

*Leave of Absence**Friday, February 10, 1995***HOUSE OF REPRESENTATIVES***Friday, February 10, 1995*

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 to the Member for Pointe-a-Pierre (*Mr. Gideon Hanoomansingh*); the Member for Tobago East (*Mr. A.N.R. Robinson*); and the Member for San Fernando West (*Mr. Ralph Maraj*).

*[Late arrival of Opposition Members]***PAPER LAID**

Report on Public Participation in Industrial and Commercial Activities—
Revised Executive Summaries.

ORAL ANSWERS TO QUESTIONS*The following questions stood on the Order Paper:*

**Mohess Road
(Repairs to)**

11. Will the Minister of Works and Transport indicate what work does his Ministry propose to undertake on the Mohess Road to effect repairs and how soon is this work to be undertaken? [*Mr. S. Hosein*]

**Advisers/Consultants
(Government Departments)**

39. Would the Minister in the office of the Prime Minister responsible for Public Administration and Public Information provide to this honourable House a list of advisers and/or consultants at the various ministries and/or governmental departments, their qualifications and salaries? [*Mr. S. Hosein*]

Road Improvement Programme

53. Could the Minister of Works and Transport provide the House with:
- (a) The names of the contractors employed under the Road Improvement Programme which commenced in 1994 before and after the awards by the Central Tenders Board?

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- (b) The respective amounts paid to them and/or owing to date before and after the awards by the Central Tenders Board?
- (c) The quantity of hot mix supplied by each contractor before and after the awards by the Central Tenders Board?
- (d) The length of roadway paved by each contractor before and after the awards by the Central Tenders Board? [*Mr. T. Sudama*]

Doctors' Registration

- 55.** (a) Could the Minister of Health state how many doctors—and from which foreign countries respectively—applied for registration in Trinidad and Tobago for the years 1992, 1993 and 1994 in respect of full registration, provisional registration and temporary registration?
- (b) How many applicants—and from which countries—were granted registration in the years 1992, 1993 and 1994 in respect of the categories at (a)?
- (c) How many of those registered at (b) in the respective categories and countries of origin were employed in the Health Services of Trinidad and Tobago? [*Mr. T. Sudama*]

Access Roads (Debe Access Roads)

- 56.** Could the Minister of Works and Transport state why no repair work has been done for three years now on the landslips on the two access roads leading to the Debe Presbyterian School building? These have been a serious physical hazard to the children attending that school. (*Mr. T. Sudama*)

Tourist Attraction Development (Tabaquite)

- 59.** (a) Could the Minister of Tourism state whether the Tourist Attraction Development in the Tabaquite constituency is still in operation?
- (b) If the answer is in the affirmative, could the Minister state:
- (i) what is the recurrent annual expenditure for its maintenance?
 - (ii) the number of tourists visiting during the period January 01, 1994 to December 31, 1994?
 - (iii) what revenues were collected over the same period?

- (c) If the answer is in the negative, could the Minister state what has become of the facilities that have been put in place? [*Dr. Carl Singh*]

Condor 9
(Trips to Tobago)

- 64.** Is the Minister of Works and Transport aware that the *Condor 9* has been making trips between Trinidad and Tobago without passengers and can he give the reasons for this situation? [*Miss P. Nicholson*]

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, the Government is able to answer questions Nos. 31, 33, 35, 44, 62 and 63 today. [*Interruption*]

I am asking for a deferral of one week for the other questions on the Order Paper.

Questions, by leave, deferred.

WRITTEN ANSWER TO QUESTION

Tenanted State Buildings
(Information on)

The following question was asked by Mr. Subhas Panday (Naparima):

- 31.** Can the Prime Minister state:
- (a) The number of buildings which are tenanted by the State?
 - (b) The addresses of these buildings?
 - (c) The name of the landlord of each building?
 - (d) The date of commencement of each tenancy?
 - (e) The Ministry and/or Division of each Ministry which is in occupation of each building?
 - (f) The monthly rental of each building?

Hon. G. Draper: Madam Speaker, the answer to question No. 31 has been submitted to the Clerk for circulation to Members.

Vide end of sitting for written reply.

ORAL ANSWERS TO QUESTIONS

**Safety Precautions
(Point Lisas)**

Madam Speaker: The Member for Couva South is not here.

Mr. John Humphrey (*St. Augustine*) on behalf of the Member for Couva South (Mr. R. L. Maharaj) asked the Minister of Labour and Co-operatives:

- 33.** (a) Could the Minister state what protective measures (if any) have been taken and what safeguards (if any) are in place in the operations of the companies at Point Lisas to prevent injury to life and damage to property, of residents of Couva and the surrounding areas in the event that an emergency arises as a result of the escape of poisonous gases, substances, chemicals or any other matter?
- (b) Could the Minister say whether there is any risk of the escape of any toxic fumes, gases, chemicals, from any of the Plants at Point Lisas?

The Minister of Labour and Co-operatives (Hon. Kenneth Collis): Madam Speaker, I take this opportunity to report that the measures taken and safeguards in place to prevent injury to life and damage to property of residents of Couva include:

- (i) installation of automatic fire detection and suppression systems with ring main water supplies, e.g. installed at Trinidad and Tobago Methanol Company Limited;
- (ii) acquisition of fire fighting tenders, e.g. these were installed at Arcadian Trinidad Ammonia Limited, Hydro Agri Trinidad Limited;
- (iii) emplacement of flammable and toxic gas monitors;
- (iv) implementation of condition-based monitoring of critical plant and equipment to ensure reliability;
- (v) provision of containment structures, e.g. dykes and bund walls;
- (vi) establishment of communication networks for the mobilization and co-ordination of mutual assistance under the Trinidad and Tobago Emergency Mutual Assistance Scheme;
- (vii) arrangement for regular inspections that focus on the following features:
 - (a) Plant Integrity, Fail Safe Design and Operability;
 - (b) Process Control;

- (c) Preventive Maintenance;
 - (d) Operating Procedures, i.e. Safe Systems of Work.
- (viii) production of a revised Disaster Preparedness Plan for the Point Lisas Industrial Estate dated November 17, 1994, produced by the Cabinet Appointed Permanent Committee for Disaster Preparedness at Point Lisas.

On the question of whether there is any risk of the escape of any toxic fumes or gases, Madam Speaker, risk is a function of probability. The industrial estate has been in existence for the past 28 years with no untoward event in 625,000,000 man hours worked given a workforce of 2,547. The probability has been shown to be very low in the presence of a large wind dilution factor.

Residents of the environs in Couva can therefore be assured that there are in place an adequate mix of measures and safeguards designed for their protection and for that of workers as well as for the prevention of damage to physical assets in and around the industrial estate at Point Lisas.

Thank you, Madam Speaker.

**Disaster Preparedness Plan
(Point Lisas)**

Mr. John Humphrey (*St. Augustine*) on behalf of the Member for Couva South (Mr. Ramesh Maharaj) asked the Minister of National Security:

- 35.** (a) Could the Minister indicate whether a committee was appointed by his Government to prepare a Disaster Preparedness Plan for the Point Lisas Industrial Estate and its environs? If it did appoint such a committee, could the Minister state whether the committee submitted a Report and give the reasons for the appointment of such a committee?
- (b) If the committee reported, could the Minister state to this honourable House the material findings in the report and could the Minister state whether he would lay the report in the House of Representatives? If the answer to this part of the question is in the negative, could he give reasons for refusing to lay same?
- (c) Could the Minister state what plans (if any) exist to deal with a disaster at Point Lisas?

The Minister of National Security (Sen. The Hon. Russell Huggins): Madam Speaker, in December, 1992 Cabinet established a permanent committee to deal with the issue of Disaster Preparedness at Point Lisas. The terms of reference of the Committee are as follows:

- to evaluate a Plan for Disaster Preparedness at Point Lisas, including community awareness programmes;
- to set up proposals for the implementation of the following measures—
 - (a) establishment of a permanent fire and emergency unit at Point Lisas Industrial Estate;
 - (b) enhancement of equipment and resources to the existing state agencies to meet the requirements for any disaster at Point Lisas; and
 - (c) establishment of a permanent command centre at Point Lisas.

The Members of this Committee came from the following agencies:

The National Emergency Management Agency, NEMA

Trinidad and Tobago Police Service;

Trinidad and Tobago Fire and Ambulance Service;

Trinidad and Tobago Defence Force;

Ministry of Energy and Energy Industries;

Point Lisas Industrial Port Development Corporation Limited, (PLIPDECO);

Inter Enterprise Safety Committee;

Trinidad and Tobago Emergency Mutual Aid Scheme;

Ministry of Health; and

Ministry of Labour and Co-operatives Factory Inspectorate.

1.40 p.m.

The committee's initial report was submitted on September 29, 1993 and has since been revised. The revised document dated November 17, 1994 incorporates a report of the committee and the draft Disaster Preparedness Plan for the Point Lisas Industrial Estate.

In its examination of the state of disaster preparedness on the Point Lisas estates, the committee recognized that most companies have existing satisfactory

facility emergency plans in place to deal with a disaster at Point Lisas. In addition, most companies are also involved in a system of mutual aid through the Trinidad and Tobago Emergency Mutual Aid Scheme.

However, the draft Disaster Preparedness Plan incorporates all the existing emergency plans for Point Lisas into a more comprehensive package involving national emergency response agencies, voluntary groups, local governments and the local resident community. The plan outlines:

- (a) the situation which would warrant its activation;
- (b) the manner in which it will be activated; and
- (c) the role and responsibilities of participating organizations.

The Minister wishes to advise that copies of the report and the draft plan for Disaster Preparedness have been lodged in the parliamentary library.

Thank you, Madam Speaker.

Mr. Humphrey: Madam Speaker, I did not hear the Minister say whether he was prepared to lay the report in Parliament.

Hon. R. Huggins: Copies of the report have been placed in the parliamentary library.

Day Care Centres

44. Mr. John Humphrey (*St. Augustine*) on behalf of the Member for Couva South (Mr. R. L. Maharaj) asked the Minister of Social Development:

Could the Minister indicate the number and geographical location of the Day Care Centres for the elderly established by her ministry?

The Minister of Social Development (Hon. Dr. Linda Baboolal): Madam Speaker, hon. Members are advised that with guidance and financial assistance from Government, three senior citizens' day care centres have been established and are currently in operation; namely:—

- The Salvation Army at Duncan Street, Port of Spain, which was assisted with funds to purchase equipment to furnish the day care centre. This centre was opened in December 1991;
- the Langmore Health Foundation, Palmyra, San Fernando, which was assisted with funds to construct a pantry and to purchase furnishings and equipment. This centre was officially opened in January 1992;

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- the Cluny Centre of Harris Promenade, San Fernando, which was provided with cooking utensils and furniture to improve the quality of care offered at its day care centre. This centre was already in operation.
- A fourth centre, the Revival Tabernacle Senior Citizens Day Care Centre at La Romain, San Fernando, is currently being constructed by the Revival Tabernacle utilizing funds provided by Government for the purchase of building materials, furnishings and equipment. This centre is expected to be completed in 1995.

Overall, the centres cater for approximately 110 senior citizens.

Thank you, Madam Speaker.

Condor 9 Ferry Service

62. Miss Pamela Nicholson (*Tobago West*) asked the Minister of Works and Transport and Minister of Local Government:

Can the Minister inform this honourable House:

- (a) If he is aware of the great discomfort suffered by passengers using the ferry *Condor 9*, a service provided by Sun Island Cruises Ltd?
- (b) If he is aware that on every trip between the December 1 and 10, 1994 from Port of Spain to Scarborough, passengers had to be rushed to the Scarborough County Hospital?
- (c) If he is aware of the number of times that the *Condor 9* broke down from the inception of the service up to January 10, 1995?

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, the Minister of Works and Transport wishes to inform this honourable House that from time to time passengers travelling on the fast ferry services provided by Sun Island Cruises Limited have been affected by motion sickness. It should be noted, however, that motion sickness, or sea sickness, is not uncommon on the journey between Trinidad and Tobago by sea, no matter which vessel is used. This has been particularly the case on the journey between Port of Spain and Scarborough.

Recent information obtained, however, points to a significant decline in the incidence of motion sickness, or sea sickness, since the timing of meals prior to travelling on the *Condor 9* has been established as a factor and passengers have been advised accordingly.

It should be noted that as a condition of the agreement with the Port Authority of Trinidad and Tobago, Sun Island Cruises is required to adhere to the ISO safety standard, No. 263/3 of 1985, which prescribes minimum levels of passenger comfort, and the Port Authority is monitoring the situation to ensure that Sun Island Cruises fulfils its contractual responsibilities.

Passengers were not rushed to the Scarborough County Hospital on every trip between December 1 to December 10, 1994 from Port of Spain to Scarborough. It is a fact that only on some occasions passengers have had to be taken to the hospital in Scarborough with complaints. However, in most cases, these persons were suffering from medical problems which apparently were exacerbated by their journey on the vessel and were not directly related to the vessel. These included persons who were diabetic and a heart patient who had recently been discharged from the hospital.

The Minister of Works and Transport is aware that the *Condor 9* has been experiencing mechanical difficulties from approximately December 2, 1994. Although the vessel has a spare engine to enable speedy substitution in the event of mechanical failure, the vessel has suffered further engine breakdowns between that date and the present time. As a result of this, the vessel has been operating on three engines, rather than four, for most of this period.

All efforts are being made to rectify this problem in the very near future. Sun Island Cruises has indicated that all necessary engine repairs should be completed by the end of February, 1995 and the Port Authority is monitoring this situation.

Miss Nicholson: Madam Speaker, a supplementary question. Is the hon. Minister aware that the boat is called "Vomit" because almost everybody on that boat is sick, and the same situation does not exist with the *Panorama*? This is why I was forced to raise this question in the House because the whole of Tobago is coming to me on the question of the fast ferry.

Hon. C. Imbert: Madam Speaker, I am not aware of the matters to which the Member has referred. As far as I am aware, the incidents of sea sickness have declined considerably in recent times.

Condor 9
(Suitability for Service)

63. Miss Pamela Nicholson (*Tobago West*) asked the Minister of Works and Transport and Minister of Local Government:

Is the Minister willing to accept that the *Condor 9* is unsuitable for this kind of service, as it seems unable to cope with the waters between Trinidad and Tobago?

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, the Minister of Works and Transport wishes to inform this honourable House that a careful evaluation was undertaken by the Port Authority of the proposals submitted for the operation of the fast ferry service. The *Condor 9* vessel, which is a modern catamaran wave purser-type vessel, built in July, 1990 was deemed suitable for our waters based on the experience with similar-type vessels on waters as turbulent as ours. This type of vessel is used successfully in several other parts of the world, such as the North Sea and the English Channel.

The vessel, however, suffered engine breakdown in December, 1994 and January 1995, and stringent efforts are being made to determine the cause of the breakdown of the engines with a view to effecting the necessary corrective measures.

DEFINITE URGENT MATTERS

Nariva Bridge

Mr. Krish Jurai (Nariva): Madam Speaker, earlier today, I gave notice that I wished to seek leave of the House to discuss a matter of urgent public importance at today's sitting.

The matter relates to a dangerous bridge near the 25m.m. Cunapo Southern Road close to the Navet Presbyterian School. This is a timber-built bridge over the 30—40 ft. span of the Nariva River which will collapse at any minute without any further warnings. Two logs of the timber supporting this bridge are broken. As a result one lane of the said two lane bridge is now closed to vehicular traffic.

I wish to remind you that the Cunapo Southern Road, even in its present dilapidated state, is the main link road between Rio Claro, Biche and Sangre Grande. This road accommodates a heavy flow of vehicular traffic and any further disruption of this bridge would hamper the livelihood of farmers, fishermen, market vendors, the sick, the aged and the disabled.

At present, school children's lives are at stake as they tread through the mosaic of gaping holes and open spaces as a result of missing and broken planks and rails over the said Nariva Bridge at Navet.

We must further remind ourselves that children will be children, and careful as they may try to be, accidents do happen. If a child were to slip and fall from that bridge that child would end up some 15—20 ft. below in the murky alligator-infested waters.

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May I also remind this honourable House that when this bridge collapses there is no other alternative route within close proximity.

This Motion is definite, it is urgent and it is of public importance because people's lives are at stake and this matter is of grave concern to all.

I am positive that you will allow this matter to be debated so that the Government will act promptly to save the lives of people, particularly the children of Navet Village and surrounding areas.

Thank you, Madam Speaker.

Madam Speaker: I wish to advise the hon. Member that this matter does not qualify as a definite matter of urgent public importance. The Member has been in this House long enough to know under which Standing Order it qualifies.

Mr. Jurai: Madam Speaker, when I raised the issue of a collapsed—

Madam Speaker: I have already ruled, hon. Member!

Mr. Jurai: —bridge, you refused it as an urgent matter. This one is about to collapse. What is important, Madam Speaker?

Madam Speaker: I have ruled on the matter! Proceed, please.

TOBAGO HOUSE OF ASSEMBLY

The Minister of Public Administration and Minister in the Office of the Prime Minister (Sen. The Hon. Gordon Draper): Madam Speaker, ever since this Government assumed office in December, 1991, it has demonstrated its commitment to ensuring that the relations between the Central Government and the Tobago House of Assembly have been harmonious and productive.

This commitment is rooted in our firm belief, as articulated in the PNM manifesto, that all citizens of our beloved Republic—whether they reside in Trinidad or in Tobago—are entitled to an equitable share of the national wealth and fruits of national development.

This honourable House, and indeed the entire nation, would recall that in the Prime Minister's address to the Tobago House of Assembly on January 7, 1992, he expressed his awareness of, and deep sensitivity to, the requirements of Tobago and Tobagonians. On that occasion, he promised to take action geared to alleviating the situation and thereby satisfy the legitimate aspirations of Tobagonians as far as the resources available for national development will allow.

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Towards this end, machinery was established by Cabinet to review the constitutional relationships between both islands. This approach was intended to provide the platform from which other facets of the day-to-day interaction could be facilitated.

Two teams were established and a bill was drafted to replace the Tobago House of Assembly Act. This draft bill was made available to the THA in August, 1994. The Government awaits the response from the THA so that the matter may be finalized without delay.

Another aspect of the ongoing efforts to address the issue of effective delivery of service in Tobago, is the systematic training of middle and senior public service managers, conducted with the support of the Tobago House of Assembly.

In addition, training in quality customer service delivery has targeted to those persons responsible for direct interaction with the public. Through this institutional strengthening, it is expected that increased managerial and other capacity in the various divisions and departments would translate into services that are concrete and deliverable to the people of Tobago.

This Government believes that there is need to quicken the momentum in bringing to fruition the dream we all share on this issue. It is instructive to note that services relating to the system of jurisprudence have recently been the subject of attention by the honourable Chief Justice. The Government is of the view that similar and urgent attention should be given to the full range of Government services as far as it is feasible so to do.

It is in light of this that I now wish to inform this honourable House that, following consultations with the Chairman of the Tobago House of Assembly the Cabinet, at its regular weekly meeting yesterday, took a decision to establish a committee for the purpose of:

- (i) identifying the matrix of governmental and quasi-governmental services that should be delivered in Tobago but continue to require Tobagonians to travel to Trinidad for access;
- (ii) making appropriate recommendations for the commencement of delivery of those services in Tobago.

The committee comprises the following persons:

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| Ms. Merle Anderson | - | Acting Permanent Secretary, Central Administrative Services, Tobago—Chairman |
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| Mr. Allan Richards | - Clerk, Tobago House of Assembly—Member |
| Mr. Ian McIntyre | - Acting Senior Parliamentary Counsel, Ministry of Legal Affairs—Member |
| Mr. Earl Nesbitt | - Organization and Management Officer III, Office of the Prime Minister—Member |
| Dr. John Prince | - Operational Research Officer III, Office of the Prime Minister—Member/Secretary. |

The terms of reference of the committee are as follows:

- (i) to conduct secondary research to identify the governmental and quasi-governmental services that continue to require Tobagonians to travel to Trinidad for access of such services;
- (ii) to undertake a comprehensive analysis of the possible constraints, for example, technology, cost, legislative, infrastructure, custom, administrative anomalies, and so forth;
- (iii) to recommend remedial measures and attendant implementation of projects and programmes to ensure the commencement and continuation of delivery of the services in question in Tobago;
- (iv) where remedial measures call for repeal of existing legislation, prepare appropriate briefs.

The committee has been mandated to submit its report to Cabinet in six weeks.

I take this opportunity to reiterate the Government's commitment to the total development of the unitary state of the Republic of Trinidad and Tobago. It is indeed fitting to repeat in this honourable House, the words of the Prime Minister as he brought closure to his address to the Tobago House of Assembly, three years ago. I quote:

"Our society is multi-cultural, multi-racial, multi-ethnic and can only be cemented by mutual respect, dialogue, tolerance and a willingness and determination to work together for the improvement of life, not only for ourselves, but for generations to come."

Madam Speaker, I thank you for this opportunity.

2.00 p.m.**ARRANGEMENT OF BUSINESS**

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I seek the leave of the House to deal with Bill Second Reading, Government Business, instead of Motions at this stage.

*Assent indicated.***ENVIRONMENTAL MANAGEMENT BILL**

[THIRD DAY]

Order read for resuming adjourned debate on question [February 3, 1995]:

That the Bill be now read a second time.

Question again proposed.

Miss Pamela Nicholson (Tobago West): Madam Speaker, I believe it is very critical that as a representative of the people of Tobago, I must rise here today to comment on this Bill to provide for management of the environment within Trinidad and Tobago through the establishment and operation of an Environmental Management Authority, an Environmental Trust Fund and an Environmental Commission, to define powers and duties thereof, and for related matters.

Madam Speaker, the basic concept of the Bill as it relates to Tobago is fundamentally flawed. When I hear comments like the one I just heard a while ago, I feel that we really have to take the Prime Minister and his team to Tobago to understand what the Tobagonian is saying. If there is respect, tolerance and dialogue, this Government would recognize that it should not have brought a document as this before the House. It is far too centralized in its effects, and does not at all realistically accommodate the special needs of Tobago or outlying districts in Trinidad.

In another place, the Attorney General described the Bill as user-friendly. He is correct, except that he forgot to add Trinidad user-friendly. Even the amendments proposed in the other place do not show any appreciation for Tobago in the scheme of things.

The people who have looked at that Bill do not understand that two islands make up a unitary state. That is what happens when the people of Tobago are not given an independent voice in the other place—no consideration whatever for

their needs and their problems—and that is why they cannot be fooled. It is not a part of the unitary state and we in Tobago are besieged with environmental problems which, I make bold to say, cannot be addressed by the mechanism proposed in the Bill.

There is a situation where in the south-western region, let us say, from Turtle Beach, Grafton right into Crown Point, there is illegal dumping of sewer waste. If we do not take corrective action urgently the marine life, particularly the young marine life in the area, will be destroyed. The reef is on its way out because of that. Not only that, people were walking on the reef and this has been stopped.

Grafton Hotel illegally dumped waste and when challenged they came up with all kinds of excuses. At present they are putting down another 100 rooms, and one wants to know what happens to the sewer waste? There is the additional problem—which existed before—with temporary sewer plants at the housing developments; Coral Gardens Housing Development, and Bon Accord. Even though certain works are done to clean them up periodically, that cannot go on forever. The Coral Gardens Housing Development plant will flow into Buccoo Bay, also a fishing plant in the Bon Accord area will go into the Pigeon Point area. All the marine life in the area is in danger.

One of the decisions—at least it was taken already and was worked upon—is that there is urgent need for a proper sewer waste plant for the western district.

The people of Tobago must have a voice. They must have a say. The development of Tobago is different from Trinidad; the heritage and the culture is different. The islands are separated by water, and, it is against that background we believe that there is an immediate need for sewer infrastructure in Tobago.

Recently, members from the new tourism organization, Tidco, I believe is the name, were talking about developing, advertising and marketing Tobago as an eco-tourism area. It cannot be advertised with those weaknesses that exist. If they have to spend \$150 million and it has to be spent on the tourism plan, which is Tobago, one has to be very careful about the infrastructure of a sewerage system in the area. We are feeling the impact of what is taking place. It is believed that if we are to save the marine life, if we have to save the only major resource in Tobago which is tourism, the Tobagonian has to have a say in the environmental management and what is taking place.

Today a situation exists where the same fast ferry that was being discussed here, is passing across the reef. The boat cannot handle the waters between Trinidad and Tobago. The quicker this Government accepts that, the better for

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them and for the country. The boat cannot take two and a half hours, it is taking four to five hours to come into Tobago, and it uses that passage across the reef in Tobago.

2.10 p.m.

We are here to expose the facts of life as they affect Tobago. I believe if we had an independent voice in the Senate, one that is not clouded or subdued, some of the amendments which were made in the Senate would have been totally different as far as Tobago is concerned. The Bill is too centralized. As I said, if one looks at the south-western area of Tobago, from Turtle Beach to Crown Point, there are endless weaknesses which cannot be addressed from Trinidad.

I would prefer to see a totally different concept from the one embraced in the Bill. I am particularly persuaded by the approach adopted by the Minister of Health, Hon. John Eckstein in developing the regional—[*Thumping of desks*] It is true. It is there for everybody to see. I am persuaded by the approach—nothing further—[*Laughter*—]—adopted by the Minister of Health in developing the regional health authorities. Devolution and decentralization is what one wants.

I would have thought that the drafters of this document would have seen—after the experience, although there are little problems—that there should be decentralization and devolution, so that Tobago and the far flung districts of Trinidad would have their say. I believe this is the approach that we should use, which would result in a more immediate appreciation of the problem and, I daresay, which is more prompt and tailored to the needs. We are already feeling it in Tobago. I believe that if this approach is used, it would be better for us in Trinidad and Tobago.

Looking at the Bill, against this background, I find the following areas to be particularly objectionable. If one looks at clause 6 which deals with the establishment and composition of the assembly of the authority as proposed and amended in the other place, it is glaring in its deficiency in relation to Tobago. Not a word about that place! You would believe that the country is Trinidad; there is no unitary state; only one island makes up this state. It is serious. We have gone back to that backwardness since the coming into power of this new PNM. That is why they have to jump up here this afternoon to make statements.

The end result is that the authority may be established without any Tobago presence, or at best, a token presence from Tobago. Tobago is an island by itself. It is separated from Trinidad by water and is part of a twin island state making up one country. Therefore, our concerns get lost in the whole array of formidable

representatives that constitute the authority. When clause 6 is juxtaposed with clause 9 which allows the delegation to any governmental entity, its functions or powers, the issue I have raised becomes even more critical.

One is left to assume that the Tobago House of Assembly may be one of the entities chosen for delegation of powers, but that is not said, and the wording of the clause clearly leaves this important matter to the discretion of the authority. It is not mandatory and it must be so. For this reason alone, I am of the view that the Bill should be recalled and redrafted to reflect a greater appreciation of the needs of places far removed from the central government apparatus, like Tobago.

To my mind, the effectiveness of the authority, and indeed its impact, would be considerably diluted the way it is currently structured. This defect in the basic concept of the Bill cannot, I submit, be corrected by mere amendments. It requires a review of the mindset governing the Bill. It needs to go back to the drawing board to reflect that two islands make up the unitary state, they are separated by water, they have a different heritage and a different culture.

I find the functions and powers to be very laudable and worth aspiring to, but I fear that I see no structure which ensures that, for instance, the national environmental policy will indeed be national in its scope. I do not see how the recommendations for rationalization of all governmental entities performing environmental functions will now impact upon Tobago. Tobago cannot be seen as any little non-governmental agency or a little nonentity. Tobago must be seen as one of the islands making up the unitary state called Trinidad and Tobago.

This is seen all along. If one looks at the budget, one would see that nearly \$100 million has been given to this Government in the form of grants and not a penny to the island called Tobago. Grants are not moneys that have to be repaid; that is given to the country from the EEC, Lomé IV, the IDB and the UNDP. The sum of \$18.5 million was allotted for community centres and not one penny was given to Tobago; \$5.5 million for sports halls and nothing for Tobago. The sum of \$25 million that should have been for the roads in Tobago, the Government begged back for it and put it under the Ministry of Works, and not a part was given to Tobago.

When we say that we do not feel it is impacting upon Tobago, we know what we are talking about. If we do not receive our share of that \$100 million we are talking about, if we do not receive our share, we would be breaking protocol. Who does not want to break protocol that is their business, but we are breaking protocol right into the foreign institutions to let them know that the country is Trinidad and Tobago, and Tobago is not getting its just due.

2.20 p.m.

Hon. Member: That is a declaration of war!

Miss P. Nicholson: Of course it is a declaration of war!

Is there any provision in the Bill to reassure me that, at the end of the day, the authority will have so performed this aspect of its functions that it recommends that the operations, for example, of the Town and Country Planning Division, with regard to Tobago, do not leave a lot to be desired? It needs to be revamped in totality so as to be fully decentralized as far as Tobago is concerned.

Let me give an example. Turtle Beach Hotel wants to expand, but they want to use an area that is unsuitable. It is a swampy area where the river runs into the sea, all of which is very important to marine life. The manager of that institution brings “ton loads” of stuff, throws it into the river and it goes onto the sand, so that all our beaches are being destroyed by a foreigner. We want to take action. We have to come right down to the hon. Minister of Planning and Development for action. We have to come here for action.

They have tried to interfere with the fishermen. The river is being destroyed. The people's livelihood is being destroyed. Where do we have to come to resolve it? Right to Trinidad, to the Town and Country Planning Division of the Ministry of Planning and Development. When they come to Tobago, the people have not been given any permission to do what they are doing. They are instructed not to do so and they continue when the Ministry turns its back. Whereas, if there was a unit set up in Tobago, they would be there to take immediate action. Our beaches are being destroyed for the welfare of these foreigners.

I am not talking about the tourists, I am talking about the management which is being brought into the island. We speak to them peacefully and show them that that is not the proper thing to do and when we turn our backs—more action. When the officers from the Town and Country Planning Division come and instruct—more action again after they turn their backs. That is why it is being argued very strongly in Tobago that the Town and Country Planning Division should be revamped.

Now that we are setting up management of the environment within Trinidad and Tobago to co-ordinate and make sure all the environmental acts go into operation, there are certain areas that need to be addressed and improved. One example, as I have just pointed out, is the Town and Country Planning Division. We believe that a department must be in Tobago under the Tobago House of Assembly.

I like the approach of the Minister of Health. I only hope they do not attack him personally. I am not being personal; I am addressing the good work that he did decentralizing health. That has been our argument. *[Interruption]* You spoke already. Behave yourself! If you are listening to good business, listen! What I said about the Town and Country Planning Division is only one example.

Can any Member of this House show me where in this Bill such a result can be achieved when it is likely that the authority may not have one representative from Tobago, or may have only a token presence in this authority? The Tobago area cannot be addressed like that. It is better addressed by having decentralized bodies as was done with the Ministry of Health.

What about that aspect of the authority's function which relates to promoting educational and public awareness programmes on the environment? Again very laudable, but where is the channel through which Tobago's needs and concerns in this regard will be effected in these programmes? It cannot be controverted that even in a society such as ours, certain localities and communities have taboos and misconceptions about the environment which must be specifically addressed if they are to be eradicated. Public awareness programmes, if they are to be effective, must be carefully tailored and formulated to root out these taboos. I fear that if these programmes are conceived and formulated in the manner envisaged in the Bill, they will not have this community-spirit effect about which I am concerned. I think that is very, very important. The people must be a part of what is taking place throughout Trinidad and Tobago.

Similar observations can be made for every one of the functions and powers of the authority. The authority seems to be up in the air, far removed from the everyday problems, so I do not think it is the best mechanism for addressing the problems of environmental management. Confidence must be placed by local communities and groups in the management of their lives and the problems which beset us.

Research now seems to be saying that when programmes are conceived and devised by local communities, they result in greater ownership of these programmes, and, therefore, a greater commitment to making them work. The opposite is true when they get the impression that the programmes are being imposed upon them by some outside authority. This must be taken into consideration in the Bill.

