

*Leave of Absence*

*Friday, March 24, 1995*

**HOUSE OF REPRESENTATIVES**

*Friday, March 24, 1995*

The House met at 1.50 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

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

**PETITIONS**

**Kala Bhairava Foundation**

**Mr. Jarrette Narine** (*Arouca North*): Madam Speaker, I wish to present a petition on behalf of the Kala Bhairava Foundation of 91 Old Southern Main Road, Couva. This Foundation, that I am acquainted with, was inaugurated on January 7, 1990, to promote the ideals of Hindu Dharma among the public at large in Trinidad and Tobago. It has been working towards religious, cultural, educational and social activities for a number of years and has a good track record. It is my privilege to ask that this petition be accepted from this area, Southern Main Road, Couva.

I now ask that the Clerk be allowed to read the petition and that the promoters be allowed to proceed.

*Petition read.*

*Question put and agreed to, That the promoters be allowed to proceed.*

**Trinidad and Tobago Olympic Committee**

**Mr. Edward Hart** (*Tunapuna*): Madam Speaker, I wish to present a petition on behalf of the Trinidad and Tobago Olympic Committee of 30 Gordon Street, Port of Spain. The Olympic Committee is affiliated with the International Olympic Committee. Since 1948 it has been working diligently, to ensure among other things, the development and protection of the Olympic movement and sport in general.

I now ask that the Clerk be allowed to read the petition and that the promoters be allowed to proceed.

*Petition read.*

*Question put and agreed to, That the promoters be allowed to proceed.*

**2.00 p.m.**

**ORAL ANSWERS TO QUESTIONS**

*The following questions stood on the Order Paper:*

**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 government departments, their qualifications and salaries? *[Mr. S. Hosein]*

**Road Improvement Programme**

**53.** Could the Minister of Works and Transport and Minister of Local Government 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?
- (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]*

**Balmain Slope Bridge  
(Construction of)**

- 74.**
- (a) Could the Minister of Works and Transport and Minister of Local Government indicate whether his Government intends, in 1995, to construct the Balmain Slope Bridge?
  - (b) If it does, could he indicate when construction work is likely to start?
  - (c) Could the Minister indicate whether his Government intends to provide any temporary relief to the residents, including school children, to facilitate them to have access across the river? *[Mr. R. L. Maharaj]*

**Road Improvement Programme  
(Penal/Debe Regional Corporation)**

77. (a) Would the Minister of Works and Transport and Minister of Local Government indicate to this House what works will be undertaken in 1995 under the Road Improvement Programme and under the recurrent programme on the following roads:
- (i) S.S. Erin Road between 0 m.m. to 10 m.m.;
  - (ii) Papourie Road;
  - (iii) Rochard Road;
  - (iv) Clarke Road;
  - (v) Penal Rock Road; and
  - (vi) Scotts Road?
- (b) Would the Minister also indicate what secondary roads within the Penal/Debe Regional Corporation will be repaired in 1995 under the Road Improvement Programme? [*Mr. S. Hosein*]

**Community Centres  
(Caroni River)**

83. (a) Would the Minister of Community Development, Culture and Women's Affairs indicate the number of community centres which are located within the boundaries of the Caroni River on the north, the old Southern Main Road on the east, Crown Trace up to the Endeavour Flyover along the Uriah Butler Highway heading south, to the Chaguanas Main Road heading west, to Cacandee Main Road heading north to the Caroni River (Chaguanas Constituency)?
- (b) Would the Minister list all the community centres within those boundaries and indicate the funds, if any, expended on each of those community centres in 1992, 1993 and 1994?
- (c) Would the Minister also state plans, if any, for any additional community centres within these boundaries and the planned expenditure on these new centres and the planned expenditure, if any, on the existing centres? [*Miss H. Bhaggan*]

**Pierre/Tahadille Multi-Cultural Complex  
(Completion of)**

- 84.** Would the Minister of Community Development, Culture and Women's Affairs indicate:
- (a) Whether she is aware that the completion of the Pierre/Tahadille Multi-Cultural Complex has been outstanding since 1991?
  - (b) The cost of and whether she intends to complete that project.
    - (i) If the answer is in the affirmative, when will work begin? [*Miss H. Bhaggan*]

**Warrenville  
(Proposed Community Centre)**

- 85.** Would the Minister of Community Development, Culture and Women's Affairs indicate:
- (a) Whether any steps are being undertaken to provide a community centre in Warrenville?
  - (b) If the answer is in the affirmative, would she indicate the planned expenditure, proposed facilities and planned date of commencement? [*Miss H. Bhaggan*]

**Lobbyists for the Government  
(Award of Contracts)**

- 92.** Would the hon. Prime Minister inform this honourable House:
- (a) (i) Whether the contract to a Washington-based firm to serve as lobbyists for the Government of Trinidad and Tobago was awarded by the Central Tenders Board, which is the agency established by law for the award of contracts for the provision of goods and services to the Government?
  - (ii) If the answer is in the affirmative, would the Prime Minister provide this honourable House with a certified copy of the minutes of the meeting of the Central Tenders Board at which this decision was taken?
  - (iii) If the answer is in the negative, would the Prime Minister advise this honourable House why normal tendering procedures were not followed in this instance?

- (b) Would the Prime Minister provide this honourable House with the names of the other firms that were considered for the said contract and the criteria which were used to ensure that the most suitably qualified firm was selected so that the country could derive the optimum benefits for the expenditure incurred in the payment of remuneration to the firm selected?
- (c) Would the Prime Minister inform this honourable House whether the relationship which existed between a senior Government Minister and an employee of the selected firm in any way influenced the selection of the said firm? *[Mr. B. Panday]*

**Telephone Services  
(Provision of)**

- 93.** (a) Would the hon. Prime Minister state whether telephone services would be provided in the communities of Caparo, Flanagin Town, Carlsen Field and Pepper Village/Gran Couva in 1995?
- (b) If the answer is in the affirmative, would the Prime Minister inform this honourable House when work would begin? *[Mr. R. Palackdharrysingh]*

**Construction of Indoor Sport Facility  
(Central Trinidad)**

- 94.** (a) Would the Minister of Sport and Youth Affairs state whether an indoor sport facility would be constructed in Central Trinidad?
- (b) If the answer is in the affirmative, would the Minister state when and where? *[Mr. R. Palackdharrysingh]*

