortly the 24 per cent shareholding which is currently held in trust by Ferrostaal and Helm in the Trinidad and Tobago Methanol Company. Both domestic and foreign investors would be given the opportunity to bid for these shares.

Thank you.

*The following questions stood on the Order Paper:*

**Drug Trade**  
**(Foreign Assistance)**

**86.** Would the Minister of National Security kindly state:

- (1) Whether, since his Government assumed office any government or agency of it offered any assistance (whether in the form of money or the provision of goods and services) to the Government of Trinidad

and Tobago to help it to combat crime and/or to help it to combat the drug trade and/or to help it to promote law and order and/or to help it to promote national security?

- (2) If the answer is in the affirmative:
- (a) Would the Minister give particulars of the offers?
  - (b) Would the Minister state whether:
    - (i) these offers were accepted or refused or allowed to lapse?
    - (ii) any conditions were to be satisfied by the Government for any of these offers?
    - (iii) the Government satisfied the conditions attached to the offers? *[Mr. R. L. Maharaj]*

**Petrotrin Refinery  
(Gaseous Pollutants)**

- 87.** Could the Minister of Energy and Energy Industries kindly state:
- (a) Whether he is aware if the "waste oil" and other gaseous pollutants emanating from the Petrotrin Refinery in Pointe-a-Pierre are adversely affecting the residents in the Marabella area especially along the Guaracara River?
  - (b) If the answer is in the affirmative, could the Minister state what steps are being taken to improve and to alleviate the suffering of the residents of the Marabella area? *[Dr. C. Singh]*

**National Insurance Board  
(Judgment Implementation)**

- 88.** Could the Minister of Social Development state:
- (a) When the National Insurance Board intends to implement the decision of the National Insurance Appeals Tribunal which handed out a written judgement in favour of widows and survivors of deceased insured persons according to Class "C" ratings?
  - (b) Could the Minister also state whether it would be necessary for each family, so affected, to apply individually for these benefits that are due to them since the amendment of Act No. 35 of 1971 by Act No. 23 of 1980? *[Dr. C. Singh]*

**Cunapo Southern Road  
(Landslip)**

**91.** Could the Minister of Works and Transport kindly state:

Whether he is aware that work has ceased on the massive landslip and major depression on the Cunapo Southern Road at Sadhoo Road Junction? If the answer is in the affirmative, would the Minister state:

- (a) What remedial work will be done to prevent the road from slipping further?
- (b) What remedial work will be done immediately to the massive road depression which makes the road impassable to vehicular traffic?
- (c) When will work begin to remedy the entire situation?
- (d) When will the said project be completed? *[Mr. K. Jurai]*

**Nariva Sanctuary**

**92.** Could the Minister of Agriculture, Land and Marine Resources kindly state:

- (a) What system is in effect to prevent farmers from encroaching on the Nariva Sanctuary?
- (b) What steps he is taking both in the short run and in the long run to prevent the further destruction of the environment of the Nariva Swamp? *[Mr. K. Jurai]*

**URP Estates**

**93.** Could the Minister of Works and Transport and Minister of Local Government kindly state:

With respect to work being undertaken on URP Estates:-

- (a) The names and locations of estates on which work is being undertaken by URP workers?
- (b) Why is it that only well-known PNM party supporters and activists are given regular jobs on these estates and the unemployed, poor and destitute persons are not given any employment on these estates?
- (c) What sums of money are spent on each of these estates per year?
- (d) What is the income derived from these respective estates per year?

- (e) If these estates are running at a significant loss, why does the Government continue to be involved in these ventures? [Mr. K. Jurai]

*Questions, by leave, deferred.*

**1.50 p.m.**

**Dr. Rowley:** Madam Speaker, there is some confusion here because I am ready to answer question No. 98.

**Madam Speaker:** I think the Leader of Government Business made a slight error. Instead of question No. 98 he meant No. 92. So, we answer question No. 98 for the Member for Caroni East.

#### **Aranguez Estates Limited**

**98. Mr. Sham Mohammed** (*Caroni East*) asked the Minister of Agriculture, Land and Marine Resources:

- (a) Will the Minister state whether it is the intention of the Government to permit any part or all of the agricultural lands owned by Aranguez Estates Limited and now tenanted and cultivated by farmers to be used other than for agriculture, that is to say, commercial, industrial or residential purposes?
- (b) If the answer is in the affirmative, will the Minister give details:
- (i) How many acres are now under agricultural cultivation?
- (ii) Out of the total acreage, how many acres are to be reserved for uses other than for agricultural purposes?
- (c) Will the Minister state further, whether in fact any such permission has been given over the last five years and, if so, identify the acreage, the areas and purposes?

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley):** Madam Speaker, I must apologize for the confusion.

Aranguez Estates Limited is a private landholding which consists of prime agricultural lands zoned as such. The Government of the Republic of Trinidad and Tobago has no intention at this time to encourage the use of the estate, which is tenanted and cultivated by farmers, for any purpose other than agriculture.

No approvals have been granted over the past five years for the cultivated lands in this area to be used for any purpose other than agriculture.

**Mr. S. Mohammed:** Is the Minister aware that a number of buildings have gone up for purposes other than agricultural use? They are visible to everybody.

**Dr. The Hon. K. Rowley:** Madam Speaker, I have seen structures going up all over the country. I do not know where they fall. The question of land utilization does not properly fall under my portfolio in terms of approvals for land use.

#### ORDER OF BUSINESS

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I beg to move that under Private Business, Bills Second Reading, No. 1, on page 13 of the Order Paper be considered, at this time, before Government Business; then Motions Nos. 1 and No. 2; then Bill No. 1 under "Bills Second Reading".

*Question put and agreed to.*

#### NRITYANJALI THEATRE INSTITUTE BILL

*Question put and agreed to,* That a Bill to provide for the incorporation of the Nriyanjali Theatre Institute for Indo-Caribbean Arts and Culture and for matters incidental thereto, be now read a second time.

*Bill accordingly read a second time.*

*Bill referred to a Special Select Committee of the House of Representatives chosen by the Speaker as follows:*

Dr. Rupert Griffith	Chairman
Mr. Edward Hart	Member
Mr. Jarrette Narine	Member
Miss Hulsie Bhaggan	Member

#### LAND ACQUISITION

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley):** Madam Speaker, I beg to move,

That this House approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.