I fear that this is not the case. I fear that if it is to be cured, one or two amendments will not do. That is why I am arguing that the Bill should be withdrawn, looked at again and brought back to the House.

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What of public participation? To my mind, there are some elaborate rules for public participation which reflect the approach of a government that rules from the Twin Towers and, as I said earlier, is out of touch with the realities and the psyche of its people. Real dictatorial business is going on in this country now. How many people submit comments when a Bill is put out for public comment?

2.30 p.m.

Mr. Sobion: So you do not put it out for comments?

Miss P. Nicholson: Let me talk. *[Interruption]* The Member cannot trouble me, he has too many problems in Mayaro.

Among the people who submit comments, what segment of the population do they represent? As far as I am concerned, this is just what I call a paper provision, meant to sound good, but no one can truly believe that this mechanism is an effective or an appropriate one to promote public participation. It is pathetic in its lack of understanding of how the world is changing. Clearly, this authority is another one in which the officers are being given a mandate to sit in cushy offices and wait to receive public comments so as to inform its decisions and its work.

It is my view that they should go out among the communities, identify the community leaders, speak with them, convince them of the need for environmental conservation, and convince them that their ideas are exceptionally important. They have to go out into the schools and hold discussions with the children and the teachers; meet with the parent/teacher bodies and develop a sweet partnership with all these players on the environmental stage. The fishermen, the reef boat operators, the rice farmers, all have to be brought on board so that their ideas can be tapped, and the ownership of the programmes can be assured. When we implement the programme we want action. We in Tobago are very concerned that we do not have a voice, and we must have a voice if this programme is to be implemented in Tobago.

A glaring omission in the Bill is a lack of incentives and reward for compliance. The Bill is replete with punishments and offences. *[Interruption]* This is mine. *[Interruption]* The Bill is replete with punishment and offences but it is not structured so as to give incentives to, or reward those who comply. We have to be creative in programmes such as these, which really seek to change completely the mindset and the practices of people who have been entrenched with other ideas for several years.

Companies and individuals can benefit very much from this approach. For instance, in Tobago our hotels should be made to observe strict environmental standards, what I drew to your attention, Madam Speaker where sewer waste was being dumped into the waters. Nobody cares: they throw stuff into the rivers. We the people of Tobago care, and therefore people must be made aware and they must be rewarded for responding positively.

I am not satisfied that the structure of the legislation—centralized as it is—is geared towards achieving these ends. Again, I say it is operating in the Twin Towers where it is up in the air, and the air is rare and perhaps unpolluted. We are dealing with pollution. It is really geared to fail, Madam Speaker, unless it is revamped to bring about the results I have outlined. We are very concerned in Tobago.

It was only recently that we had a discussion in Tobago on chemical and oil spills between Trinidad and Tobago. We wondered whether our governmental bodies are concerned with that area. It is an area which is highly traversed by oil tankers, chemical tankers and so forth. The argument was that with the development of tourism, Tobago must be very concerned about that. With the number of oil and chemical tankers traversing that passage, the question of oil and chemical spills with respect to Tobago is very important. They asked the question: what authority do we have in Tobago with facilities to take care of oil and chemical spills? Do we have special skimmers sited in Tobago with facilities to store what is skimmed off and special environmentally friendly chemicals to break up the oil and chemical spills? Do we have those things to protect and save Tobago? Those were the questions raised.

The only important resource that there is, tourism. When there are oil and chemical spills over a significant area damaging Tobago, we are destroying our tourism and fishing; the two most important industries. The beaches would be spoilt. The marine life would be destroyed.

Madam Speaker, I did not get up here because I felt like getting up. I am really seeking the interest of the people of Tobago. The people of Tobago sent me here to seek their interest, and when we are dealing with any environmental change we must be concerned. We must be concerned about devolution or decentralization of some of the powers in Tobago; and setting up the structure in Tobago—which is—similar to the regional health body. When Tidco wants to argue that Tobago is environmentally friendly and so forth—Tobago must be protected. When one spends \$150,000 to market and advertise, one must deal with the infrastructure to attend to sewer waste coming out of the hotels and guest

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houses and being pumped into the waters, destroying the marine life. That must be addressed.

Last week, I listened carefully to the Minister when he talked about integration and I said I did not see a word, or separate clause set aside in this document to say how environmental management would be handled in Tobago. The Minister just passed it by as if Tobago was some little nonentity or some little governmental agency that he said would be on his document. We said, "No Sir," and you cannot fool us here with this chat this afternoon.

Tobago is under siege right now with environmental problems. Therefore when the Government is addressing this, we as representatives must say how we feel so that when we implement our programme it would be very effective.

Clause 81 establishes the environmental commission, a superior court of record. As far as we in Tobago are concerned, this is not for us. I need only to tell you that over the years, we in Tobago have been deprived of our fundamental human right of access to the courts. That matter was raised and it was only a week or two ago that the lawyers in Tobago had to strike to get action.

2.40 p.m.

For instance, the Industrial Court. Madam Speaker, do you know how many matters go abegging because prosecuting same means several trips to Trinidad? They are trying to cover that this evening in a statement saying that they are setting up a committee—I know that it is meaningless and will not work—to avoid people having to come to Trinidad. Setting up a little sub court—I do not know the name—in Tobago, so that the worker does not have to give, his right. The amount of money that has to be spent, Trinidad alone many of them do not even worry to come and so give up their rights. That is why I am making that point. Endless matters go abegging. It is only recently, as I pointed out, that the Chief Justice made his long overdue trip and a number of things were implemented in Tobago. An important court as the Court of Appeal, in its civil jurisdiction, was set up for Tobago.

For years people have been up and down, quarrelling, they cannot afford the lawyers—people in Tobago have abandoned their rights. So this has no meaning for Tobago unless, as I keep saying, a branch of the court which operates in Trinidad operates in Tobago. Whether they come once every three months or whatever it is, there must be a branch in Tobago. This Bill has no meaning for Tobago unless there is a branch. Although it is most likely that the court will go

the way of other courts of record such as the Land Commission, which was supposed to be appointed since 1981 under the Security of Tenure (Land Tenants Act). From my information, that Commission was never appointed. If it was, it certainly does not function in Tobago; similarly the Agricultural Tribunal if it functions—it does not function in Tobago. When we are talking about this Environmental Management Bill and an authority like this we are saying that there must be a section in Tobago, if it has to have any meaning.

Madam Speaker, with regard to the Trust Fund, the same arguments that I have made, for example, when I spoke in the budget debate apply: grants have been given to this Government for Trinidad and Tobago, not Trinidad. I have the same fears as to whether the fund moneys will ever reach Tobago. If so, how much? I propose that unless revamped to reflect a more Tobago-friendly posture—as the Member for Ortoire/Mayaro would like to hear—this Bill, for the reasons outlined above, should be renamed the Trinidad Environmental Management Bill. I feel very strongly about it. I am saying that from the bottom of my heart, and Tobago's voice has to be in the Bill. This is 1995, these are the days of decentralization and devolution; these are two islands separated by water—it is not Mayaro from which I could drive into Port of Spain.

Madam Speaker, I do not believe that this Bill has any meaning for Tobago. I believe that the Tobagonian must have a say in what is taking place.

Madam Speaker: Hon. Members, the speaking time of the hon. Member has expired.

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

Question put and agreed to.

Miss P. Nicholson: Madam Speaker, if the Bill is to be meaningful for Trinidad and Tobago it is my view, as I argued earlier on, that it should be revamped, I feel that the Bill is really totally flawed. One must see a section, perhaps, for Tobago, or what is going to be done for Tobago. I am appealing to the hon. Minister and his Government that they not see Tobago as just a non-governmental organization. They cannot! There are two islands making up a unitary state, and whatever there is in Trinidad there must be the same in Tobago, whether it is a subcommittee or whatever, and one must see it in the document. That is all I am saying. We are going to fight to the bitter end for justice, and we

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want to save our environment, we are dealing with the environment and we want to see justice done for Tobago.

Thank you very much.

[Interruptions from Public Gallery.]

Madam Speaker: Would you please take that member from the public gallery out.

Mr. Sudama: Madam Speaker, may I be informed, if I want to catch your eyes—*[Interruption] [Crosstalk]*

Madam Speaker: No, no, no. Sometimes Members do ask to catch my eyes and the Member for Tobago—*[Interruption]*

Mr. Sudama: I have been trying to catch your eyes since the beginning of this session. Madam Speaker, you are looking at a note and calling everybody else. You are to facilitate the other side, that is what you are there for. You are a PNM appointee. *[Interruption]*

Madam Speaker: I just want to indicate that my eyes caught the Member for Tobago West.

The Minister of Agriculture, Land and Marine Resources (Hon. Dr. Keith Rowley): Madam Speaker, I just rise to make an intervention in the debate in support of the Environmental Management Authority Bill. I was not aware that it would have caused so much anguish to Members on the other side.

I am sorry that my Friend from Tobago West has left, because she did make a few comments to which I would have liked to respond. However, I think I should set the record straight by commenting on a few of the points that she raised before I touch on the—

[Interruptions from the Public Gallery.]

2.50 p.m.

Mr. B. Panday: The way people react is—

Hon. Dr. K. Rowley: Madam Speaker, while I can excuse persons in the public gallery, I really feel the Member for Couva North should keep quiet.

The Member for Tobago West made many statements which were not for the consumption of the honourable House but for her constituency. May I set the record straight. It is quite amazing that a bill which comes here after being out for

public comment from August to October, 1994—"public comment" meant that any individual or agency in the country that wanted to express an opinion on anything contained in the provisions, the mechanism by which that was solicited was to put the Bill, in its draft form, out for public comment and responsible persons, especially those who feel strongly about it and felt that they had something to say, would have made their comments available to the appropriate agency so that their positions could have been taken into account. It is the Government's position to take into account all the comments that were put in and then arrive at a position at the end of the day.

During the period of public comment, 70 individuals or agencies responded expressing their points of view. Today, our colleague, the Member for Tobago West, talked about dictatorial behaviour and exclusion of Tobago. There is a governmental agency set up by statutes in Tobago called the Tobago House of Assembly. Its officers are paid by the State—just like all of us. When this Bill went out for public comment, important as it is to Tobago—and the Member for Tobago West took the last hour to tell us how important and crucial it was for Tobago—not a single comment came from the Tobago House of Assembly. The Government cannot be blamed for that. The fact of the matter is, provision was made for any additional comments. However, the Government has taken Tobago into account. The Bill before us is not the Environmental Management Bill of Trinidad, it is the Environmental Management Bill of Trinidad and Tobago.

As is customary in this House, Members on the other side will spend hours talking about all kinds of things except the provisions as printed in the Bill. It is largely because they do not even read the Bill. They have something to say appealing to their constituents and they come and say it, regardless of what is before the House.

Madam Speaker, I draw your attention to page 9 of the Bill. It says under definitions:

"'environment' means all land, area beneath the land surface, atmosphere, climate, surface water, ground water, sea, marine and coastal areas, seabed, wetlands and natural resources within the jurisdiction of Trinidad and Tobago, and 'environmental' shall have the corresponding meaning."

Yet, a Member of Parliament comes and talks for an hour and say, that Tobago is not taken into account. On page 10, under definitions, it says:

"'governmental entity' means any—

- (a) department of government;

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- (b) statutory body; and
- (c) other enterprise ..."

The word "any" in the English Language includes the Tobago House of Assembly.

The Minister of Planning was at pains to point out how the Bill operates in focusing national attention on environmental matters. From an operational standpoint, there are procedures in the Bill for the commission to deal with government agencies, ministries, Tobago House of Assembly and so forth. They will set up memoranda of understanding between them to specifically deal with issues as raised by my Friend, the Member for Tobago West. Yet, we are being told that Tobago is not taken into account.

What the Member is seeking to do is to raise a point of constitutional law—which is another matter that can be debated somewhere else some time or even in here at another time—as to whether a separate Government is needed for Trinidad and a separate one for Tobago. That was her argument. That only seems to apply now. All her arguments were that this Bill should have a Tobago equivalent.

I represent Diego Martin West—Chaguaramas Peninsula, Chacachacare Island, Gasparee Island, Monos Island, beaches, recreational; potential for tourism. Environmental pollution in Chaguaramas and Chacachacare is, by nature, the same kind of problem as environmental pollution in Tobago. The Government is setting out to pass law to deal with environmental pollution. The law cannot be expected to say pollution in Black Rock as against pollution in Chacachacare; it says Trinidad and Tobago. It has to be a problem of attitude which will cause someone to believe that because a law for Trinidad and Tobago is being passed, there is need to pass one for Tobago if Tobagonians are to be pleased. I am sure that is not the point of view of all Tobagonians; that is the point of view of some Tobago politicians.

Madam Speaker, there is nothing of greater grievance to Tobago at this time than the whole question of foreigners buying land in Tobago. Talk to them; read what they write! Tobagonians are now extremely concerned that they are becoming strangers in their own land as a result of legislation passed by the previous administration which allows foreigners to buy land in Tobago. In that legislation there is provision for exemption of certain areas in the country. It falls now to this Government to examine the situation to see whether those exemptions should be revoked.

Yet, a Member of the Cabinet that passed that law which is causing such anxiety to Tobagonians told us today that there should be a separate Environmental Management Bill for Tobago because the one for Trinidad and Tobago to treat with pollution and so forth is not good enough for Tobago. There was previous law which had an exemption in it to protect Tobagonians' position in their own land as owners of land, to protect them from foreign dollars pushing them out of the best spots in Tobago. Apparently, at that time, there was no argument about Tobago's special case and circumstances. That is why I usually tend to ignore the platitudes that come from that direction.

If only for the record, I want to make it quite clear that this Government has done nothing anti-Tobago in this Bill. Trinidad and Tobago means Trinidad and Tobago in this Bill. If there are those who have a problem with that, then it may very well be that when they form the Government again they would pass two sets of laws; one for Trinidad and one for Tobago.

Mr. B. Panday: Do not have any fear about that.

Hon. Dr. K. Rowley: Madam Speaker, we are talking about the Gulf of Paria. This Bill, as national law, will address the problems in the Gulf of Paria in the same way it will address those in Buccoo and Black Rock. I cannot see another case being made.

What was absolutely amazing was the Member's comment that she wanted to see an approach as taken by my colleague, the Minister of Health, for the Regional Health Authorities and decentralize along that line. That is the same Member who bred fire and brimstone against the Regional Health Authorities Bill in this House and proceeded to vote against it a few months ago. Having voted against the Bill and having spoken for 75 minutes as to why it should not be passed and why it would not work, we are being told that is what is needed as a model for the Environmental Management Authority. Can they be taken seriously?

What would be the position if the people of Indonesia listen to Tobago Members of Parliament? We keep hearing about two islands separated by water. I do not think it is necessary because a piece of land can only be an island if there is water separation involved. We are forever hearing this cliché that Trinidad and Tobago are two islands separated by water. Take the Philippines and Indonesia—hundreds of islands; The Bahamas—700 islands. One does not hear those people going about and talking about this island against that island; it is one country. For God's sake, may I tell Tobago politicians, it is one country! There are more

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islands than that in Diego Martin West. They are forever misleading people; getting up in the Parliament and talking about Government getting grants and not spending any in Tobago. Absolutely incorrect! Of course, hoping that that information will be carried on the national broadcasting stations and Tobagonians will hear it and they will vote against the Government for not getting their fair share.

Madam Speaker, may I ask my Friend, the Member for Tobago West: All that is happening in Tobago, funded by public purse, where is the money coming from? Grants coming and being taken in Trinidad; community centres not being built in Tobago. That is not true! It is unfair for Tobagonians to hear those things without hearing that the correct situation, in so far as distribution is concerned, is that Tobago, in many instances, is being taken better care of than other areas in Trinidad. I represent Diego Martin West, and there are many things which are absent in that constituency but are present in Tobago. I do not come here every Friday and confine my thoughts to the constituency that elected me, I look at the national issues. I commend that to those on the other side! Discrimination—emotive word that appeals to many people.

Madam Speaker, may I draw your attention to page 32 of the Bill and read it in the context of what was said. Under "Environmental Management", clause 32 (1) states:

"The Authority shall, not later than three months after the commencement of this Act, initiate consultation with the other governmental entities performing various environmental management functions, with the objective of formulating memoranda of understanding or other arrangements between the Authority and such other governmental entities, which shall establish the mechanisms for co-ordination across jurisdictional lines and provide for the implementation of integrated environmental management programmes."

That is the procedure by which Government entities, such as the Tobago House of Assembly, will be brought on board to begin to treat in a structured way with the environmental management issues. Today, there are 42 pieces of legislation on the books, which have some kind of connection and nexus with matters of an environmental nature. Earlier in the debate, one Member said that he was of the view that the Environmental Management Bill was not needed to create the focused approach because there were already enough laws. One can look at it from that point of view if one counts the number of pieces of legislation. Forty-two pieces! I am sure there are almost 42 agencies that have some responsibility for environmental matters.

Madam Speaker, let us take pollution. Pollution can emanate from a variety of sources which, with respect to present structure in government and public administration, might find that the jurisdiction for that pollution might be so scattered and dispersed that in the end there is no focus with respect to enforcement. The Public Health Act is the one that comes closest to focusing on the whole question of pollution. The word "pollution" covers a wide range of things and even the Public Health Act itself does not take into account current realities and therefore is not sufficiently structured to deal with all aspects of pollution which can be experienced in today's environment in Trinidad and Tobago.

Another point which has to be made is that, notwithstanding the fact that there is this plethora of snippets of legislation or full packages of legislation to deal with matters of environmental concern, the monitoring and enforcement procedures are usually deficient because it is difficult to operationalize the existing legislation package to deal with specific focus problems. It is out of that understanding and concern that the initiative to create the environmental agency was born.

The Minister of Planning and Development, in his presentation, pointed out that this legislation is a manifesto commitment which the PNM made prior to December 1991. In seeking to examine all areas of national life and governmental activity, we observed the need to put a legislative structure in place to treat with matters of an environmental nature. Between 1991 and today, the need has become even greater.

The Government got help in drafting the legislation taking into account all that can be perceived at this time to be required. The Bill was put out for public comment. The governmental agencies' human resources were used to bring to bear their intellect on the problem, and there was also the involvement of the non-governmental organizations that spend much time trying to alert national consciousness to bring to the forefront matters of environmental concern in the context of sustainable development and, in some cases, survival of species. All of these approaches were taken, and the Government comes with a piece of legislation which will bring national focus on matters of an environmental nature.

Notwithstanding what we are told by some, Trinidad and Tobago is a very small country. One only has to look at a map of the Caribbean or South America to see where it falls. One only has to look at a map of the world and, depending on the scale, Trinidad and Tobago might not be seen at all.

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3.10 p.m.

Insofar as land space is concerned, our country is just over half a million hectares. In some countries some farms are bigger than that. What we do know is that there is much human activity in this small space and that has been so for quite some time. In many cases, our activities have not been synchronized with nature. The result of that has been that we have either degraded plant and soil material, or in some instances, eliminated species which were here before we got here.

There is great concern that if we do not address our relationship with our land, air and water, we will be doing a great disservice to generations to come, because we would leave them an inheritance which they do not deserve. We also believe that, notwithstanding the fact that damage has been done to some parts of our environment in Trinidad and Tobago, it is never too late to begin first to stop the process, and then to reverse it, in an effort to recreate the original pristine conditions insofar as that can be had, given the pressures on our lands commensurate to population growth and so forth.

Madam Speaker, when one looks at population growth in Trinidad and Tobago, we go back only to the late 18th Century and will see that very few people were living here. One reads in the *History of Trinidad and Tobago* that as recently as the early 19th Century many parts of urbanized Port of Spain were woodlands. There are areas which, in my lifetime, have been converted from swamp land and farms into suburbia.

The pressure on land becomes greater with each passing day, because with every piece of land that you take out of its natural state, there is less for the next taking; and parallel with that, with every childborn in the country—with the growth rate that we have—there is a demand of some kind: whether it is for a school place, a hospital place, a road to their homes, and so forth. We are making greater and greater demands with every passing day.

In that scenario, it becomes even more critical that we begin to treat, very seriously and very forcefully, with protection of what we have left in its natural state; and use more wisely those areas we have selected for use. Madam Speaker, it is in that context I want to make a few comments and clarify a few points with respect to a matter which has attracted much attention, both in this House and the other place.

I speak, specifically, about the Nariva Swamp area. I am very happy that the Nariva Swamp, as a national issue, has generated quite a bit of concern across the

national population. I think that augurs well, because it tells us that there are people in this country who are sufficiently concerned to want to express themselves.

Madam Speaker, insofar as information comes out on the issue, there is some element of confusion and I wish to clarify that for the moment. On the eastern part of Trinidad, we have a lowland area from Southern Manzanilla down to the Oropouche River, which is generally called Nariva. It is a very unique habitat, Madam Speaker, in that it is a wetland area—breeding ground for many interesting and important animals and plants; and has very serious human considerations in terms of things that we can do there and what it means for our future.

It has attracted international recognition for its uniqueness. Over the years, however, some members of the national community have sought to change the land use pattern in the Nariva swampland area; and they have brought significant pressures to bear on the ecology of the area. Under the existing legislation, we have sought to bring a halt to that approach, because I think we have all agreed—except for a couple of misguided persons and their advising counsel—I have not met many people who are not of the view—that we should preserve the Nariva heritage.

Madam Speaker, my Ministry which, under the State Lands Act, has the responsibility for protecting that parcel of state land, along with others, sought to enforce the law so as to prevent deleterious activity from continuing. In attempting to do that, persons who were perpetrators of certain actions sought to exercise their rights and went to the court, seeking determination that they had rights to destroy the swamp. Fortunately, Madam Speaker, the courts ruled that they had no such rights.

But in the process, Madam Speaker, given the nature of the problem, the Ministry of Agriculture, Land and Marine Resources was driven to get the Cabinet's approval to manage the area better by determining a boundary around the Nariva Swamp declaring the area, under law, a prohibited area. This meant that a certain amount of control and permission granted could be brought to bear on access to the area. This took into account that we already had in that area within that perimeter, two areas, the Bois Neuf Sanctuary and the Bush Bush Wildlife Sanctuary, which were already declared so under law, and which were also, themselves, under threat from squatters.

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It also took into account, Madam Speaker, that within that wider Nariva area, there were two parcels of land which the state had taken steps to make available to *bona fide* small rice farmers from the area—the Plum Mitan scheme and the Bois Neuf scheme. The Plum Mitan scheme involves small rice farmers who have been put on land properly by the state, and the Bois Neuf area is land which the state intends to make available to other small farmers but into which in the interim large farmers have moved and started squatting on the land.

Madam Speaker, we are a law-abiding country and have to proceed about our business by the law, but there are those who believe that we do have all the laws we require and, therefore, once we have those laws, that is the end of the problem. I want to give a couple of examples, of how the matter goes. If one reads the papers from time to time, my officers and I usually feel quite aggrieved that we are being portrayed as sitting on our hands while the national patrimony, which is Nariva, is being wantonly destroyed by indigents and their counsel.

Mr. B. Panday: Are you sure its your hands you are sitting on?

Hon. Dr. K. Rowley: But that is not so, Madam Speaker. The fact of the matter is, there are procedures to be followed, and if the state moves improperly or illegally against any person, regardless of their infraction, we will hear a howl from everyone—not the least from their counsel.

Mr. Maharaj: He wants to abolish laws now.

Hon. Dr. K. Rowley: Madam Speaker, we have been proceeding by way of the provisions in the law.

Mr. B. Panday: Abolish the court, nuh?

Mr. Sobion: Why now? Why do you want to abolish laws now?

Hon. Dr. K. Rowley: What we have done to protect Nariva is to defend very vigorously the right of the state to eject squatters from the Bush Bush Wildlife Sanctuary.

Madam Speaker, I can report, today, that we were successful in removing squatters from the Bush Bush Wildlife Sanctuary. However, immediately adjoining the sanctuary is a large area earmarked as a national park, which we have surveyed and have put marks on the ground to ensure that all persons who go there will see that this area is earmarked and we have officers in the field who will try to enforce these rules. But the bottom line is, there are some members of

the national community who are of the view that either the law does not apply to them, or it is there for their protection in whatever action they want to take. So, Madam Speaker, what do we do?

Insofar as persons voluntarily decide to enter upon these lands earmarked for the national park within Nariva, and these lands are within an area which has been designated "Prohibited" the relevant state officers have proceeded to issue quit notices to those persons and I can tell you, Madam Speaker, in the third quarter of 1994, two such notices were issued in the Plum Mitan area, five were issued in the Nariva-Ortoire area; two more were issued in an area close by, and there are three operators who seem to be elusive, where, no matter how the officers try to find the individuals to issue the quit notices by way of law, you cannot find the particular person responsible. You only find agents.

3.20 p.m.

The operation is like this: If "a" is doing the action that is damaging the environment in Nariva, and you move to serve against "a", "a" disclaims all responsibility and "b" is now responsible. As you approach "b", "b" disclaims all responsibility and "c" takes over. But in the context of getting the law to act, you have to find the particular perpetrator, so therefore there is that difficulty.

So we issue the legal quit notices to protect a major part of our national patrimony which is suffering wanton destruction. What is the reaction? We are totally ignored, and they proceed to continue with the destruction. So you go to court by way of summons, expecting to have a court order for eviction—where we can actually take eviction action—because there are those who would say that the state ought not to move in a high-handed manner and use its power against citizens, and so forth. But look at what we are facing. You move by way of quit notice, then you go to the court.

One particular case commenced on June 14, 1988. So here we are, proceeding along the lines provided by the laws and the court and the matter is called, June, 1988, July, 1988, November, 1988, March, 1989, June, 1989, and so on; 24 times and it is now down to be called April, 1995. In the meantime the individuals who are damaging and destroying an area earmarked for a national park—a unique piece of our patrimony—proceed, as nobody's business, to do what they have been doing.

Another example: You go to court. The matter is called 18 times in the Mayaro court, and, of course, you stand in the queue. So the question that arises

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immediately is: Do we have the time? Is time on our side to permit persons to thumb their noses at the law, ignore the wider national interest and destroy what we would want to keep for all time in Trinidad and Tobago?

This matter has been attracting the attention of the Ministry for quite some time now and I can tell you today that I am convinced—and my Ministry's position is that we are convinced—that this approach will not work. What will work is direct enforcement. I wish to advise all persons and their counsel who are guilty of damaging the prohibited area which we commonly refer to as Nariva Swamp—that the Ministry has put things in place to ensure the eviction of persons who are currently engaged in those actions.

In saying so, and to use the phrase of my adviser, the Attorney General, we are taking more affirmative action. We are not excluding movement by way of procedures in the High Court where certain injunctions would be sought, or failing that, to use, as available to the state, all and every power available to public officers under the State Lands Act. In the very near future, it is my intention—in fact, I have already instructed the officers in my Ministry—to take the requisite action to forcefully evict persons who are in breach of the existing legislation, from the Nariva Swamp.

Insofar as we believe that Nariva Swamp is somewhere out in the bush in Manzanilla and therefore does not bother us, what about the Queen's Park Savannah? You would be surprised to know that we are having to fight court battles with squatters in the Queen's Park Savannah. Having proceeded, as I have mentioned earlier on, by way of summons and court hearings, I regret to inform you that the squatter in the savannah has won the case and the matter has been dismissed.

We have to understand that protection of the environment is all our business. It cannot simply be the business of the Cabinet or of the NGOs. Because insofar as national administration is concerned, different officers have different responsibilities. Our responsibility is to operate within the confines of the authority that is given to us, and we take our proceedings elsewhere, where the jurisdiction lies with others. But at the end of the day, as Brian Lara would tell you, the players are not allowed to appeal to the third umpire. It appears as though only umpires can appeal to the umpires.

I want to say that we are not without some serious responsibility, as a government today, to look at what we have been doing right and protect those things, and to also look at what we have been doing wrong and take the requisite

steps to correct it. It follows that if things are being done by others and those things are having a deleterious effect on our health, on the environment, or on the animals and plants on which we depend for a variety of contributions, when you take corrective action, there are those persons who will feel aggrieved.

Take for example the Gulf of Paria. My Friend from Tobago West spoke about pollutants off the Tobago coastline. No one could argue with that. But on the national scale, given the information that we have before us now and from the studies that we have done, it may very well be that from the national perspective, there is greater concern with respect to what is happening on the borders of the Gulf of Paria. It is not because anybody is being wanton. If one looks at a map of Trinidad, in particular, you will see the Gulf of Paria being the basin into which all the channels from the Northern Range empty and in those channels there is a concentration of human activity. Every valley from Chaguaramas to Arouca has a population concentration. In some cases, there are industries. Somewhere between the valleys of the Northern Range and the Gulf of Paria, there are major water catchments, like the Caroni Arena, which supplies water to the entire nation. When one understands that the quality of that water would be a function of the actions upstream, you would get a picture as to how critical it is for us to have in place the appropriate standards, legislation and enforcement procedures to ensure that the wider national good is protected from inadvertent or deliberate action which could cause grief to one or many of our national citizens.

3.30 p.m.

That is in the context of pollution. But what about exploitation in terms of extraction of resources? For recreation I fish from time to time, and the last few times I have been in the Gulf of Paria was really pathetic. When one gets the attention of a fish once in a day, you are lucky.

It is not because my crew and I are poor fishermen, this is the same story you would get from many people; largely because—*[Interruption]* Madam Speaker, do not bother with my Friend from Couva North who is spreading rumours again. The Taiwanese do not fish in Trinidad and Tobago waters. They keep telling the people that and it is not true.

Mr. B. Panday: Only in our economic zone.

Hon. Dr. K. Rowley: They do not fish in our economic zone either, and I wish the Member would stop saying that! Of course, Madam Speaker, his counsel is advising him.

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In our in-shore fisheries, including the Gulf of Paria, we have become very efficient at catching fish. We have more boats out; there was a time if you go to the North Coast fishermen would tell you that they used to row out off Blanchisseuse and La Fillette, but they would come back with a boatload of red fish on a regular basis. Now, they get there in a more efficient manner; they use more efficient nets and potting methods; more fishermen are involved in the trade and at the end of the day we have over-fished many of our fisheries.

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.

Hon. Dr. K. Rowley: I wish to thank you, Madam Speaker, and hon. Members for the extension.

What I was saying is that here is a case where fishing is an activity which is legitimate and we encourage it. In fact, we even provide subsidies to those who fish, but the bottom line is that the fish are not breeding as fast as we are catching them, and the end result is that we have over-fished some of our traditional fisheries. I do not know if you go to the market, Madam Speaker, but carite, red fish and so forth are not as available as they were about 15 to 20 years ago.

What happens in a situation when that is the fact? When that is the fact, and we recognize that we have done that, what do we do? Do we take the position that we do not want to offend anybody and allow us to get to the last fish? Or, do we take the position that we need periods of moratoria which would permit the fish stock to regenerate?

We have to learn from the experiences of others. In Canada, there were some of the world's best fisheries. The cod fisheries in Canada, off Newfoundland, were some of the world's best examples of fishing. There were regulations and the naval protection; quotas per boat and so forth. I was most stunned when only, very recently, the Canadians had to close down their cod fisheries because they had determined that they had over-fished the area. Had they not taken the drastic action to literally shut down the industry—a tremendous inconvenience to those persons who made a living off that fishing—they would have had to face the stark choice of: Do we face the inconvenience now, temporarily, or do we face it permanently when the stocks are extinct?

We are at that junction now with respect to the Gulf of Paria. The Government is seriously examining what has to be done in the Gulf of Paria and would take what action is appropriate to ensure that the Gulf of Paria remains an area where our fisheries can continue to grow and contribute more effectively to the national economy.