**Edinburgh 500  
(Playing Facilities)**

- 95.** (a) Would the Minister of Sport and Youth Affairs state whether the playing facilities at Edinburgh 500 fall under her ministry?
- (b) If the answer is in the negative, would the Minister indicate whether any efforts have been made to bring this facility under the supervision of her ministry? *[Mr. R. Palackdharrysingh]*

**Road Improvement Programme  
(Works to be Undertaken)**

- 105.** Would the Minister of Works and Transport and Minister of Local Government indicate to this House what repairs will be undertaken in 1995 under the Road Improvement Programme and under the recurrent programme on the following roads:-
- (a) The Guaracara/Tabaquite Road from the Tabaquite Composite School to the Guaracara Junction;
  - (b) From the Bye-Pass, San Fernando along to Gasparillo, Bonne Aventure through Happy Hill, Morne Roche, Poonah, Whiteland, Williamsville; and
  - (c) Forres Park/Tortuga Road? [*Dr. C. Singh*]

**Road Repair**

- 107.** (a) Would the Minister of Works and Transport and Minister of Local Government state whether his ministry has any plans to repair the following roads:
- (i) Torrib Tabaquite Road;
  - (ii) Realize Road; and
  - (iii) Garth Road?
- (b) If the reply is in the affirmative, would the Minister state:
- (i) the type of repairs planned for each project;
  - (ii) the estimated cost of repairs;
  - (iii) when will the repairs begin; and
  - (iv) the anticipated date of completion
- for each project? [*Mr. M. Haniff*]

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, of the questions on the Order Paper today, the Government is able to answer Nos. 68, 69, 72, 88, 104 and 106. In an attempt to be up to date as quickly as possible, we are requesting a deferral of two weeks for the other questions.

*Questions, by leave, deferred.*

**Rural Rehabilitation  
(Infrastructure)**

**68. Mr. Trevor Sudama** (*Oropouche*) asked the minister of Planning and Development:

Could the Minister state whether his ministry has a programme for rural rehabilitation, particularly for infrastructure, as indeed it has a programme of urban rehabilitation with a provision of \$11,450,000 in the 1995 Estimates under Head 21—Planning and Development; 09—Development Programme; 005—Multi-Sectoral and Other Services; 17—Environmental Protection and Rehabilitation; C—Urban Rehabilitation?

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, the Ministry of Planning and Development does not have a programme for rural rehabilitation at this time. This is because it is not normally responsible for the implementation of such programmes.

In order to get a complete picture of all Government investment activities in the area of urban rehabilitation, it would be necessary to take account of the programmes being implemented in all the line ministries. Similarly, Government's initiative in the rehabilitation of infrastructure in rural areas must be seen in the context of projects being carried out or developed in the sectoral agencies, for example, the Rural Electrification Programme being undertaken by T&TEC with funding of \$8.5 million in 1995 and the Rural Access Roads and Bridges Programme with an allocation of \$52.3 million, for which the executing agency is the Ministry of Works and Transport.

The inclusion in the Ministry of Planning and Development's programme of the Urban Rehabilitation Programme mentioned by the Member for Oropouche must be seen as a special case. It should be noted that the Ministry of Planning and Development is responsible for environmental matters and also for the disbursement of grant funds from international agencies.

This particular programme, which is primarily for the environmental upgrading and rehabilitation of the central market is being financed by grant resources from the European Union. It is included in the Ministry's programme of activities because of the special efforts which Government has been making with significant success to accelerate the utilization of concessional resources from this source.

**Mr. Sudama:** Am I to understand, therefore, that the Government does not see a need for environmental upgrading in rural areas in Trinidad and Tobago to have a fund of this nature allocated for rural rehabilitation?

**Hon. K. Valley:** No, Madam Speaker.

**Mr. Sudama:** In other words, I am asking the Minister whether the Government is aware that there is need for environmental upgrading in the rural areas of Trinidad and Tobago.

**Hon. K. Valley:** Yes, Madam Speaker.

**Mr. Sudama:** Can the Minister therefore tell me, if there is such an acknowledgement of need, where will the resources be obtained to meet this need?

**Hon. K. Valley:** Madam Speaker, the Ministry of Planning and Development is not an executing agency as was stated earlier. With respect to environmental matters, the ministry is concerned with the whole country and with the taking of corporate steps given the resources available.

### **Oropouche Area (Aquaculture Programme)**

**69. Mr. Trevor Sudama** (*Oropouche*) asked the Minister of Agriculture, Land and Marine Resources:

Could the Minister state:

- (a) Whether the feasibility study of the Oropouche area development has been completed and, if so, what action has been taken on the study;
- (b) Whether there is any aquaculture programme being administered by his ministry and, if there is, could the Minister state the nature of the programme and the locations in which these projects are being implemented;
- (c) In what areas minor projects for rice development are being implemented and the criteria used by the Ministry in identifying the specific locations;
- (d) Where agricultural settlements are being established in Trinidad and Tobago and the criteria used by the ministry in the selection of settlement sites?



- (e) The quantity of rice seed produced and made available to farmers in the years 1992, 1993 and 1994 and at what price was their seed made available to farmers?

**The Minister of Agriculture, Land and Marine Resources (Dr. the Hon. Keith Rowley):** Madam Speaker, the feasibility study of the Oropouche area development project was completed in 1992. As a consequence of the findings and recommendations of the study, the Ministry of Agriculture, Land and Marine Resources and the Drainage Division of the Ministry of Works and Transport have undertaken the following works to date:

- (1) Desilting of 2.8 kilometres of main drainage channel;
- (2) Desilting 3.5 kilometres of the Cooramata River;
- (3) Reconstruction of 0.725 kilometres of the Trinidad Embankment;
- (4) Desilting 20.9 kilometres of secondary drainage channels.

In addition, the following work is programme for 1995:

- (a) Desiltation of 2 kilometres of the New Cut Channel.
- (b) Purchase and installation of two pumps in the Blackwater Channel.
- (c) Repair works at the Trinidad sluice gates and the St. John's sluice gates. These works will be done by the Ministry of Works and Transport.
- (d) Construction of sluice gates at Kanhai Road Channel, Burn Lagoon, Latchmandass Channel, Jokhan Channel, Ramai Trace, Gandhi Village.
- (e) Desiltation work at Kanhai Road Channel, Burn Lagoon, Latchmandass Channel, Jokhan Channel, Ramai Trace, Gandhi Village. These works will be done by the Ministry of Agriculture, Land and Marine Resources. The Ministry of Agriculture, Land and Marine Resources conducts an aquaculture programme which includes provision of extension and technical advisory services and training to fish farmers, approximately 1000 of whom are registered with the Fisheries Division with about 52 per cent of these considered active.