This is a pretty routine matter, wherein in seeking to service the public needs, the Government has taken steps to acquire, through the normal procedure, the parcels of land identified in the Appendix. There are four parcels.

Parcel one comprises 0.4847 of a hectare, more or less, situate off Herrera Trace, Friendship Village in the ward of Naparima, in the County of Victoria, and is said to belong now or formerly to R. Gayah.

This parcel of land is being acquired for the purpose of establishing a public cemetery in this community.

The second parcel of land is one comprising 745.7 square metres situate on the western side of Yorke Trace in Riseland, Patience Hill, Tobago, in the Parish of St. Andrew, in the Ward of Tobago and is said to belong now or formerly to Rupert Anthony.

The purpose of this acquisition is to carry out road improvements in the Riseland area in Tobago.

The third parcel of land, being acquired is for the public purpose of establishing of recreational facilities. It contains 2.0555 hectares, and is situate at Speyside on the southern side of Windward Road and on the western side of Lucy Vale Trace at their junction, in the parish of St. John, in the ward of Tobago, and belonging now or formerly to Gloria Theresa Morales.

As I said, this parcel of land is being acquired for establishing of recreational facilities for the people of Speyside.

Fourthly, under item four we see three parcels of land being acquired by the state specifically for the purpose of furthering its efforts in facilitating the needs of those small traders and entrepreneurs, whom we commonly refer to as vendors, who seek to ply their trade in the city of Port of Spain.

As you know, over the years we have had the initiative of members of the national community who seek to ply their trades on the pavements in the city and the Government has, from time to time, taken steps to facilitate those initiatives, while at the same time keeping the quality of life in the city at a tolerable level. To do this, the Government acquired, not too long ago, parcels of land and established Tent City, which is quite successful.

In furtherance of this initiative of assisting small traders in carrying on the activity in the commercial life of Port of Spain, the Government is seeking to acquire, firstly, a parcel comprising approximately 815 square metres situate at No. 3 Charlotte Street, Port of Spain and said to belong now or formerly to Charlotte Holdings Limited. Secondly, a parcel comprising 1287 square metres situate at No. 41 Independence Square, Port of Spain and said to belong now or formerly to Properties Securities Limited. And thirdly, a parcel comprising

approximately 343.9 square metres, situated at No. 43 Independence Square, Port of Spain and said to belong now or formerly to James Jutagir.

As I said, the purpose of the acquisition of these parcels—which I believe are contiguous—is to establish an incubator facility for micro-entrepreneurs; in short, as part of the Government's effort in seeking to facilitate trading in the context of the activities of vendors in Port of Spain.

*Question proposed.*

**2.00 p.m.**

**Mr. Trevor Sudama (Oropouche):** Madam Speaker, I really rise to ask for clarification. I believe that the Member for Diego Martin West is merely presenting this Motion to the House; he is not acting in the position of Minister of Planning and Development because, on this question of land acquisition, a number of undertakings were given since 1992 by the substantive Minister of Planning and Development, which I choose to raise. I am not sure that the Member for Diego Martin West, who is acting in that capacity, is really in a position to answer for the real leader of the party. As he, having been overlooked for the position of Acting Prime Minister, I am not sure he can really answer, because there is a chronology of undertakings.

On May 15, 1992, the substantive Minister came to the House and gave certain undertakings. Today, April, 1994, none of these undertakings have been addressed.

**Mr. Eckstein:** Has!

**Mr. T. Sudama:** Why do you not go and see what is happening at Mount Hope? Or do you think you need another operation? Check to see what is happening at Mount Hope, instead of wanting to correct me. They are all correctors of English, Madam Speaker. All of them. The Member for Diego Martin West was correcting my pronunciation on the last occasion. I understand he was a teacher in Tobago—

**Madam Speaker:** Will the Member continue, please.

**Mr. T. Sudama:** —and there was an incident and he had to flee Tobago. Today he is the deputy leader of the PNM Party, a Minister of Government, so you understand the kind of party we have to deal with.

**Madam Speaker:** I will not get between the Member for Oropouche and the Member for Diego Martin West. Will the Member please proceed with the debate.

**Mr. T. Sudama:** Madam Speaker, I cannot speak on this Motion simply because I cannot ask the Member for Diego Martin West to answer, so I shall have to wait until the real, "true-true" Minister of Planning and Development, the power wielder in the PNM, the Acting Prime Minister, in fact, some people say the de facto Prime Minister; we only have a de jure San Fernando East Prime Minister. The de facto Prime Minister is not here and, therefore, I cannot get any response to the queries I intended to raise on this matter of land acquisition.

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith. Rowley):** Madam Speaker, I take it that was a contribution to the debate, so I am constrained to reply.

To clarify the concerns of the Member, I am de facto the Acting Minister of Planning and Development, I have an instrument from the President that says so.

**Hon. Member:** You will never be Acting Prime Minister. That and God's face you will never see.

**Dr. The Hon. K. Rowley:** Madam Speaker, I do not know why Members on the other side are so concerned about the arrangements in the Government. They would like to be Prime Minister and Minister of Finance; I am told they cannot even control Chaguanas, but they want to control the Cabinet.

On a more serious note, I take the point that the Member was making, that there are some questions he probably would have taken the opportunity to ask the substantive Minister. I presume that he was alluding to the fact that the Minister, some time last year, gave the assurance to this House that the Land Acquisition Bill would have been before the Parliament within some time frame—I think he had indicated the end of the year. Just to assist the Member, I want to point out that the Bill for the Acquisition of Land for Public Purposes has been completed and has been laid in the other place. I presume it is on its way here.

I just give that information for the assistance of the Member.

I beg to move.

*Question put and agreed to.*

*Resolved:*

That this House approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.