We have conducted a variety of studies on the common species that are fished; we are a part of a Caribbean research programme and we now have much data which can guide us into making some very sound decisions with respect to our fisheries. However, the outlook for the Gulf of Paria is not very good at this point in time, and we may very well have to move towards some curtailment of activity on these fisheries if we are to preserve the fish stocks to allow them to grow.

That is one side of the story—that is dealing with action which we have approved in terms of what should be done—but there are other situations like trawling. We have limited the number of trawlers which can be licensed in Trinidad and Tobago—I think the number is 27. We have also limited the zone in which they can fish, but Members must understand that not all of our citizens are as concerned about the environment as we are, and from time to time people take the opportunity to do things which are not permitted by law.

Recently, there was a situation where the regulations prohibiting trawling expired on one day and the new regulations came into effect a day or two after—a matter of hours after. Would you believe that certain trawler operators were so efficient that the window of hours between the going out of the legislation and the coming in of the replacement legislation, they were trawling in the Saut D'eau Basin where the kingfish breed, to the detriment of the next two years' stock?

Mr. B. Panday: Madam Speaker, would the hon. Minister not agree—and I am accepting the argument, incidentally, about the overfishing of the Gulf of Paria and so forth—that in order for there to be a successful conservation policy in the Gulf of Paria that we have to work in conjunction with the Venezuelan authorities? If the Minister does agree, is there such a plan afoot?

Hon. Dr. K. Rowley: Madam Speaker, yes, the Member is perfectly correct. The fishes do not recognize national borders, and it is extremely important that what we do here has a counterpart arrangement on the other side. In fact, some of the major species we catch here are migrated species which come from much further than Venezuela.

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I mentioned earlier that we have what is called a "CFAMP", a Caribbean Fisheries Assessment and Management Programme, which is a regional approach to the whole question of assessing our fish stocks. There is a similar programme on the other side of the Caricom area. Insofar as we are collecting data—because the whole thing is based on data—what I can say in short is that the Venezuelans are a little ahead of us in terms of management of their coastal zone. In fact, it is in that context that we are able to negotiate with them and get a certain number of passes for our nationals to fish within their zones in a managed way. Every so often, some of our nationals get into difficulty in the Venezuelan waters when they do not conform to some of the conditions of these passes and so forth.

Mr. B. Panday: Madam Speaker, I am sorry to bother the hon. Minister, but I know what he is saying. What I am saying is that the conservation policy should be one of conserving the entire Gulf of Paria—our waters and theirs—as a joint venture between the Government of Trinidad and Tobago and the Venezuelan Government. It is not they protecting theirs and we protecting ours, but rather an integrated sort of arrangement.

Hon. Dr. K. Rowley: At the moment that joint approach for this specific purpose is not in place, but we do have a number of ancillary arrangements which acknowledge that we should work together. If we do, in Trinidad and Tobago, decide to proceed by way of any sort of restriction, it would require an involvement on the other side, otherwise it would make nonsense of it because the fish would not stay in Trinidad and Tobago waters. It would require some kind of joint approach.

I raise this only to signal the kinds of difficulties that we are facing and where we are with respect to considering what corrective action is required.

Madam Speaker, we heard about pollutants and the damaging effects of oil spills and so forth. Oil spills, while damaging, occur very infrequently and usually—except those at a greater scale—the effects are limited and temporary. What is much more damaging and of greater concern to us, is the permanent removal of certain breeding areas, namely, the wetlands.

3.40 p.m.

If one looks at an old map of Trinidad and Tobago, particularly, Trinidad, one would see that many areas which were wetlands at some time, are now not so. For every acre of wetland that has been removed from that original condition for whatever purpose—whether it was to extend Frederick Street down to Marine Square, to build Barataria, Point Lisas, Nariva and so forth—we have removed a

certain proportion of the breeding and feeding area, an area of protection for small fish which at one time existed in Trinidad and Tobago. After years of doing that, we have significantly reduced the resource-base of the fishes and crabs to which the Amerindians would have been exposed. The larger the breeding area and the greater the supply of food, the more prolific would be your stock and the greater the numbers.

We have been doing a number of things which, at the end of the day, would have had the effect of diminishing our national well-being. Unfortunately, some persons see this only in the context of short-term gains. This Bill seeks to put this in the context of the greater good and the long-term gains where, if after we have assessed certain situations—and this is going to be made by the proper authorities—it is then deemed that action 'A' should not be contemplated and should not be approved, then this Bill seeks to provide a more focused mechanism for state entities—as the Bill uses the term—to be able to bring to bear the enforcement, the educational and co-operative aspects to allow the desired effect to be achieved. That effect, at the end of the day, is to protect the environment.

For example, something which has been catching my attention recently: I have noticed that many local vehicles are being converted from gas to diesel. There is a good reason for that; because of the increasing price of fuel certain persons are getting better performance in their operations using diesel fuel. There is nothing wrong with that but, standards have to be put in place for emission from these vehicles otherwise, very soon, the very air that we breathe, of which we are so proud, could be poisoning us by the lungful.

It is not uncommon now to be travelling along Wrightson Road behind a “smoker” that is gushing black smoke from wherever it came to wherever it is going. We now have to put in place certain regulatory procedures, not that we should not use diesel engines [*Interruption*]. I look forward to the day when the people of Oropouche would send somebody else here. [*Laughter*] In fact, I may appeal to my Friend from Couva North, to please bail us out.

For those who would have taken the time to read the Bill, one would have seen that it sought to be as comprehensive as possible in taking on board many of the issues which were raised by my colleague from Tobago West, and which I, myself, and other Members have raised. The Bill is seeking to put those mechanisms in place which would, under law, require that standards be set; under law require that agencies set procedures in place. The power that we do not now

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have to treat with many of the problems that we face, or that we anticipate, is now put in law and the Bill provides mechanisms for agencies to access that power to be able to treat with the problems for which they have a responsibility.

All the advice we have had, and from our own assessment and involvement in the preparation of this Bill, tells us that if we do that we will once and for all be able to bring focused attention, monitoring and enforcement on matters of an environmental nature. As we do that we would then take that first confident step to protect what we have left, to reverse what we have damaged and to create in Trinidad and Tobago an environment for which our children will thank us.

Madam Speaker, if we take the position that the humanitarian approach on an individual basis is all that is required and we turn our backs on squatters who live on the beach—and as I have seen in my own constituency—develop out-houses on the beach; and there are situations where we encourage the use of watersheds or the waterways, or indeed, the Queen's Park Savannah, the Aripo Savannah or Nariva; if we take the position that the damaging minority ought to prevail, we could soon find ourselves mirroring a Caribbean neighbour which, unfortunately, has destroyed a significant portion, if not all, of its national plant and animal life.

We are not without some guilt in this matter. We, too, in Trinidad and Tobago, have destroyed some of our species. I ask Members to take a trip to the Pointe-a-Pierre Wildfowl Trust where they will see species being nurtured, one of which had been lost completely from Trinidad and Tobago through human action. Fortunately, some of those animals existed in Europe and we were able to access breeding stock. We are now seeking to breed them again, and hopefully, if we recreate the natural habitat, or if we protect enough of the natural habitat, we can reintroduce those animals and recreate the old Trinidad and Tobago.

The blue and gold macaw, one of the most beautiful birds in the world existed in the wild in Trinidad at one time. Through human action those animals have been destroyed. We are now seeking from minimal stocks to breed them again and seek to introduce them. These are the kinds of actions that will redeem us for our original wantonness. While we do that, we have to be mindful of the others that are on the brink of extinction.

Madam Speaker, hunting is now a major commercial activity in Trinidad and Tobago. Restaurants offer wild meat on their menu but, I am not sure that the restaurateur is aware of the population size of the animals that he is offering on his menu. In many cases he could be offering an animal which is coming out of a gene pool that is approaching critical numbers. It is not the number one that you

destroy to reach zero. Depending on the population dynamics of any species there is a number much greater than one. Sometimes, it could be thousands where, if it falls below that number the breeding arrangements and population dynamics are such that you could end in a downward spiral which cannot be reversed.

3.50 p.m.

We do not have to wait until we get to the last few items to be convinced that we are eliminating certain species from our environment. Proper analyses will show that a number of our very popular animals, especially those that are used for food, are suffering from severe stress in terms of numbers. A few years ago, action was taken to have a moratorium on hunting. It did serve a useful purpose. We had some replenishment of the stocks, but I can tell you that the vigour with which we removed them has not been diminished, and we have to look at it again.

Very soon we may have to take some kind of adjustment to ensure that we do not end up like some of our Caribbean neighbours, where if one sees an iguana, agouti or lappe, it has come from another country, but at one time it used to be from here. Because we have gone below those numbers in the population size, they have spiralled down to zero. Any country that is guilty of doing that to any species has put a permanent blot on its history in the annals of man. Any country that exterminates its species is responsible to a number of generations. Of course, we do not want to be numbered among those countries.

I wish to commend this Bill to Members on the other side. I know that we see eye-to-eye on most of it. I do not believe, for one minute, that we would probably be in agreement with every clause; there might be concern about some clauses. Let us not allow that to detract from the general purpose of the Bill—the good for which it is meant, and the actions that are meant to be taken if we are agreed that its desired purpose is to protect the environment in its totality. Then let us support this approach which has been arrived at after consensus and consultation. Let us support the procedure; strengthen our present arrangements and proceed to make Trinidad and Tobago a place on earth of which we can all be proud and be so in perpetuity.

Thank you.

Mr. Trevor Sudama (*Oropouche*): Madam Speaker, of course, the Member for San Fernando East, in anticipation, will have to go because I intend to talk about the Volvo and to relate it to this Bill. It is the 500 cc Volvo which he uses and has not been registered in Trinidad and Tobago. I want to ask a question here.

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I will show how that is related to the Environmental Management Bill which we are in the process of debating.

I listened to the Member for Diego Martin West intently. Of course, he has a reputation in this House for "rowdyism" and presenting his arguments in a very rash and aggressive manner. Apparently, today, he has changed his style. Today, we have heard a plethora of platitudes in this House. I think that this House, having heard from the Minister with responsibility for Public Administration and the Member for Diego Martin West, should rename this House of Representatives as the House of Platitudes.

The Member for Diego Martin West alluded to some of the problems with which we are confronted in the environmental crisis that we face, without indicating to this House what the Government could have done about them. It has done absolutely nothing about the problems. He merely comes here to recount problems with which we are confronted. Therefore, in dealing with this Bill, I want to ask a question. He said that there are 42 pieces of legislation dealing in one way or another with the environment, without indicating to this House which one of them had been implemented in any measure whatever.

Here we are going to add new legislation. The question we have to ask—not that we do not need to deal in a serious and effective way with the preservation and conservation of the environment, it is one of the most critical issues facing mankind today. We need to deal with that. I would seek to point out that there is a larger problem than merely putting a regulatory mechanism in place. I will come to that a little later.

The first question I want to ask is whether this Bill is presented to us as a matter of form and formality. Given the history of this Government's commitment, or lack of commitment to environmental protection and preservation, and of course, the general attitude in the society inculcated by a political regime which has been in office for three and a half decades—

Hon. Members: Three and a half years!

Mr. T. Sudama: I speak about a regime to which the Member for San Fernando East belongs since 1971. The new driver of the Volvo.

Mr. Manning: The driver of the new Volvo.

Mr. T. Sudama: The new driver of the Volvo because it was owned by someone else.

I want to state in this House that the condition of our environment today reflects the state of mind cultivated by those who have wielded power in the society. It is a state of mind which holds a disdain for life as it holds a disdain for the environment. It is the root of our problem. In this society, under 35 years of PNM rule, we have developed a consciousness which has accepted a degradation in the quality of life as it has accepted a degradation in the environment. That has been accepted as a norm. If one wants to solve the problem one has to go to the root of it. Nowhere is this consciousness more entrenched than in the attitude of public authority, to the enforcement of laws and to the utilization of its existing powers. Nowhere is this disdain for life and in fact, the environment, expressed than in the attitude of the PNM Government over the years.

We have witnessed a total indifference and unconcern by the Government and authorities to mundane things, such as proper garbage and waste disposal, the callous pollution of our water courses which other Members and I have raised in this House from time to time over the period I have been a Member of this House. There is callous pollution of the earth and atmosphere and the Government does nothing. There is total incapacity for simple drainage and flood control measures.

4.00 p.m.

Madam Speaker, there has been an almost abject ignorance of the relationship between the preservation of the environment, quality of life and the very sustainability of that life in the present and in the future.

If I may speak on a more global level—and I will come back to the question of where this Government takes its philosophy and developmental perspective from—I believe that it would be true to say that the root cause of environmental degradation, both locally and globally, is a pattern of living by the rich and aspiring rich which requires the consumption of more and more of the earth's resources and the production of more and more waste, to satisfy ever increasing and more sophisticated wants.

I want you to ask yourself, Madam Speaker, what we conceive to be development and a proper standard of living, looking, not at high-income America, but at medium-income America. Today, the United States of America consumes anything like 40 per cent of the resources of the earth in one form or another—and they are only 250 million persons. The earth has 5 billion persons. Let us assume that everyone aspired to the standard of living of middle America and all 5 billion persons in this world wanted to have a standard of living equivalent to middle-income America. Where would those resources come from to sustain that level of existence? Would this, in fact, be sustainable?

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The question is not just a regulatory mechanism, the question with which we have to deal is a philosophy of life and a pattern of consumption, which we have associated with a higher standard of living, without any regard for the consequences to the environment in the depletion of natural resources.

Here we have the rich and the aspiring rich, and the aspiring rich want more sophisticated satisfaction of their wants. For example, as I mentioned earlier, one needs a motorcar—which has claim to a certain amount of the earth's resources—to travel from one place to another. But if one wants a more sophisticated motorcar, such as a Volvo 950, it requires more resources: but it performs the same function and creates greater pollution in the environment. However, there are people in this society who aspire to those higher standards—the more sophisticated satisfaction of their wants—without any concern for the environment. We have Volvo 950s being brought into this country to be used by the highest officers of the land without being registered by the Transport Division everywhere you look, there is illegality with regard to the enforcement and lack of concern for the law.

Mr. Imbert: Madam Speaker, on a point of information. The car referred to is, in fact, registered in the official records.

Mr. T. Sudama: Could we have a certified copy if it is so registered? The public has asked for it and it has not been available. Now we are told that it is registered. After the *Mirror* took it up, we are now being told that it is registered.

We are talking about the depletion of the earth's resources. *[Interruption]* Why does he not go back to Tobago?

Madam Speaker: Order, please!

Mr. T. Sudama: At least I can go back to Oropouche. The Member cannot go back to Tobago because he ran from there. There were certain charges pending against him.

Dr. Rowley: On a point of information, Madam Speaker.

Madam Speaker: Will you give way to the Member?

Mr. T. Sudama: There is no such thing as a point of information, Madam Speaker.

Madam Speaker: The Member wishes to clarify a point. Will you give way to the Member to clarify a point?

Dr. Rowley: I am very grateful to the Member for giving way. I would just like to ask him what are these charges that I am supposed to have run away from?

Mr. T. Sudama: I thought the Member was going to clarify the situation.

I am on the question of depletion of the earth's resources by the rich and the aspiring rich striving for so-called higher standards of living. What happens to the poor, Madam Speaker? The poor, also, in order to meet their urgent need for survival, have to access basic resources which also deplete the environment. The concern for mere existence on the part of the poor supersedes any concern for the environment.

So here are the rich, here are the poor and here is the environment. My question is: Given this ineluctable lurch towards environmental crisis in the 20th Century, what do we see as the future for the environment and its capacity to maintain survival of the species—both animate and inanimate life? One could be very pessimistic and say that there is neither hope nor reassurance. Some people seem to think that science and technology will solve our problems for us. It may be that the solution really lies in a change in our lifestyle—patterns of consumption—and a change in what we conceive to be development and the path which we are taking. We do not know the concept of sustainable development, which has been spoken of much in this Bill, but which nobody on the other side has taken the trouble to define for this House.

Hon. Member: Let the Member tell us.

Mr. T. Sudama: I have to tell them? Am I the Minister or a member of Government? Why have they put it in the Bill if they have no idea what it is all about?

It has been enunciated by ancient cultures and philosophies that one must have a lifestyle which is in harmony with the natural processes of the environment. In order to have that, one must have a compulsive awareness of the environment, environmental protection, and the inter-relatedness of the different aspects of the environment.

4.10 p.m.

Madam Speaker, one does not need an environmental bill to disseminate public awareness of the critical nature of the environment. Why has this Government, over its 35 years in office, not done anything about promoting public awareness about the degradation of the environment? Not only that, they

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have participated in that degradation and condoned it. The Member was speaking so glibly here today about the protection of endangered species. Do you know that when the national bird was declared an endangered species it was PNM Cabinet Minister, who went down to the Caroni Swamp to shoot that very bird? A PNM Government Minister. And they come here to talk about the protection of the species and environmental protection and so forth!

Mr. Manning: Who was the Minister?

Mr. T. Sudama: You do not know? Were you not there from 1971? Where were you? Under the table in the PNM administration?

Madam Speaker: Hon. Member, could you please—

Mr. T. Sudama: Yes, Madam Speaker, I have to deal with him. The Member for San Fernando East comes here to pretend ignorance of everything that has happened in the Government before 1991. A Cabinet colleague went and shot an endangered species as a PNM Minister, and the hon. Member is asking what year.

Mr. Manning: Madam Speaker, I thank the hon. Member for Oropouche for giving way. Could he be kind enough to advise us in what year that incident took place?

Mr. T. Sudama: Madam Speaker, it happened in the year 1976 while the Member for San Fernando East was a member of the Government of Trinidad and Tobago.

Mr. Manning: Who was the Minister?

Mr. T. Sudama: Find that out from your PNM colleagues.

Madam Speaker, merely to put a regulatory mechanism in place, when one looks at the whole global picture one would ask the question: Are we not postponing the inevitable disaster if we do not change the lifestyles, consumption patterns, our whole philosophy as it relates to the environment?

I want to argue that this Government without any commitment as expressed in any kind of programme—despite 42 pieces of legislation—now seeks to develop a linkage between the environment and the Ministry of Planning and Development. We have a Minister of Government who comes here to talk about planning and development but what has this Government done in its 35 years of office, or in its three years of office to give the public an idea that it is aware of the linkage between planning, development and the environment? What exactly has been done?

The only environment I conceive of what the hon. Minister is concerned about is his own financial environment—the only environment in which there is a link between how to plan it, how to strike as many deals as possible, and how to have as much debt and forgiveness as possible. You plan your financial environment in order to protect and conserve your financial resources. That is the only thing he could claim with respect to any linkage between planning and development and any kind of environment whatsoever.

I have written letters to the hon. Minister—but there is no need for him to respond to any of my letters—talking about strengthening the embankment. Let me read the head under which I am asking the hon. Minister to take action and to find funds:

"Head 21 - Ministry of Planning and Development, 005 Multisectoral and other Services, 17 Environmental Protection and Rehabilitation; 09, Development Programme.

- (1) Strengthening of the embankment of the New Cut Channel, Lower Oropouche Lagoon upstream from the La Fortune/Pluck Road.
- (2) Lifting the level of the La Fortune/Pluck Road in the vicinity of the New Cut Channel Bridge to prevent flooding of the roadway."

In the lagoon dredging the various rivers to prevent flooding. That has to do with the degradation of the environment, the whole question of flooding.

I have also written to the Minister asking to construct a proper sluice gate, and pumping device and to identify funds under:

"Head 21 - Ministry of Planning and Development 09—Development Programme, 003 Economic Infrastructure, 11 A Drainage and Irrigation.

- (1) Construction of a proper sluice gate...to prevent flooding and salt-water intrusion.
- (2) Dredging and clearing of the Oropouche River...
- (3) Construction of a new tunnel...
- (4) Drainage of the Blackwater Polder..."

I have also written letters talking about the coastal protection of Mosquito Creek to prevent the erosion of the cremation site there; to prevent the intrusion of salt water into the Oropouche Lagoon; to prevent seepage and flooding. This all

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had to do with the environment. What I am arguing is that they have absolutely no commitment. The Minister does not even take the trouble to respond to my letters, let alone do anything about the environment, but he comes here to mouth platitudes in this House.

As I said, all the Minister is concerned about is his financial environment. Do you know why? He wields power without responsibility. He has been put there by the Member for San Fernando East, without having been elected to this House, wielding power without responsibility—he is responsible to no one, therefore he does not have to respond to an elected Member of this House and I am sure the Member for Diego Martin West agrees with that. Power without responsibility.

In August 1993 we had the most severe flooding in the history of the Oropouche Lagoon. I wrote the Prime Minister to have the area declared a disaster area so that emergency action could be taken. It took him three weeks to get his secretary to respond to that letter—we wanted immediate action, thousands of acres were flooded out, considerable damage to the environment, to homes, to families: great distress in the Oropouche Lagoon in my constituency. The Prime Minister took three weeks to respond, through his secretary saying, "I have passed this on to other Ministries to take care of". Do you know what is in this Bill, Madam Speaker? Emergency response activities. Emergency response activities have been put in this Bill, to fool this population. Emergency response that takes the hon. Prime Minister three weeks to send a letter via his secretary to a disaster in the Oropouche area?

The position I want to emphasize to this House is that they have no commitment to anything at all in this country. They have come here to try to hoodwink the House, the country, that they are serious about pollution and environmental degradation. If it were not for accessing the second tranche of an IDB Loan, this Bill would never have seen the light of day.

Mr. Manning: That is not true.

Mr. T. Sudama: This PNM regime has cultivated a kind of culture of consumption in this society without regard for the environment. A frenzy of consumption, Madam Speaker, in the present, without regard for the future generation. Whether it has to do with consuming financial resources—because this is a Government that had US \$7 billion as exchange reserves—they were consuming in a frenzy; whether it has been physical resources—oil, gas or marine life—that has been the culture in Trinidad and Tobago. Today the Member for Diego Martin West comes here to shed crocodile tears to lament the fact that there is a lack of marine life in our waters today. He has never told us what the PNM has

done over its 35 years in office to protect marine life in Trinidad and Tobago, but he comes here to mouth platitudes in this House.

For a Government with that kind of background of neglect, history of administrative inertia, to come here today to talk about—listen to what this Bill speaks about: environmental incentive programme. When I look at this environmental incentive programme it is neither a programme nor does it have incentive. I will come to that later.

4.20 p.m.

We cannot even dispose of garbage, but the Government is talking about environmental impact assessment. To be done by whom? Do we have the technical, financial or scientific resources to do an environmental impact assessment? We cannot even control the waste that is coming from the Ste. Madeleine Sugar Factory into the Siparia River—all the black dust that emanates from the chimney and falls into the Guaracara River. They are talking about environmental impact assessment—just so many words which they copied from somewhere to bring in a Bill here to try to bamboozle Trinidad and Tobago, as though they have any concern for this environment.

“Designation of environmentally sensitive areas and species” and their “control and management”—the Member for Diego Martin West just lamented here that they cannot control anything, and they cannot manage anything, because, despite their existence as a Government, the degradation continues. Control of air, noise and water pollution—control of water pollution where more than half the society cannot even get water to drink, but they are concerned about water pollution and management of hazardous waste and so forth.

When one looks at what they are trying to do, and given their background as a Government, this Bill sounds very unreal. When one asks the question: Do we have, and can we in the foreseeable future access the resources to develop the standards and the infrastructure for the implementation of this Bill?

Having done that, does this Government have the will to implement the standards and requirements? In the first place, do we have that resource capability—financial, technical and otherwise? Even if we have that and we develop the standards, does this Government have the will to implement the standards? All I can say is that this Bill is merely a regulatory illusion—pie in the sky. Just like soup in Laventille, this one is environmental pie in the sky. As I said, is this Bill merely a matter of form? I fear that if there is even an attempt at enforcement the question is whether it would be only selective enforcement on an

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ad hoc basis and used as a weapon against some in order to favour others. That is the next issue I am coming to.

When one looks at the powers given to the Minister I see no reason why the Minister has to have both general and specific powers to give instructions to the authority. General policy: If you are giving general policy directives, why do you want him to give special directives except you want the Minister to politically interfere in the work of the environmental Authority? That is political interference so that they could selectively enforce the provisions of this Bill. That is a fair public service? *[Interruption]* Do you understand the public service? What have you done to make it function? Madam Speaker, the provisions in this Bill—it is like attempting a university curriculum when, as a country, we have not completed even the primary school course. That is what I liken this Bill to.

Let us deal a little with the Preamble to this Bill. There was a Bill here which was put out for comment in 1994; we have a Bill which supersedes it in 1995. Madam Speaker, between these two Bills the whole focus has changed, and I want to read what the original focus was. I want to read the present focus and I want to know who did the lobbying; where the influence came from to remove the question of natural resources from the ambit of this Bill to start with, and to redefine the objectives of this Bill. Where did the lobbying come from—the multinational corporations, the big industries, the conglomerates of Trinidad and Tobago? They do not want to be subject to any kind of monitoring of the exploitation of the resources of this country, and the consequences for the environment? Where did the exploitation of the resources of this country and the consequences for the environment come from? Let me read it to you. You will see the significant shift of focus and emphasis and I want to know why.

In the former Bill the preamble stated:

"Whereas the Government is committed to developing a comprehensive programme to promote environmentally sound and sustainable development with respect to the quality of the environment and natural resources within Trinidad and Tobago..."

What this new Bill states is:

"Whereas the Government of the Republic of Trinidad and Tobago is committed to developing a national strategy..."

No longer a comprehensive programme;

"... for sustainable development being..."

This is what sustainable development is in their view;

"...the balance of economic growth with environmentally sound practices in order to enhance the quality of life and meet the needs of present and future generations."

Madam Speaker, I just want to ask a question: There is a balance. Who determines on which side that balance falls? The multinational corporations? The big conglomerates in Trinidad and Tobago?

Dr. Rowley: The Opposition.

Mr. Sudama: The Member does not speak on behalf of anybody except the parasitic oligarchy. He speaks and is influenced by no other concern because if the concern of our economic growth is overwhelming and does have the deleterious consequences for the environment where will the balance lie? My assertion here this afternoon is that the balance is going to lie with economic growth and to hell with the environment of Trinidad and Tobago. Once their backers tell them so; once those who have power and real power and the Government of Trinidad and Tobago tell them so. That is a fact of life. Madam Speaker, one would want to ask: Why the shift in focus? Why leave natural resources out of the purview of this Bill?

Madam Speaker: This is a convenient time for the break. The sitting of the House is suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Madam Speaker: The Member for Oropouche may continue.

Mr. T. Sudama: Madam Speaker, when we took the tea adjournment, I was on the question of the change in emphasis from the Bill which was circulated in 1994 to the current Bill before us, where we are told that a balance will be struck—the national strategy for sustainable development which will be pursued by the Government will strike a balance between economic growth and environmentally sound practices.

Madam Speaker, my argument is, given what has gone before, if the emphasis is on economic growth—and when you hear the Minister of Finance, it is growth, and growth at any cost—all that he wants to do is to let the public statistics record that there has been growth in Trinidad and Tobago.

Mr. Manning: No!

Mr. T. Sudama: You bring in the foreign multinationals to exploit your natural gas resources, give away those resources without any controls over

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whether that exploitation will have damaging effects on the environment or, in fact, the exploitation of oil resources.

Madam Speaker: Will the hon. Member give way?

Mr. Manning: Madam Speaker, I thank the hon. Member for giving way. The Ministry of Energy was set up, primarily, for regulating the industry; and an essential aspect of the portfolio of the Ministry is pollution control. What the hon. Member is saying is entirely incorrect.

Mr. T. Sudama: Madam Speaker, the Ministry of Energy operating was when there was enormous pollution off the east coast of Trinidad and Tobago; when there were times you could not go to Mayaro and set your foot in the sea for fear of oil pollution.

Mr. Manning: Madam Speaker, I rise again. I worked as a geologist at Texaco and in going through the files of that company, I saw a letter dated 1905 in which one of the chief geologists was complaining to the General Manager of the company about the problem of oil seeps in Mayaro. There are seeps.

Mr. T. Sudama: Madam Speaker—

Mr. Humphrey: Texaco is the wrong one of which to give an example.

Mr. T. Sudama: Exactly.

Mr. Humphrey: Texaco depleted the wells in no time at all.

Mr. Manning: There were no oil wells in Mayaro.

Mr. T. Sudama: We are hearing now about oil seeps, Madam Speaker. It is the first time I am hearing about oil seeps in the whole history of pollution. There is a Ministry of Energy and if, in fact, this is how the pollution was caused, then they should have publicized the fact.

Mr. Humphrey: What about the Guaracara River?

Mr. T. Sudama: The pollution in the Guaracara River, is that caused by oil seeps as well? But we have a Ministry of Energy.

Madam Speaker, the question I want to ask and to have answered, really, is how effective would the regulatory institutions be?

Mr. Manning: That is not the question. It has to do with the standards that you set.

Mr. T. Sudama: And secondly, what are the standards by which the multinationals will operate in Trinidad and Tobago, particularly in your energy sector.

Mr. Manning: By which everybody will operate.

Mr. T. Sudama: Madam Speaker, in fact, if it is a question of profitability as against environmental protection, where would that balance lie and who would be the dominant influence in determining where that balance lies?

This issue has come up in the United States, where the administration previous to the Reagan administration had set up very stringent standards with respect to industrial pollution, and so forth. The Reagan administration changed the standards and allowed more lax standards to prevail in the United States because of big business and industrial lobbying. Now, that is big Government—the United States. Here we are talking about a puppet Government of the PNM.

Madam Speaker, where do you think the balance would lie? There is this whole question of changing the focus and talking about a balance between economic growth and environmentally sound practices in a situation where there is not even the technical expertise to determine what are environmentally sound practices in the first place! And even if there were, as I said before, do they have the capacity to implement those practices.

I raise this issue because we on this side are not very sanguine about the prospects of this Bill making the environment in Trinidad and Tobago any more congenial for sustainable development—not at all. It is in that context that we make these remarks because, as in everything else in life, it is all a question of power—of the powerful interest groups which are able to have their views heard and on which the Government will act.

I am saying that the oil companies, the companies engaged in natural gas production, Nucor at Pt. Lisas, the new oil company; the new company to make iron carbide, and all the companies involved in the petrochemical sector, would have the kind of leverage over the Government. If it comes to a question of profitability and environmentally sound measures to be put in place, I think the balance would fall on the side of profitability and the question of maintaining environmental standards would receive secondary attention. That would continue to be the history.

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Madam Speaker, we have heard much about the term "sustainable development". We have really had no elaboration of what this concept means from the other side, merely a passing reference to the fact that you want to have the kind of development that would not only satisfy the demands of the current generation—but preserve the interest of future generations by the way you exploit your natural resources, and so forth. But the question of natural resources has been completely left out of the purview of this Bill.

So the balance between current consumption and what is going to be left for future generations has to be sustained. Given the history of this Government, as I said, they have inculcated a culture of frenzied consumption in the present, we do not think that future generations are going to benefit from the patrimony of Trinidad and Tobago, particularly, as they are giving away that patrimony. They are producing natural gas at, maybe, 90 cents per thousand cubic ft; and giving it to Nucor for 60 cents per thousand cubic ft., Madam Speaker.

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

Mr. Manning: Madam Speaker, I rise to indicate that the last statement made by the hon. Member is not correct. Having done so, I beg to move that his speaking time be extended by 30 minutes.

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

Question put and agreed to.

Mr. Humphrey: You will see no profit.

Mr. T. Sudama: Madam Speaker, if my statement is not correct—

Mr. Humphrey: One dollar a ton US—that is what you are getting.

Mr. T. Sudama: Madam Speaker, would the Prime Minister tell us what is the position with respect to the sale of natural gas to Nucor? What are the terms and conditions? Would he be good enough to tell us what are the actual facts?

Mr. Manning: Yes, Madam Speaker, I am very pleased that the hon. Member would give me such an opportunity. Really, the pricing for natural gas for Nucor is in two parts. One is a direct charge per cubic ft. on the gas sold to Nucor; and the other aspect of it involves the participation by the gas company in the operation exposing itself to the profits that the company makes. There are two sides to it—it is an investment on the one hand, and a direct charge on the next.