The distribution of the active farmers is as follows:

Caroni	151	St. Andrew	53
Victoria	106	Nariva/Mayaro	26
Victoria	106	Nariva/Mayaro	26
St. George East	65	St. David	3

Minor projects for rice development are implemented in the Guayamare and Plum Mitan areas. Additional infrastructural work is being undertaken in the Oropouche Lagoon.

The criteria applied in determining specific locations include the level of rice farming in the area, requests from farmers and farmers' organizations and technical assessment by appropriate ministry staff.

**2.10 p.m.**

No new agricultural settlements are currently being established. The activities that are being pursued relate to regularization of tenure on sites already established. Madam Speaker, that comment is in the context of the question asked.

The Ministry of Agriculture, Land and Marine Resources produced approximately 50,000 pounds of rice seed which was made available to farmers in each of the years 1992 and 1993. This rice seed is sold to farmers at a cost of \$1.00 per pound. No rice seed was produced by the Ministry of Agriculture, Land and Marine Resources in 1994. However, Caroni (1975) Limited produced 527,820 pounds of rice seed and made available 100,000 pounds to local farmers. Twenty thousand pounds of this available supply is purchased by farmers at a cost of \$1.25 per pound.

**Mr. Sudama:** Madam Speaker, a supplementary question please.

With respect to part (a) of the question, could the Minister state whether the feasibility study of the Oropouche area development included a plan to deal with the intrusion of salt water into the Oropouche Lagoon? If so, could he indicate to this House what action has been taken with respect to any recommendation to deal with that salt water intrusion.

**Dr. The Hon. K. Rowley:** Madam Speaker, I could answer that question at a later stage if the Member chooses to file it later on, or I can supply the information to him directly, but I do not have the details with me at this moment. If the Member could so acknowledge I would supply.

**Truck-borne Water Supply  
(Refund of Payments)**

**72. Mr. Ramesh L. Maharaj** (*Couva South*) asked the Minister of Public Utilities:

- (a) Is the Minister aware that some consumers of the Water and Sewerage Authority who pay water rates for a pipe-borne supply of water do not get such a supply of water?

- (b) If the Minister is aware that such a situation exists, could he indicate whether his Government intends to refund to persons moneys they pay in those circumstances?
- (c) Is the Minister aware that residents who do not get a supply of water must pay water rates in order for them to get a truck-borne supply of water as they have to produce their water rate receipts in order to get a truck-borne supply of water? If he is aware of such a problem, could he indicate what his Government intends to do about the matter and whether his Government intends to refund persons the moneys they pay trucks for them to get a supply of water?

**The Minister of Public Utilities (Sen. The Hon. Barry Barnes):** Madam Speaker, the Water and Sewerage Authority confirms that at the present time, there are indeed some customers of the Authority who do not receive a regular pipe-borne supply of water.

The present system of water tariffs is predicated on the annual ratable value (ARV) of property, and is in fact a levy on occupiers of property. The inequities of the existing tariff system have been the subject of widespread criticism. There is a growing consensus that it should be replaced by a system based on universal metering and payment for water actually used. The Water and Sewerage Authority has commenced a programme of metering in the first instance of 8,000 industrial and commercial customers.

A similar programme for the individual metering of 80,000 domestic customers is scheduled to commence by year-end 1995 and is expected to be completed in three to five years. There will, therefore, be a transitional period during which the existing annual ratable value base system of water tariffs will gradually be replaced by payment against meter supply.

The arrangement referred to was an administrative arrangement, now discontinued, which was used to differentiate between persons to be served by truck-borne supply administered by local government and truck-borne supply administered by WASA. Consumers making private arrangements with private contractors are not required to show water rate receipts.

**Mr. Maharaj:** Madam Speaker, those who do not get water at all and who pay their moneys, would they be able to get a refund?

**Se. The Hon. B. Barnes:** Madam Speaker, the matter of setting, the tariff rates and indeed the administration of the procedure, is a matter that is determined

by the Public Utilities Commission which directs WASA accordingly. The Water and Sewerage Authority in turn follows those directions.

**Human Tissue Transplant Bill**  
**(Enactment of)**

**88. Mr. Ramesh L. Maharaj** (*Couva South*): asked the Attorney General and Minister of Legal Affairs:

Could the Minister kindly indicate to the honourable House whether his Government intends to take steps to have the provisions of the Human Tissue Transplant Bill enacted as law? If the answer is yes, could he give an idea as to the time-frame for such action?

**The Minister of Health (Hon. John Eckstein):** Madam Speaker, on behalf of the Attorney General and Minister of Legal Affairs, may I say that the Government intends to take steps to have the provisions of the Human Tissue Transplant Bill enacted as law. The draft bill is at present being reviewed by the Ministry of Health with a view to effecting amendments thereto, by addressing issues such as organ recovery, storage and distribution of organs in a just and equitable manner based on medical needs.

Once this review process is completed, the Bill would be brought to Parliament for debate.

**Regional Health Authorities CEOs**  
**(Recruitment of)**

**104. Dr. Carl Singh** (*Tabaquite*) asked the Minister of Health:

- (a) Could the Minister state what method was used in the recruitment of the chief executive officers and members of the Board of the Regional Health Authorities in Trinidad?
- (b) Could the Minister also state whether there were any advertisements in the electronic or news media with regard to the posts for the above positions?
- (c) If the answer to (b) is in the affirmative, could the Minister state how many applications were received?
- (d) If the answer to (b) is in the negative, could the Minister state why not?

**The Minister of Health (Hon. John Eckstein):** Madam Speaker, no chief executive officers have yet been recruited for the Regional Health Authorities in

Trinidad. The boards of the Central and Eastern Regional Health Authorities recently invited applications through advertisements in the newspapers, for appointment to the posts of chief executive officer in the regions.