**APPENDIX**

Description of Land	Public purposes for which to be acquired
<p>1. The following parcel of land containing 0.4847 of an hectare, more or less, situate at Friendship Village in the ward of Naparima in the county of Victoria, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated August 15, 1989, executed under Survey Order No. 66/87 and filed in his office.</p> <p style="text-align: center;"><b>THE SCHEDULE</b></p> <p style="text-align: center;">A parcel of land comprising 0.4847 of an hectare, more or less, situate off Herrera Trace, Friendship Village in the ward of Naparima county of Victoria, and said to belong now or formerly to R. Gayah.</p> <p>This is more particularly shown coloured raw sienna on a survey plan filed in book 1140 folio 76 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>Public cemetery</p>
<p>2. The following parcels of land containing 745.7 square metres, more or less, situate at Yorke Orphan Road in the ward of Tobago in the parish of St. Andrew, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated November 04, 1986, executed under Survey Order No. 39/86 and filed in his office.</p> <p style="text-align: center;"><b>THE SCHEDULE</b></p> <p style="text-align: center;">A parcel of land comprising 745.7 square metres situate on the western side of Yorke Trace, Riseland, Patience Hill in the Parish of</p>	<p>Road improvement</p>

Description of Land	Public purposes for which to be acquired
<p>St. Andrew in the ward of Tobago, and said to belong now or formerly to Rupert Anthony.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed in book 1140 folio 36 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>3. The following parcel of land containing 2.0555 hectare, more or less, situate at Speyside, Tobago, in the ward of Tobago, in the parish of St. John, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated January 4, 1990, executed under Survey Order No. 22539 and filed in his office.</p> <p style="text-align: center;"><b>THE SCHEDULE</b></p> <p>A parcel of land containing 2.0555 hectares situate at Speyside on the southern side of Windward Road and on the western side of Lucy Vale Trace at their junction, in the parish of St. John in the ward of Tobago, and belonging now or formerly to Gloria Theresa Morales.</p> <p>This parcel is more particularly shown coloured raw sienna on a survey plan filed as RPO Vol, 476 fol. 669, CT Vol. 3107 Vol. 287 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>4. The following parcels of land containing together 2445.9 square metres, more or less, situate at Charlotte Street and Independence Square, Port of Spain in the ward of St. Ann's in the county of St.</p>	<p>Recreational facilities</p> <p>Establishing an incubator facility for micro entrepreneurs</p>

Description of Land	Public purposes for which to be acquired
<p>George, described in the Schedule hereto and coloured raw sienna on a plan of survey signed by the Director of Surveys and executed under Survey Order No. 22/1994 and filed in his office.</p> <p style="text-align: center;"><b>THE SCHEDULE</b></p> <p>Three contiguous parcels of land described as follows:</p> <ol style="list-style-type: none"> <li>(1) A parcel comprising approximately 815.0 square metres situate at No. 3 Charlotte Street, Port of Spain and said to belong now or formerly to Charlotte Holdings Limited:</li> <li>(2) A parcel comprising approximately 1287.0 square metres situate at No. 41 Independence Square, Port of Spain and said to belong now or formerly to Properties Securities Limited.</li> <li>(3) A parcel comprising approximately 343.9 square metres situate at No. 43 Independence Square Port of Spain and said to belong now or formerly to James Jutagir.</li> </ol> <p>These parcels are more particularly shown coloured raw sienna on a survey plan filed in book No. 1140 folio No. 156 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	

**REGIONAL HEALTH AUTHORITIES BILL**

**Senate Amendments**

**The Minister of Health (Hon. John Eckstein):** Madam Speaker, I beg to move,

That the Senate amendments to the Regional Health Authorities Bill listed in the Appendix be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 3.*

*Senate amendment read as follows:*

(i) Add the following new subclause (4) immediately after subclause (3):

"(4) Any Order made under subsection (3), shall be laid in Parliament within twenty-one days of it being made or if Parliament is not then in session, at the earliest opportunity thereafter.

(ii) Renumber the existing subclause (4) as subclause (5)."

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

*Question proposed.*

*Question put and agreed to.*

*Clause 5.*

*Senate amendment read as follows:*

Delete and substitute the following:-

"(5) (1) Subject to subsection (2) a Board shall exercise its powers and functions in accordance with such specific or general directions as may be given to it by the Minister.

Chap. 25:03

(2) In the exercise of its powers and functions, the Board of the Tobago Regional Health Authority is subject to the provisions of the Tobago House of Assembly Act."

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

*Question proposed.*

*Question put and agreed to.*

*Clause 25.*

*Senate amendment read as follows:*

"In subclause (4), insert between "(3)" and the word "to" in line 3, the words "and clause 11 of the Second Schedule."

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

*Question proposed.*

*Question put and agreed to.*

*Clause 26.*

*Senate amendment read as follows:*

In paragraph (b), substitute for the words "ninety-six" occurring in lines 3 and 4, the words "one hundred and thirty."

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

*Question proposed.*

**Dr. Carl Singh (Tabaquite):** Madam Speaker, the amendment to clause 26 (b) reads:

"Substitute for the words "ninety-six" occurring in lines 3 and 4, the words "one hundred and thirty."

The ceiling has been raised whereby with the appointment of an officer in one of these authorities, his salary can move from the sum of \$96,000 a year to \$130,000 a year, and still the Minister holds the power to increase this further, if he so wishes, or if it becomes necessary.

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

In the present context where there is financial stringency we are increasing the salary scale from \$96,000 a year to \$130,000 a year. The setting up of five regional health authorities will create, as it were, five more Permanent Secretaries whose salaries will fall within the same scale, according to the recommendations of the Salaries Review Commission. We have today in the Ministry of Health two Permanent Secretaries, and we are creating five more mini ministries or five more Permanent Secretaries to run the Ministry of Health at the same salary scale that exists right now, according to the publication of the Salaries Review Commission.

I think this adds a tremendous burden on the Ministry of Health when today if one goes to many of the health centres or hospitals one would be treated and given a prescription to go and get the drugs. Also, we are doing it in such a way that the Minister himself will have the power to increase it further if he so wishes.

I am saying that the cost of running these five institutions—mini ministries—will increase by leaps and bounds over the years, and it would be chaos if we continue in this way.

**Mr. Sudama:** Madam Speaker, I am not sure which clause we are on.

**Madam Speaker:** Clause 26.

**Mr. Sudama:** I had intended to make a contribution on clause 5.

**Hon. Member:** That has gone already.

**Mr. Sudama:** I have a concern with the powers with which these boards will function—the powers and responsibilities and the role of the ministry.

**Madam Speaker:** Unfortunately, we would have to proceed in another manner to discuss this because this has already passed. We cannot discuss it at this point. I think the Member is experienced enough to—

**Mr. Sudama:** Yes, I will discuss it under another section.

**Madam Speaker:** Hon. Minister, are you answering the hon. Member for Tabaquite?

**Mr. Eckstein:** Yes, Madam Speaker. The Government does not intend to have five Permanent Secretaries in the Ministry of Health. I do not know why the Member should come to such a conclusion; certainly, the Minister of Health and the Government have no such intention.