5.15 p.m.

Mr. T. Sudama: Madam Speaker, he has made his statement. In the absence of verification we will take that with some reservation.

Sustainable development, basically, in my view, has to do with a developmental path which can be sustained—a standard of living, a lifestyle—with the availability of the resources which we have in hand and the uses of those resources.

But more significantly, sustainable development has to do with the development of the living standards of everybody in Trinidad and Tobago, not development for the few and poverty for the many; not a good life for the few and destitution for the majority. If you are going to have development which takes that path, it would not be sustainable because the society is going to fracture. There is going to be a societal explosion if there is development along those lines, as indeed, is happening in Trinidad and Tobago.

The Minister for Social Development—I do not know what she was reading, has stated that levels of poverty are increasing in Trinidad and Tobago. Given the fact that some people are doing very well and can afford to buy a Volvo 950, is it?—or 900—some people can afford Volvo 900s, and at the same time, at the other end of the spectrum, there are people who do not know where the next meal is coming from—it gives the impression that the path of development on which this Government has embarked is widening the inequalities in Trinidad and Tobago.

This is a frightening situation. Such a development cannot be sustained. So that in the present there is need for development which reaches across all groups and sectors of the society in order for it to be sustainable, and also, in the future, there is need for that developmental thrust, that growth—and growth is not necessarily development. I want to emphasize that point. Growth is not necessarily development. You can have an increase in the GDP and yet the society does not develop because it is not a process which has its own dynamic and can be sustained. I hope the other side understands that distinction.

So that sustainable development in the present has to do with the capacity to utilize your resources and identify lifestyle and pattern of consumption which you can afford, without polarizing the society into a group of ‘haves’ and into a larger group of ‘have nots’, and then create a dynamic within the society with that thrust, growth and improvement in the standard of living for all sectors of the society which would have the capacity to endure into the future. That is what I understand by sustainable development.

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What I understand as sustainable development is not being pursued in the present policies of the PNM Government. So that we have the strongest reservation, about mouthing the term, “sustainable development”, and without, in fact, having the policies and programmes to support that development. Of course, when you look at the gross and total neglect of agriculture—it has a bearing on the degradation of the environment. Of course, that neglect of agriculture in Trinidad and Tobago was partly for political reasons, and without agriculture you cannot have sustainable development. Because, after all, our natural gas resources and our oil resources are depleting and they are being sold away in raw form so fast. When you sell liquefied natural gas, all you do is take the gas in its raw form, liquefy it and sell it off. There is no value added to create downstream industries from the natural gas whereby you would be able to increase development opportunities and add value to the sum total of the gross domestic product. There is no such thing. There is only this much touted LNG project at La Brea, where they take the gas, liquefy it and sell it off. The Government will get some revenues and royalties from it; a little employment is created and that would be the end of the matter.

The question I ask is: Is that their concept of sustainable development in the context of Trinidad and Tobago? On another occasion I am going to outline the alternative UNC strategy for sustainable development in Trinidad and Tobago. I do not want to do that at this point in time as it will take up too much of my time.

There are people here who glibly talk about sustainable development when more than half of the people in this country cannot get clean water to drink, let alone to meet the other necessities of life, like bathing, and washing—this, in fact, affects the environment. They cannot do that for a small population of just one and a quarter million people with the resources available at their command. This Government, having been in office for 35 long years, today have more than half this population suffering and in dire need of water. Development includes things like a clean potable water supply; sanitation; access to education and jobs; minimum levels of recreation. All these things are included. Because you see, development is not abstract. Development has to do with people, their standard of living, the recourse they have to enjoy a minimal quality of life. Development is not about how many LNG plants are put down and how many foreign investors are brought to invest and exploit the resources of Trinidad and Tobago, and sell away the patrimony of this country for a song. That is not development.

I want to state that the crunch will come. If it does not come this year, it will come next year or some time, where the vast majority of people in Trinidad and

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Tobago are not going to take this wholesale sellout and betrayal of what they are entitled to in this country. Critical to this debate is the notion of sustainable development and how it would be encompassed with environmental policies it would facilitate it and, in fact, which will reach out to all sectors, classes, strata and regions of the society.

Let me look at some specific provisions in this Bill. What we take exception to is that as we are debating this Bill, amendments have appeared on our desks. We have no time to consider the validity of these amendments, which have further amendments, and we have to come here and debate this, and then they say, "you fellows do not read the Bill." This time they have a whole bureaucracy behind them to come up with these matters on time so that we would have ample time to consider and to debate. But of course, this is another way of using their governmental authority to the disadvantage of the Opposition. They are in the habit of doing what undermines the whole parliamentary system and procedure.

Clause 5 in its original form simply stated:

"The Minister may give general policy directions to the Authority."

This, we are told, is an independent Authority; it will rely on expertise, and the Minister will give general policy. The next thing is, they drop an amendment on you. What is the amendment? This whole thing is deleted and the amendment now reads:

"The Minister may, from time to time, give the Authority directions of a special or general character in the exercise of the powers conferred and the duties imposed on the Authority by or under this Act."

5.25 p.m.

While the Government talked about "general policy directions" in the first instance, it now wants to give both general and special policy directions. There is more in the mortar than the pestle, because the Government has a hidden agenda! When it wants to give special policy directions, then it has in its mind to act on behalf of certain interest groups in the society. That is why it wants to give special policy directions, and this is why we are querying the Government's motives. The Government wants to access more and more power to themselves!

Let us look at the clause dealing with the environmental trust fund. We are talking about the resource availability for the implementation of the provision of this Bill. Clauses 72 to 74 tell us where this authority will access the funding to carry out its provisions.

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Madam Speaker, clause 74 states:

"The resources of the Fund shall consist of—"

among other things:

"(b) such amounts which the Authority may collect as administrative civil assessments under section 66;"

One would imagine that that would have been made available directly to the authority. That is not so under the amendment. Under the amendment these civil administrative assessment collections would now go into the Consolidated Fund. When they go into the Consolidated Fund, God alone knows how the PNM would spend that money.

At the very start the Government is whittling away the financial resource capacity of the authority. When the Prime Minister was talking about the Tourism Industrial Development Corporation, he said that he wants the room tax for that corporation paid directly to that corporation. He did not want it to go to the Consolidated Fund. Maybe, he has a special interest in that corporation. Here the Government does not want the administrative civil assessments to go directly to this fund but to go to the Consolidated Fund. Why? Is it another way to whittle down the capacity of this authority to act and implement the measures of this Bill?

Dr. Saith: Madam Speaker, the Member has asked some questions and I would like to reply. In the debate in the other place, numerous amendments were made, not by the Government side but by the Opposition and the Independents. The argument then was that if one left fines as resources that the authority could access directly, then one would be creating a situation in which the authority would seek to maximize, therefore, we wanted to have transparency in the system. That is the reason it was removed. It was removed in the course of a debate in which everyone was participating.

Mr. T. Sudama: Madam Speaker, I am not moved by that argument at all, simply because this authority is acting according to the laws. How can the Minister talk about the authority going to maximize? Is the Minister saying that they would make civil assessments where they are not due? If they want to give this authority a sufficient level of funding, then they should not be persuaded by that argument. If the Government is saying that this authority is going to operate in a hands-off manner—it would not be subject to undue governmental influence and so forth and would operate according to provisions of this Bill—why is it fearful of having this civil assessment paid directly into the fund?

Mr. Sobion: It is the other side that is fearful.

Mr. T. Sudama: But the Government determines this agenda, not the other side! The Government determines what appears here as bills and amendments. Do not try to fob off your responsibilities on someone else.

Madam Speaker, what I am arguing is that the Government had no intention of giving this Environmental Management Authority a sufficient level of funding for it to carry out its work. That promotes my argument that all we have is a paper bill and a paper organization, which would be totally ineffective by lack of resources.

Incentives: What are these great incentives? When one looks at clause 34 there is nothing there which would encourage people to be more environmentally aware and to implement any proper environmental practices. All it does is establish a voluntary facility and environmental audit programme. One would have thought that if the Government really wanted to give an incentive, it would have given a fiscal incentive to those firms and industries which, in fact, are observing high environmental standards and so forth. What the Government is doing here is giving a certification, like a worthless certificate that carries nothing with it except to say the Government has certified that you have adopted certain standards. All this old talk about incentives. Where are the concrete incentives to have firms go out of their way to develop and maintain environmental standards?

Madam Speaker, as I said, this Bill is a matter of form to show the IDB that we have passed a Bill, without any real intention of giving the Bill any teeth and having it properly and satisfactorily implemented.

After reading through clauses 62 to 71, and after looking at the compliance aspect of this Bill, all I could conclude is that this is a labyrinth of bureaucratic procedures one would have to go through in order to enforce anything. In the end, what would happen is that all complaints would be lost in this labyrinth and in the final analysis, nothing will be done to protect and maintain environmental standards.

With regard to sanctions, one could hardly find what the sanctions are. Then, in the final analysis if I am not mistaken, I think the sanction for violation by an individual or company is about \$10,000. If there are damages to be assessed for violation, we are told in clause 66 that—

"(3) The total amount of any damages under subsection (1)(d) shall not exceed—

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- (a) for an individual, five thousand dollars for each violation and, in the case of continuing or recurrent violations, one thousand dollars per day...
- (b) for a person other than an individual, ten thousand dollars for each violation and, in the case of continuing or recurrent violations,..."

Here we have enforcement sanctions being \$10,000 on a firm, an industry or large corporation as the case may be. One can ask the question as to whether that level of sanction is a satisfactory deterrent.

Environmentally sensitive areas: There is much more I have to talk about in this Bill. For example, we do not agree with the amendment proposed that when there are changes to the rules, that would be subject to a negative resolution of Parliament. We want that to be an affirmative resolution because there is much difficulty in getting on the Order Paper of this House a debate on a resolution which has to be passed by negative motion. We want an affirmative resolution which must, as a matter of course, come to this House for debate and approval.

5.35 p.m.

There is much I would like to say about the right of private party action. The right of private party action is in the original Bill, where, private parties could initiate action against an offending company. That has been considerably whittled down in the new Bill, but what we are concerned about is the time-span that is required—sixty days' notice has to be given. One has to wait another 28 days to secure an entitlement in order to proceed with that action. We are talking about 88 days.

If it is a question where the violation is significant, and it is irreversible, our view is that 88 days is much too long a time for the initiation of private party action and getting a hearing on the basis of that action that is initiated. We think that will tie up the system and one would not get any kind of effective action.

For example, in my own case—and that falls in the constituency of San Fernando East which is represented by none other than the hon. Prime Minister—there is pollution of the Ciperio River from the Ste. Madeleine Sugar Factory with impunity! Pollution! It happens during the crop season when the mill is functioning that is, the pollution of the environment through the burnt bagasse and oil. This settles as black dust in one's homes, on furniture and on clothes. This has been going on for years and despite all the complaints we have made, no action has been taken by this Government who owns the Ste. Madeleine Sugar Factory and Caroni Limited.

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That is a public authority that treats complaints and representations from the public with contempt, let alone private corporations. It happens in the constituency of San Fernando East to which, of course, the Member does not go, because as far as representation of that constituency is concerned he does not care whether the people there live or die, and whether they suffer from pollution or whatever.

Mr. Manning: Madam Speaker, just for the record, I wish to advise my hon. Friend from Oropouche that I see the public every Saturday morning in San Fernando. That is just one way in which I seek to continue to represent my constituents who have served me so well and whom I have served for 25 years.

Mr. T. Sudama: I do not want him to make a speech. He sees individual constituents who are looking for jobs. He does not see the constituency of San Fernando East and the environment. That is the point I am trying to make. He does not see the environment and the pollution of the Ciperio River and the dust emanating from the Ste. Madeleine sugar factory. He does not see that. That is not his concern. He sits in his posh air-conditioned office in San Fernando and thinks he is dealing with the people's problems.

I am arguing that if you are going to initiate private party action—you are talking about three months—the crop generally lasts for about four months. By the time one initiates private party action the pollution in the river and in the atmosphere is no longer there. We find that this period is far too long in order to initiate the hearing involved in action being taken. That is a restriction of the recourse to private party action.

Since the Government will not take action, private parties will have the responsibility of taking action under this Bill, with respect to the Ciperio River and the emanation of the dust from the Ste. Madeleine Sugar Factory.

Madam Speaker, I should not finish without talking about my constituency of Oropouche. There is the perennial problem of flooding which damages the environment in a large sector of the Oropouche constituency. I said before what the reaction was—from the Prime Minister—and his Ministers to my complaints to such devastating flooding—complete contempt for my representations as the parliamentary representative for Oropouche. Those people do not matter as far as they are concerned. They do not count for anything. They are second or third class citizens of Trinidad and Tobago when it comes to their basic concerns.

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Clause 25 which talks about emergency response says:

"...the Authority may, in co-ordination with other appropriate governmental entities, undertake such emergency response activities as are required to protect human health or the environment..."

Madam Speaker, "may" is discretionary. The Member for Diego Martin East visited there and he blamed the farmers for the flooding. He blamed the farmers for causing the rain. They will take action where they feel it is politically advantageous. Not only that, the amendment says, not only will the Authority take action, but it may only do so on the direction of the Minister. There is an amendment to that effect. Not only is it discretionary in the first place, but only when the minister so directs, will they take action. Do you know what that means, Madam Speaker? Constituencies and places like Oropouche will never see action under these "emergency response activities" in this Bill. It has been their pattern of discriminating against Opposition areas and they will continue it, Environmental Management Bill or not.

I do not know where the Member for Diego Martin West lives. He said there is not much in the area of oil pollution. In the Oropouche Lagoon oil pollution is an endemic problem. Do you know what happens? There is no oil and water board. They ask the people to go and find which is the offending company. No company accepts responsibility for the pollution which comes down into the streams and damages the crops, particularly in terms of flooding, and creates wanton destruction. No responsibility.

Do you know one of the farmers took the Ministry of Works and Transport to court? And, as a result of the negligence of that ministry, that farmer won the case in court, but up to today he cannot collect any damages.

Mr. Imbert: When was that?

Mr. T. Sudama: That was about four years ago. *[Interruption]* I will bring the records for you. The farmer has a plot of land in the Oropouche Lagoon in the back of Suchit Trace and he lives in Ramai Trace. The case was conducted by Edwin Roopnarine, and he won the case for negligence on the part of the Ministry of Works. Up to today, he cannot collect a penny in damages. That is how the system works.

Madam Speaker, there is this problem of the intrusion of salt water into the Oropouche Lagoon. That is a problem created by the PNM Government in 1963. They cut a channel directly from the sea, cut out the grade of the land and today

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there is salt water intruding from the sea as far as Barrackpore. That is seeping through the embankments and there are thousands of acres in the Oropouche Lagoon.

Madam Speaker, you have been to Woodland. I understand you go there frequently. On the right side of the La Fortune/Pluck Road, lands which were once arable right down to the edge of the wetlands, today nothing can grow. There is jaw grass growing there. That is why these farmers had to flee and go to Biche in order to eke out a living, as farmers, because of the negligence of past and present PNM governments.

I have been asking for a correction of that. They come here today to talk about environmental management. *[Interruption]*

Madam Speaker: You will have to wind up.

Mr. T. Sudama. Yes, Madam Speaker. As I said I take this whole matter with a pinch of salt. Given the representation I have made in the past for environmental protection in my own constituency which is so badly devastated, and the contempt with which I have been treated by the other side, I just want to say that the provision and proper implementation of this Bill can only await the coming of a UNC government which would be more sensitive to the concerns of the people of Trinidad and Tobago.

Thank you very much.

5.45 p.m.

Miss Indera Sagewan (*Caroni East*): Madam Speaker, I rise today to speak on the Environmental Management Bill. Under the Hindu way of life which is centuries old and of untraceable origin, there is the clear understanding of the role of Mother Earth. We worship Mother Earth. In that way of life, we have a very clear acceptance that we do not seek to destroy Mother Earth; instead, we seek to live in harmony with that which is the source of life; that which allows us to eke out a living; whether it is through employment in an institution or agriculture, whatever it is, Mother Earth we worship.

It is really sad that it has taken until 1995, for us to come with a Bill which now recognizes the importance of the environment. The point has been made by those on the other side that, while we have made about 42 different laws on the environment, their very nature have acted against the protection of the environment. Therefore, what they are saying is that there has been in effect, no protection of the environment and now this Environmental Management Bill is

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the answer to those woes. It is the answer to those woes in the context where the environment has been denigrated and exploited so badly, that one wonders really—when we start now to put these measures in place—what kind of effect they would have in correcting all the damage.

Therefore, I wish to start my contribution to this debate, which will not be lengthy, by reiterating the point made by the Member for Couva South. He made the statement that the environment is so important to our very existence that any legislation, or implementing mechanism that seeks to treat with the environment, in a way that will ensure that it can serve us into the future is one that is worthy of support. I wish to reiterate that point.

The next major point which he went on to make that I wish to reiterate is that we are not concerned with this legislation, set of standards and procedures which is before us. We are more concerned about the commitment translated into action that will be forthcoming. To whom? It is to the entire country of Trinidad and Tobago, both states. This is why we are asking for a concrete guarantee that the measures which are being put forward here for the protection of the environment will be translated into actual reality.

I have been the representative for Caroni East for only a short time, and the kind of conditions I see in my constituency which stem to the degradation of the environment do not require an environmental Management Bill. There are situations which can be treated with as a matter of everyday activity. Yet, as the representative for Caroni East, in my endeavours to get the Government of the day to treat with these issues, I see no remedial action forthcoming. Therefore, I have to question whether this Bill will bring any relief if it is passed.

I intend to give many examples and I have come prepared to do so. I wish to just pause for one moment to commend the officers who have worked on this document. They have done the work in the way that it should be done. They have engaged in a consultative procedure and mechanism that involved the different actors within the country, whether they are directly or indirectly involved in managing the environment, because the Bill was put out for public comment and debate.

I was a bit amused though when the Member for Diego Martin East made the point, in his contribution, that this is the first time that such a mechanism was actually used. Certainly, that is a strong indictment on our Government. I am certain that the credit here goes to the officers who were given the mandate to carry out this exercise.

Madam Speaker: Is the Member willing to give way?

Miss I. Sagewan: Yes, Madam Speaker.

Mr. Imbert: Just to refresh the Member's memory. I thank the Member for giving way. In fact, what I said is that it was the first time that such public consultative measures had been enshrined in the legislation, not the first time it has been done.

Miss I. Sagewan: Madam Speaker, the only way that the Member can guarantee me that is what he said is if he was quoting from *Hansard*. Since he is not quoting from *Hansard* the statement which I made is the one that I stand by. That is certainly what I heard in the Member's presentation.

The Member for Diego Martin East went on to say—in contradiction to what the Member for Couva South said that the Government has a policy on the environment. He quoted from the Bill. Commitment to the environment and policy on the environment are two different issues. That is why the Bill clearly states that it is going to develop a policy on the environment. It states that the agency which will be set up will be about the business of developing policy for the environment over a two-year period. It is not correct to say that a policy on the environment exists.

5.55 p.m.

Madam Speaker, the principle of this Bill is supported because it is about the protection of the environment, but I remember when the hon. Minister introduced this Bill to this honourable House and attempted to set the context within which the Bill was being brought to the House. He made mention of global warming and the depletion of the ozone layer which are of very, very grave concern. Unfortunately, treating with those issues and making a positive contribution to this global call for engaging in sustainable development—which is about an intimate relationship with the environment, in a way which will ensure that future generations will have an environment and an opportunity to survive in an effective and efficient way—is not sufficient. It is not sufficient simply to state that.

Madam Speaker: Are you willing to give way to the Member?

Miss I. Sagewan: No, Madam Speaker, unless it is a point of order.

Mr. Imbert: On a point of order, Madam Speaker. The Member is misleading the House. I, in fact, have the *Hansard*. I was not aware that I had it. I am reading from my contribution between 5.25 and 5.35 p.m.

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"For the first time, there will be a Bill dealing with the environment, which explicitly sets out a procedure for public participation in the work of a statutory authority ..."

Quite clearly, I was saying that, for the first time in legislation, there would be a system for public participation.

Madam Speaker: I remember the Member saying that, but I thought that the hon. Member would have asked to see the *Hansard* before proceeding.

Miss I. Sagewan: Madam Speaker, I did make the point that if the Member would quote the *Hansard*, I would have no problem in apologizing, which I do. I stand corrected.

That still does not diminish the fact that we are not treating the environment in the manner that it should be. My understanding—

Mr. Sobion: The Member has to question her understanding now.

Miss I. Sagewan: I am certain the Member will have the opportunity to question my understanding. I have no problems with that.

The issue is protecting the environment. It all boils down to people. We want an environment in which people can live—one that is safe, in which we breathe air that is not polluted; one in which we have a proper system of removing garbage, so that we do not have to live with it on our doorstep, our backyards or in the rivers; one in which we enjoy a certain amount of potable water which is safe for consumption; one in which we enjoy a basic amount of electricity because electricity, in today's world, is a basic amenity. We need our fridges to store food. If we do not store our food in a safe environment then, at the end of the day, we are not about the business of environmental protection and sustainable development, which is the context in which this Bill is drafted. If we are not in the process of exploiting our natural resources in a method that ensures that the people who live in the vicinity are protected, then we are not about the business of sustainable development.

I am arguing that simply to pass legislation is not enough. It is not enough of a guarantee that what should happen actually would happen.

I visited my constituency recently. Every week I have office in a different part of my constituency and I wish to bring a matter to the attention of this House. I ask the question: Does what exist require this Environmental Management Bill to treat it?

I refer Members to the TIA School in Warrentville. It exists off the Roberts Trace Extension. This is a primary school. The main drain which borders the school enjoys sewerage being channelled into it. I have written to the Minister about it. Even before me, the people in the community have raised it and no action has been forthcoming. We do not need an environmental management bill to clean drains and to ensure that people's sewerage systems do not run into drains.

In this same area, Roberts Trace, there are problems with drains in front of people's homes. *[Interruption]* At the end of the day it is the Government which is responsible for the people of Trinidad and Tobago irrespective of where they live; and it is our Government which is responsible for environmental management, regardless of where depletion and degradation is taking place. I am asking why something has not been done to address this issue.

The people of Las Lomas No. 2 are complaining that garbage is being dumped on their roads from chicken farms, and they have to inhale this. Do we need an environmental management bill to treat with that issue? *[Interruption]* This is in Las Lomas No. 2. If the Member would listen, maybe he would realize that I am speaking about a different area.

Let us talk about the Caroni Savannah Road. Garbage is dumped on every side of that road and absolutely nothing is done to prevent that. We cannot really be talking about environmental protection when these things happen on an everyday basis.

We cannot talk about protecting the environment when people go without potable water for months and it is not considered a matter of urgent importance in this country. People in my constituency have lines run to their homes and have no water. Their children do not have safe water to drink; they have to find water in springs and transport it from miles away to their homes in conditions that may be unsanitary. That is not sustainable development, Madam Speaker, and the authorities tell us that they are very sorry that no short term relief would be forthcoming.

There is a particular area called Mundo Nuevo. I understand that there has been a commitment to reintroduce a truck-borne water service. People are not getting any water, but they have to make sure that they pay their water rates and when the truck comes they have to show them that they have paid their rates before they can get water. They have to pay the trucks! More than that, these trucks will only go into traces. For example, in Mundo Nuevo, where the people

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have taps but have never had water flow from them, they cannot get truck-borne water because they do not live in the trace.

6.05 p.m.

They do not have a basic necessity such as water—safe drinking water; and they have children. We are talking about the next generation and the generation after that. If this current situation continues we will not have a generation after that to talk about. That is really what this debate is about, which is the main point that we are making. We could pass legislation from now until doomsday, if there is no implementation, then we are simply “spinning top in mud”. From what I am seeing, I have to question whether we are not doing that.

Madam Speaker, I have a list of areas and maybe, through you, I should inform the Member, since he asked—I should take the opportunity to give him concrete examples of areas in the constituency of Caroni East where people suffer on a daily basis for water, safe drinking water: Mundo Nuevo, Ravine Sable, Todds Road, Ragoonanan Road, Alladi Trace, Angadlal Road, Gilibia Trace, Talparo, Caparo, Kussisal Road, Lawrence Wong Road, Cunupia, Palmiste, Chin Chin Road, Mamoral, Longdenville Road, Welcome Road. This is only one constituency and we are talking about the equitable distribution of our resources. When the Member for Oropouche questioned whether those on the other side understand what sustainable development is, they laughed! If they understood, then they would not laugh, because it is not a matter to laugh about.

Mr. Sudama: It is not a laughing matter at all, but they just have a curious sense of humour.

Miss I. Sagewan: Quarrying in this country and the conditions under which it is done: Again, Madam Speaker, in the Ravine Sable area there is a quarry at the end and I invite you, at your convenience, to come with me and visit Ravine Sable, because where this quarry is the people's homes are. They breathe this dust-filled air, the roads are covered with dust. *[Interruption]* Not squatting areas. People who have built legitimately, live in this area. And we are talking about environmental protection? I think what we are really talking about in this House on this occasion, is environmental pollution and environmental degradation. We do not need a bill to deal with these things.

I recall when there was flooding in St. Ann's, a Cabinet subcommittee was formed in order to treat with the issue. On the last occasion when Caroni was flooded I was unable to come to this House. After the flood, I approached the relevant agencies to spray because mosquitoes had infested the area; it was really

awful, and I was treated very rudely—I must say—by the relevant authorities. To this day nobody has come to spray.

We are talking about environmental protection. Let me refer to a project that does not need a bill, that was started over four years ago and to date it is incomplete—the diversion of the Caroni River in St. Helena. Imagine it was started over four years ago and in three years the Member for Diego Martin East cannot complete a simple diversion of a river. If that is an indication of his capabilities to handle an entire country I am very sad and sorry. This particular matter happens to be in my backyard. I do not have any technical expertise, but I cannot understand why a river has been diverted and when part of the river had to be filled in, the filling was started from both sides.

Directly behind the St. Helena Village for the past two years, is dirty, stagnant water. Again, I have to relate it to a non-existent system of garbage collection. We talk about education, and we could educate people from now until “thy kingdom come”, but if there is not a system whereby garbage is collected and there is a river which runs behind their yard, people will put the garbage in the river. The alternative is that people keep it in their yard and enjoy the wonderful odour that would eventually be emitted.

The inability of our current leadership to put in place an effective garbage collection mechanism throughout this country has resulted in a serious pollution of that part of the Caroni River, which is stagnant. In addition to which, there are sewerage lines which run into the river and this is a health hazard. I brought this matter to the attention of the relevant institutions—*[Interruption]* It is very easy to make a lot of noise here, but empty vessels make plenty noise—a very old cliché. I am slowly learning that that is the most important contribution Members on the other side can make—noise. *[Interruption]* Exactly, noise is a form of pollution. It is very trying on the ear, especially for school children, that is why a school should not be built near a highway. The noise from the cars will affect the children's learning. I have come to the conclusion that Members on the other side do not really understand what the environment is about.

As I was saying, Madam Speaker, four years—three of which the current administration has been in place—and the diversion of the Caroni River from the St. Helena Village is a minor project, when one considers the kinds of projects that have to be treated within an entire country. This cannot be done in three years? They are unable to complete a project to safeguard the people whose lives are in jeopardy because their homes are flooded. We cannot even get the relevant ministry to come and spray.

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The Members opposite can sit there and ask what the UNC could do, but this is a case of hit pit bottom and when one hits “pit bottom” the only way one could go is up. So anything the UNC has to offer I think would certainly be an improvement on what currently obtains.

Caroni East is a very large constituency. The degree of environmental degradation taking place in this area, and I am certain in so many other parts of the country, begs the question, whether simply passing legislation in this House would put into place the mechanisms that are required in order to treat with pollution.

6.15 p.m.

There is one major concern I have with the agency as proposed. You see, environmental management is a very, very wide area and it spans so many diverse areas that I wonder, really, whether the agency that is being proposed will have in-house, all the relevant skills that are required to ensure that the different actors who are engaged in different aspects of the environment are really doing it in the way required. That is the question I am asking: Would this agency have that capacity? If it does I would appreciate if that could be explained.

I would also like to understand what the direct linkages will be with all the existing agencies. How are they going to be streamlined? Which are the functions they would maintain? For example, I would certainly like to appreciate what would be the role of a solid waste management in the scenario that is being proposed in this new legislation. Again, what is the role of the National Quarries Company? Is the agency going to take on board all the monitoring responsibilities that these agencies currently have, or if not, how are they going to be streamlined in order to treat with it?

Again, I would say that any measure at all to protect the environment is a good one, because it is something with which we have to be concerned. If we are concerned with ourselves and more than that, with our children and our children's children, we should not take it as a laughing matter. When those on this side bring to this House matters which are currently occurring, which are indications of the continuation of pollution, of bad exploitation, the degradation of the environment, the least that can be done is that it could be treated with respect. When it is not, it is an indication that it is simply something that one is paying lip service to, and really not heart and soul committed to the implementation of the mechanisms and policies that have been put forward in this Bill.

Madam Speaker, I certainly wish that the current spate of degradation of the environment of Trinidad and Tobago would be stopped because we have had enough.

Thank you.

Mr. Krish Jurai (*Nariva*): Madam Speaker, I rise to speak on the Environmental Management Bill, 1994. Let me begin by saying that the introduction of this legislation would not give any meaningful result, more particularly, of rectifying the damages already done to the environment, as well as further damage that would occur in the future.

I am pretty sure if it were left solely to this Government they would not have brought this piece of legislation to this House today. This legislation is here mainly to appease others, and by this I mean the international lending agencies to whom this Government has a greater responsibility than to the people of Trinidad and Tobago. As a matter of fact, as the Member for Diego Martin West said earlier, there are some 40 pieces of legislation that deal with the environment, and I am sure if the Ministers who are responsible for administering these pieces of legislation were doing an effective job, then there would have been no need for this piece of legislation before us here today.

You see, Madam Speaker, apart from the legislation that is already on the statute books I ask: Why has a significant piece of legislation as the National Trust Act of 1990, which was debated, passed and assented to, not been proclaimed to this day? If that piece of legislation had been effected, it would have gone a long way in solving many of the environmental problems to which we are exposed today.

Let me say that the Government is, perhaps, one of the greatest offenders with respect to environmental degradation. Before bringing this piece of legislation here today what the Government should have done, by way of example, was set a trend so that others would follow. When we look around and see the number of derelict government vehicles all over the country we begin to see the magnitude of the problem that exists in the country. We do not have to go very far for examples: In the St. James Barracks we can see vehicles that have been there for a very long time; WASA in St. Joseph; the Ministry of Health, the Ministry of Works; the Fire Department, Licensing Office; and the PTSC depot in Wallerfield. It is an eyesore to see the number of derelict vehicles lying there and the massive economic waste that has occurred in this country. These derelict vehicles gather

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water and are the ideal breeding grounds for mosquitoes. As you know, within recent times we have had a malaria scare in this country.

Basically, what I am saying is, instead of bringing this Environmental Management Bill here today, what the Government should have done, by way of example, was not only get rid of derelict vehicles, but also all other matters and substances which degrade the environment. That would have gone a long way in solving the environmental problems which we are facing today.

Madam Speaker, I continue to lay blame on the Government for the environmental degradation. The Member for Diego Martin West earlier this afternoon made reference to air pollution coming from vehicles using diesel fuel. This has come about, largely, as a result of the Government's policies.

6.25 p.m.

Madam Speaker, since this Government came into power there have several steep increases in the price of gasoline, so the owners of vehicles decided that they would economize, and they went ahead and installed diesel engines in their vehicles. As a result, the country is being choked with fumes from diesel engine vehicles. Instead of diverting vehicle owners to go towards diesel engines, this Government should have encouraged them to go from gasoline to CNG. The Government should consider giving a subsidy to vehicle owners who switch from gasoline to CNG engines. That will be more effective in controlling air pollution rather than bringing this Environmental Management Bill before us today. As the previous speakers on this side have said, this would be another piece of legislation on the shelf which would have no meaning or effect for this country.