It is expected that appointments would be made in the usual manner, mainly through interviews and selection of suitable applicants. Members of the Boards of the Regional Health Authorities were appointed in accordance with the Second Schedule to the Regional Health Authorities Act, No. 5 of 1994.

The posts of chief executive officer in the Central and Eastern Regional Health Authorities were advertised in the newspapers.

The closing dates for receipt of applications have not yet passed. The Minister, is therefore, unable to say at this time how many applications were received.

**Caratal/Tortuga  
(Residents' Inconvenience)**

**106. Dr. Carl Singh (Tabaquite):** asked the Minister of Works and Transport and Minister of Local Government:

Would the Minister indicate what immediate steps will be undertaken to relieve the inconvenience experienced by the residents and farmers in the Caratal/Tortuga area due to the closure of the following nine roads/bridges since there are no alternative routes:

1. Alma Trace bridge;
2. Houssa Trace bridge Nos. 1 and 2;
3. Lightbourne Trace bridge Nos. 1 and 2;
4. Baboolal Trace bridge Nos. 1 and 2;
5. Perry Caratal Traces 1 and 2;
6. Morrichal Trace bridge No. 1;
7. Morocoy Trace bridge Nos. 1 and 2;
8. Mappipire Road bridge; and
9. Caratal Road section No. 3 bridge?

**The Minister of Works and Transport and Local Minister of Government (Hon. Colm Imbert):** Madam Speaker, the Ministry of Local Government has

*Oral Answers to Questions*  
[HON. C. IMBERT]

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recently conveyed approval for the utilization of \$505,685.45 from the Couva/Tabaquite/Talparo Corporation's unspent balances of 1993 to carry out works on 10 projects under its Roads and Bridges Programme. From this sum, \$88,490.64 has been allocated to purchase materials to effect repair works on the Houssa Trace bridge No. 1, the Morocoy Trace bridge Nos. 1 and 2; and the Morrichal Trace bridge No. 1.

The corporation has advised that repair work has already commenced on several of the 10 projects identified. All projects are expected to commence by the end of March 1995.

Having reviewed the overall Roads and Bridges Repair Programme of the Couva/Tabaquite/Talparo Corporation, the Minister is satisfied that adequate steps are being taken to relieve the inconvenience experienced by the residents and farmers in the Caratal/Tortuga area, occasioned by the closure of the roads/bridges therein.

#### **DEFINITE URGENT MATTER**

#### **Nariva Constituency**

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

The matter relates to the serious shortage of water in several villages which are served by pipeline from the Navet Waterworks. Some of these villages which are seriously affected are Charuma, Cushe, Lin Sing, Fitts Road, Canque Village, Newlands Village, Biche Settlement and Biche district. Villagers are complaining that their pipeline is without water and even the recent installation of a booster pump at Charuma Village has not eased their plight.

#### **2.20 p.m.**

The matter is of public importance because these villagers are not the beneficiaries of a truck borne supply either from WASA or from the regional corporation. The situation is of grave concern because people are in desperate need of water as the rivers, ponds and streams are dry.

Villagers have, therefore, resorted to blocking the roads and demanding water from trucks that have been designated for other areas. As a result, schools in the area have been closed because truck-borne water is not reaching them. The situation is critical and I fear that if some measure of relief is not instituted immediately to the affected villages, violence will continue and will further

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disrupt the present water distribution to other areas that do not have pipelines or any other form of water supply.

This Motion is definite, urgent and of public importance because people's lives depend on water; it is a prime necessity of life.

Thank you.

**Madam Speaker:** I advise the hon. Member that this matter does not qualify as a definite matter of urgent public importance under Standing Order 12, but it does qualify and can be properly raised under Standing Order 11.

#### **PUBLIC SECTOR (ARREARS OF EMOLUMENTS) BILL**

Bill to provide for the liquidation of arrears of emoluments owed to public sector employees, [*The Minister of Finance*]; read the first time.

#### **RELATED BILLS**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Madam Speaker, I beg to move that this House now consider Bills Nos. 1 and 2 under “Bills—Second Reading” on page 14 of the Order Paper. Madam Speaker, because the matters are joined for the purpose of today, I ask that both bills be debated simultaneously.

**Mr. Sudama:** These two Bills have been proposed to this House by two different Ministers: one, by the Attorney General and Minister of Legal Affairs and the other by the Minister of Finance.

**Hon. K. Valley:** We have not directly reached to that question as yet, I am just asking that they be taken at this stage of the proceedings rather than Private Business.

*Question put and agreed to.*

**Madam Speaker:** The first question is that the Bill to revise and amend the law relating to companies and to provide for related and consequential matters, be now read a second time.

**Mr. Sudama:** Madam Speaker, we cannot debate these as one Bill; we must take them as two separate pieces of legislation which are coming to this House

**Hon. K. Valley:** I have no difficulty with that, Madam Speaker. I thought we had agreed on that, because we are sending the two Bills to the same joint select committee.

**Madam Speaker:** The way in which I had intended to proceed with this matter was that after the Clerk had read the second long title of the Bill I would have proposed the question to the Securities Bill after, so in any case it would have been following one upon the other; they were not going to be debated concurrently. It will really solve the Member for Oropouche's dilemma. Shall we proceed.

#### COMPANIES BILL

*Order for Second reading read.*

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

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

In its *Medium-Term Policy Framework* the Government identified increasing savings and investment as an important policy objective geared towards the achievement of sustainable economic growth. Accordingly, the investment sector reform programme was designed to create a favourable investment environment to attract investment in Trinidad and Tobago.

One important dimension of this programme of reform was the upgrading of the legal infrastructure to support investment activity and investment approval procedures through the harmonization of laws and streamlining of investment approval processes. In this regard, several key pieces of legislation were identified for revision including the Foreign Investment Act, the Exchange Control Act, the Central Bank Act, the Industrial Development Corporation Act, the Free Zones Act, the Companies' Act and the Securities Industries Act.

Over the past year a number of these pieces of legislation have already come before this honourable House. As we continue to accelerate the pace of legislative reform we are pleased, therefore, to introduce today these two Bills before you, seen as being important prerequisites for investment reform and designed to enhance the domestic financial environment. Why we were seeking, to have both of them just for this purpose, debated as one, is that they are very, very closely intertwined and there are several provisions in the one that refer to the other.