Clause 26 (2) reads:

"The Minister may, by Order, alter the limit stated in subsection (1) (b)."

This is what this House approved; not the word "increase". So that the Minister has the power to either increase or decrease. This limit requires the authority to come to the Minister for approval if it is to be exceeded. This is not the salary that is going to be paid.

**Miss Bhaggan:** We understand that.

**Mr. Eckstein:** If a salary in excess of this sum is to be paid, the Minister's approval must be sought; it does not necessarily mean that that salary is to be paid or that is the salary. It just means that if the Authority requires a cardiologist out of Canada, or somewhere else, and he has to stay for a month or two—

**Dr. Singh:** According to the original Bill, the ceiling was set at \$96,000 for one of the officers of the authority. We are altering the Bill here to raise the ceiling to \$130,000—

**Mr. Eckstein:** It is not a ceiling.

**Miss Bhaggan:** It is a range, then!

**Mr. Eckstein:** It is the level at which the Authority can operate, not the level at which the authority can pay with the approval of the Minister. In other words, that is not a ceiling that cannot be exceeded; it can be exceeded but with the approval of the Minister. All we are saying is that that ceiling appears to be too low for a specialist in today's world, and that if the authority wishes to recruit such a person in excess of \$8,000 per month—right now, the consultants in the Public Service get \$12,000 per month. It was felt that \$8,000 per month would mean that the authority would have to come to the Minister, whoever that is—you, probably; I do not know—every day.

*Question put and agreed to.*

*Clause 28.*

*Senate amendment read as follows:*

"substitute for subclause (3) the following:

"(3) Except as provided for in section 29 (3), a period of secondment shall not exceed five years."

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

*Question proposed.*

*Question put and agreed to.*

*Second Schedule.*

*Clause 1.*

*Senate amendment read as follows:*

(i) Delete subclause (2) and substitute the following:

"(2) In respect of subclause (1) (a) -

(a) at least one member of each Board shall:

- (i) represent the public interest and welfare;
  - (ii) be nominated by and from the Association of Local Government Corporations of Trinidad and Tobago;
  - (iii) be a registered medical practitioner;
  - (iv) be a registered nurse;
- (b) the Dean of the Faculty of Medical Sciences shall be a member of the Board of the Central Regional Health Authority.
- (c) the Board members other than those listed in subclause (2) (a) and (b) above shall be appointed from amongst persons who have special qualifications in, and practical experience of, matters relating to one or more of the following disciplines:
- (i) finance, accountancy or economics;
  - (ii) business management;
  - (iii) personnel management or industrial relations;
  - (iv) law; and
  - (v) any other area of expertise that is appropriate for fulfilling the powers and functions of the Authority."
- (ii) Delete subparagraph (3) and renumber subparagraph (4) as subparagraph (3).

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

*Question proposed.*

**Mr. S. Mohammed:** Madam Speaker, I just wish to seek clarification from the hon. Minister. On page 2 of the list of amendments with respect to subclause (1) (a), (ii) states:

"(ii) be nominated by and from the Association of Local Government Corporations of Trinidad and Tobago;"

I shall be grateful if the Minister would give us some information about the Association of Local Government Corporations, whether the Association exists and is functioning.

**Mr. Eckstein:** Madam Speaker, under the Act dealing with local government bodies there is an Association of Local Government Corporations. This is the body, it is intended, that would name the individuals to serve on these regional health authorities.

**Mr. S. Mohammed:** Madam Speaker, I am aware that there is an Association of Local Government Authorities; that is why I raised the point. Are we talking about the same thing?

**Mr. Eckstein:** Yes.

**Mr. Sudama:** Madam Speaker, I want to find out, first of all, the manner in which the Member who represents the public interest and welfare on these Boards will be—

**Madam Speaker:** Which clause are you dealing with?

**2.20 p.m.**

**Mr. T. Sudama:** I am dealing with subclause (2)(a)(i). There are so many clauses, subclauses, and minor clauses in this Bill that it has really confused the Minister of Health because he does not know what the Association of Local Government Corporations is. What body that is, he does not know, yet he has put this down here in the Bill. There is no such body called the Association of Local Government Corporations. At this time there is no such body. I do not know who is representing whom. But it shows the state of confusion in which this Ministry and indeed the whole Government find themselves.

The person to represent the public interest, now that we are giving authority to these regional health boards, will be the institutions to look after the health of the country at the level at which health services are being delivered. It is vitally important that the person who represents the public interest and welfare must be an independent person; a person who will not be a party hack; a person who will be able to point out and fight against any inadequacies and delinquencies of the regional health boards.

They are decentralizing authority; they are decentralizing power and the Ministry of Health will be removed; and unless it carries out its monitoring functions very acutely and efficiently, it may not know what is happening at the level of delivery of service in the various regional bodies. I say this because right now the delivery of service falls under the Ministry of Health, which is directly responsible.

**Madam Speaker:** If you look at the Second Schedule, is this not the one where the nine members are to be appointed by the President? In the original Act—

"Subject to subsection (2) a Board shall consist of

- (a) no less than seven and no more than nine members appointed by the President;..."

Then we are stipulating here that in consideration of such appointments a member shall represent the public interest. So would it not be for the President?

**Mr. T. Sudama:** Yes, but Madam Speaker, the way the system operates is that the Government makes nominations to the President.

**Mr. Eckstein:** Quite correct.

**Mr. T. Sudama:** In many cases "President" really reads "Cabinet"—

**Mr. Manning:** Are you a lawyer?

**Mr. T. Sudama:**—so it is the Government who will make the recommendations and it is a formality, in many cases, for the President to approve these appointments. I am saying that for someone to "represent the public interest and welfare", such a person must be one who is willing to act without fear or favour, regardless of partisan or other concerns.

**Madam Speaker:** No political affiliations.

**Mr. T. Sudama:** Yes, it is vitally important, Madam Speaker. I want to draw the attention of this House to what has happened in my own constituency of Oropouche.

Now, they have not devolved power yet to the regional boards; the Ministry of Health is directly responsible for the delivery of health care in Trinidad and Tobago. Do you know what they are doing in my constituency, Madam Speaker?