Madam Speaker, again, the Government is responsible for degradation of the environment. Let me give you another example which has to do with a garbage dump located in my constituency, along the Cunapo Southern Road—the main road which links Sangre Grande, Biche and Rio Claro. That road has a constant flow of traffic. The Government's inaction has caused this garbage dump to remain exposed for months. All that was needed was for the Ministry of Local Government to ensure that the Rio Claro/Mayaro Regional Corporation had an adequate amount of funds to provide earthfill for covering the garbage dump. As a result of this garbage dump being open, there are people who go into that dump and salvage items for sale. This exposes people to all sorts of hazards. The stench from this garbage dump pollutes the entire area. In addition, it has a devastating effect on people who use the cemetery which is adjoining the garbage dump. People have great problems in disposing of their loved ones.

The Environmental Management Authority will not solve this problem. The Ministry of Local Government can solve this by providing funds for the relocation of that dump. This has already been agreed to in principle; the site has been established, but the funds are not forthcoming for relocation of this dump.

On the other hand, the Government by not providing funds to the regional corporations, find themselves in greater difficulty. They cannot purchase cesspool cleaning equipment and, as a result, in the rural areas of this country cesspits overflow. The regional corporations cannot do their jobs because they do not have the equipment. When cesspits overflow during the rainy season, raw sewage spreads far and wide. Nothing is more devastating than that in ruining the atmosphere. The Government is responsible for the degradation of the environment. I certainly do not believe that the Environmental Management Authority will have any impact in correcting the environmental degradation which takes place.

Madam Speaker, this Bill is designed to control future ills that may occur. Let me quote clause 35 (1) and (2) which state:

- "(1) "For the purpose of determining the environmental impact which might arise out of any new or significantly modified construction, process, works or other activity, the Authority shall designate by publication in the *Gazette* a list of activities requiring a certificate of environmental clearance (hereinafter called "Certificate").
- (2) No person shall proceed with any activity which the Authority has designated as requiring a Certificate unless such person applies for and receives a Certificate."

My understanding of this clause is that this Bill will not tackle the existing environmental problems in this country; it will deal with new problems which are anticipated. How can this Bill really deal with the environmental problems which the other side seems to be pushing on us this evening? If this Bill cannot do the job it is supposed to do and the Government is not doing its job properly, then we would be faced with a very serious crisis in this country with respect to the environment.

I want to move on to the Nariva Swamp which is located in my constituency. The ecological balance of the Nariva Swamp is in danger of being seriously disrupted as the wild life and wetland inhabitants are literally fighting for survival and, in some cases, they have disappeared altogether. The disruption of the Nariva Swamp is one of the greatest sins committed by this Government. I say this

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because the Government has taken a hands-off attitude in dealing with the problem which affects the swamp and, as a result, the destruction, the plunder, the rape, the degradation of the Nariva Swamp continue to this day.

As a matter of fact, the Nariva Swamp is one of the greatest examples of environmental degradation in this country today. Madam Speaker, may I warn you up front that if the Government has the wherewithal and it cannot protect the Nariva Swamp, then this Bill certainly cannot do it.

6.35 p.m.

Madam Speaker, before I go further, may I draw your attention to a matter which I raised recently outside of this House. It has to do with the environment. This is a letter which I wrote. I invited the media—*Express, Guardian, Newsday, TNT Mirror, Blast, Bomb*, AVM Channel 4, TV6 and TTT. Only the *Bomb* newspaper was represented. I also invited the Council of Presidents of the Environment (COPE). I am wondering if this is the same COPE that is seeking additional representation on this environmental management team. Let me read the letter which is dated January 19, 1995. It states:

"INVITATION - TOUR TO MANZANILLA/MAYARO COASTLINE
RE - ENVIRONMENTAL DAMAGE TO NARIVA SWAMP.

It is with a sense of deep concern that I wish to draw your attention to the serious environmental disaster that is presently occurring on the eastern fringes of the Nariva Swamp.

The greatest environmental threat to the Nariva Swamp currently is the intrusion of salt water from the Atlantic Ocean. At various points of the east coast serious land erosion is taking place and salt water flows freely into the Swamp.

I have highlighted this problem in Parliament on several occasions but to date there has been no response from the Government with respect to alleviating the situation.

In view of the magnitude of this problem you are kindly invited to join a media tour of the east coast of the Nariva Swamp to ascertain for yourself the extent of the damage that is taking place.

I therefore implore you to join me on this crusade to arouse the consciousness of the Government and the people of the serious havoc that salt water is reeking in the Nariva Swamp. It is anticipated that this action will

prompt the Government to act so that the Nariva Swamp may be saved from the vicious onslaught of the Atlantic Ocean.

You are therefore invited to meet at the Nariva River Bridge (approx. 46 M.M) Manzanilla/Mayaro Road on Tuesday, January 31, 1995 at 9.30 a.m. when you will be taken on a tour of the area.

Your presence will be highly appreciated. I look forward to seeing you. With thanks.

Yours sincerely,

Krish P. Jurai

Member of Parliament, Nariva."

Madam Speaker, having invited all these people whom I mentioned, only the *Blast* newspaper turned up—sorry, the *Bomb*. So you can see clearly that the people who are supposed to arouse the consciousness of the Government of the people of Trinidad and Tobago to take action failed in their responsibility.

Mr. Sobion: They did not "take you on"?

Mr. K. Jurai: Certainly, and you will be in danger because soon you will not be able to drive to Mayaro. You will have to get a speedboat, because the sea is coming in fast, as you would know, particularly at the point of the Nariva river mouth and between the 49 and 50 mile posts—the sea is coming closer and closer to the road every day.

Hon. Member: Where is that?

Mr. K. Jurai: I said between the 39 and 40 mile mark where serious land erosion is taking place and this is a very frightening situation, because land erosion has reached alarming proportions, as the sea has been pulling down coconuts by the hundred as you would know, Member for Ortoire/Mayaro. If one looks on the left side, one will see hundreds of coconut trees lying on the beach. One can literally see the ocean eating away at the roots of these trees and coming in-land; and it is at that point that the sea is about 20 ft. away from the road, and after the road, there is the swamp. So very soon, Madam Speaker, if no action is taken in that respect, there will be no distinction between sea and swamp. So this Bill will not solve that problem, Madam Speaker—the Minister of Works has to take action.

At those points where sea water flows into the Swamp, the salt water destroys everything in its path, from plant life to wetland inhabitants. Salt water continues

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to take its toll on unlimited numbers of fish which are killed year after year, but no-one has proposed a solution to save the situation.

I have a picture in the newspaper here taken some time ago, 1993, and one can see a large number of dead fish lying there. Madam Speaker, if you are willing to come by the middle of next month, I will take you on a tour and you will see the damage that is being done at Nariva Swamp.

Hon. Member: The Speaker does not want to see dead fish. [*Interruption*]

Mr. K. Jurai: We will go beyond to see the living ones which are facing death.

Madam Speaker, on several occasions I called on the Minister of Agriculture to block the Bush Bush canal; and for those who do not know that canal, it is a natural waterway that runs directly into the Nariva Swamp. What has happened within recent times is that the large rice farmers have found it convenient to open up this natural waterway to transport rice, so as a result of widening this canal, the swamp dries up quicker than one expects and in the dry season the salt water backs right into the Nariva Swamp and, as I said, it destroys everything in its path.

Madam Speaker, let me go back to 1992 and I am quoting from *Hansard*—my maiden speech in the Parliament of January 24, 1992 and I said:

"I want to go further on the question of the Nariva Swamp. Apart from the area that was irrigated in the 1950s, very little has been done by the Government since. But within recent times, I understand a number of farmers went into the area and began irrigating the swamp themselves... What bothers me most is the haphazard manner in which this irrigation is being done—it is destroying the life of the Swamp. I urge the Minister of Finance to investigate this as early as possible and take action to rectify the situation.

I also want to tell this honourable House that as a boy I grew up in the Plum Mitan area and I have criss-crossed the Nariva Swamp several times. The reason I am saying this is that to my mind there are some things in that area which are unique, and which ought to be preserved. Several Members who are present here today may not know that we have a hot mud volcano in the Nariva Swamp. There is also a fresh water spring on the high-rise sand hill area of the swamp. Apart from that, we have the wildlife—the red howler monkeys, the white howlers, lappe, agouti, deer, tattoo and all forms of wildlife existing in the high-rise of the Nariva Swamp—Bois Neuf and Bush Bush areas—and we must take immediate steps to preserve all this. I must also add that the pawee, or wild turkey which is almost extinct, can still be seen in the Nariva Swamp, and unless we take immediate action to protect this

bird, it will be as dead as the dodo. In addition there are numerous birds that live in their natural habitat in the Nariva Swamp."

Madam Speaker this was in 1992. This is 1995, Madam Speaker.

Mr. Palackdharrysingh: Very prophetic.

Mr. K. Jurai: And the destruction continues.

Hon. Member: The word is pathetic.

Mr. K. Jurai: In March, 1993, the Minister of Agriculture made a tour of the Nariva Swamp, mainly the rice-growing area where large farmers are destroying the swamp; and the Minister was accompanied by a large contingent of heavily armed police and army personnel. In spite of the word having got around that the Minister was paying a visit, the bulldozers, excavators, tractors, harvesters and raging fires were all at work in full force on that day and, let me add, it continues to this day, Madam Speaker. It is very pathetic.

Massive tracts of land were under rice cultivation and we also saw that the competitive land grabbing exercise, was destroying everything in its path. The destruction continued, Madam Speaker, and the Minister of Agriculture "stood in his shoes and he wondered"; Madam Speaker, when I look back, today, I can see that he wondered whether he was going to take a hands-off attitude towards the destruction that was taking place in the Nariva Swamp.

Madam Speaker, that single visit the Minister of Agriculture made to the Nariva Swamp was so effective, that one of the large farmers in the sanctuary did not realize that he was in the sanctuary. But because the Minister of Agriculture came on that day and the boundaries, having been outlined this farmer decided that he was doing something wrong and immediately he moved out of the sanctuary.

Mr. Narine: Hats off to the Minister. What is the name of the farmer?

Mr. K. Jurai: Ramdhan Baggierat, for your information. He is no longer in the sanctuary. He is in the parkland area.

Mr. Narine: When last were you there?

Mr. K. Jurai: I was there only last week.

6.45 p.m.

As the representative of the area, I have done as much as possible to highlight what is taking place: the destruction, the rape, the plunder of the Nariva Swamp.

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The media has also done its part. I have a whole file here where the media was trying to highlight the problems that exist in the area. There were also had people like Molly Gaskin, a well known fighter for conservation in this country; Anne Hilton, Prof. Julian Kenny, among other conservationists, who have cried out for protection of the environment. But the demolition of the swamp continues until today.

I want to refer to an article from the *Express*, which says: "Minister crying over spilled milk." Which appeared on April 8, 1993. This followed a morning talk show programme at that time called *The Breakfast Club* on Prime 106 FM. Let me quote:

"The Nariva Swamp and the nearby Bush-Bush Sanctuary would not have been destroyed by wealthy farmers if Agriculture Minister Keith Rowley had listened to the pleas of the resident small farmers, according to MP for Nariva, Krish Jurai...

Both Rowley and the Agricultural Development Bank (ADB) general manager, Terrence O'Neil Lewis said on Prime 106 FM's morning talk show, *The Breakfast Club* this week the 'wealthy landowners who are using bulldozers to refill the wetlands' were destroying the sanctuary. Rowley assured that the lawbreakers would be prosecuted, despite the shortage of wardens to protect the area.

However, when the *Express* visited the area last Tuesday, newly cut trees were seen burning and land was being tilled within protected area. The *Express* understands that the 'wealthy farmers' bulldozed the forests and burn the trees by night, so that they are never caught in the act.

But Jurai said Rowley was 'crying over spilled milk.' He said if the Minister had heeded his advice over one year ago the problems would not have exacerbated to the proportion it has reached today.

In the budget debate of 1992, Jurai had pleaded with the Minister to take immediate steps to prevent the destruction that was taking place in the swamp.

In a release yesterday, Jurai said since no action was forthcoming from the Minister he again raised the issue under a debate on the adjournment of the House. He had warned that the swamp was under sea level and that unplanned irrigation could bring seepage of salt water into the swamp, as had happened in the Caroni and Oropouche Swamps.

Jurai said: "If the Minister was serious about protecting the Swamp from destruction, he could have acted promptly when I brought the issue to his notice or after he had paid a visit to that area over one year ago'."

This was one year later. Today it is three years later and the destruction is continuing.

You see, in addition to all that was said and done, even a documentary film was prepared. This film was entitled, "Nariva Must Not Die" which I view as a masterpiece of a documentary, giving a graphic description of the annihilation of the swamp and the damage that was taking place day-to-day. Of course, the Minister of Agriculture did not see it fit to be present at the premiere showing of this film in the presence of several conservationists. I am sure he had good reasons for not being present.

I viewed the Minister's 1992 visit to the Nariva Swamp as one of genuine concern for the destruction of the swamp. I felt that at last the Government had decided to stop the wanton waste and destruction that was taking place in the swamp—damage that was irreparable. The natural wetlands were fast disappearing. I also viewed as the starting point for the establishment of an army/police and forestry department outpost, where officials would be stationed somewhere out there to protect further degradation of the swamp.

I also envisaged a helicopter landing pad for easy access for officials to the prohibited areas so that they would be able to protect the endangered species of wildlife. Today, three years later, the wetlands, the wildlife of the Nariva Swamp endangered species—are no more, perhaps gone forever. No Molly Gaskin, no Anne Hilton, no Professor Julian Kenny, no Ramesar Convention, no environmentalists could save the Nariva Wetlands. The Minister of Agriculture has abandoned the responsibility and as a result, the degradation of the Nariva Swamp continues to this day.

I would like to know, how is it that some people continue to show disregard for the laws of this land? Because, as the Minister of Agriculture said earlier on, steps were taken to prosecute farmers and in some instances, the charges brought against them had been postponed for several years. I would also like to know how some farmers, particularly the small farmers, are being fined for entering the swamp I have a newspaper article, the *Express*, dated Friday, June 18, 1993, which states:

"Six Men Fined for entering Bush-Bush Sanctuary."

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They were fined \$10,500 by the Rio Claro magistrate. But here, also, the Minister is saying that some farmers' cases have been postponed on an ongoing basis for several years. I get the impression that the cases which are being postponed are those that are brought against large rice farmers in the area. If the Minister of Agriculture was concerned about these postponements and the degradation of the swamp—these charges were never heard before the magistrate—he would have enquired of his Attorney General as to what could be done, and perhaps, that would have thrown some light on the issue and maybe something could have been worked out.

6.55 p.m.

These farmers found an easy way, by having the matter before the court postponed continuing their rice growing in the area, as well as destroying the wetland and the life that existed there.

I am calling on the Government to act with haste to save the Nariva Swamp or else all would be lost forever.

Mr. Sobion: Are you supporting the Bill?

Mr. K. Jurai: If the Government can show me that the Bill has teeth and can become effective, certainly, I would support it. It is a nice piece of legislation, but this would become—

Mr. Sobion: So, you are not supporting the Bill?

Mr. K. Jurai: I would tell you whether I am supporting the Bill or not, in due course. Do not rush me.

Madam Speaker, if we do not act now to save the Nariva Swamp I am afraid that in a short time it would become a dust bowl, as has happened in midwestern United States of America some years ago. We need to take immediate action to protect that swamp.

Madam Speaker, let me quote some figures for paddy production. The figures I have here show that one acre yields approximately 3,000 pounds. If 3,000 pounds are sold to the National Flour Mills at \$0.89 per pound, this would be in the range of \$2,670. One thousand acres of paddy would yield—

Madam Speaker: I do not think the Member needs to go into the details of rice production at this point.

Mr. K. Jurai: Madam Speaker, you will see what I am coming to.
[Laughter]

Let me sum it up. What I am saying is that rice production in the Nariva Swamp is worth between \$40 and \$50 million per year. The question I ask is: What income is the state deriving from this? People are squatting, destroying the environment, producing rice, making a mint for themselves, nothing for the state, and here we are trying to pass legislation to protect something from which the state is not getting anything in return.

This would not solve the problem! *[Interruption]* No; it is the failure of the Government to act; that is what it is. If the Government is prepared to act, I would support it.

Mr. Imbert: Who, you? Against the Member for Couva South?

Mr. K. Jurai: I am not concerned about the Member for Couva South! I am talking about the other side. He acts in a different capacity and has already made it clear! *[Interruption]* His legal profession has nothing to do with this.

Let me tell this House what the unplanned drainage is doing to the Nariva Swamp. The rice farmers in the area have embarked on irrigating the area for rice. In the rainy season the water which is channelled out of that area flows downstream and destroys the farmers' crops lower down in villages such as Kernahan and Cascadoo which the Member for Oropouche spoke about earlier. These farmers left Penal, came to Kernahan and Cascadoo, and the problem they were experiencing there is even worse here. There is flooding in the rainy season and salt water in the dry season. *[Interruption]* Twenty-five years of squatting is a long time.

Illegal drainage of the swamp leads to the drying up of the wetland in quick time. Would you believe that in the past, areas like Bois-Neuf and Bush Bush never dried unless there was a prolonged dry season? Would you believe that by the third week in January of this year, one could drive a vehicle anywhere in the Bush Bush Sanctuary area? I am not talking about a four-wheel drive vehicle, I am talking an ordinary vehicle. It just shows the magnitude of the damage that has been done.

Mr. Sudama: Can a Volvo go through?

Mr. K. Jurai: Sure! Why not? Maybe we can take it for a run to test its durability. Minister of Works and Transport, what do you say? Do you want to take your Volvo for a drive?

As I said earlier, this illegal drainage flowing directly to the rivers that lead to the ocean bring salt water right into the heartland of the Nariva Swamp. Also,

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because of the shortage of water in the dry season the rice farmers drain the streams and rivers to feed the riceland. In addition, they drain them also for the Cascadura fish, but more than that, they will not allow people to take the fish which they do not want. All those fish—rivers of fish—are left to die and rot. If one goes to the swamp now, one would have to hold one's breath.

What this illegal drainage is doing is destroying the spawning ground of the fish, so very soon we may not have any Cascadura left in that area.

Mr. Sobion: Have you read the Bill?

Mr. K. Jurai: I am talking about environmental damage. The illegal drainage of the swamp has also threatened the Manatee. Now that the water levels are going down lower, the Manatee have to move closer to the sea and I am not sure whether they could survive the salt water there.

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. K. Jurai: Madam Speaker, I thank hon. Members on the other side for giving me this opportunity to continue.

Within the past decade, a serious land-grabbing exercise has taken place in the Nariva Swamp, and to this day, the bulldozers, excavators, tractors and so forth are still working and destroying whatever is left of the Nariva Swamp. At the moment, there is strong competition among the farmers themselves as to who can grab more land and as a result, they are working around the clock and destroying everything in their path as they move along.

The destruction of the area has caused the forest and the wind-breaks to disappear, which has led to significant changes in the environment, and the weather patterns in that area have already shown a significant drop in the rainfall. The destruction of the swamp is also causing environmental change.

As I said, this Bill cannot arrest the situation. The Government has to take the bull by its horns and act swiftly. This EMA Bill would only be a paper tiger—no teeth whatsoever. In addition, the destruction of the forest has led to the destruction of the natural habitat of the endangered species of wild animals and birds in the area. Although the stock has been severely depleted, what we find now is that the birds and animals are moving out towards the cultivated areas

where there are legitimate farmers. These animals and birds have now become pests in the area and are destroying the farmers' crops.

7.05 p.m.

The wild animals and birds have been caught between two evils: on the one hand they are running from the bulldozers and on the other, the farmers see them as a threat. The legitimate farmers themselves might try to destroy the fleeing birds and animals which have now become pests. If the Government is interested in saving whatever is left, now is the time to act.

Chemical spraying of the rice fields is another major problem in that area. The farmers use chemicals such as DDT, Maxwell 25 and 2-4-d Amine. Madam Speaker, do you believe that the labels on these chemicals state clearly: "Not for use in the USA." If it is not good for use in the USA, why should it be used here? *[Interruption]* Do you want to give me a reason? DDT is a poisonous toxic substance. These chemicals are designed for spraying weeds in rice—which is a fine-leaf crop but destroys the other broad leaf crops in the area. Farmers who grow vegetables are suffering because of the aerial spraying of the rice fields with these toxic chemicals. In addition, as I said, the Cascadura fish is endangered because their spawning ground is being destroyed by the chemicals.

Basically, everything is left in the hands of the Government. If it wishes to save the swamp, it needs to act swiftly and effectively, take the bull by its horns and work conscientiously towards saving whatever is left of the Nariva Swamp.

In order to save the environment there is need for an aggressive public education programme to make people conscious of the invaluable treasure that we possess in this country; the rich flora and fauna, the birds, the wild animals, the mammals and reptiles, so that people can be proud and still boast about what we have in our country. Because of people's ignorance—they do not know better—they themselves take pleasure in the destruction. For example, there was a poacher who was known to be killing monkeys by the bagful—yes, I understand it is a delicacy, and even though the game wardens—Madam Speaker, you would realize that I am reluctant to say this, but it actually took place: it is very disheartening. Would you believe that when the game wardens set out to catch these poachers the people of the area thought that hunting these wild animals was great fun. When they saw the game wardens, they alerted the poachers. Perhaps, what is needed is a massive education programme to inform the people that we have treasures in our land which we cannot afford to lose. Similarly, the leather-back turtles, the Manatee and the Pawee are in danger of becoming extinct.

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So, we do not need the Environmental Management Agency Bill; we need to proclaim the National Trust Act, revise it and bring it up to date. What we also need, is an effective pollution control legislation to deal with existing problems that are degrading the environment—we need pollution control legislation as well. We need a National Park Authority to deal with parklands and protected areas, and we also need to revise the Town and Country Planning Act.

Madam Speaker, these four separate pieces of legislation will be able to deal with specific issues, they would have teeth, and would enable persons to perform their functions effectively to control the environment and to take care of all the problems we anticipate that would be detrimental to the environment.

Before I conclude, I want to mention briefly—and the Minister of Agriculture, Land and Marine Resources made mention of the Aripo Savannah. Let me quote from the summary. It says:

"The Aripo Savannas, located in east-central Trinidad, represent the only relatively undisturbed savanna area in the country as well as an outstanding example of a marsh formation consisting of marsh forest, palm-marsh and savanna. It provides a habitat for a number of the country's rare and endangered species of plants and animals. The site is flat and the soils which are water-logged during the wet season strongly influence the vegetation.

The Scientific Reserve is for the most part located within the Long Stretch Forest Reserve, from which most commercially valuable timber has been removed. A considerable amount of gravel and sand quarrying takes place along the Aripo River on the periphery of the area...

Management programmes call for protection through regular patrols, limited access, prohibiting the disturbance to flora and fauna, hunting and vegetative cutting, control of fires and water-shed management."

This was published in 1982 by the Forestry Division, a Technical Document/OAS. Project of the Establishment of a System of a National Park and Protected areas.

How can we protect this valuable savannah when the Ministry of Agriculture has no vehicles to patrol the area? Within recent times when vehicles were available there were no seat belts, so they could not use these vehicles. There was no gasoline—because, I understand, there is a mileage limit beyond which they cannot go. The environmentalist had, time and time again, brought the issue to the forefront that sand mining is taking place in the area; it is degrading and polluting the rivers and streams, but nothing has been done.

In the Aripo Savanna area there are squatters who have built houses on these lands. The information I have is that the Forestry Department attempted to remove these squatters, but as you know in Trinidad and Tobago, people have a way, they see someone and then the matter is stalled. As a result, over the past few years, a number of squatters have relocated themselves in the savanna area. In addition, no care is taken to prevent fires from destroying the Aripo Savanna. Squatters have gone into the area and they are clearing lands for agricultural purposes. How can the Government be serious when we have such a valuable treasure on our hands and yet, we are allowing it to be destroyed because of their inaction?

I conclude by saying that if this Government is serious about the environment it must take the bull by its horns, and act swiftly, and positively, they must go out and use the law or amend the law to make it effective so that we can protect our natural treasures.

Thank you very much.

Mr. Subhas Panday (*Naparima*): Madam Speaker, my intervention shall be very short having regard to the excellent contribution by my Friend, the Member for Nariva.

According to the Bill “environment”, means, all land, area beneath the land surface, atmosphere, climate, surface water, groundwater, sea, marine and coastal areas, seabed, wetlands and natural resources within the jurisdiction of Trinidad and Tobago. From such a definition, one would see that the environment is all embracing and all encompassing. Having said that, one cannot help but say that the environment does not belong to us alone that means, this present generation; the environment belongs to this generation and future generations to come. In the circumstances, it is necessary that we the members of this generation take every step and make every effort to preserve the environment for future generations.

7.15 p.m.

The environment does not belong to one set of people or another; it does not belong to the Opposition or the Government. It belongs to all of us. I would have liked to see this piece of legislation being treated as bipartisan. It should have gone to a select committee where they could have gone through the details with a fine tooth comb and come back to the House. I thought that this would have sent a message to the nation that the Parliament and all of us who participate in the legislative process have viewed this issue so seriously, that we have thrown away our political biases. It should have been dealt with as the Land Acquisition Bill,

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where we went through every clause and after returning to the House, it was presented and accepted. We should send that message to the nation.

Having said that, I still say that we could send a signal, not only to the nation, but also the rest of the world. If we give an indication that we want to protect our environment—the definition says, 'our natural resources within the jurisdiction of Trinidad and Tobago'—I would take that to mean our territorial waters—when we as a people come together to protect our environment, both internally and externally, and other countries like Japan want to dump nuclear waste in the Panama Canal and into the Caribbean Sea, we would stand as a people, not as a government, to tell the super powers that they may want development, but we want to let them know that while they seek development, they must not treat us with scant regard; and whatever they do, they must not disturb our part of the environment.

At this time, we must really thank those people in the society who have stood up without any—I would not say assistance—padding. When people went on television, and defended our nation, we must be thankful because our environment was not exposed to any sort of pollution or danger.

What has happened with environmental problems is that having regard to the nature of the earth and our atmosphere, when one country damages its environment, it spreads throughout the world. For example, the damage to the ozone layer in certain parts of the world has led to global warming, which has led to rising temperatures in temperate countries. There are also rising sea levels in small islands like those in the Pacific Ocean, to such an extent that they may lose pieces of their land masses.

As I said before, when we look at the environment, we have to protect it not for ourselves, but for future generations. It seems to me that dealing with the environment should be global, so that when we take action, we would not be protecting ourselves alone, but protecting people in other parts of the world. This is a case where we should be our brothers' keeper because the environment is so important.

How does one deal with protecting the environment in a liberalized economy? That is a problem we have. I hope that the Government would ensure that, as it invites investors and encourages sustained development, those who come here—although we know that we have a global village with trade liberalization—do not abuse or rape our environment. When they have raked their profits and returned home, we would be the ones who would be left with the dirty end of the stick in our hands.

When the Government invited companies such as Nucor and Arcadian to put down heavy industries in Trinidad, I would like the Minister to indicate whether they had set the environmental standards, so that those companies would not emit toxic gases like carbon dioxide and carbon monoxide into the environment. It is said that these gases would be absorbed by the sea because it is a reservoir that would absorb carbon dioxide. If it is produced in large quantities, it would affect both our atmosphere and marine environment.

Since the Government has come with this Bill and it has claimed that it wants to protect the environment, we would like to find out if the Government has put its foot down on those companies which have come to set up plants in our country, and let them know, from the beginning, that when they come here they must treat us with respect.

I have a funny feeling that because of the strict environmental laws of the United States of America, and because they have to spend exorbitant sums of money in pollution control in the United States of America and other developed countries of the world, many of those companies come to the outlands into the Third World developing countries, under the guise that they have come to help the economy, when in truth and in fact they abuse them. There are standards which they have to maintain in their own country, they come here and defied all the rules.

We must stand up as people of Trinidad and Tobago and inform those investors that when they come here, while they want to make profit, they must respect us and protect our environment. If we do not do that we may be embarking upon a very myopic mission, maybe, merely to turn around the economy. It may happen in the short term but the consequences may be devastating for our future generation.

When one looks at the Bill one would see that its philosophy sets out three sorts of institutions: the authority, the fund and the commission. The authority seems to be the administrative and executive part of the Bill; the fund is more like a trust fund and the commission acts as a court. One would also see that the authority has certain functions which can be found in Part III of the Bill. Clause 16 enunciates the general functions of the authority. It states:

- "(a) to make recommendations for a National Environmental policy;
- (b) develop and implement policies and programmes for the effective management and wise use of the environment, consistent with the objects of this Act;

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- (c) co-ordinate environmental management functions performed by persons in Trinidad and Tobago;
- (d) make recommendations for the rationalisation of all governmental entities performing environmental functions;"
- "(e) promote educational and public awareness programmes on the environment;
- (f) develop and establish national environmental standards and criteria;
- (g) monitor compliance with the standards ...;
- (h) take all appropriate actions for the prevention and control of pollution and conservation of the environment."

7.25 p.m.

It would seem, Madam Speaker, that this Authority will be making recommendations for environmental policy. That is all well and good, but the Government must lead the way, outside of the functions of the Authority, so that the nation can say that it is moving in a direction to preserve the environment.

For example, my friend, the Member for Nariva had spoken about diesel engines polluting the atmosphere. The Government, in its 1992 budget I think it was, said that it was encouraging people to use CNG instead of gasoline. The purpose of this was twofold: one, it would release gasoline for export; and two, it was environment friendly. From 1992 to today, 1995, one can see that that was only lip service, in that if the Government were really interested in going CNG and in saving the environment, it would have established a sufficient number of CNG filling stations throughout the country as an incentive to vehicle owners to install CNG.

We raised the question in this Parliament why there were only two CNG stations in San Fernando while there were over 25 gas stations there and in the environs—that is, from the St. Clement's Junction, through San Fernando to the roundabout. One can check about 25 or 27 gas stations in that area, and there are only two CNG stations. There is none in Point Fortin, Siparia, Penal, Princes Town, New Grant, Moruga, Rio Claro, Mayaro nor in Sangre Grande. When we asked why the Government was not establishing CNG stations in these areas, the hon. Minister of Energy stated that as the demand increased for CNG, the Government would use that as a barometer to establish gas stations. The motorists

are saying that when the Government establishes the filling stations, they will put in CNG tanks. The Government cannot expect a motorist to come from Guayaguayare to San Fernando to fill up with CNG to go back up to Guayaguayare. So, we have found ourselves in a chicken and egg situation. The point I am making is that, unless the Government has the goodwill and foresight to lead, all that we have in this legislation will take us nowhere.

It is clear that the National Gas Company, which has shown a profit, could have gone in that direction. It needs much cajoling to encourage people to use CNG. As the Member for San Fernando East will tell us, one has to put in a heavy tank—150 pounds—at the back of the car, and when a person fills up with CNG, it gives only 80 kilometres. That means if a person comes from San Fernando to Port of Spain, he has to fill up in Port of Spain before he goes back to San Fernando.

If the Government really wants people to use CNG, it has to give them incentives. Although the general function of the authority is to make recommendations for a national environmental policy, how will this affect Government policy? Government appears not to have a policy. If it is asking the public to go CNG and it is not setting up the infrastructure to encourage this, one wonders what will really happen.