In fact, with respect to the Companies Bill, which was before a select committee of this House last year amendments have been made to it since that deliberation in the committee. In addition, certain sections of that Bill were



transferred into the Securities Bill and cross-references from the one to the other were made. They are that closely intertwined.

Therefore, following your ruling, Madam Speaker, and since I am now dealing only with the Companies Bill, I merely want to point out to this House that it is a well-known fact that the revision of the companies legislation in Trinidad and Tobago is long overdue. The Companies Act now in force goes back to 1939 and the proposed new legislation will seek to update the regulatory environment pertaining to companies that must, of necessity, match the reporting and disclosure standards of the global capital markets.

It also incorporates many of the recommendations made by the Caricom working party on the harmonization of company law, thus providing many of the elements for furthering the development of the regional capital market.

Basically, the Bill that is before us now is known as the Caribbean/Canadian Model of Company Legislation and it is proposed that this piece of legislation, which will fundamentally modernize company law in Trinidad and Tobago, be referred back to a select committee of both Houses of Parliament where it will be subjected to scrutiny and hopefully, from which will come a Bill for debate in this House at a later stage that would reflect the best judgments on both sides of this House as well as the views of the other place.

I beg to move.

*Question proposed.*

**2.30 p.m.**

**Mr. Trevor Sudama** (*Oropouche*): Madam Speaker, we on this side of the House support, in principle, the idea that this Bill should be referred to a joint select committee of both Houses of Parliament. This House also has a responsibility to indicate to that committee how it should proceed; what sort of guidance is entailed in looking at a Bill of this complexity. There is need for this committee to be assisted by its own independent experts' advice.

We are talking about the Parliament of Trinidad and Tobago and this Bill is now to be referred to a committee of the Parliament. Regardless of whatever advocacy may have been made to the Government when this Bill was put out for public comment, that is merely one aspect of the representation we hope to look at. This House has an independent role to play with respect to the work of joint select committees.

*Companies Bill*  
[MR. SUDAMA]

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I advise Members that while there are certain Bills which require special expertise in order for us to investigate, analyze and examine, we must not, as a Parliament, overlook our responsibility. We must never lose sight of what is the purpose of all legislation, which is that we ought, as a Parliament, to promote the public interest by passing laws in this House. The role of legislators in that exercise is to take an overview and arrive at a decision which will balance the claims of contending interests. Therefore, we act as custodians of the public interest to balance the claims of contending interests with respect to legislation which is before this House.

Many persons will be affected by this piece of legislation. As a result of the eventual passage of this Bill, investors will be affected. Also, promoters—people who wish to promote companies—will be affected by the legal framework that will be put in place. Company lawyers will be specifically concerned with the implementation of the provisions of this Bill. They have an interest in this matter and, therefore, their views are of importance to us with respect to the question of whether some of the provisions of this Bill are implementable. People in Government, particularly in the Registrar of Companies Department, the bureaucrats, will have to work out the administrative procedures for putting this Bill into practice. Of course, there will also be members of the public who will be affected.

What I am arguing is that a number of different interests will be affected; some of them contending interests. Therefore, this joint select committee must be in a position to hear the views of all these interests and have at its command some independent expertise from which it could seek assistance. If one tries to get expert advice—one of the interested parties, one would probably not get objective advice.

We have had this problem with select committees before. Certain Members of both sides of the House sit down and go through the Bill clause by clause but when there are questions which need expert advice, sometimes that advice is not available to the committee, or, it may represent merely one view point, and this restricts the work of the joint select committee in carrying out its mandate.

I am arguing, first of all, that if this joint select committee is to carry out meaningful work, a thorough examination of the views and concerns of all the interests involved in this piece of legislation would have to be done. Secondly, this committee should have, at its disposal, expertise in the area of company law to which it can refer in order for it to do its work properly. As a result of having

expert advice and so forth, the committee would then be in a position to exercise its judgment, discretion and, indeed, its good sense in bringing back legislation in its original form or in an amended form for the consideration of this House.

I am arguing against treating this matter of a select committee of the House as a matter of formality. A select committee meets, it has a few sittings, but what comes back to the House are very much the same provisions in the legislation without any incisive investigation.

**Madam Speaker:** It would be within the domain of the select committee to know if it needs that kind of advice.

**Mr. T. Sudama:** Madam Speaker, I am arguing that the select committee is merely a sub-committee of this House. This House has the authority to give advice and guidance to that select committee. I am raising the issue because I have had the experience of the operation of select committees.

Madam Speaker, as we are on the question of select committees, may I advise this House of what are some of the concerns about the operation of Parliament and its role. You would recall that just recently there was a seminar in the United Kingdom. The topic of that seminar was: "Parliament and People: Making Democratic Institutions more Representative, Responsible and Relevant".

**Madam Speaker:** The point I was making is that when the matter goes before the joint select committee, surely when the whole issue is being examined it would be within the domain and rights of that joint select committee to say whether or not it needs the necessary expertise or advice, and then the question can be brought before the House.

**Mr. T. Sudama:** Madam Speaker, normally, the Government has the majority on these select committees and the views expressed by the Government side carry the day. We are asking that the authority of the whole House be directed towards guiding the operations of the committee.

**Mr. Valley:** Madam Speaker, if the Member believes that, then it makes no sense sending this Bill to a select committee. The whole purpose of sending this Bill to a select committee is to get as wide a view as possible. Otherwise, we can very well debate the Bill and have the committee stage in the House. We are sending it to a select committee because we consider it non-controversial as between the two sides, but other people can come in to give views. We want the best with respect to this legislation.

**Mr. T. Sudama:** Madam Speaker, for the benefit of the Member for Diego Martin Central, who has a particular problem with democratic procedure in a parliamentary system and the role of committees, I want to read one of the conclusions of this very recent seminar.

"The modernization of the parliamentary system was highlighted as critical to the reform process. Greater use should in particular be made of parliamentary committees, independent from partisan politics, as investigative bodies to examine Bills and policies before they are passed."

I am arguing that if this committee is to serve as an investigative body, it must have at its disposal much more expertise and other support than there normally are with respect to the usual committees. As I said, this committee must not have a time constraint and must operate in a way to get the most comprehensive expression of the views of the various interests concerned.