On March 27, 1994 officials of the Ministry of Health were distributing drugs at the Cipero R.C. School in Rambert Village, and although that school falls in the constituency of San Fernando West, the road is the boundary between Oropouche and San Fernando West, so you find that both constituents from Oropouche and San Fernando West went there to avail themselves of the services provided, part of which was distribution of drugs to constituents. Do you know what the Ministry of Health officials are doing? They are distributing expired drugs and they are directly responsible. So I want an assurance that when they devolve

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authority to the regional health boards they would not have these things happening.

Madam Speaker this drug is called *Isoptin*. Has the Minister heard of that drug? Has he taken it at all? This drug is really for females, actually. [Laughter] *Isoptin*—and this was given to me by a constituent.

**Dr. Rowley:** Take it!

**Mr. T. Sudama:** This drug which expired in June, 1993 was being given out to unsuspecting people in the constituency of Oropouche in March, 1994. This is what is going on currently in the Ministry of Health. This is why I am concerned about what kind of monitoring will go on there when these regional health boards are established, with respect to the delivery of health care services; and whether, in fact, in order to make money—because do not forget, that these regional health boards will be what you might call profit-oriented or cost-effective oriented. That means that they have to minimize their costs and maximize their revenues.

Now, I want to find out whether, in terms of minimizing their costs, they will be taking expired drugs, which they may get free of charge, and distributing them. Madam Speaker, I have this here [reading] March 27, 1994—this drug was handed out when it expired on June 6, 1993. Who is responsible? Can Ministry of Health officials, or anybody, be held accountable for this kind of lapse in the Ministry of Health?

So instead of the Minister of Health correcting my English, maybe he would be better advised to see what is happening in his own ministry as he sits in his office and knows not what is going on at the ground level.

**Mr. Manning:** And know not.

**Mr. T. Sudama:** And knows not. And the Minister knows not.

**Mr. Manning:** And know not. I know not.

**Mr. T. Sudama:** You see, he is also an expert in English. When he was transferring his car to Dole Chadee, did he check out the English on that transfer form? I want to know.

**2.30 p.m.**

Madam Speaker, I am raising the serious issue that the taking of an expired drug by a constituent of mine could have very serious consequences on the person's health. That is a very serious issue. It is being done today, where the

Ministry of Health is responsible for all aspects of health delivery in Trinidad and Tobago. We are proposing a new system and I want to know whether all the precautions will be observed and all the systems will be put in place, so that this kind of thing does not happen under the new system of administration in the health services, which the Minister said was the defining moment of his life. He has had no other defining moment of his life than to present this Bill for regional health.

The other issue I want to raise with respect to the composition of this board, because it is so very important, is that if we are going to emphasize preventive medicine and preventive health care, I think we ought to stipulate that a member of this board should be someone who has expertise and experience in public health, because it is important for us to publicize the preventive aspects of health in order to minimize the cost of curative medicine, which is a problem throughout the world and, indeed, in Trinidad and Tobago. But we ought to have someone on this board who will take particular interest in the matter of disease prevention.

Does the hon. Member want to say something? Not about the transfer?

**Mr. Manning:** I thank the hon. Member for giving way, Madam Speaker. The boards involved are boards of management and I wonder whether the hon. Member considers that the management of the authority as opposed to the board, will have the responsibility for carrying out the technical functions, and that it is to the management of the authority that the board addresses its attention. In other words, there may not be any need to have that particular expertise on the board itself.

**Mr. T. Sudama:** Madam Speaker, just to counter what the Prime Minister has said, if one puts such a member on the board then that member would be able to carry its interest at the board level where the final decisions are made, and, therefore, he could argue the case at the board level. Where, for example, one wants to cut back on expenditure on public health and preventive medicine, at the board level this decision is made and the management merely carries out that decision. If such a situation arises, we want someone to be on the board who would stand up and fight against such a decision.

Therefore, it is important. It is like the Cabinet of a country. If someone there is weak, or someone who cannot champion, for example, the interests of the people at the Cabinet level, then what is going to happen with the management that is at the level of the bureaucracy? At the level of the bureaucracy, all they would do is merely carry out Cabinet decisions. So it is at that level that the fight

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goes on as to where the priority would be placed, where the emphasis would lie, and that is what I am asking.

I understand that when the Minister presented this Bill he said that public health, preventive medicine and so forth will be given the highest priority. Now, if that is so, I would imagine that we ought to put someone on the board to see that that interest is not eroded in the concerns for cost effectiveness and so forth, that sufficient allocation of funds would be provided to deal with the public health questions and questions of preventive medicine.

I should have liked to see that one of the members required on this board would be someone who would have expertise, skill and experience in public health matters, particularly relating to preventive medicine, and I humbly make that suggestion to the Minister of Health.

**Dr. Carl Singh (Tabaquite):** Madam Speaker, with respect to the mention of the use of the expired drug *Isoptin*, what can happen is that it may not have adverse effects *per se* but the patient may be lulled into complacency to believe that he or she is taking effective treatment. It is an agent used for hypertension and coronary artery disease.

**Mr. S. Mohammed:** What?

**Miss Nicholson:** Barataria, you have to get up and defend.

**Dr. C. Singh:** I support the Member for Oropouche on that point.

Secondly, under 1(2) (a) (iii), of the Second Schedule to the Parent Act we see that at least one member of each board must be a registered medical practitioner;

I again agree with the Member for Oropouche. A specialist in the field of preventative medicine, as this is the plank upon which this health system is being proposed—will be much more effective than a general medical practitioner. I must also add that a registered nurse is not sufficient, but someone who has had experience in the district health services.

I come now to clause 2 (b):

"(b) the Dean of the Faculty of Medical Sciences shall be a member of the Board of the Central Regional Health Authority."

It would be appreciated that the initial number was seven to nine members; this would add another one to the Central region. The Dean of the Faculty of Medical Sciences is a highly skilled, technical person, a professional person and I was

wondering why this should just be limited to the Central zone where his type of expertise would be more beneficial if it is spread over all the regions, maybe as an *ex officio* member of one of the other boards where his expertise would be helpful.

It would be appreciated also that this Bill encompasses the use of research. Something may be happening in Tobago and we would want an expert to give advice on how to go ahead dealing with this, and being in the medical school, coordinating research, teaching and so forth, he might be the better person to be accessible or available to all the regional corporations rather than being stuck in the Central zone alone.

Thank you.

**The Minister of Health (Hon. John Eckstein):** Madam Speaker, I think the Member for Tabaquite assisted me somewhat in dealing with the question of expired drugs. The fact that a drug is expired does not mean it is not efficacious.