When we look at the importation of motor cars, one sees that the Government is not putting pressure on car importers to bring in vehicles which have factory-installed CNG units. After one spends over \$100,000 on a motor car, one still has to spend \$6,000 or \$7,000 to install CNG. People cannot afford it. Further to that, the cars are made in such a way that the suspensions are designed for liquid gasoline. These heavy structures inside the cars damage them quickly. The Government must have a direct vision. If it says that it is going to do something, it must put structures in place to ensure that it happens. So, after a person buys a car and puts in CNG, next he has to change the spring. He has to modify his motor car. What the Government should have done was to impress on the importers of motor vehicles to ensure that the vehicles are CNG friendly—that they can take it.

The Member for Point Fortin has just bought a motorcar which is fuel-injected. The foreign cars which are being imported are fuel injected. That means that there are injectors in the engine so that the fumes which are not completely burnt go back into the exhaust system and the injectors compress it and pump it back into the cylinders, so that there is greater efficiency. But that is for gasoline which we are saying we do not want to use.

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However, fuel-injected cars cannot use CNG, and we are allowing fuel-injected cars, for example, the Hyundai, to come in. *[Interruption]* Fuel-injected cars cannot use CNG. Well, some say, yes, some say no. I am saying that with all the legislation we see here, unless the Government has the will to deal with environmental problems, as the Member for Nariva has stated, this will merely be a paper tiger.

As the Member for Diego Martin West has indicated, there are 42 pieces of legislation which deal with various aspects of the environment. One can see that these pieces of legislation have not been implemented. For example, I would like the member for Ortoire/Mayaro to indicate how many people have been charged and convicted under the Litter Act. We have had it for so long. The Litter Act is observed in non-compliance, rather than in compliance. People think that the Litter Act is a joke.

7.35 p.m.

Then there is Chap. 26:06, the Oil and Water Board Act. What happens, Madam Speaker, is that oil companies in the process of drilling for oil—the exploration, for example in Fyzabad when Well 489 exploded and damaged people—pollutes the atmosphere and pollutes the land. When people complained they found out that for the past 23 years the Oil and Water Board has not been appointed. The Oil and Water Board acts as an arbitration body to determine the compensation which farmers or people who have been damaged mainly by oil and water pollution could get.

Recently there was a matter in the High Court. A farmer was damaged because of pollution. He thought he had no redress because there was no Oil and Water Board so he went to court. The court threw out his matter saying, "No, no, there is an Oil and Water Board to deal with this matter, you cannot come here. You have to go to arbitration before the Oil and Water Board before you come here." The farmer's crops were damaged, and he lost his case.

We have found ourselves in the situation where when oil companies damage the farmers' crops they have nowhere to turn. So they go to the company and they are left in the hands and at the mercy of the company. The company would say, "Before you could tell us if you are damaged you must show us a deed." Totally irrelevant to the fact that the man's crop had been damaged. If that farmer had been squatting, and he had acquired adverse possession for the last 40 years and did not have a deed, the oil company would say no money for him. They may also tell him, "No, you see that? It is not me who damaged you, it is flooding that

damaged you or something that came from somewhere else. Collect samples of the pollutant and have it tested, and you must prove the nexus between the pollution and the damage. Only when you can prove the nexus and the damage, then we would talk to you."

Madam Speaker, that person has to go to Cariri or the University of the West Indies, and on many occasions that poor peasant farmer cannot afford the cost of having the chemical tested and as such he is thrown into the bamboo. The Government should have provided those facilities so that the Ministry of Agriculture, Land and Marine Resources could provide those services to assist the farmer. Or maybe it is that they believe in trade liberalization to the extent that they do not care if farmers produce, or they do not want farmers to produce so that they would import all the food. I do not know if that is what they want.

Sometimes the oil company would tell them, "You are not speaking the truth at all, do what you want." In the constituency of Naparima what we have found is that they know that there are pollutants. What they do, Madam Speaker, is pump the oil from the wells into what they call settling tanks—for example Rousillac Trace, in GP Road, in Mohan Trace in Barrackpore—saline solution and other pollutants cause it to settle. Every day the oil company bleeds the tanks and when they bleed the tanks the corrosive material from the tanks settles into a well. The moment those wells overflow, the run off goes into people's crops.

I am making a plea on behalf of the small people, the peasant farmers in Trinidad and Tobago, that the Government set up the Oil and Water Board so that people who suffer from pollution by the oil companies, and from water pollution, could have some redress. As a matter of fact, it has now gone from a request to a demand. If this happens we would bring action in the High Court to compel the Minister to appoint the board, *Amandamus*. [Interruption] [Laughter] Madam Speaker, his intelligence is matched by his height and his looks. [Laughter]

Madam Speaker: You know you cannot insult a Member in the House.

Dr. Rowley: Madam Speaker, I was outside for the last two hours. Shall I go back outside, if this is what I have to listen to?

Mr. S. Panday: Madam Speaker, that Member should be ashamed to speak because he is one of the most cantankerous, unreasonable Members in this House. He heckles everybody. [Interruption] That is so. When Members on this side are speaking, you should hear him. Apparently you are too far. Sometimes I feel to use this, [Gesticulation] but I would not. [Laughter]

Madam Speaker: You are too young to be so prone to violent tendencies. *[Interruption]* I can forgive the aged. *[Interruption]*

Mr. S. Panday: The point I am making, Madam Speaker, is that the Bill under clause 16 does not really give enough power and strength to the Authority to deal with the environment. *[Interruption]* Let me tell you something, I am not like Dr. Lenny Saith, Madam Speaker—

Madam Speaker: Will the Member cease this type of contribution? You were going very well, you were very constructive, what has happened?

Mr. S. Panday: They do not want to hear constructive contribution.

Madam Speaker: I urge you—

Mr. S. Panday: Madam Speaker, when they attack me, it is war. *[Laughter]*
[Desk Thumping]

Madam Speaker: Hon. Member, you were making a very positive contribution to this Bill, I would urge the hon. Member to ignore the asides. This is Parliament, you are all used to this. Continue with your positive contribution.

Mr. S. Panday: Madam Speaker, they are giving me asides and I am giving them back asides.

Madam Speaker: All right, continue please.

Mr. S. Panday: I am not a mouse nor a pussycat. *[Laughter]* *[Interruption]* Madam Speaker, my Friend is judging me by the type of contribution he made. He spoke for almost 75 minutes and said nothing.

Mr. Sudama: I would like to know if the Member is a mouse a pussycat or an endangered species. *[Laughter]*

Mr. S. Panday: Maybe a manicou, but not a manicou man. *[Interruption]*

Madam Speaker: It is very sad that this debate had to descend to this level. *[Interruption]* I have great faith in the hon. Member, and I am a little disappointed that the Member is allowing these asides to—*[Interruption]*

Mr. S. Panday: Madam Speaker, I do not have a prepared text. *[Interruption]* Clause 66 (1) states:

"For the purposes of sections 65 and 81(5)(d), the Authority or the Commission may make an administrative civil assessment of—"

What we are looking at is assessment for compensation for any breach. Clause 66 (1) continues:

- "(b) compensation for damages to the environment associated with public lands or holdings...;
- (c) damages for any economic benefit or amount saved by a person through failure to comply with applicable environmental requirements; and
- (d) damages for the failure of a person to comply with applicable environmental requirements..."

If one is having an assessment and the assessment under clause 66 is a civil assessment, clause 66 (3) states:

"The total amount of any damages under subsection (1)(d) shall not exceed-

- (a) for an individual, five thousand dollars for each violation..."

7.45 p.m.

Dr. Saith: Madam Speaker, there are assessments under (a), (b), (c) and (d). The limits are only set in respect of (d), so one person may be assessed under (a), (b), (c), and (d).

Mr. S. Panday: I thank the hon. Member, Madam Speaker, even under (d) which states:

"damages for the failure of a person to comply with applicable environment requirements;..."

The damages which are to be assessed should not exceed \$5,000.

I humbly submit that it puts a lid upon the Authority or the Commission, as the case may be, as to the quantum of damages. The quantum of damages, that \$5,000 as the Member for Ortoire/Mayaro would tell you, is merely a petty civil amount and that figure should be open. In clause 66 (3)(a) that figure should be open, so that if you do damage, it must be assessed as to the actual value.

The other point we are looking at is that under clause 69 there could be private party actions which, I submit, represent an omission in the legislation. In my humble view, it envisages that if one person has an interest which has been damaged or is being interfered with by another person, then there is a party-to-party action as though it is a private law where one party damages and the other party sues.

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Madam Speaker, I humbly ask the hon. Minister to explain what is the position when somebody damages the environment and does not have a legal title to the land—because he does not have a legal title to the environment—how and who will institute proceedings on behalf of the population in that manner? The Attorney General, or who will give the authority? For example, if somebody is damaging the environment in Moruga and also affecting the lives of the people, what mechanisms are there for them to take action immediately? It seems to me that there is a lacuna in the legislation [*Interruption*] That is what I am saying—civil remedy if I have an interest. If my land is damaged by your oil spill or your fire, I could sue you. If it is something like damage to the atmosphere—you are pumping sulphur dioxide into the atmosphere—and it is affecting people, does that go under the normal law of nuisance? [*Interruption*] That is what I am saying. If there are 42 pieces of legislation and we are trying to bring all the legislation under this, why is this not included if the legislation is all encompassing as far as it relates to the environment?

There are 42 pieces of legislation which we cannot control, but we are still leaving some of our clothes hanging out of the grip and we are travelling. I know that the Minister would look into this matter.

If one looks at this Bill that is before the House, it has been subjected to numerous amendments. That is good, in that it seems to me that, since we view the legislation as all encompassing and the environment is so important for future generations we should try to put everything we can into this legislation.

Having said that, I do not want to appear to be nagging or abusive, but I humbly submit—I do not blame the hon. Minister for this, but the administrative officers—that certain deletions have been enumerated in the amendments and when one looks at the legislation they are not there. For example, let us look at—
[*Interruption*]

Madam Speaker: Will the Member give way to the hon. Member for Diego Martin Central?

PROCEDURAL MOTION

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I beg to move that the sitting of this House continue up to the third and final reading of this Bill and the completion of the Motion with respect to the annulment which is to be done after this matter.

Question put and agreed to.

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Mr. S. Panday: Madam Speaker, for example, in the amendment which is dated Tuesday, January 24, 1995, clause 35—*[Interruption]*

Mr. Sobion: Is it the Senate amendments?

Mr. S. Panday: Yes, the Senate amendments.

Madam Speaker: I think all these amendments are now embodied in the last and final draft.

Mr. S. Panday: No, Madam Speaker.

Madam Speaker: That is not so?

Mr. S. Panday: Are there two or three?

Madam Speaker: I have many amendments here.

Mr. Sobion: Madam Speaker, perhaps I can assist. There are two sets of amendments: there is the list of amendments made in the Senate on January 24, 1995, which has now formed part of the Bill, they are not physically included; and then there is a list of amendments circulated today which incorporates some of the amendments which were circulated last week. There are really two sets of amendments; that second list starts with clause 2, so those are the two lists of amendments that are before the House.

Mr. Sudama: Madam Speaker, which is the correct one? I have one starting clause 5—is that incorporated?

Madam Speaker: Yes, that is the Senate amendments.

Mr. Sudama: But it is not incorporated in the Bill I have before me. Was it circulated? I have one starting with clause 2.

Mr. Sobion: Those are the two before the House.

Mr. Sudama: I have one starting with clause 81(5).

Mr. Sobion: That is included in the amendment which starts with clause 2.

7.55 p.m.

Mr. S. Panday: Be that as it may, the one that commences with clause 85 (5) is incorporated. However, this was circulated today and I did not have the time to

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read it. Are these amendments which have been incorporated in this identical? Do they include the amendments from the Senate?

Mr. Sobion: No, the Senate amendments are separate.

Mr. S. Panday: I do not want to be harsh, but there are some errors in the list of amendments.

Mr. Sobion: In the Senate?

Mr. S. Panday: Yes. If one looks at clause 35, one would see that amendment does not occur in lines 2 and 3. It states:

"In subclause (1) substitute for the word "Authority shall designate by publication in the *Gazette*" occurring in lines 2 and 3."

If one looks at the clause, one would see that those words are not found in those lines. I can go on and on. I do not want to use parliamentary time but if the hon. Attorney General wants we could sit at the back and go through these because there are many of those.

In clause 84 the word "appeal" in line 3 does not appear. Also, in clause 86 (a), the word "no" is not found in line 3.

Mr. Sobion: Madam Speaker, perhaps I can assist the hon. Member. When the matter was debated in the Senate, the Bill that was before the Senate was the cyclostyled copy of the Bill. That differs in terms of the formatting from the Bill which the Member is looking at. They are not really errors.

Mr. S. Panday: Madam Speaker, the one I worked with is the one they are working with. It just goes to show that the allegations which the Members for Diego Martin East and West have made against us, that we do not read the Bill—it is an indication that we have read it.

Dr. Rowley: Madam Speaker, even if they read, they do not understand.

Mr. S. Panday: Madam Speaker, I did not hear that. Coming back to the environment and what must be done. The environment is so important that not only can it be used for sustainable economic development but it can be used for recreational purposes, so that our children can be taken from a life of crime and enjoy the environment. If we really preserve the environment we would not only gain economically but our nation will consist of better people. If a child has a pet and he or she learns to love that animal which is less than a human being, that child would develop a certain psychological advantage in that when he or she

meets other people the inter relationship between person and person would develop. It would appear that in our quest and haste for economic development, we have lost those simple things in life. In many homes there is no dog. As a matter of fact, if one buys a property there may be a clause in the deed which states that one must not have a barking dog.

Mr. Sobion: Are there non-barking dogs?

Mr. S. Panday: A better society can be developed if the environment is protected because it is so important to us. In order to put forward that position everybody must make an effort to pay tribute to those persons who have gone beyond the call of duty to protect the environment. We see people going to work and coming back home, trying to make a living, fighting for survival, but all is not lost; there are people in our society who are willing to give of their time and labour to protect the environment.

When national awards are being given we must not wait for organizations to name people; we, as a Parliament—non-partisan, non-political—must nominate people such as Molly Gaskin, Prof. Kenny. For example, on the East Coast the leather back turtle is becoming an extinct species and Prof. Kenny and other persons from the university went there night after night—the Member for Toco/Manzanilla will agree with me—with torchlights to prevent people from damaging that turtle. There is also the Pointe-a-Pierre Wild Fowl Trust which is the only place where children in the southern areas can go and get some education for their own advancement and development.

Madam Speaker, I humbly submit that this legislation is non-controversial. We should not try to seek political mileage out of it but it should be viewed as a piece of legislation which would endure for the next generation and, as such, we should together, ensure as a Parliament, that the legislation which is passed here today will benefit our nation.

Thank you.

The Minister of Planning and Development (Sen. The Hon. Dr. Lenny Saith): Madam Speaker, let me begin by thanking all Members who have contributed to this debate by agreeing with the statement of the last speaker, that the environment is too important an issue for it to be subject to purely partisan debate. We all have a stake in the environment and should approach it with that in mind.

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As I listened to the debate, and while most of the contributions enumerated all the problems which exist with the environment—degradation, flooding, garbage collection—deep down I sensed a basic agreement on the objectives of the Bill. I think it would be fair to say that it is necessary to have this type of legislation on our books. While we may have some concern about whether it is not too late, whether it would solve all the problems, I do not think that I heard any one speaker say that he or she disagrees with the objectives of the Bill, or the fact that we are seeking, for the first time, to focus our attention in a very direct manner on the environment.

May I reiterate the statements which I made when I presented the Bill. In coming up with this legislation, the Government has sought to go through a very structured and systematic approach to its development, and all along the way we sought to have wide consultation and to study, analyze and make sure that the end product was the result of reconciling some very strong views on the environment.

The subject of the environment creates very strong emotions in people and there are varied interest groups which look at it from different perspectives. Therefore, what the Government sought to do throughout this exercise was to make sure to discuss with, and listen to everybody. The opportunity was given for as wide as possible dialogue in the hope that at the end of the exercise some kind of consensus would emerge and the Government would come forward with a bill which, basically, balances the points of view which were brought to the Government. This process has continued even during the debate in the Parliament. The Bill has come to this House with a number of amendments which were suggested by members of both the Independent and the Opposition Benches in the other place.

8.05 p.m.

In that process, we began to take on board some of the points that were made and adjusted our position as the case may be. Surely, even in this debate you will see from the list of amendments we propose to move in the committee stage that we have, again, taken on board some of the comments that have come out of this debate. The process is one of continuing dialogue in the hope that we arrive at something that is acceptable to everyone.

Madam Speaker, basically, two major issues were raised insofar as the Bill is concerned. The first was that one has to take a very holistic approach to the environment and it is not only the question of the physical, but the development of our human resources is equally important because they are interlinked. The

second was: would the Government have the will, having passed the Bill, to tackle the problems; and have they made arrangements to ensure this Bill does not languish as something that has just been passed and no resources have been put for its implementation?

Madam Speaker, I do not think anyone would disagree that we cannot think in terms of the management or protection, of the environment without seeing its link with the human element. There is an interrelationship with poverty, unemployment, provision of adequate shelter; water supply, education, health, and social services—they are all interrelated. They all have to be taken into account, but for the purposes of this debate, we cannot focus on all of them at this time. In this particular debate we focus, on the question of getting the legislation ready to deal with the physical environment.

This Government has always been conscious of that interrelationship and it is for that reason that the environment was placed in the Ministry of Planning and Development, because this ministry, as part of its economic and social planning, is responsible for creating the capital programme; and for mobilizing the resources necessary for the capital programme, both from bilateral and multilateral agencies. It is that responsibility which informs the total disposition of resources all over the programme—how much goes to health, education, and public utilities. It is that consciousness which one seeks to bring into its deliberations which places the environment, squarely, as a function of planning and development. So the Government is aware and has taken what it believes to be the administrative steps to allow such activities to take place.

On the question as to whether the Government has the political will to follow through with its action, we have demonstrated that by bringing the Bill. This Government, more than any other, has demonstrated the political will to take action they believe necessary in the interest of the country; and we have done it. We have done it—foreign exchange; we have done it on liberalization of the foreign exchange regime; we have done it with the Brian Lara Promenade. Just look around at what this Government has put its mind to and has proceeded, listening to criticisms, but not deterred if we believe it is right for the country to do it. I can assure you this is also the approach we are taking with this Bill—we believe it is right for the country and that it has to be done and we will do it.

Mr. Humphrey: Thirty million dollars debt forgiveness is right for the country?

Mr. Eckstein: All right, John. All right.

Hon. Dr. L. Saith: Madam Speaker, one of the elements of that commitment is the fact that, even as we were working towards the development of this Bill, we were also putting in place financial resources to support it. We can announce that from the UNDP we have been able to access almost US \$1 million in grant funds, which will be earmarked for the authority and will help it in its initial stages. From the World Bank we have been able to access roughly US \$6 million, or TT \$36 million, for a four-year programme for development of this Authority. The counterpart funds of the Government over the next four years will amount to US \$4 million, so that this authority already has allocated for its Trust Fund close to US \$12 million, roughly TT \$72 million, over the next four years.

In addition, if one goes through the *Public Sector Investment Programme* for 1995 one will see that, in the capital budget a sum of TT \$6 million has already been allocated in 1995 for this authority, as soon as we can get it off the ground. So the Government has made the financial commitment; it has sought to get resources to ensure that over the next four or five years there is a steady flow of financial resources into the authority to allow it to function.

Madam Speaker, once this Bill is passed and we are able to appoint the Board of the Authority, we will immediately proceed to set up the activities. It is my hope that the EMA will become functional in a start-up mode by the middle of the year and then proceed, immediately, to begin to tackle the issues which the Bill requires to be done in the first three or four months, that is, basically working out with existing agencies a Memorandum of Understanding—an agreement which will allow the EMA, even with its very limited start in its initial stages to begin to harness the resources in the various ministries, departments, and the Tobago House of Assembly to ensure that the authority which is granted under this Bill can now be administered by the human and technical resources which exist in various ministries. So that, we do not have to wait to build up a large staff, to begin to be effective, but it can use the staff all over the government machinery to begin to do the work.

Madam Speaker, let me make the point that the passage of the Bill is not the end but the start of the process. The passage of the Bill merely focuses our attention for the first time, in a very clear way, how we deal with the environment. There are no overnight solutions. Passage of this Bill is not going to mean that tomorrow all of the environmental problems in the country will disappear. Countries that have had environmental agencies long before us are still grappling with some of the problems of environmental degradation.

What it does, Madam Speaker, is for the first time, it enables us to have a very focused approach with a clear responsibility for co-ordination and management of the environment, and for laying down a proper foundation for the creation of what I hope would be a rational, pro-active, flexible, professionally-staffed and well-equipped institution to undertake the important function of environmental management.

Madam Speaker, this cannot be done in a vacuum. One of the major responsibilities of this Authority will be to begin the process of public education. It is absolutely necessary that we begin to sensitize our population, starting with the schools, about the nature of our environment; the fragility of some of the eco-systems we have, and the need to become very involved and understanding the need to manage our environment properly.

8.15 p.m.

We have clearly stated in the Bill that what we are trying to do is to seek to balance economic development with the proper management of our environment. In response to the question raised by the Member for Oropouche as to why the natural resources have been removed from the preamble—which seemed to suggest that we have removed it completely. As part of the discussions and deliberations that have taken place it has been removed from the preamble and put in the definition of "the environment." I think it was the Member for Naparima who read the definition of "the environment" to include, specifically, "natural resources".

We believe that we have made a good beginning. We also know that as we go on this road and we begin to flesh out this Authority and it begins to do its work, it may be necessary, based on our experiences, based on factual working relationships, to come back from time to time to do whatever is necessary in terms of amendments to ensure that we keep it. Management of the environment is a very dynamic process. Technologies are coming at a very fast rate. Some of the problems which we have now will not necessarily be the problems of the future. There are problems out there that are still to come and any legislation must not be static in that respect. It must move and be able to adapt and be adapted for any future problems that may occur.

With those few words, I beg to move that the Bill be read a second time.

Question put and agreed to.

Bill accordingly read a second time.

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Bill committed to a committee of the whole House.

House in Committee.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Mr. Sobion: I wish to propose an amendment to clause 2 which reads as follows:

- A In the definition of 'hazardous substance' substitute for the word 'may' in line two the words 'and based on technical, scientific and medical evidence are determined to'.
- B In the definition of 'pollution' substitute for the words 'cause or may cause' occurring in line two, the words 'based on technical scientific or medical evidence are determined to cause or to be likely to cause'.

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Mr. Sudama: Madam Speaker, clause 3 states:

"This Act binds the State."

Am I to understand that action can be brought against the state in case of liability?

Madam Chairman: Yes.

Question put and agreed to.

Clause 3 ordered to stand part of the Bill.

Clause 4 ordered to stand part of the Bill.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Mr. Sudama: Madam Chairman, I wish to propose that we go back to the original clause which states:

"The Minister may give general policy directions to the Authority."

Since we are viewing this Authority as one with special expertise—

Madam Chairman: May I advise the Member, if he looks at the amendments of the Senate, this is what really is before the House.

Mr. Sudama: Yes, I am looking at the amendment. I am proposing that we go back to the provision of the original Bill, because I see no reason why the Minister should be given the power to issue special directions of a special character, when what the Minister really needs to do is issue policy directions and allow the authority to do its work as it sees fit. You want this authority to be credible in the eyes of the public and, therefore, to be above any undue influence which may be said to be induced on the Authority by the Minister having the power to give special directions under this provision. I am of the view that the original clause as it stands is what should prevail in this Bill.

Mr. Sobion: Madam Chairman, there was a long debate on this matter in the other place and the arguments which convinced us eventually to agree to this amendment were that the authority should not be without executive control because the environment was too important a matter in the national interest. We agreed and this is the amendment before us.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Clauses 6 to 16 ordered to stand part of the Bill.

Clause 17.

Question proposed, That clause 17 stand part of the Bill.

Mr. Valley: Madam Chairman, I beg to propose an amendment to clause 17(3) which reads as follows:

Substitute subsection (2) in place of subsection (1).

Question put and agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

Clauses 18 to 24 ordered to stand part of the Bill.

Clause 25.

Question proposed, That clause 25 stand part of the Bill.

Mr. Sobion: Madam Chairman, I wish to propose an amendment to read as follows:

Insert immediately after the word 'may, in line three the words 'after consultation with the Minister and'.

Mr. Sudama: Madam Chairman, I also want to propose an amendment to read as follows:

Instead of 'the Authority may' it should be 'the Authority shall'.

It should read:

"Whenever the Authority reasonably believes that a release or threat of release of a pollutant or hazardous substance, or any other environmental condition, presents a threat to human health or the environment, the Authority 'shall'...."

I want to make it mandatory on the Authority to act.

The amendment has: "after consultation with the Minister."

8.25 p.m.

Where the Authority reasonably believes, on its own technical investigation, that a release or a threat of release presents a threat to human health or the environment, why does it have to consult the Minister on that issue? Why does it have to consult him when it has arrived at an independent judgment, hopefully, on the basis of its own technical and expert investigation?

Mr. Sobion: Madam Chairman, the position, as I outlined with respect to clause 5, where the Minister has the power to give general or special directions, is now reflected in clause 25 where in an emergency situation it merely reflects that power of the Minister to give general or specific directions. With respect to the other proposal, it can only be a directory provision, one cannot mandate an authority by this legislation. One can set out the circumstances under which they ought to act, but one cannot compel them by legislation to act in the sense that has been suggested by the Member for Oropouche.

Mr. Sudama: Madam Chairman, the Authority is given the power to undertake such emergency response of activities as are required to protect human health. If one feels that this power is so necessary, and such emphasis is being placed on human health and the environment, then I believe that the authority ought to act—it is obliged to act—if there is that threat. If the authority does not act, then it ought to be held as being negligent for its inaction. If it does not take

that approach, I do not think the Government is serious about this Authority and the work it is supposed to do.

Mr. Sobion: Madam Chairman, it is clearly a judgment call on the part of the authority. One cannot lay down the law for the authority in circumstances like this—cases vary and the degree of threat would vary and the Authority would then act appropriately.

Mr. Sudama: Madam Chairman, the authority would make that judgment call if it reasonably believes that there is a threat to human health and the environment. It would make that judgment. Having done so, it has the discretion as to whether or not it should act. Is the Government really serious?

Madam Chairman: I think I understand what both sides are saying.

Question put and agreed to.

Clause 25, as amended, ordered to stand part of the Bill.

Clause 26.

Question proposed, That clause 26 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move that clause 26 be amended as follows:

- A Substitute for the words 'and standards' occurring in line one of paragraph (e) the words 'standards and guidelines'.
- B Delete the words 'to 39' occurring in line four of paragraph (h) and substitute the words 'to 38'.

Mr. Sudama: Madam Chairman, I have an amendment before me which affects clause 26 which says—

- A Substitute for the subclause (1) and lines 1 and 2 of subclause (2), the following:-

“26. The Minister may, in accordance with section 27, make rules subject to negative resolution of Parliament, for the following—”

and then it gives the details of what that is.

What I am proposing is that it is a cumbersome process to bring a negative resolution of Parliament to this House. I am arguing that instead of a negative resolution, an affirmative resolution of Parliament should be placed in this clause so that it comes to the House as a matter of course for debate. It is up to the House

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to decide whether it wants to debate these rules and regulations which are put before it, because they may be very significant and can affect quite a number of the interests involved. To bring a negative resolution to the House, it has to be done within a specified time-frame and if that does not take place within the time-frame, then it lapses.

I believe that this House should have the discretion as to whether or not it wants to debate these rules and regulations, as a matter of course, which will come with the implementation of this Bill.

I want to propose that instead of "subject to negative resolution of Parliament" it should be "subject to affirmative resolution of Parliament".

Mr. Sobion: Madam Chairman, the question of whether rules are to be subject to affirmative or negative resolution has nothing to do with the procedure for challenging those rules and regulations. I think the Member has started off on a false premise.

As far as I am aware—at least in the life of this Parliament—there were at least two instances where the rules and regulations have been challenged and were subject to negative resolution, so there will be no difficulty in having that achieved. As a matter of fact, there is one on for debate this evening.

Mr. Sudama: I am not—

Mr. Sobion: I wonder if the hon. Member would allow me to complete my statement?

Mr. Sudama: Yes.

Mr. Sobion: Madam Chairman, one has to look at the nature of the rules or regulations in order to make a determination as to whether or not they should be subject to affirmative resolution. If one looks at the kinds of rules here—procedures for the registration of sources from which pollutants may be released and so forth—they are really within the competence of the Authority which will be laid in the House and can be debated if need be.

Mr. Sudama: Madam Chairman, the Member said that this is Executive oversight over these rules and regulations, this is why one does not want the Authority to have the power as such. One wants the Minister to have the power and he would then determine and make such adjustments as he may see fit.

If that is going to be the case, what objections does the Government have for these rules to be subject to affirmative resolution of the Parliament?

Mr. Sobion: Madam Chairman, I may note as well, if one looks at the procedure for the making of these rules which are contained in clause 27, which states:

- "(1) In the course of developing rules, the Authority shall—
- (a) submit draft rules for public comment in accordance with section 28;
 - (b) consider the public comments received..."

so there is a wide degree of participation and consultation even before the rules are made. So that there is no need to further hinder the process of the Authority by having these rules subject to affirmative resolution. As I said, the underlying factor is that they can be challenged in the Parliament if a Member has a problem with those rules.

Mr. Sudama: Madam Chairman, if the Member is arguing that there is no problem in having negative resolution—and if these rules are technical as a result of wide public comment and so forth—why is he afraid of an affirmative resolution? Why is he opposing? In the final analysis it is the Minister who has to give approval.

Question put and agreed to.

Clause 26, as amended, ordered stand part of the Bill.

Clauses 27 to 29 ordered to stand part of the Bill.

Clause 30.

Question proposed, That clause 30 stand part of the Bill.

Mr. Sobion: Madam Chairman, there is a circulated amendment in which we have streamlined the appeal procedure—

"Delete this section and substitute the following:

'(1) Where the appeal of an action submitted for public comment in accordance with section 28 is provided for under this Act, the action may be appealed to the Commission by any interested person on the ground that the Authority failed to comply with the requirement for public participation in section 28.'

and we are substituting subclause (1) with the subclause (1) as circulated.

Question put and agreed to.

Clause 30, as amended, ordered to stand part of the Bill.

Clauses 31 to 34 ordered to stand part of the Bill.

8.35 p.m.

Clause 35.

Question proposed, That clause 35 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move the following amendment to clause 35:

Delete the words "by rule" occurring at the end of subsections (3) and (4) respectively.

Question, on amendment, agreed to.

Mr. Sudama: Madam Chairman, I want to raise two matters on the question of clause 35. The first one is the question of negative resolution, and I am proposing that "the Minister may by Order subject to negative resolution of Parliament, designate a list of activities," I want to state again that that should be an affirmative resolution of Parliament.

Secondly, I wonder if the Government would consider the question of publication, not only in the *Gazette*, but in one or two daily newspapers, because of the limited circulation of the *Gazette*. The Government wants to give as much publicity as possible to this list of activities which may not be known, or if it is known, may be known to the public a long time after the list has been published in the *Gazette*. I want the Government to consider whether it would include in the publication, one or two daily newspapers.

Mr. Sobion: Madam Chairman, in this subclause, "activities" are clearly executive actions and rarely qualify for gazetting. I do not think we can entertain the proposed amendments suggested.

Mr. Sudama: I am asking, in addition to gazetting, that we should publicize it as widely as possible, because we are dealing with an issue of public awareness. This has been stated time and time again in this Bill. However, public awareness will not be achieved. This publication is limited to circulation of the *Gazette*. This is part of the programme of education on what is the proper list of activities which will require a certificate. I think the more the public knows about that—

Mr. Sobion: Madam Chairman, the section is not a limiting section. It merely provides that the Authority shall place the order in the *Gazette* which is the

official record. The Authority is quite free to proceed to advertise—to put it in the newspapers as it sees fit, or broadcast it on the radio; it can do a number of things. The section does not limit the Authority in bringing these matters to the attention of the public.

Question put and agreed to.

Clause 35, as amended, ordered to stand part of the Bill.