This is an extremely difficult and complex piece of legislation that has been introduced in this House. We must ask this general question before this Bill is sent to a select committee: Will this Bill achieve what is intended? One of the things it intends to achieve is the streamlining of the procedures for registration of companies. Will it do that? Will it upgrade the record-keeping regulation of activities of managers? Will it achieve greater protection for investors? There are several complex issues. There is the whole issue of requirement for disclosure what kind of disclosure is required and whether that requirement can be fulfilled; and the imposition of the duty on directors.

#### **2.40 p.m.**

While we have to be guided by the practice in other countries—foreign legislation and so forth—I want to advise the other side that while we acknowledge what is the practice overseas, legislation must be made adaptable to our own local circumstances and conditions. One of the criticisms that have been made of this Bill is that it has taken, more or less wholesale, Canadian legislation which is not the legislation on which the current law is founded—United Kingdom legislation.

It has taken the Canadian legislation, more or less, wholesale—a different perspective on company legislation—and is attempting to introduce that into Trinidad and Tobago. Very serious concerns have been expressed about whether, in fact, that wholesale introduction can be implemented and whether it will achieve the objectives for which it has been designed.

If we are going to bring legislation to this House which cannot be implemented, then one asks the question: Is this just a matter of formality, that we would have this legal framework on the books in order to satisfy some requirement from the multilateral financial institutions, and would not be in a position to effectively implement it? We have an acknowledgement—a confession—from the Member for Ortoire/Mayaro that there are very many laws—the Dangerous Drugs Act, passed in this House which could not be implemented; there is the Preliminary Inquiries Act, passed in this House—cannot be implemented; there is the Bail Act passed in this House, with limited implementation; and now there is the Venture Capital Act passed in this House; and when we raised the question of implementation, the Government said that everything was in place.

I have a report from the *Trinidad Guardian* of March 12, 1995 which states, categorically, that the Government is seeking help to implement the Venture Capital laws—seeking help because it does not have the expertise. It does not know what to do, but it is putting laws on the law books of Trinidad and Tobago just cosmetic value. The question that has to be asked before this matter goes to committee is whether the same fate would not befall this Companies Bill because of the radical departure they are making.

**Mr. Mottley:** On a point of order, Madam Speaker. I cannot allow the Member to get away with that. There is no venture capital company in this country; it is a very specialised area of expertise; and we should be seeking the best from the countries that have successfully used that legislation and have a venture capital administrator in this country with the required expertise—just like when we started the Central Bank many years ago. This country did not know about central banking then and we had an Englishman come down here to set up—and become the Governor—what is wrong with getting the best expertise, Madam Speaker?

**Mr. Robinson:** On a point of order, Madam Speaker—

**Mr. Mottley:** That is what the Government is attempting to do.

**Mr. Robinson:** On a point of order, Madam Speaker. No Englishman ever came to set up the Central Bank. I was responsible, as Minister, for the setting up of the Central Bank.

**Hon. Member:** That is right.

**Mr. Mottley:** I apologize. I never knew the hon. Member was the Governor of the Central Bank.

**Miss Nicholson:** The Minister said "to set up" the bank.

**Mr. T. Sudama:** Madam Speaker, I have given way. I want the Minister of Finance to express himself fully on this matter, but I will not allow such an intervention again. It is really not relevant.

When the Venture Capital Bill was being debated, we were given all assurances that it would be implemented. Now the government is saying that it is looking for consultants to help put venture capital legislation into operation. So that, when the Bill came before us, Members opposite knew that they did not have the resources—the personnel—and therefore this Venture Capital Act was merely pie-in-the-sky" legislation. My concern is whether the Companies Bill will not, in fact, as I said, suffer the same fate.

The other question we have to ask, because of the wholesale copying of sections of Canadian law into our system is: Are the provisions relevant in all respects to the current circumstances and conditions in Trinidad and Tobago? As I said, while we may be guided by foreign legislation, the question this committee has to look into carefully is whether those provisions are adaptable to our own circumstances and whether we would need different sets of parameters to deal with the registration and operation of companies.

Another question has to do with implementation. Are the resources of expertise and manpower available for its implementation? Is it just the establishment of a regulatory framework as a matter of form? Can it be implemented? There are many complex matters being incorporated in this legislation, for example, the issue of takeover bids and setting conditions, regulations and restraints with respect to such. There is the question of mergers; insider trading; the protection of minorities, that is, minority shareholders—all very complex issues.

In this country, there is not such a widespread ownership or shareholding. There is a restricted sector of shareholders—a restricted class of people in this country who can be classified as significant shareholders, and there are also interlocking directorates, where people know the affairs of the other companies. One wants to know in such a scenario—we are a small society—whether the provisions being put here are workable in trying to restrict misdemeanours by people who have inside knowledge of companies, and so forth.

I am getting the distinct impression, that the Government has given a commitment to the IMF, the World Bank, and the other people, that it is going to upgrade the legislative framework for investment in Trinidad and Tobago; so it

brings Bill after Bill to this House for the particular purpose of satisfying the requirements of the multinational institutions. As we go through this, and from all the reports I have heard, it is a radical departure from all the precedents on which our company law is based, which is United Kingdom precedent.

**2.50 p.m.**

We may have a situation where, having passed the Bill, a question comes up about interpretation. It goes to the court. The court has nothing to be guided by and we would have a situation of enormous confusion and uncertainty. A select committee must, of course, be conscious of the fact that there is the possibility of this occurring. What then, in its deliberations, ought it to do after representations have been made to attempt to correct that situation in the provisions of the law? There is going to be an enormous dislocation, enormous confusion in the attempt to implement this measure.

Very strong views have been expressed, on the question of whether we should take this radical departure and adopt the perspective of Canadian law, or whether we should amend our law and go with the precedent of the United Kingdom legislation and the foundation on which that law is based. It is just not a very simple question of passing this on to any select committee.

Because one view, expressed by a very prominent company lawyer is that the introduction of this Bill, since we have no precedents from Canadian law and so forth, will amount to a disaster and will, in fact, be a hindrance to our aspirations to be the financial centre of the Caribbean.

As I said, that is merely a view. The validity of that view has to be tested in committee and the testing of the validity of that Bill cannot be done by just Members of this House; we must also avail ourselves of other technical advice and the experience of other countries with respect to this piece of legislation.