**Dr. Singh:** Madam Speaker, it is not that it is not efficacious; it may have a certain period within which it could still be effective, but one may not expect to get the same therapeutic effects of a drug which has expired for six months. One believes that one is being treated with something of a certain effect, when in truth and in fact one is not.

**Mr. B. Panday:** Listen and learn! Listen and learn!

**Hon. J. Eckstein:** The doctor makes the point that if a drug is expired it does not necessarily mean that the drug is not efficacious. If the Ministry of Health dispenses the drug, it would do so on the advice of the Chemistry, Food and Drugs Division.

**Mr. Sudama:** Could the Minister explain to me why then do the companies put an expiry date on the drugs? What is the purpose of that?

**Hon. J. Eckstein:** Madam Speaker, in respect of the particular subclause on which the Member for Oropouche rose, this was approved by this House when the Bill was considered. This is not an amendment introduced in the Senate, and, as far as I understand the Standing Orders, one can only debate in this part of the proceedings an amendment approved by the other House. Am I right or wrong, Madam Speaker?

**Mr. Sudama:** Madam Speaker, let me read what we are debating here.

"Delete subclause (2) and substitute the following:"

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That was proposed in the other place. This is what we are considering now so to tell me that I cannot speak on this and this was already passed in this House is a lot of rubbish.

**Madam Speaker:** No, No! It was with respect to the Member for Tabaquite, it was not your contribution. Proceed.

**Hon. J. Eckstein:** Madam Speaker, we approved in this House the particular subclause:

- "(a) at least one member of each Board shall:
  - (i) represent the public interest and welfare;"

That is exactly what was agreed to in this House.

But notwithstanding that, I want to find out whether membership of a political party disqualifies you from appointment to a board, and whether the fact that you are a member of a political party means that you cannot exercise judgment in respect of a particular matter—

**Mr. Sudama:** We have had 32 years' experience with you.

**2.40 p.m.**

**Hon. J. Eckstein:** The Member for Tobago West says that some can. Therefore, I would like to assure Members that we will select a member—if we do select a member—who will exercise sound judgment.

In respect of the appointment to the board of someone who has an interest in public health, there is in the legislation a provision for a registered medical practitioner. Consideration can be given to the appointment of a doctor with experience in public health. There are many doctors in our services who have had experience both in public and in personalized health care at the institutional level and I am sure that among them we will find persons who can marry these experiences and who can serve as members of the board.

The Dean of the Faculty does not add a tenth member. The Central Regional Health Authority Board, like all the other boards, will have nine members.

I think I have dealt with the points raised, but since I have disturbed the Member for Oropouche by an honest remark that I made, I wish to apologize, very humbly and sincerely, for mentioning that "none" is to be followed by a singular verb.

*Question put and agreed to.*

*Second Schedule.**Clause 11.*

*Senate amendment read as follows:*

- (i) Renumber paragraph 11 as paragraph 12.
- (ii) Insert a new paragraph 11 immediately after paragraph 10, to read as follows:

"Comprehensive

Audit 11. The Board shall, at least once every three Audit years, cause a comprehensive audit to be prepared by the Auditor General or by a qualified auditor appointed by the Auditor General, such audited report to be submitted to the Minister within twenty-eight days of receipt of it by the Authority."

**Hon. J. Eckstein:** Madam Speaker, I beg to move that the House doth agree with the Senate in the said amendment.

*Question proposed.*

*Question put and agreed to.*

**PRIVILEGES AND IMMUNITIES (DIPLOMATIC, CONSULAR AND  
INTERNATIONAL ORGANIZATIONS) (AMDT.) BILL**

*Order for second reading read.*

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

That the Privileges and Immunities (Diplomatic, Consular and International Organizations) (Amdt.) Bill, 1994, be now read a second time. This Bill seeks essentially to remove a lacuna or gap in our law which currently prevents the full implementation of a number of international agreements to which Trinidad and Tobago is a signatory. In the body of many of the operating agreements establishing international organizations, there is a stipulation that the organization must have a legal personality.

Currently the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Chap. 17:01 of the laws of Trinidad and Tobago, provides for the President, by order, to confer certain privileges and immunities on diplomatic, consular and international organizations, but it does not empower the President to confer a legal personality on these organizations. In order for international organizations to be recognized as legal persons in Trinidad

and Tobago in the conduct of their business, it was necessary in the past to enact a separate Act of Parliament in respect of each organization.

This Act would have the agreement establishing the organization attached as a schedule, and would provide that the articles in the agreement relating to legal personality and the various privileges and immunities facilities and exemptions to be accorded to staff of those organizations, shall have the force of law. Examples of these are the several international financial institutions which operate in Trinidad and Tobago. The privileges and immunities of these bodies are outlined in the International Financial Organizations Act, Chap. 70:01.

The amendment which is now proposed seeks to insert a new subsection (2)(a) in section 9 of the Act, which would allow the President to make an order conferring on any international or regional organization or agency, specified privileges and immunities, as well as judicial personality. So that in addition to conferring immunity from legal process and taxes, etc., the presidential order may also invest these organizations with the status of a body corporate within the meaning of section 37 of the Interpretation Act.

Section 7 of the Interpretation Act allows for a body corporate to sue or be sued, to contract and be contracted with by its corporate name, acquire and dispose of real and personal property for the purpose for which the body corporate is constituted, and regulate its own procedure and business.

Trinidad and Tobago has entered into bilateral agreements with several international and regional organizations, some of which are located in Trinidad and Tobago. One example of an agreement which has been entered into by Trinidad and Tobago is the convention establishing the Multilateral Investment Guarantee Agency which goes by the name of MIGA. The text of this convention requires that the agency should possess full judicial personality under international law and the domestic laws of its members.

MIGA is a member of the World Bank group and its purpose is to encourage foreign investment in developing countries, like Trinidad and Tobago. It provides investment guarantees against the risk of currency transfer, expropriation, war and civil disturbance, as well as advisory services to member countries on means of improving their attractiveness to foreign investment. Indeed, only last week there was a MIGA mission in Trinidad and Tobago working co-operatively with us on the promotion of investments in the tourist sector, especially in Tobago, but also in Trinidad.

The MIGA mission, in that context, visited and met with several of the financial institutions in Trinidad and went over to Tobago with several proposed investors, and there also met with the Tobago House of Assembly.