Clauses 36 and 37 ordered to stand part of the Bill.

Clause 38.

Question proposed, That clause 38 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move the amendment to clause 38 as follows:

- (a) Delete the word "either" occurring in line 1.
- (b) Delete the words "or 39(1)" occurring in line 2. That is because, "39 (1)", you will note, Madam Speaker, will no longer exist and there will just be a clause 39. Clause 39 (1) goes and the word "either" as it appears in line (1), for it to make sense, should go as well. The clause will now read:

"38. (1) Where an activity designated under subsection 35 (1) constitutes a development ..."

Question put and agreed to.

Clause 38, as amended, ordered to stand part of the Bill.

Clauses 39 and 40 ordered to stand part of the Bill.

Clause 41.

Question proposed, That clause 41 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move an amendment to clause 41(2) as follows:

Delete this subsection and substitute the following:

"(2) For the purpose of subsection (1), designation shall be made by Notice published in the *Gazette*."

Mr. Sudama: I have a query on clause 41. I think, under the amendment, clause 41 also requires notice of publication in the *Gazette*. That is, the declaration of an environmentally sensitive area or species.

Can I enquire from the Attorney General whether the same applies, that is, in addition to the *Gazette*, the Authority is free to advertise in other publications?

Mr. Sobion: Yes, that is correct.

Question put and agreed to.

Clause 41, as amended, ordered to stand part of the Bill.

Clause 42.

Question proposed, That clause 42 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move an amendment to clause 42 as follows:

Delete lines one and two and substitute the following.

"In pursuance of subsection 41(1), the Notice shall include—"

Question put and agreed to.

Clause 42, as amended, ordered to stand part of the Bill.

8.45 p.m.

Clauses 43 to 55 ordered to stand part of the Bill.

Clause 56.

Question proposed, That clause 56 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move that clause 56 be amended by deleting the words "develop and implement" occurring in line one, and substituting the words "as soon as practicable after the commencement of this Act, submit to the Minister".

This is a circulated amendment. It is amended to reflect the change. This was originally a function of the Authority, but because under clause 26 the Minister is the one to make the rules, clause 56 has to be amended for that purpose.

Question put and agreed to.

Clause 56, as amended, ordered to stand part of the Bill.

Clauses 57 and 58 ordered to stand part of the Bill.

Clause 59.

Question proposed, That clause 59 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move that clause 59 be amended by deleting this section and substituting the following:

| | |
|-----------------------------------|---|
| "Handling of hazardous substances | The Authority shall, as soon as practicable after the commencement of this Act, submit to the Minister a programme for the designation of specific hazardous substances and performance standards and procedures for the safe handling of such hazardous substances." |
|-----------------------------------|---|

There is a circulated amendment to clause 59. The reason is the same as that given a while ago for the amendment of clause 56. It is now a ministerial function, rather than an authoritative function.

Question put and agreed to.

Clause 59, as amended, ordered to stand part of the Bill.

Clause 60.

Question proposed, That clause 60 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move that clause 60 be amended by deleting "59" occurring in line two and substituting "26".

Again, it is for the same reason. It is now a reference to clause 26 where the rule making power of the Minister resides.

Question put and agreed to.

Clause 60, as amended, ordered to stand part of the Bill.

Clauses 61 and 62 ordered to stand part of the Bill.

Clause 63.

Question proposed, That clause 63 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move that clause 63 be amended by substituting for all the words occurring after the word "include" in line four the following:

"(a) a request that the person make such modifications to the activity within a specified time, as may be required to allow the continuation of the activity; or

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- (b) an invitation to the person to make representations to the Authority concerning the matters specified in the Notice within a specified time."

This is to make it quite clear as to what would be included in the notice which the Authority can serve on a person who is in violation and those are set out as (a) and (b) in the circulated amendments.

Question put and agreed to.

Clause 63, as amended, ordered to stand part of the Bill.

Clauses 64 and 65 ordered to stand part of the Bill.

Clause 66.

Question proposed, That clause 66 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move that clause 66(1)(d) be amended by substituting for the words "(3) and (4)" at the end of paragraph (d) the words "(2) and (3)".

The reference to subclauses (3) and (4) is incorrect. It should be to (2) and (3). There is no subclause (4) in clause 66.

Mr. Sudama: As to the level of damages which can be imposed under clause 66—

Madam Chairman: To what section is the Member referring?

Mr. Sudama: Section 66(3) states:

"The total amount of any damages under subsection (1)(d) shall not exceed—

- (a) for an individual, five thousand dollars for each violation and, in the case of continuing or recurrent violations,...
- (b) for a person other than an individual, ten thousand dollars..."

We are arguing that if this is going to serve as a deterrent, these ceilings need to be raised. It does not deprive the Authority of a discretion as to how much would actually be assessed. If the Authority is limited to \$10,000 this is the maximum it can charge regardless of the nature of the violation. On this side, we are arguing that the ceiling for the damage assessment should be increased for an individual, to \$20,000 and for other than an individual \$50,000. It is not necessarily that these limits will be applied in every case, but at least the Authority will have the discretion where the violation is so great, that at least the

Government can institute that penalty and present an example to others, and therefore serve as a disincentive.

It would give a general indication that the Government is serious about environmental protection and it would be in the nature of sending a signal to others who are prone to violating the requirements. I think the ceiling figure in this provision, as it stands, sends the wrong signal to people who are likely to violate the standards and requirements.

I am merely asking for an increase in that ceiling and leaving the actual assessment of the damages to the discretion of the Authority. I do not think it should be limited to these minuscule amounts in times of increasing inflation. On every occasion if the Government wants to amend this, we do not want to come to Parliament. In the meantime, the Authority is hamstrung in terms of the amount of damages it can assess.

Mr. Sobion: Madam Chairman, as I understood the argument in the course of the debate, it was a question of not having a cap at all. I think that argument was based on a misunderstanding of the provision.

There are several assessments which can be made under (a), (b), (c) and (d). A person can be assessed under any one of these sections; (d) is really a subclause which deals with continuing offences. Therefore it is not really a cap; it is fixing an amount with a further fine for each day in which the matter continues. The real deterrent effect would be with respect to an assessment under (c) where a person can be assessed for any economic benefit saved by failing to comply with the applicable standards. In that case there is no cap, but one can also be assessed for the continuing of the offence as well.

Madam Chairman: I think that is actually the spirit of the clause.

Question put and agreed to.

Clause 66, as amended, ordered to stand part of the Bill.

Clauses 67 to 69 ordered to stand part of the Bill.

8.55 p.m.

Clause 70.

Question proposed, That clause 70 stand part of the Bill.

Mr. Sobion: I beg to move that clause 70(2) be amended by deleting the words "or 45" in line 3.

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Question put and agreed to.

Clause 70, as amended, ordered to stand part of the Bill.

Clause 71.

Question proposed, That clause 71 stand part of the Bill.

Mr. Sobion: Madam Chairman, the amendment to the word "and" has been taken care of in the new Bill which has been circulated. It was a typographical error. I am withdrawing the amendment.

Amendment withdrawn.

Clause 71 ordered to stand part of the Bill.

Clauses 72 and 73 ordered to stand part of the Bill.

Clause 74.

Question proposed, That clause 74 stand part of the Bill.

Mr. Sobion: I beg to move the following amendment to clause 74(b):

Delete the words "or 39" occurring in line five of paragraph (c)

Question put and agreed to.

Clause 74, as amended, ordered to stand part of the Bill.

Clauses 75 to 80 ordered to stand part of the Bill.

Clause 81.

Question proposed, That clause 81 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to amend clause 81(5)(b) as follows:

Delete paragraph (b) and substitute the following:"

- (i) applications for deferment of decisions made under section 25 or deferment of designations made under section 41."

This stems from the fact that we have put in a provision, which allows a person who is aggrieved to seek a deferment of the decision of the Authority. The proposed amendment gives the commission jurisdiction to hear and determine deferment applications. So that, in addition to having the right to appeal, a person also has the right to seek a deferment. That is the effect of the amendment suggested.

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Question put and agreed to.

Clause 81, as amended, ordered to stand part of the Bill.

Clauses 82 and 83 ordered to stand part of the Bill.

Clause 84.

Question proposed, That clause 84 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move that clause 84(12) be amended as follows:

Insert immediately after the word "or" in line two, the words "with the consent of the parties".

We think this is necessary in order for the due process provisions of the Constitution to kick in, so that the parties should really consent where there is a waiver of an oral hearing.

Question put and agreed to.

Clause 84, as amended, ordered to stand part of the Bill.

Clause 85.

Question proposed, That clause 85 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move the following amendment to clause 85:

- (2) Delete the words "Managing Director" occurring in line two and substitute the word "Secretary".
- (3) delete the words "the notification to, or the service on," occurring in line two and substitute the words "the service on".

In the first instance, this is merely to provide for service on the secretary of a company, rather than a managing director. It is the normal provision that the secretary is the one who would receive service. Consequentially, in (3) there is amendment to provide for service on the company.

Question put and agreed to.

Clause 85, as amended, ordered to stand part of the Bill.

Clause 86 ordered to stand part of the Bill.

Clause 87.

Question proposed, That clause 87 stand part of the Bill.

Mr. Sobion: I beg to move the following amendments to clause 87:

- (1) Delete the words "by rules of the Commission made under section 84(15)" occurring in line four.
- (b) Delete the words "Managing Director" occurring in line one and substitute the word "Secretary".

Question put and agreed to.

Clause 87, as amended, ordered to stand part of the Bill.

9.05 p.m.

Clause 88.

Question proposed, That clause 88 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move that clause 88 be amended as follows:

- "88 (3) Delete the words "Managing Director" occurring in line three and substitute the word "Secretary".
- (5) Delete all the words occurring after the word "prescribed" in line three.

There was no subclause (12). There was a skip from subclause (11) to (13). We are now making (13) and (14), (12) and (13).

Question put and agreed to.

Clause 88, as amended, ordered to stand part of the Bill.

Clauses 89 to 94 ordered to stand part of the Bill.

Clause 95.

Question proposed, That clause 95 stand part of the Bill.

Mr. Sobion: Madam Chairman, I beg to move that clause 95(2), be amended as follows:

"Delete paragraphs (c) and (d) and substitute the following:

- (c) the manner of implementing policies and programmes referred to in section 16(1)(b)."

There is no need for (d) because the Minister now has the power to make rules.

Question put and agreed to.

Clause 95, as amended, ordered to stand part of the Bill.

New Clause 88.

Mr. Sobion: Madam Chairman, I propose a new clause 88 which reads as follows:

Insert the following new section 88 and renumber subsequent sections accordingly:

- | | | | |
|-------------------------|----|-----|--|
| "Order for Deferment | 88 | (1) | Where the Authority has made a decision under section 25, or a designation under section 41, an aggrieved person may apply to the Commission for a deferment of the decision or designation on the grounds that it is unreasonable, having regard to all the circumstances of the case, and the Commission may make an Order for such deferment. |
| | | (2) | An application for deferment under subsection (6), may be made whether or not an appeal against the decision or designation was filed at the time of the making of the application, save however, that the appeal shall be filed in accordance with the provisions of section 85. |
| | | (3) | Where an appeal is not filed in accordance with section 85, an Order for deferment made under this section shall lapse at the expiry of the time for the filing of the appeal. |
| | | (4) | On the determination of an appeal against the decision of, or designation by the Authority, the Commission may discharge the order for deferment." |

New clause 88 read the first time.

Question proposed, That the new clause be read a second time.

Question put and agreed to.

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Question proposed, That the new clause be added to the Bill.

Question put and agreed to.

New clause 88 added to the Bill.

Preamble ordered to stand part of the Bill.

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

House resumed.

Bill reported, with amendment; read the third time and passed.

BUSINESS OF THE HOUSE

Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I seek the leave of the House to do Motion No. 11, under Private Business. As you know, Madam Speaker, that is an Annulment Motion which has to be done within a 40-day period.

Question put and agreed to.

REGIONAL HEALTH AUTHORITIES ORDER (ANNULMENT OF)

Mr. Raymond Palackdharrysingh (*Caroni Central*): Madam Speaker, this Motion originally stood in the name of the Member for Tabaquite. Let me say that if I do not live up to the high standards of the Member for Tabaquite you would forgive me.

I beg to move,

Whereas by virtue of section 7 of the Regional Health Authorities Act 1994 the Minister is empowered to amend the Second Schedule to that Act by Order;

And Whereas the Minister by Order dated December 2, 1994, amended the said Schedule which Order was laid in the House of Representatives on January 6, 1995;

And Whereas clause 1 of the said Schedule is amended by the substitution of a new clause 2(a)(ii) of the Schedule the result of which is that no representative is to be nominated by the Association of Local Government Corporations of Trinidad and Tobago to the Regional Health Authority;

And Whereas a new subclause (3) to the Schedule is inserted which disentitles Members of the House of Representatives or Senators, members of municipal

or regional corporations, members of the Tobago House of Assembly or persons holding or having within the previous three years held public office from becoming members of the board of a regional health authority, thereby reducing and unreasonably restricting the numbers of potential board members;

And whereas clause 4 of the said Schedule is amended by the insertion of a new subclause (2) whereby regional health authority boards to whom functions of the Public Service Commission have been delegated by that body are required to submit quarterly reports on the exercise of those functions:

Be It Resolved that the Order be annulled.

Madam Speaker, one of the first concerns that have been expressed on this side from time to time, is the fact that important issues in regulations have to be brought to the attention of the Government through negative resolutions.

It is our contention that negative resolutions seem to be a way whereby Government attempts to have important matters swept under the carpet, by the mere fact that pressure is put upon Members on this side to bring this matter to the attention of Government within a specified period—40 days. That means, Madam Speaker that, if for some reason there has been some lapse by Members on this side, important matters relating to regulations would be passed without recognition.

9.15 p.m.

Madam Speaker, at every opportunity we believe that it is a responsibility of the Government to allow matters to be debated in this House, through the sublegislation or delegated legislation, or whatever you want to call it, through affirmative resolutions. We recognize that not every clause in the parent legislation could deal with the actual operations of the Act, but indeed, when this Act, which is of tremendous concern to this nation was passed, we made the point, as we continue to make the point that it is important to have affirmative resolutions, so that the Parliament would be given every opportunity to proceed with the people's business and so preclude any instance of lapsing on important matters.

There is this time period and I believe that if this matter was not brought forward for debate in the Parliament tonight, it would have escaped the attention of the population.

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As set out in the Motion. It says:

Whereas clause 1 of the said Schedule is amended by the substitution of a new clause 2 (a) (ii) of the Schedule, the result of which is that no representative is to be nominated by the Association of Local Government Corporations of Trinidad and Tobago to the Regional Health Authority;"

This Order states that:

"2. The Second Schedule to the Regional Health Authorities Act is amended—

(a) in clause 1 by -

(i) deleting subclause 2(a)(ii) and substituting as follows:

(ii) with the exception of the Tobago Regional Health Authority be nominated by the Association of Local Government Corporations of Trinidad and Tobago;"

Madam Speaker, I just want to refer to the Parent Act at section 6. The powers and functions of the authority:

(c) to collaborate with and advise municipalities on matters of public health;"

It is our contention that it is indeed, a public discourtesy to omit local government authorities from being represented on the boards of the RHAs. It is very clear that the Local Government Authorities of Trinidad and Tobago are the bodies which do much of the functional and operational work for the survival of communities, including their inputs into the area of health. If this Act is to become operational it would be a tremendous oversight on the part of their RHA, not to have a voice, so to speak, from local government on those bodies.

Madam Speaker, you know that local government covers the entire country in terms of its operations, no matter what the subdivisions are; you know that local government in a way, has a functional committee on health to deal with problems that arise from day to day; and that local government, through its representatives are in touch with the people at all levels in the community, and therefore, its communication effectiveness needs to be quite profound so as to advise on matters of health. If the Government has decentralized health, and it needs the support of the community, why is it that, through an Order which, more or less, has violated the intent of the Parent Act, local government representation has been cut off, save and except for Tobago?

That is critical. When one looks to a knowledgeable body on local matters of cost in health and other areas then, at least, it is a great disservice to the communities. I hope I would be wrong in conjecturing that it is because of contempt for local government bodies that this Order has now sought to destroy the original intent of the Act. I find it passing strange that when the intention of this House was clear with respect to the involvement of local government that the Minister through negative resolution should try to just axe out that participation and involvement of local government.

I hope that the Government would begin to re-examine its own stance with respect to how important and critical local government is, especially in the daily lives of all our citizens.

9.25 p.m.

Mr. Valley: I beg to move—

Mr. R. Palackdharrysingh: Madam Speaker, if the Member for Diego Martin Central behaves himself I would be brief. I am in no mood to get flustered or angry tonight; I can be on my feet for as long as I wish.

Mr. Sudama: The Member does not have the time to be brief.

Mr. R. Palackdharrysingh: Madam Speaker, the Motion has identified Members of the House of Representatives, Senators, Members of Municipal or Regional Corporations, Members of the Tobago House of Assembly or persons holding or having held public office, within the previous three years from becoming members of the boards of the Regional Health Authorities. One sees this as an attempt to fall in line with the provisions of the Constitution with respect to appointment to some of the commissions and so forth. I do not disagree with the principle of current Members of Parliament or regional corporations being on the boards because it will reduce or eliminate any conflict of interest.

Mr. Eckstein: Madam Speaker, I do not understand what the Member is saying. May I hear that again?

Mr. R. Palackdharrysingh: Madam Speaker, let me repeat for the Minister. I can understand why current Members of the House of Representatives, the Senate or members of local government will be debarred from participating on the boards of the Regional Health Authorities because certainly that will reduce or eliminate conflict of interest. What I cannot fully understand is why those who have been Members of Parliament or members of the local government bodies—why those people who have previously been members—will not be entitled to sit,

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those having within the previous three years held public office. I do not know the rationale for that time-frame. If three years seem to be reasonable, I think we ought to know the justification for that period.

Madam Speaker, by doing this are we not restricting the number of persons who might have had some experience or level of competence to share with these boards? Maybe this answer can be addressed by the Minister. I am wondering whether or not there is a multitude of talent to be drawn outside there to put on the boards that would negate completely persons who might have previously served in the Parliament or on local government bodies. This also is a concern. The Schedule is amended by the insertion of a new subclause whereby the Regional Health Authorities boards, to whom functions of the Public Service Commission have been delegated, are required to submit quarterly reports on the exercise of those functions. The concern we have is that quarterly reports would, if desirable, seem to be frequent and from time to time we have heard about the inadequacy of staff, the shortage of resources and other facilities for dealing with matters of this nature. Is it saying to us that there is not only the assurance that the service commissions will operate effectively but that they have indicated that they are willing and able to carry out these functions?

Mr. Eckstein: The Regional Health Authorities the Member means.

Mr. R. Palackdharrysingh: Are the Regional Health Authorities at this time able to submit quarterly reports? Have they been able to put their houses in order and to function? *[Interruption]*. The Member for St. Augustine knows that I alone can take care of all the Members on the other side, so do not worry.

Hon. Member: Do not say that; Sudama might leave.

Mr. R. Palackdharrysingh: I will not! Is he saying that the Regional Health Authorities have put their houses in order so as to be on a footing to submit quarterly reports? We believe that the issues that have been brought out by this Motion are issues which ought to have had fundamental scrutiny and ought to have been deliberated upon in a serious way.

Mr. Eckstein: They are getting that now; they are being deliberated upon seriously.

Mr. R. Palackdharrysingh: Therefore, this is why the Motion resolves that the Order be annulled.

Thank you very much.

Seconded by Mr. T. Sudama.

Question proposed.

The Minister of Health (Hon. John Eckstein): Madam Speaker, the annulment of this Order set out in Legal Notice No. 224 entitled the Regional Health Authorities Order of 1994 is sought on the ground that clause 2(a)(ii) of the Schedule has been amended in such a way that no representative is to be nominated by the Association of Local Government Corporations.

9.35 p.m.

It is claimed here that the amendment has the effect of preventing the Association of Local Government Corporations from nominating a representative to serve on the Board of the RHA. Let us read the amendment exactly as it stands:

"2(a)(ii) with the exception of the Tobago Regional Health Authority..."

that is, a representative

"...be nominated by the Association of Local Government Corporations..."

This amendment specifically says that a representative on the Board of the RHA will be nominated by the Association of Local Government Corporations. I just do not understand how the Member can interpret this to mean that the Local Government bodies are not permitted. What the previous clause stated, and I will read it for you:

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

What we have done is to delete the word "from" because if we left it in, we would have to nominate one of their members and you have said in the course of your contribution that you agree that a serving politician at the local level should not be on the Board. So I do not really believe that this particular section of the Motion has any merit whatever. In fact, the Association of Local Government Corporations can and have, in fact, appointed representatives to each of the boards of the RHA.

The second basis on which an annulment is called for is that the amendment, again, restricts Senators, members of municipal or regional corporations; Members of the Tobago House of Assembly from serving on the boards of the RHAs and the Member agreed that this should only apply to serving politicians. The day you cease to be a politician, whether at the local or central government

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level, it does not apply. It is only in respect of public servants who hold public office that the three-year situation applies. Politicians do not hold public office.

The reason for three years is that it is a judgment call, it is an arbitrary matter. It could be one, two or three years before you become eligible for appointment to the commission. You cannot be a member of a public service commission until three years have elapsed, following your work as a public officer. The view is that sometimes the public officer leaves the service and carries with him a lot of "baggage". He has just had fights in the ministry with everybody, and if he is appointed immediately to a position on the Board, he is now an employer. One hopes that after three years he will have distilled himself of all the bitterness and whatever with which he left the job. But some people might need five years to do that. [*Interruption*] But the fact is that the law allows for three years and that is, basically, what has been done here. Therefore, serving politicians cannot be appointed to the boards of the RHA, whether at local or central government level and for public officers, in keeping with every other regulation dealing with the appointment of commissions, we have used three years. But it is a judgment call, as I said. We could have said two or four, but we followed the precedent which has been established.

On the question of reporting, an RHA has been given a responsibility—delegated a function—by the commission. It must report on the exercise of that delegated power. We have chosen three months. Again, it is a judgment call. We could have said six months, or whatever, but we feel that the Authority must give the commission some accounting of its delegated responsibility. Whenever the commission delegates to the Permanent Secretary in the ministry, the Permanent Secretary has to submit a report every three months. Again, we have simply copied from the precedent. There is nothing magical about the figure and we are hoping that the Authorities will use the people who are there—the same public servants who have been working within the system—to submit their reports to the commission in terms of the discharge of that delegated function.

Madam Speaker, I believe the Member did an excellent job. It was a very difficult task, really, but he did quite well and I compliment him on it, but I do not really feel that there is any compelling—

Mr. Sudama: You have said that no serving politician from the local government will be allowed to sit on the RHA, nor would someone who has worked in local government be allowed to sit for three years. Could you indicate, then, where you think the local government will get someone to sit on the Board

to look after local government interests, or make inputs on behalf of local government?

Hon. J. Eckstein: Let me give you one example. The Association recommended a former Town Clerk from the city of Port of Spain to serve on the North Western Regional Health Authority. I do not remember his name. Does anyone know his name? [*Interruption*] Blenman. He is retired three years and a month and he was put on—

Mr. Palackdharrysingh: He scraped through by a month. Very arbitrary.

Hon. J. Eckstein: Well, it is arbitrary and if the Member could suggest some kind of test to see whether Mr. Blenman had freed himself of all the bitterness, prejudices or whatever else with which he left the job—

Madam Speaker: Venom and bile?

Hon. J. Eckstein: There must be some cut-off point. That has been the practice throughout the years. So the Association has, in fact, found representatives and have put them on the various regional boards.

Madam Speaker: Does the Member wish to reply, or should I put the question at this point?

Mr. Palackdharrysingh: Madam Speaker, just a few lines for the record.

Of course, I listened to the Minister attempting to justify the particular practice. But I wondered whether or not, in emulating the practice adopted by Service Commissions, he felt that the RHA's position with respect to having persons on the board should be dealt with in a similar way, because one would think that the organizations might be somehow different.

With respect to testing the prejudice-free minds of people, of course, as he says, the position taken is arbitrary in the sense that there is no criteria, really, except to see what went before. I do not think time is the only factor that negates bitterness from the mind of people. I think there are other things, because some people have never lived to overcome their bitterness and others, perhaps in a week, can forget all bitterness and those things that lie behind, and press on.

9.45 p.m.

Maybe this is an area that could be looked at again because in evaluating people's personality and their psychological make-up *vis-a-vis* their competence, I do not think there is any standardized form of testing to give empirical and scientific answers.

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I hope that we would reach a sense of maturity where there might be other factors whereby we make evaluations of people and their personalities before we put a time bar against them for the skills and expertise they can lend. I hope that the Government would give due consideration to what we have said on this side and, for all intents and purposes, be wise enough to annul the Order.

I thank you.

Question put and negatived.

BUSINESS OF THE HOUSE

Mr. R. Palackdharrysingh: Madam Speaker, may I draw to your attention to Motion, No. 10 which deals with the RHA and the regulations. I do not know whether or not the Leader of Government Business is suggesting that this matter be deferred until another time. If he is not saying that, I am afraid that we may have to go through the motion of debate again.

Madam Speaker: What regulations are these?

Mr. Palackdharrysingh: No. 10 on the Order Paper.

Madam Speaker: Are they Regulations 1995 under the RHA?

Hon. K. Valley: Madam Speaker, I seek leave of the House to do Motion No. 10, under "Private Business" at this time, which is another annulment motion.

Question put and agreed to.

Regional Health Authorities Regulations (Annulment of)

Mr. Raymond Palackdharrysingh (*Caroni Central*): Madam Speaker, I beg to move,

Whereas by virtue of section 35(b) of the Regional Health Authorities Act, 1994 the Minister is empowered to make Regulations for the purpose of giving effect to the Act, subject to negative resolution of Parliament;

And Whereas the Regional Health Authorities (contracting for Goods and Services) Regulations 1994 were made by the Minister on December 2, 1994, and laid in the House of Representatives on January 6, 1995;

And Whereas clause 3 of the said Regulations defines "relative" narrowly, so that common law marriages and relationships deriving from them are not included in the duty to disclose an interest;

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And Whereas in clause 4 of the said Regulations the Board is only empowered, rather than mandated, to establish a Tenders Committee for the purpose of inviting tenders and awarding contracts;

And Whereas clause 4(2) of the Regulations the board is required to appoint certain persons to the Tenders Committee, whereas by Clause 4(3) they may invite any person onto Committees for the award of contracts below \$50,000;

And Whereas by clause 6(1)(a) public tendering by way of advertisement is made optional;

And Whereas by clause 12(3) of the Regulations a board or Tenders Committee member who fails to disclose an interest in a contract may only be fined the derisory sum of \$500.00:

Be It Resolved that these Regulations be annulled.

Madam Speaker, again, by section 35 of the Parent Act, the Minister was given the power to make regulations "for the purpose of giving effect to this Act and without prejudice to the generality of this provision may make regulations for," among other things, "(b) the contracting for goods and services."

Here we come to a first issue whereby we do not seem to be very clear on the definition "relative." In these regulations, in clause 3, it says:

" 'relative' means spouse, father, mother, brother, sister, son, daughter, son-in-law, daughter-in-law, parent of a spouse."

We want to know whether "spouse" in the legal sense, entails common-law relationships. If "spouse" does not entail common-law relationships, then I am afraid that the intent of these regulations would not be effective. We live in a society which has a social pattern where family units are those in which there are common-law relationships, that is to say, there has been no legal marriage of persons living together. Out of such relationships, it is a fact that children are born. Therefore, if that is the case, again, how would the relationships, as defined, hold valid in the eyes of what is intended? *[Interruption]* The Member for Diego Martin Central could gripe as much as he wants, but I think he knows very well that if the law is not written properly, you may find too many people getting away because of legal technicalities.

So that has to be clearly defined. If that is not properly defined, I am afraid that some of the subsequent regulations may not be effective, for example clause 12(1)(b) which states:

"A member of a Board or Tenders Committee who—

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(b) has a relative or whose spouse has a relative who is a member of or has a financial or other vested interest in a business entity..."

The effect is that these people should disclose interest before being a member of a board or Tenders Committee.

9.55 p.m.

We have some difficulty with that. Unless the law is specific or recognizes the implications of the wider meaning of spouse, if such a meaning is contemplated, I am afraid we would not be able to deal effectively with the problems as perceived.

Secondly, I come to the situation where we have establishment of committees in clause 4. Clause 4 indicates that:

"(1) A Board may establish a Tenders Committee for the purpose of inviting, considering, accepting or rejecting offers in excess of fifty thousand dollars for the supply of goods or the undertaking of works or services necessary for carrying out the objects of the Authority and for the disposal of surplus or unserviceable goods."

Subclause (3) states that:

"A Board may establish Tenders Committees for the purpose of inviting, considering, accepting or rejecting offers of fifty thousand dollars or less for the supply of goods or the undertaking of works and services necessary for carrying out the objects of the Authority and for the disposal of surplus or unserviceable goods, but no Committee shall, for the purpose of purporting to give itself authority to act under this subregulation, subdivide the quantity of goods to be supplied or the works or services to be undertaken into two or more portions so that the value of the portions shall be fifty thousand dollars or less."

Madam Speaker, one of the first questions concerning this regulation is: Why two committees—one for excess of \$50,000 and the other for less than \$50,000? I am wondering what is the rationale for it? There seems to be no obvious reason for setting up two committees to look after tendering, basically, of the same nature but somewhat different in quantum. The only thing that seems plausible to me is that, perhaps, the committees ought not to be trusted with different sums. This practice of two or more committees, indeed, would be the pattern for all the Regional Health Authorities.

The Tenders Committee would consist of:

- "(a) the Deputy Chairman of the Board...
- (b) two other members of the Board;
- (c) the Chief Executive Officer;
- (d) two employees of the Authority; and
- (e) such other person appointed by the Board."

There seems to be something wrong with the selection of persons to that Board. On a tendering committee, of course, there must be members to look after the interest of the RHAs, but when those members seem to be overwhelmed by members of the RHA one wonders what sort of credibility one can put on a tendering committee that is composed in that way.

Mr. Eckstein: What is the problem with the composition of the committee?

Mr. R. Palackdharrysingh: What I am saying is that there is a tenders committee composed of—

- "(a) the Deputy Chairman of the Board;
- (b) two other members of the Board;
- (c) the Chief Executive Officer;
- (d) two employees of the Authority; and
- (e) such other person appointed by the Board."

Already, one sees that there is a preponderance of the RHA representatives. Therefore, is that a situation in which those representatives can be balanced? That seems dubious. Dubious in the sense that there are no other persons from outside to take a more objective look at the tendering procedures, because, one does not know what the peculiar interest of the representatives of the RHA might be. That is the point I am making.

Thirdly, the intention of the committee is that there shall be no subdivision of—

"...the quantity of goods to be supplied or the works or services to be undertaken into two or more portions so that the value of the portions shall be fifty thousand dollars or less."

How does one implement that practice? Already, if one looks at the Auditor General's Report for the Ministry of Health in 1993, one would see losses to the

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extent of over \$100,000. I want to know, how is this going to happen? What institutions or mechanisms are there to ensure that the subdivision of the quantity of goods does not take place?

Again, when one looks at clause 12 which states:

"(3) If any person fails to comply with the provisions of subregulation (1), he is guilty of an offence and liable on summary conviction to a fine of five hundred dollars, unless he proves that he did not know that a tender for the supply or purchase of goods or for the undertaking of works or services in connection therewith was the subject of consideration by the Board or Tendering Committee."

What I am asking is—and as is stated in the motion—why that very meagre sum of \$500? There are some persons who would look at their options and find that if they are found guilty through any fault, it might be better to break procedures and regulations, get what they want and pay the fine, because the fine seems to be negligent.

Hon. Member: Negligible.

10.05 p.m.