Another issue has been raised and this perhaps may be the one on which the success or failure of this Bill will rest. That is, whether the Registrar of Companies has the ability to cope. If it does not, understand what would be created. We are creating, through this piece of legislation, a kind of nightmare in company law, operations and practice which it will take a very long time to deal with and to get over.

One person has expressed the view on the question of the Certificate of Continuance. Under the proposed legislation one will have two years, during which period one will be operating with a Certificate of Continuance, to regularize the position under the new legislation.

*Companies Bill*  
[MR. SUDAMA]

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It is a bit annoying—this Member for Diego Martin Central—that, here I am, trying to do my best in the interest of the people I represent and in the interest of the country at large, in dealing with very, very significant legislation, and his view is that these are matters which should not be aired or discussed in this Parliament. This Parliament as far as I am concerned is a humbug. *[Interruption]*

**Hon. Member:** How do you know that?

**Mr. T. Sudama:** Whatever the Government says, some people feel we should get up and support—

**Mr. Valley:** On a point of order, Madam Speaker. The Member is misrepresenting the fact. As is known, there is consultation with the other side on important pieces of legislation and the agreement with respect to this matter was that there would be a short introduction, a short reply, because all the issues being raised by the Member would have ample time for discussion at the committee stage. Then it is going to come back here so that Members could then discuss whatever they want.

**Mr. T. Sudama:** Madam Speaker, I do not want him to make irrelevant responses to what I am saying here. In future, he would have to tell me what the point or order is before I give way.

This is a real concern. Apparently he does not know; he has not read this Bill; he is not concerned; his concern here is merely to use this House as a rubber stamp. Bring pieces of legislation here and everybody says aye—the ayes have it—and we all go home. That is his view of how the parliamentary system should operate.

**Mr. Valley:** I am sorry, Madam Speaker, I was unaware that there was a new Chief Whip on the other side.

**Mr. T. Sudama:** Madam Speaker, when I get up here in this Parliament, I get up as the Member for Oropouche.

**Dr. Rowley:** Oh! Now we understand it.

**Mr. T. Sudama:** I make my contribution, I am also a Member of this party and we work within certain parameters. I am supposed to speak in this House and we agreed that I would speak. I just wanted to appraise the House of that.

**Dr. Rowley:** Absence of leadership.

**Mr. T. Sudama:** Madam Speaker, I want to inform you that there are 30,000 to 40,000 companies on record and if within two years, these certificates of



continuance have to be issued, 80 certificates per day would have to be issued by the registrar of companies. Is the Registrar of Companies geared for this? Are the personnel resources available in order to carry out that exercise of getting the applications in, examining them and seeing that everything is in order, then issuing a total of 80 certificates per day, approving them over a period of two years?

We have to question this. If that is not a possibility then we may find that we pass a law here which cannot be implemented and we would have to come back to this House to seek an amendment to the law. If we are apprised of these things beforehand as the House, then this would facilitate the work of the committee—one of the points I am arguing.

For example, there are a number of uncertainties with respect to this Bill. What is the definition of “adequate financial records?” Will it be left to the Registrar of Companies to issue regulations, or should the Registrar of companies be guided as to what is regarded as adequate financial records? We have no such definition. The requirement that we shall have with filing of full financial statements before the Annual General Meeting will include full financial statements for private companies.

Is the Company Registry geared to deal with the onerous level of work which is prescribed in this proposed legislation? These are questions which are relevant and significant. These are questions which must be asked by the select committee and in order to get answers to these questions, we must be in a position to question the Registrar of Companies and his staff, as well as the other interests involved in the implementation of this proposed legislation.

I can understand why this Bill is, perhaps irking the Member for Diego Martin Central. When this was introduced in 1993, the responsible Minister was the Minister of Trade and Industry. In those days, the Minister of Trade and Industry was the former Sen. Brian Kuei Tung and this Bill came under his responsibility. In 1995, the responsible Minister is now the Minister of Finance, but of course, in the meantime the Minister of Trade and Industry has changed and is now the Member for Diego Martin Central. I wonder if it is by accident that responsibility for this Bill has now shifted from the Minister of Trade and Industry to the Minister of Finance, given the fact that there has been a replacement of the Minister of Trade and Industry. I do not know if that is one of the concerns, and perhaps for very good reasons.

**Mr. Valley:** Madam Speaker, perhaps the Member is unaware that the Minister of Trade and Industry is also a Minister in the Ministry of Finance.

**Mr. T. Sudama:** Madam Speaker, what I am arguing for is that this committee has to be guided by the views of the full House. A select committee is merely a sub-committee of the full House and we have the authority to guide that sub-committee in its work and to assist it, so that when it reports back to the House it would be doing so within the general framework and parameters that we have set out as the full House.

We need to examine all interests concerned. We need to take an incisive look at the provisions of this Bill and we need to do so, guided by our own independent expert advice, and it is only in that way the committee's work would be a meaningful exercise.

Thank you, Madam Speaker.

**3.00 p.m.**

**Mr. A. N. R. Robinson (Tobago East):** Madam Speaker, I would be very short. I do not propose to take any issue with the procedure that has been agreed upon. May I say for the future, a better procedure would be to have the issues debated and aired before the matter is referred to the joint select committee. The first responsibility of a Parliament is transparency and the public should be aware of the issues involved in the legislation and the conflicts to be resolved, so that when it is referred to the joint select committee, it is known what are the principal matters that the joint select committee is to deal with, and there should be access to the joint select committee by major interests who are involved and who are affected by the legislation.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill referred to a joint select committee of Parliament.*

#### **BUSINESS OF THE HOUSE**

**Madam Speaker:** Hon. Members, having regard to what I had said earlier, I would proceed with the Securities Industry Bill. I gather that there has been agreement on each side. Will the Minister then propose the Bill?

**SECURITIES INDUSTRY BILL**

*Order for second reading read.*

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

That the Securities Industry Bill, 1995 be now read a second time.

This Bill is intended to repeal and replace the Securities Industry Act, 1981. It provides for the establishment of a Securities and Exchange Commission which will be the prime regulator of the conduct of the securities business in Trinidad and Tobago.

Let me be very careful to point out that securities here, of course, refer to financial instruments indicating ownership or interest in the capital debt or property of any enterprise. These include, for example, bonds, debentures, stocks and shares, units and unit certificates.