Other recent examples of agreements entered into by Trinidad and Tobago include the Commission of the European Communities and the Caribbean Telecommunications Union. The text of these bilateral headquarters agreements often requires all member states to provide the organization with such legal status and legal capacity and such privileges and immunities as may be necessary for the fulfilment of its objectives and the exercise of its functions.

Generally, these privileges and immunities include the conferring of diplomatic privileges on the heads of these Trinidad and Tobago-based international or regional organizations, and their families, similar to that provided to consular officials and embassy officials by other international arrangements. These privileges enable them to import personal articles at any time during their assignment to Trinidad and Tobago. Other privileges include that their members or staff of these international or regional organizations enjoy only first arrival privileges, in that they may import items for their personal use at the time of first taking up their assignment in Trinidad and Tobago.

Most noteworthy is that in international or regional organizations of this type, and also embassies and so forth, the officials and families enjoy, as a consequence of their headquarters' agreements, immunity from immigration restrictions and fees, as well as immunity from legal process in respect of words spoken or written, and all acts performed by them in their official capacity. Certain bodies in Trinidad and Tobago should take note of that.

**2.50 p.m.**

The amendments proposed, therefore, will provide a more convenient method of complying with our obligations under these international agreements without the necessity for coming to this House with a separate Bill on each occasion.

This was obviously the original intention of providing the mechanism in section 9 of the Act for privileges and immunities to be granted by way of presidential order.

Nevertheless, it should be pointed out that under section 9(6) of the Act, these presidential orders are subject to an affirmative resolution of Parliament. Members will, therefore, have the opportunity to express their views on any

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particular organization or any specific immunity or privileges which are conferred by way of presidential order.

I beg to move.

*Question proposed.*

**Mr. Raymond Palackdharrysingh** (*Caroni Central*): Madam Speaker, it would seem as though we have now entered a new phase in understanding international relations. It would seem that some of the hard-fought and cherished privileges accorded to nation states is now being extended to several bodies and, as the Minister said, to organizations on a bilateral basis.

When we look at the list of organizations that operated for several years—organizations such as Delegation of the Organization of European Communities; the Organization of American States; the Inter-American Development Bank; the Caribbean Epidemiology Centre; the Caribbean Food Corporation; the Caribbean Meteorological Organization; the Caribbean Telecommunications Union; CAB; the Caribbean Agricultural Research and Development Institute (CARDI) and the Inter-American Institute for Co-operation in Agriculture—under a system in which they did not require to have the juridical personalities that we are now giving to such organizations—one must ask the question: Why?

What were the precipitating factors that would move the Government to hand in this sort of privilege to an organization? It would seem that any organization that merely takes the fancy of the Government will be given the sort of immunities and the powers to function in a way in which they are immune to much of the nation's laws.

Madam Speaker, apart from organizations such as MIGA wanting these immunities, how can we be sure that what is being asked for is justified? The present law, Chap. 17:01, Part V, section 9(2) reads:

"The President may, from time to time by Order, declare that any international or regional organisation or agency (herein referred to as 'the organisation') named and described in such Order shall, to such extent as may be specified in the Order, be accorded the privileges and immunities set out in Part I of the Fifth Schedule."

Those privileges set out in Part I of the Fifth Schedule includes:

"(1) Immunity from suit and legal process.

- (2) The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of an envoy of a foreign sovereign Power.
- (3) The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a foreign sovereign Power.
- (4) Exemption from taxes on the importation of goods directly imported by the organization for its official use in Trinidad and Tobago or for exportation, or on the importation of any publications of the organization directly imported by it, such exemption to be subject to compliance with such conditions as the Comptroller of Customs and Excise may prescribe for the protection of the Revenue.
- (5) Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.
- (6) The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Trinidad and Tobago), of any reduced rates applicable for the corresponding service in the case of press telegrams."

Those conditions in the Fifth Schedule have been quite profound, in that, they represent the sort of thinking by the United Nations with respect to diplomatic immunity; it also represents the thinking of the Vienna Convention. These privileges and immunities are not granted in a frivolous manner, because when one grants them, one isolates the national laws from those organizations in such a way that in the event of their violation by these bodies, you cannot deal with them.

That is an important consideration and I am not sure that the Minister has made out a case that in addition to the privileges I quoted, the Government is now going to give to them the additional powers as suggested by the Bill.

### **3.00 p.m.**

I want to emphasize that we have a peculiar problem in this country: when organizations are granted diplomatic immunity, and also the additional powers that the Government is seeking to give today, they are isolated.

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We have had situations where our citizens at their own risk entered into contracts with these organizations, and there has been no provision made for redress. So nationals are really at the mercy of these institutions and we need perhaps to reflect at this time on some form of mechanism to protect our workers.

We know the case of CARDI, where human rights are denied to workers and also where there is a violation of Conventions 87 and 98 on freedom of association and protection of rights to organize collective bargaining. We have that situation where these workers do not have the opportunity to ensure that some of their basic rights as workers are guaranteed, and protected because these organizations are isolated. It is time, perhaps, that we also know the level of employment—in these organizations from among the population. We need to know about the quality of the persons that are recruited into these organizations; whether they are decision makers; whether they are on the administrative staff, the technical staff or the support staff.

Apart from that, we see that while the Government committed itself to some of these organizations, in some instances they have not been able to meet their financial obligations, and one that comes to mind is CAREC where it is said that the Trinidad and Tobago Government owes it TT \$12 million.

When we look at the amendment proposed today to give juridical personality to the organization listed making it a legal entity, we see that whereas section 9(2) of the Act confers certain privileges and immunities in accordance with Part (1) of the Fifth Schedule, when we combine this proposal with the Fifth Schedule, it is unclear whether this juridical personality will take precedence over what is already conferred on the agency.

For example, section 37 of the Interpretation Act stipulates that a body corporate has the power when established to sue and be sued. Therefore, the status of being a legal entity by virtue of its juridical personality remains ambiguous when juxtaposed with the privileges and immunities conferred.

We need also to take the opportunity today to find out, in as much as these organizations operate in Trinidad and Tobago, whether we have made any significant attempts to access the talents, skills, the reports and recommendations of these organizations to improve the quality of life of our people, and whether the research and developmental work of these agencies is filtering down to the relevant groups and communities who need them, for example, the farming community? We only have to look at CARDI and the Caribbean Food Corporation, the Inter-American Institution for Co-operation in Agriculture to

realize that over the years Trinidad and Tobago has not really benefited because the country continues to import approximately \$1 billion worth of food stuff each year.