Mr. R. Palackdharrysingh: Negligible. Thank you for that correction, hon. Member.

Madam Speaker, is it reasonable in this day and age, especially when you are dealing with business and sums of money that are quite large, to say simply a fine of \$500.00? And there seems to be no indication that persons could be imprisoned? Is this a deterrent, or is this merely pointing to the fact that if I do this I can stand the consequences and the net outcome would be that I would have gained tremendously, even though I broke rules and regulations?

I want to know why, for example, the Minister did not consider a heavier fine, and of course, some measure of imprisonment as one year or two years. I am not a lawyer—I do not know if his lawyers advised him on this, but this fine seems to have been in place for many, many years. If that is the case, I think other conditions ought to have been taken into consideration, for example, inflation and the nominal increases in wages and so forth, and that ought to be a concern.

One other matter which seems to pose a problem for us is clause 20(2)

A Board may establish Evaluation Committees comprising staff of the Authority as well as non-members of staff to assist the Board or Committee in considering and evaluating tenders."

This evaluation committee is going to comprise of staff, but we do not know the ratio of staff to non-members of staff. If in this evaluation committee there is a heavy concentration of Regional Health Authority personnel on the staff, it might be himself evaluating himself. These committees must have a balance of persons who are competent and, maybe, non-staff members, so as to give some measure of objectivity. As it stands, one cannot be sure as to the extent of the composition of that evaluation committee.

Again, when we look at section 20(3) in selecting the committee—and it goes on to list a series of conditions for selecting tenders, as price quoted and so forth. What is very obvious to us is the fact that while the current debate on the environment is going on, there is no consideration for looking at the impact on the environment of goods and services. Madam Speaker, I want to suggest that that criterion be considered in the list under section 20(3) of the committee.

There is a provision for the disposal of surplus or unserviceable goods. While there are several procedures set out, I am not too sure that the disposing of unserviceable goods of surplus merely ought to be done in the way suggested. I feel that some authorized person in the technical field—if it is a technical piece of equipment, or some expert regarding the goods, services or equipment that is to be disposed of—should certify why it should be disposed of, and, perhaps, what would have been a reasonable price for the article. These are some of the concerns we have on these regulations as postulated. *[Interruption]*

Mr. Eckstein: You added something.

Mr. R. Palackdharrysingh: I just made a suggestion. I have not added anything. I am not the Minister.

There is one other point and that goes back to regulation 4(1) which states:

"A Board may establish a Tenders Committee..."

This is a very discretionary view, "A Board may establish a Tenders Committee." In dealing with public business, Government business, the people's business, is it the implied meaning that the board of the Regional Health Authority, if it feels to establish a Tenders Committee, might do so "for the purpose of inviting, considering, accepting or rejecting offers"? Should it not be much more obligatory on the board to establish that Tenders Committee? Why is this language couched in such tentative terms?

I want to know because it is our view that the board should—or if 'shall' in legal language, has the force of 'must'—then the board shall establish a tenders

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committee "for the purpose of inviting, considering, accepting or rejecting offers in excess of fifty thousand dollars..."

Madam Speaker, underlying all that I have said, there are two factors emerging. Firstly, it is for transparency and secondly, it is for accountability. If they are not satisfied, as we have not been fully satisfied that the safeguards have been put in the Parent Act, then one would have expected that in some reasonable form or fashion, the regulations would have amplified on the so-called deficiencies of the Parent Act. We feel that transparency and accountability with the regulations are not to the liking of the Opposition, and therefore, I have to agree with the Motion that these regulations be annulled.

Thank you very much, Madam Speaker.

Seconded by Mr. Subhas Panday.

Question proposed.

10.15 p.m.

The Minister of Health (Hon. John Eckstein): Madam Speaker, the Member for Caroni Central seeks to have these regulations annulled for a number of reasons. The first claim is that clause 3 of the regulations defines "relative" narrowly, to the extent that common-law relationships deriving from them are not included in the duty to disclose an interest. If there is a common-law arrangement, there are two possible relationships that can come out of that; firstly, the spouse and then the children.

Firstly, let us deal with the children. The Status of the Children Act Chap. 46:07 was enacted to abolish the concept of children being legitimate if born in wedlock, and illegitimate if they were not. This Act provides especially for all children to have equal status. Section 3 (1) states:

"Notwithstanding any other written law or rule of law to the contrary for all the purposes of the law of Trinidad and Tobago—

- (a) the status and the rights, privileges and obligations of a child born out of wedlock are identical in all respects to those of a child born in wedlock;"

Therefore, when "relative" is defined as son and daughter, whether that son or daughter is legitimate or illegitimate the child is captured under this definition.

The other party to the common-law relationship is the spouse. The fact is that common-law unions are not recognized relationships under the general law of

Trinidad and Tobago. Therefore, spouses coming out of that relationship cannot be put into the regulations. There is a lot of difficulty in defining that term. There has been an attempt in the Succession Act No. 27 of 1981 to define "spouse" very narrowly. It states:

"a single woman who has been living together with a single man as his wife for a period of not less than five years immediately preceding the date of his death;"

The definition applies equally to a single man in the same circumstances. In any case, this law has not been proclaimed so that this definition of spouse cannot be used.

There are certain problems here. Suppose a member of the board is legally married and he has a common-law arrangement outside of that marriage, how is the partner from that common-law arrangement to be considered? It is really a very complex area which has challenged the legal profession for quite some time. The result is that we have not had a definition and therefore it is impossible within these regulations to incorporate a term that is not defined anywhere in the law. These are mere regulations and they cannot define a term which is not defined anywhere else in the law.

The Member's second point is—but first I want to draw attention to a tendency I find on the part of people generally, to seek to dilute executive authority, especially as it pertains to the Cabinet. People elect a government to rule the country and then they do not want it to rule. A board is appointed by the Government to run a regional health authority and then one talks about some person about whom one knows absolutely nothing, that must form part of the tenders committee and even dominate its proceedings. To whom is that person accountable? The board is accountable to the Minister who is accountable to Parliament. I do not understand this. As I said, the people elected a government that set out its policy in a manifesto which is voted on and then they say that the government must not be allowed to.

Under the RHA Act, the board of the Authority is the tenders committee, but it also has the power which it can exercise at will to delegate that function to a committee. The agency established by the main Executive body in the country, is the board of the Authority and it has a discretion that it can exercise at will to set up or not set up a tenders committee. That is a power given to the board in section 13 (1). It states:

"A board may delegate to a committee any of its powers and functions..."

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One of its powers and functions is stated in section 20 (1) of the Act.

"For the purpose of any transaction, contract or covenant a Board may, on behalf of the Authority for which it was constituted—

- (a) invite, consider, accept or reject offers for the supply of goods or the undertaking of works or services necessary for carrying out the objects of the Authority; and"

This is the power of the board appointed by the Minister; the board to which the Minister would be asking for an account. There can be no other nebulous character out there who is supposed to provide balance. The fact is that the board is responsible and it has a discretion to exercise at will to appoint a committee to assist it in the discharge of its functions. It is authorized to do so by the Parent Act. It can do so if it wants to; it does not have to do it.

Running a hospital is a peculiar sort of business. We have made a distinction between—an institution and a region. What we are saying is that with respect to small sums of money, at the level of the Port of Spain Hospital, there might be a committee consisting of the administrator and the medical chief of staff. The board will determine the composition of the committee at that level depending upon items such as drugs or food which have to be purchased. There would be a series of small committees that can deal with specific purchases at that level, but in respect of larger purchases running into millions, a full-fledged tenders committee as described in the regulations will be established, if the board so wishes to assist it.

All the tenders committee have to report back to the board their work. This has to be done in accordance with the various regulations set out. We are not going to dilute the power of the board in any way. Cabinet is going to ask that board to account for its actions and it is not going to ask anybody else out there about whom it knows absolutely nothing. As I said, we would not seek to dilute the Executive authority of the board in any way.

On the question of disclosing an interest—and the language used here which I like very much—"it is a derisory sum"; I agree it is very small, but it is the limit which can be placed as a fine under the regulation. The maximum penalty which can be imposed is the sum of \$500. We should familiarize ourselves with the Interpretation Act, for whenever there is doubt in terms of how the law is interpreted, we should check it. Section 63 (1) of the Interpretation Act states:

"Where a written law confers a power to make any statutory instrument there may be annexed to a breach of that statutory instrument a punishment by way of a fine not exceeding five hundred dollars."

These regulations are a statutory instrument made under a law. That is the law of Trinidad and Tobago.

So we are constrained by the Interpretation Act.

Now it is possible to amend the Parent Act, but if that is not done one is limited in the regulations by the Interpretation Act to a maximum fine of \$500.

10.25 p.m.

The Member spoke about the disposal of serviceable goods. That is an administrative matter; it cannot be dealt with under the regulations. The board is the responsible party and will be held accountable for its actions.

I do not think the Member dealt with one of the matters raised, which is public tendering, so I would not deal with it. I believe I have dealt with all the matters he has raised.

Mr. Palackdharrysingh: Madam Speaker, of course you would recognize that the response of the Minister is far from satisfactory. Is it good enough to say to the Parliament that we have a legal problem in terms of defining relationships, and that because there is no definition of a common-law union, we are not able to resolve a serious concern?

Secondly, in common-law relationships many configurations take place. A man or woman can have children by previous unions and the children find themselves in that new relationship. That situation has not been taken care of.

Hon. J. Eckstein: All the children are considered.

Mr. Palackdharrysingh: I will give an example to clarify this. Couple "A" has children; they split and each enters a new relationship. In that situation, although a man or woman is the spouse he or she may not be the father or mother of the children in the new relationship.

Mr. Valley: I wonder whether the Member would answer the question: Would it have been any different for couple 'A' had they been married and divorced and then entered a new relationship?

Mr. Palackdharrysingh: Did the Member notice that I clearly said nothing about marriage? I said union.

Mr. Valley: I am asking whether the situation the Member described would have been different.

Mr. Palackdharrysingh: I am talking about a realistic situation in which there are unions without marriage. If the Member cannot understand the distinction, that is his problem. I leave him to ponder that.

It seems to me that the Minister is offended anytime anyone broaches the question of some measure of balance and accountability. I ask: What tendering procedures are laid down for committees of the RHA? Is there a standard procedure which has to be addressed? Are all the procedures uniform, or are they following the pattern of the Central Tenders Ordinance?

It is very pathetic to hear the Minister say that they recognize that \$500 is way too small, but an Act specifies the limits. It could have been done by amending the Parent Act. If the Minister or the Government were concerned, they would have amended the Parent Act. That is the extent of their response and they expect us to be satisfied with it. I am not convinced, there, I want to reaffirm my call for the annulment of this Motion.

Question put and negatived.

ADJOURNEMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I beg to move that the House do now adjourn to Friday, February 17, 1995 at 1.30 p.m.

I would like to inform Members that on that day we will be following the Order Paper: we would be doing Motions Nos. 1, 2, and 4, if we can get to No. 4.

Mr. Sudama: I would like to say that for one month now I have been trying to get a motion on the adjournment debated in this House. Every time I come here, nobody is here to respond—the Minister of National Security, or whoever it is.

I am asking for a deferment until Friday, February 17, 1995 when I hope to have somebody on the other side respond. This has been happening week after week.

Madam Speaker: All right. I suppose a lot depended on the time.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 10.32 p.m.

WRITTEN ANSWER TO QUESTION
Tenanted State Buildings
(Information on)

The following question was asked by Mr. Subhas Panday (Naparima):

- 31.** Can the Prime Minister state:
- (a) The number of buildings which are tenanted by the State?
 - (b) The addresses of these buildings?
 - (c) The name of the landlord of each building?
 - (d) The date of commencement of each tenancy?
 - (e) The ministry and/or division of each ministry which is in occupation of each building?
 - (g) The monthly rental of each building?

The following reply to question No. 31 was circulated to Members of the House:

There are 118 buildings/offices rented by the State for office accommodation.

A statement which details the following information is attached:

RENTAL ACCOMMODATION
ST GEORGE WEST
UPDATED DECEMBER 01, 1994—ST GEORGE WEST

| ADDRESS | OCCUPANT | LANDLORD'S NAME | MONTHLY | V.A.T. | DATE |
|------------------------|----------------------|-----------------|----------|---------|--------|
| 12 Richmond Street POS | Tech/Voc Div. (EDUC) | A.A. Laquis | 23000.00 | 3450.00 | 1.8.91 |

| ADDRESS | OCCUPANT | LANDLORD'S NAME | MONTHLY | V.A.T. | DATE |
|------------------------------------|-----------------------------|-------------------------------|----------|----------|----------|
| 84 Dundonald Street POS | Labour Exchange | Dr. Lee Young | 4000.00 | 600.00 | 1.2.89 |
| 112 Edward Street POS | Legal Aid Advisory | R&R Hadeen Trading Company | 8300.00 | 1245.00 | 1.2.90 |
| 20 St. Vincent Street POS | V.A.T. Admin Office | A.N.S.A Group | 40000.00 | 6000.00 | 1.7.89 |
| 39-41 St. Vincent Str. POS | Public & Stat Service Comm | Colonial Life Ins. Co. Ltd. | 77022.00 | 11553.30 | 1.12.88 |
| 39-41 St. Vincent Str. POS | Public & Stat Service Comm | Colonial Life Ins. Co. Ltd. | 15000 | 2250 | 1.9.92 |
| 55-57 St. Vincent Str. POS | Personnel Department | ABNA Investment | 38000.00 | 5700.00 | 1.1.91 |
| 76-78 St. Vincent Str. POS | Personnel Department | Valpark Ltd. | 38652.00 | 5797.80 | 1.12.90 |
| Cor. New & St. Vincent Streets POS | Reconstruction Support Unit | Telly Paul & Co. Ltd. | 9500.00 | 1425.00 | 1.8.90 |
| New West Wing 610 Bldg | Telecommunications Unit | National Broadcasting Service | 10500.00 | 1575.00 | 15.11.90 |
| 17 Abercromby St. POS | N.E.M.A. | National Broadcasting Service | 5500.00 | 825.00 | 1.4.91 |
| 18 Abercromby Str. POS | Lands & Survey Dept. | | | | |

| ADDRESS | OCCUPANT | LANDLORD'S NAME | MONTHLY | V.A.T. | DATE |
|--|--|------------------------|----------|---------|---------|
| 89 Abercromby Street POS | Civil Aviation Division | Public Ser. Assoc. | 8000.00 | 1200.00 | 1.9.90 |
| 17-19 Pembroke St. POS | Tenders Board/Cab. Sec. | Turok Ltd | 38000.00 | 5700.00 | 1.7.92 |
| 64 Pembroke Str. POS | Central Guidance Unit | Dr. Ian Millar | 4200.00 | 630.00 | 1.1.92 |
| 11-13 Frederick Street (Colsort Mall) | Ministry of Works & Transport | Colsort Properties Ltd | 46925 | 7038.75 | 7.4.94 |
| 27 Frederick Str. POS | Health Education Division | A.A. Laquis Ltd. | 10800.00 | 1620.00 | 1.5.88 |
| 34 Frederick Street | Companies Section Min. of Legal Affairs | Texelina Ltd. | 14500.00 | 2175.00 | 1.12.93 |
| 39 Frederick Street | Min. of Sport & Youth Affairs | Nicholas Devel. | 3900.00 | 5850.00 | 1.12.94 |
| 51 Frederick Str. POS | Drainage Division | Chepstow Devel. Ltd | 6963.00 | 1044.45 | 1.10.85 |
| 56 Frederick Street POS | Leader of the Opposition | Chepstow Devel. Ltd | 6963.00 | 1044.45 | 1.10.85 |
| 67 Frederick Street POS | Immigration Department | Empire Court Ltd. | 30000.00 | 4500.00 | 1.2.91 |
| 95-97 Frederick Str. POS | Traffic Management Br. | Accountecs Ltd. | 19500.00 | 2925.00 | 1.4.88 |
| 122-124 Frederick Str. POS | Divisional Health Office | C.I.C Holdings Ltd. | 12500.00 | 1875.00 | 1.1.92 |

| ADDRESS | OCCUPANT | LANDLORD'S NAME | MONTHLY | V.A.T. | DATE |
|-----------------------------|--|-------------------------------------|-----------|----------|---------|
| 134-138 Frederick Str. POS | Min. of Agriculture (FAOA) | Winfield Scott Trust Co. | 11750.00 | 1762.50 | 15.1.92 |
| 109 Henry Street POS | Valuation Division | Caribbean Insurance Co. Ltd. | 26000.00 | 3900.00 | 1.9.90 |
| 110 Henry Street POS | Government Printery | A.A. Laquis Ltd. | 9340.40 | 1401.06 | 1.12.90 |
| 119 Henry Street | National Alcohol & Drug Prevention Programme | Agostini Insurance Brokers Co. Ltd. | 106017.00 | 1350.00 | 1.4.94 |
| 134 Henry Street POS | Social Welfare Division | Caribbean Insurance Co. Ltd. | 8000.00 | 1200.00 | 1.5.90 |
| NIPDEC House Cipriani Blvd. | Magistracy St George West | Nat. Insurance Board | 609360.00 | 10404.00 | 1.9.86 |
| 17 Queens Park West | Carib Telecommunication Union | Rahael Brothers | 8000.00 | 1200.00 | 1.9.90 |
| 8 New Street POS | Min. of Nat. Security (SRP) | Dr. Joseph Hussain | 2700.00 | 405.00 | 1.8.90 |
| Cor Duke & Frederick Strs. | Public Ser. Appeal Board | Nicholas Devel. Ltd. | 2700.00 | 405.00 | 1.9.89 |
| 23 Charlotte Street POS | Probation Division | Nazim Hahous | 10239.00 | 1535.80 | 1.9.94 |
| Cor Duke & Pembroke Strs. | Library Lending Services | Prism Trust & Finance Co. Ltd. | 13754.00 | 2063.10 | 18.4.94 |
| Cor Duke & Richmond Strs. | Library Technical Services | Land Securities Ltd. | 9000.00 | 1350.00 | 1.2.93 |
| Park Plaza | Regis. Rec & Cert Board | Park Plaza Ltd. | 13287.50 | 1993.13 | 1.2.93 |

Written Answer to Question

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| ADDRESS | OCCUPANT | LANDLORD'S NAME | MONTHLY | V.A.T. | DATE |
|------------------------------|-------------------------------------|---------------------------|-----------|----------|---------|
| 46 Park Street | Computer Section (CSO) | I.C.L./Jesus Bocas | 7500.00 | 1125.00 | 1.2.88 |
| 16-18 Sackville Street | Pub. Utilities & D.P.P. | Archdiocesan Treasurer | 37000.00 | 5550.00 | 1.8.89 |
| 48-50 Sackville Street | Maritime Services Div. | N.F.R. Ltd. | 18000.00 | 2700.00 | 15.4.93 |
| Cor Sackville & Richmond Sts | Ministry of Nat. Security | Richmond Holdings Ltd. | 23000.00 | 3450.00 | 1.11.90 |
| 35-41 Queen Street | Central Statistical Office | Broadway Properties Ltd | 69159.00 | 10373.85 | 1.1.92 |
| 82-84 Queen Street | Chief State Sol./Inland Re. | Victoria Court Ltd. | 68000.00 | 10200.00 | 1.12.90 |
| 76 Independence Square | Customs & Excise Div. | Nicholas Devel. Ltd. | 135000.00 | 20250.00 | 1.8.89 |
| 78 Independence Square | Acct. Units P.M. Plan & Devt | Caribbean Ins. Co. Ltd. | 11000.00 | 1650.00 | 21.6.89 |
| Central Bank Bldg. | Office of the Prime Minister | Central Bank of T&T | 78780.00 | 11817.00 | 1.7.91 |
| Independence Square POS | POP. Prog. & Family Service Unit | Furness Trinidad Ltd. | 10560.00 | 1584.00 | 1.12.92 |
| 90 Independence Square POS | Public Utilities Comm. | Furness Trinidad Ltd. | 14581.22 | 2187.18 | 1.5.94 |
| 10 Belmont Circular Rd | Public Library | Percival Bain | 1950.00 | 292.50 | 1.10.90 |
| 24 Pelham Str. Belmont | Public Library | George Lindersay | 795.00 | 119.25 | 1.1.90 |
| King's Wharf Dock Rd | Immigration Div. | Port Authority of T&T | 2700 | 405 | 1.1.90 |
| Dock Rd POS | Plant Quarantine | Port Authority of T&T | 725.00 | 108.75 | 1.12.90 |

| ADDRESS | OCCUPANT | LANDLORD'S NAME | MONTHLY | V.A.T. | DATE |
|-------------------------------------|-----------------------------------|----------------------------------|----------|---------|----------|
| Dock Rd. (Port Admin. Bldg) | Highways Div. Min. of Works | Port Authority of T&T | 37400.00 | 5610.00 | 1.5.94 |
| PTSC Beetham Depot | San Juan/Laventille Reg. Corp. | Public Transport Service Corp. | 12174.00 | 1826.00 | 15.10.90 |
| 69 E.M.R. Laventille | Ministry of Sport | Eastern Enterprises Ltd | 28000.00 | 4200 | 1.4.91 |
| 8 Elizabeth St. Clair | N.A.L.I.A.S. | Elizabeth Court Ltd. | 7000.00 | 1050.00 | 1.1.90 |
| 20 Victoria Avenue | N.I.H.E.R.S.T. | Raleigh Investments Ltd. | 8812.00 | 1321.80 | 1.12.90 |
| 64 Western Main Rd. St. James | Public Library | Capricorn Real Est. Co. | 3000.00 | 450 | 1.9.88 |
| NIPDEC Warehouse Chaguaramas | National Archives | Nation Ins. Prop. Devt. Co. Ltd. | 20400 | 3060.00 | 15.4.91 |
| Round About Plaza | Ministry of Health | K. Plaza | 53800.00 | 8070.00 | 15.3.90 |
| 125 Eastern Main Rd Barataria | Social Welfare Division | Dr. Harold Nunes | 6500.00 | 975.00 | 1.1.92 |
| 21 3 rd Str. Barataria | Ministry of Health | Mazac Sharma | 6750.00 | 1012.50 | 1.7.94 |
| 54 5 th Street Barataria | Elections & Boundaries Commission | Andrea Phillips | 1500.00 | 225.00 | 1.9.88 |

| ADDRESS | OCCUPANT | LANDLORD'S NAME | MONTHLY | V.A.T. | DATE |
|--|----------------------------------|---------------------------------|----------|---------|---------|
| 45 Second Street San Juan | Library, Min. of Education | Mr. C.S. Bennett | 1870.00 | 280.50 | 1.2.88 |
| 3 Queen Street St. Joseph | Insect Vector Control Div. | Learie Bruce Electrical Service | 10000.00 | 1500.00 | 2.1.89 |
| Valpark Shopping Plaza | Town & Country Planning Division | Valpark Shopping Plaza Ltd. | 4677.00 | 701.55 | 1.5.86 |
| Valpark Shopping Plaza | Post Office | Valpark Shopping Plaza Ltd. | 4190.00 | 628.50 | 1.10.89 |
| Eastern Main Rd. Tunapuna | Magistrates' Court | National Ins. Board | 6634.00 | 996.10 | 1.9.83 |
| 195 Eastern Main Rd. Tunapuna | Social Welfare Division | Mr. L. Roopchand | 3270.00 | 490.00 | 1.1.90 |
| Cor Morton Str. & E.M.R. Tunapuna | Electrical Inspectorate | R.N. Maharaj | 4000.00 | 600.00 | 2.7.90 |
| 12 Eastern Main Rd. Tunapuna | Education Division | Paradise Place Ltd. | 2700.00 | 405.00 | 1.5.87 |
| Trinity Industrial Estate | Elect & Bound. Store Room | B.J. Trincity Ltd. | 9600.00 | 1440.00 | 1.5.89 |
| Lot 29 Trincity Industrial Est. | Gov't Printery Stores | Park Court Ltd. | 24000.00 | 3600.00 | 1.12.90 |
| Cor Hollis Ave. & Woodford Street, Arima | Arima Borough Council | N.C.B. of T & T Ltd. | 14973.00 | 2245.95 | 1.5.88 |

| ADDRESS | OCCUPANT | LANDLORD'S NAME | MONTHLY | V.A.T. | DATE |
|--|--|--------------------|---------|---------|---------|
| 44 Queen Street, Arima | Central Library | Issan Khoury | 7000.00 | 1050.00 | 1.3.89 |
| Cor. Robinson Cir. & Pro Queen Street, Arima | Elections & Boundaries Commission | Neville Redman | 7000.00 | 1050.00 | 15.7.91 |
| 31e Pro Queen Str. Arima | Rent Assessment Board | Fieizul Baksh | 3000.00 | 450.00 | 1.7.86 |
| 5 Hollis Avenue, Arima | Magistrates' Court | Mr. C.P. Maharaj | 6200.00 | 930.00 | 1.2.91 |
| Falls Rest E.M.R., Arima | Arima Boys Gov't. School | Mrs. Pearl Ramdial | 9500.00 | 1425 | 1.2.91 |
| 6 Prince Street | Inland Revenue D.R.S. | Mahadeo Mathura | 8100.00 | 1215 | 1.3.92 |
| 12 Prince Street, Arima | Post Office | Cecil Jeffers | 7000.00 | 1050.00 | 1.7.91 |
| 54 Foster Rd. Sangre Grande | ST. ANDREW/ST. DAVID Elections & Boundaries Commission | Polly Ramlogan | 2900.00 | 435.00 | 1.7.86 |
| Cor. E.M.R. & Michael St. Sangre Grande | Co-operative Division | I.M. Ramdass | 835.00 | 125.00 | 16.1.89 |
| Cor. Brierly St. & Henderson St. Sangre Grande | Community Devt. Division | Mr. & Mrs. Maharaj | 1192.00 | 178.80 | 1.6.89 |
| Cor. Brierly St. & Henderson St. Sangre Grande | North Eastern Educ District Office | Mr. & Mrs. Maharaj | 2348.00 | 352.00 | 1.6.89 |

| ADDRESS | OCCUPANT | LANDLORD'S NAME | MONTHLY | V.A.T. | DATE |
|--|---|----------------------------|----------|---------|---------|
| Cor. Brierly St. & Henderson St. Sangre Grande | Valuations Division | Mr. & Mrs. Maharaj | 1160.00 | 174.00 | 1.6.89 |
| Cor. Brierly St. & Henderson St. Sangre Grande | S/Grande Pol. Stat. & Division Office | Basdeo Sinanan | 15000.00 | 2250.00 | 1.8.94 |
| E.M.R. Sangre Grande | C.M.O.H. Office | Savitri Sitahal | 4500.00 | 675.00 | 1.12.90 |
| Cor. E.M.R. Ramdass Street, Sangre Grande | St. Andrew St. David C.C. | Mr. R. Bisram | 8000.00 | 1200.00 | 1.10.90 |
| 63 Ramsaran Str. Chaguanas | CARONI Inland Revenue/Comm /Devt Division | | 7580.00 | 1137.00 | 8.5.94 |
| Railway Rd. Chaguanas | Valuations Division | Satnarine & Vishnu Sookdeo | 2900.0 | 435.00 | 1.2.90 |
| Southern Main Rd. Couva | Ministry of Health | Archibar Jagdeo | 3960.00 | 594.00 | 1.7.91 |
| Couva Shopping Mall | Central Library Service | Anglican Church of T&T | 1700.00 | 255.00 | 1.7.91 |
| 11 Independence Ave. San Fernando | Electrical Inspectorate | K.V. Investments Ltd. | 3100.00 | 465.00 | 1.1.90 |

| ADDRESS | OCCUPANT | LANDLORD'S NAME | MONTHLY | V.A.T. | DATE |
|-------------------------------------|--------------------------------------|----------------------------|----------|---------|---------|
| Independence Ave. San Fernando | Co-operative Division | K.V. Investments Ltd. | 220.00 | 330.00 | 1.1.90 |
| 11 Independence Ave. San Fernando | Ministry of Labour | K.V. Investments Ltd. | 8700.00 | 1305.00 | 1.1.90 |
| 11 Independence Ave. San Fernando | Conciliation Sec. Ministry of Labour | K.V. Investments Ltd. | 14000.00 | 2100.00 | 1.10.90 |
| 77-81 Independence Ave San Fernando | Vic West Dist. Admin Office | Birjah Devt Co. Ltd. | 15000.00 | 2250.00 | 1.6.94 |
| 100 Independence Ave San Fernando | Social Welfare Division | J.J. Francis | 5000.00 | 750.00 | 1.1.90 |
| 131 Coffee St. San Fernando | Immigration Department | Y.A. Investments Ltd. | 9000.00 | 1350.00 | 1.10.90 |
| 146—148 Coffee St. San Fernando | Community Devt. Div. | Hoytes Electrical Co. Ltd. | 2500.000 | 375.00 | 1.10.90 |
| 146—148 Coffee St. San Fernando | Prices Weights & Measures | Hoytes Electrical Co. Ltd. | 2500.00 | 365.00 | 1.10.90 |
| 146—148 Coffee St. San Fernando | Ministry of Sport & Youth Affairs | Hoytes Electrical Co. Ltd. | 1600000 | 240.00 | 1.3.94 |

Written Answer to Question

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| ADDRESS | OCCUPANT | LANDLORD'S NAME | MONTHLY | V.A.T. | DATE |
|--|---|-------------------------------|----------|---------|---------|
| Mt. Moriah Rd. San Fernando | Insect Vector Control | Aldwyn Clunis | 1250.00 | 188.00 | 1.10.88 |
| 6—8 San Fernando Street | Customs Division | Leroy Lee Chung | 4500.00 | 675.00 | 1.3.90 |
| 6—8 San Fernando Street | Customs Division | Leroy Lee Chung | 1000.00 | 150.00 | 1.3.90 |
| 6—8 San Fernando Street | Ministry of Trade | Leroy Lee Chung | 1000.00 | 150.00 | 1.8.89 |
| Pointe-a-Pierre Rd. San Fernando | Town & Country/Val Div. | O.W.T.U. | 13600.00 | 2040.00 | 1.3.89 |
| Pointe-a-Pierre Rd. San Fernando | M.O.H. Victoria West | O.W.T.U. | 6000.00 | 900.00 | 1.2.90 |
| Pointe-a-Pierre Rd. San Fernando | Nutrit & Metab Unit, Ministry of Health | O.W.T.U. | 5100.00 | 765.00 | 15.3.93 |
| 70—76 Pointe-a-Pierre Road, San Fernando | Ministry of Energy | Japs Auto Services Ltd. | 18500.00 | 2775.00 | 1.10.90 |
| 14 Prince Albert St. San Fernando | Community Mental Health | Ruby Sampath | 4700.00 | 705.00 | 1.10.90 |
| Tecu Bldg. SMR Marabella | Inland Rev. Dept. VAT Office | Texaco Employees Credit Union | 12464.00 | 1869.60 | 1.10.90 |

| ADDRESS | OCCUPANT | LANDLORD'S NAME | MONTHLY | V.A.T. | DATE |
|--------------------------------------|---|--------------------|----------|---------|---------|
| High Street Princes Town | VICTORIA EAST Victoria Country Council | Kenneth Hosein | 22400.00 | 3360.00 | 1.8.91 |
| High Street Princes Town | Elections & Boundaries | Kenneth Hosein | 5600.00 | 840.00 | 1.8.91 |
| High Street Princes Town | Revenue Office/Post Office | A.D. Mohammed | 11000.00 | 1650.00 | 1.4.93 |
| 2 St. James St. Princes Town | Branch Library | Anthony Ali | 5000.00 | 0.00 | 1.10.92 |
| Lothians Rd Princes Town | Social Welfare Division | Dr. K. Ramnath | 4500.00 | 675.00 | 24.4.91 |
| De Verteuil & Dougdeen Sts Rio Claro | NARIVA/MAYARO CMOH Admin off Nariva/Mayaro | Salickram Ragoonan | 5000.00 | | 11.8.94 |