There have been in Trinidad and Tobago some incidents with respect to persons who have been granted diplomatic immunity. In 1987 we had a Dutch diplomat in a tenancy dispute, and he went on to claim diplomatic immunity leaving our national who was his landlord, in a state of uncertainty. We had CARDI dismissing three scientists recently. We do not know what recourse they have to some measure of justice; and some time in 1989 there was a Peruvian diplomat trying to flee this country without accounting to the Ministry of Foreign Affairs for some of his actions.

One wonders what form of mechanism is being put in place to deal with this matter. The then Minister of Foreign Affairs went on to state that in respect of the misdeeds of the Peruvian diplomat, mechanisms were being put in place to prevent such flagrant abuse of diplomatic privilege, and that Government was committed to seeing the matter taken to its final conclusion as stated in the *Express* of November 25, 1989.

In addition to the privileges in the Fifth Schedule, we have never been told what mechanisms will be put in place to deal with the infringements by diplomats and other people who are accorded these immunities and privileges. Will the Ministry of Foreign Affairs in its own way be able to deal with it? Are we going to allow some measure of waiving of immunity, if that is possible, in cases where there are bilateral arrangements? I do not know who is going to waive immunity. Somebody has to do it, and usually it is the sending-state. But where you do not have a sending-state, who is going to waive that immunity to allow the required action to be taken?

Is it that we are going for the approach where when you cannot bring to justice some of those persons who have sheltered under diplomatic immunity, you simply declare them *persona non grata* and do not recognize them as diplomats or as persons to be accorded the immunities and privileges set out?

Madam Speaker, these are some of the concerns we have on this side. Not that we are going to oppose the measure, but the nation needs the assurance that those who will be given diplomatic immunity and juridical personality would, at least, conform to certain standards as set out by the United Nations, the Vienna Convention or some *modus operandi* formulated by the Ministry of Foreign Affairs, so as to protect the rights and interests of third parties in our country.

**3.10 p.m.**

I hope that the Government would respond to us and indicate what it is thinking about, because it is now extending this immunity and juridical personality to organizations other than nation states and agencies of the United Nations. We need some assurance that this is not given willy-nilly and that those who now enjoy those privileges would, at least, adhere to some code of conduct which could make us in this country feel rather safe.

Thank you.

**The Minister of Finance and Minister of Tourism (Hon. Wendell Mottley):** Madam Speaker, the Member for Caroni Central raised a philosophical point about the modern world in which we live and the multiplication of a number of these kinds of organizations, such as MIGA and the European Commission that already have the benefits of diplomatic and other immunities, but would now be given the legal personality through this measure as well, to conduct business and so on. That is what we are doing. We are not dealing so much with the immunities which already exist, but we are giving them the legal personality.

The point is taken that we live in a world in which the number of these organizations is multiplying, not just the IMF and World Bank, but there is the CDC; we have the European Commission, all of which have recently signed arrangements with us. We have the hon. Member for San Fernando West, the hon. Minister of Foreign Affairs, Mr. Ralph Maraj who signed an arrangement with Trinidad and Tobago and the Caribbean Telecommunications Union, on April 8, 1993 and a number of stated purposes that could be achieved by this union—which is being headquartered in Trinidad and Tobago—benefits wider than just the narrow nation state.

It is a world in which, on the one hand there is extreme fracturing along tribal lines, as happened in Bosnia and South Africa, and on the other hand, an understanding of the complexity of the world and the need for organizing in a multilateral and multinational way, which is absolutely essential if we are to deal with some of the global problems and possibilities that face us, whether environmental or in the field of telecommunications.

He is right, the nation state was created at a certain time in mankind's history. In fact, we are already moving beyond that chrysalis and we are seeing a number of these agencies coming into being to which this kind of legislation gives recognition.

We need to understand very clearly that when we give legal personality and privileges to these organizations, they are all subject to affirmative resolution of Parliament. Members would see what particular privileges are being accorded to what particular organization, and what they are supposed to do. They would have a chance to adjudicate on that before it is passed in this House.

The Member for Caroni Central was expressing some concerns also about past history of malpractice under certain types of immunities. We do not grant these immunities lightly to any fly-by-night organization. Serious immunities are granted, but the way we seek redress if they are abused is at the weight of the parent organization. If there is any particular individual abuse, then we have, through diplomatic pressures, the capacity to lean on the parent organization so to speak because they are weighty organizations that do not, like their reputations tarnished by any single action here in Trinidad and Tobago. We have that capacity through diplomatic process to seek redress for individual types of acts of indiscretion.

I give that assurance. That is how this new international world operates. We do have that redress. With these few words, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole House.*

*House in committee.*

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

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

*House resumed.*

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

#### ADJOURNMENT

*Motion made, That the House do now adjourn to Friday, April 22, 1994 at 1.30 p.m. [Hon. K. Valley]*

**Madam Speaker:** There is a Motion on the Adjournment.

**Mr. Sudama:** Yes. I have a Motion on the Adjournment.

**Mr. Valley:** If the Member wants to take the Motion, I propose that we break for tea so that we can get the Minister here. As you know, normally the motions

*Adjournment*  
[HON. K. VALLEY]

*Friday, April 15, 1994*

are taken after the tea break so the Minister is not due here until 4.30 p.m. I propose, if the Member is so disposed, that we defer that motion to next week, given that this evening we have the opening of Expo. I am sure Members would want to go home early, so that they can be on time for Expo.

**Mr. Sudama:** I do not care how many Expos there are. In my constituency, for six weeks the people do not have any potable water in their taps. Now the Government wants to have big Expo and invite the world to take part, but I cannot get water for my constituents in Oropouche.

**Madam Speaker:** It was just an option put to the Member. If the Member would agree to have the matter deferred to next week, the hon. Minister would be here. If not, we would have to come back.

**3.20 p.m.**

**Mr. Sudama:** Madam Speaker, I will agree to have it deferred, if I get an undertaking that the water problems in the Oropouche constituency will be addressed so that we could get water and my constituents would not have to suffer this ongoing hardship. If I get that undertaking, I would agree.

**Hon. K. Valley:** I give the undertaking that the Government is looking at the water problem. The Government has a programme in place. The hon. Minister, in the other place, only last week outlined Government's programme with respect to water.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 3.21 p.m.*