The commission will be set up as a quasi-Government body, consisting of a maximum of five commissioners to be appointed by the President. Under the Bill, provision is made for the establishment of self-regulatory organizations engaged in securities business. The existing stock exchange will be an approved self-regulatory organization with appropriate amendments being made to it and its own rules and regulations.

The primary responsibility of the stock exchange will be the listing of securities, clearance and settlements, trading, the development of new products and the regulation of its members. While the exchange will continue to be responsible for licensing of its members it would be subject to oversight and review by the Securities and Exchange Commission.

The Bill will also cover several important areas, including:

- (1) Approval and regulation of self-regulatory organizations engaged in securities business;
- (2) registration of all market actors, including brokers, investment advisers, dealers, traders, underwriters and security companies;
- (3) registration of issuers and securities;
- (4) formulation of regulations governing takeovers and mergers;
- (5) distribution of securities; and
- (6) insider dealing.

*Securities Industry Bill*  
[HON. W. MOTTLEY]

*Friday, March 24, 1995*

The provisions of this Bill have been formulated after extensive consultation with key market actors, including the stockbroking and banking community and will provide for adequate disclosure of information to the investors and members of the public.

This will undoubtedly enable investors to make rational investment decisions and will enable the holders of securities to exercise their rights on a more informed basis.

The provision of the Bill which deals with insider trading, prospectuses, takeovers and mergers has been harmonized with the Companies Act to ensure that there is no overlap of jurisdiction, and to eliminate duplication in the reporting requirements which will apply to companies.

Let me make it plain that the Securities Industry Bill that is before this House is very important to us. It is urgently required because it is known that there are abuses in the present system; that there has been much insider trading and the use of privileged information; that there are known instances where people deliberately set out to rig trading by spreading certain kinds of information with clear intentions in mind.

This is a most important piece of legislation. It is required because we want to have this practice of overdraft funding, and so forth, put in some perspective. We really need equity in large corporations in Trinidad and Tobago if those corporations are to move forward and seize the benefits of a more global and open trading environment.

But investors do not have the confidence that they can put their money in there and be sure that it is going to be safeguarded. They are not so sure that the stock price that they see today has not been rigged and the moment they go and buy the share, tomorrow it collapses because of some information that was privileged to some and used by those to the disadvantage of unsuspecting buyers.

So this is urgent legislation, not being put in place because the primary demand is some multilateral institution in Washington, but this is what we feel is necessary here in Trinidad and Tobago right now. As I say, it is a companion piece of legislation to the Companies Bill that we just debated.

Again, it is our intention to put this to a committee. We had some agreement before, but it is clear—I do not want to get into the business of the other side—that agreement stopped by leadership on the other side does not seem to matter much to the general membership on the other side. But that is none of my business; I shall pass on.

I shall only say, too, that it is not the intention of the Government to ram this through any committee stage, but it is required urgently. The Companies Bill, I shall point out to this House, was put into committee stage and spent a year there. If I say that this legislation is needed by the financial community, then I think Members have to understand that we would expect the committee to work assiduously towards getting legislation on the books and not stay forever and evermore in committee, and not serve the financial community that does require this legislation.

I beg to move.

*Question proposed.*

**3.10 p.m.**

**Mr. Trevor Sudama** (*Oropouche*): Madam Speaker, as I said, I have no problem with this Bill going to a select committee. What I have a problem with is when the Minister says, "Look here, this is a matter of urgency". Why send it to a select committee if the matter is of such urgency, and the Government is going to restrict the work of this committee?

The Minister has indicated that extensive consultations have been had with bankers, financial interests and others concerned. Therefore, if that is the case are we saying that we are putting this Bill before a committee again as a matter of form? I assume that when the Bill is put before a committee, whether the Government has made extensive consultations or not, that is the Government. It is the Parliament that now has to make extensive inquiries into the provisions of this Bill, if the committee system and the setting up of the committee is going to be meaningful at all.

If the view on the other side is that they need this very urgently, they have already had extensive consultations; they have already sought the views of all the interests concerned, and, therefore, the committee has very little or nothing to do with respect to the examination of this Bill. Why on earth are we sending this to committee? This is the question I ask.

When this matter goes to committee, again, this House has the authority to guide the committee as to the scope of its investigations. The Minister claimed that committees do not work assiduously, well, that is the fault of the people who are the majority on that committee.

It is the fault of the Government with respect to provision of resources. It is not the fault of the system as such. Systems are run by men and women. If the

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men and women in charge are not capable of giving the right leadership with respect to the operation of this committee and there can be a companies bill in committee for one year, then could the Minister tell this House what role the majority of Members on that committee—who were members of the Government—played in expediting the work of the Companies Bill? Did they play any role at all? Who was obstructing the work of the committee?

This is a Bill of very high aspirations. It seeks to set up a securities commission which would oversee the securities market. It seeks to ensure orderly, fair and equitable dealings in securities. Do we understand the aspirations involved? Orderly, fair and equitable, in a dog-eat-dog world. Yes, we should aspire to that, but let us be a little realistic in terms of the kind of securities commission which would be required that could, in fact, bring about orderly, fair and equitable dealings in securities.

Again, we ask the question. Do we have the available resources at the control of the securities commission? Do we have those resources which could do this overseeing and ensure orderly, fair and equitable dealings?

We have had other securities exchanges. In New York, for example, one trader was jailed for insider trading. There has been the recent case of Behring Brothers, the oldest investment bank in the United Kingdom, which has had vast experience with respect to securities trading and the regulations of the securities market. Yet, they were not able to control the speculative investment which was undertaken by a 28 year old, one Nick Leason, whose activities were not monitored either by Behring Brothers or by any securities commission as such.

What is required is that if this securities commission is going to work, and its provisions ensure the achievement of its objectives, there has to be a securities commission that is up to the task. If it is not up to the task I do not know how merely putting legislation on the books would serve as a deterrent to those who are likely to abuse the system.

**Mr. Manning:** Are you suggesting that we do not put legislation?

**Mr. T. Sudama:** No, I am saying that if you are putting legislation, put legislation that you can reasonably implement, because you are not capable of implementing anything, as was acknowledged by the Attorney General. Therefore, we want to know whether the law books of Trinidad and Tobago would be used as a cosmetic documentation of what we do in this House. This is what I am asking.

I readily agree that there is need for further control and monitoring. Again, one has to understand the nature of the market. We are a small society. Everybody knows everybody else and the collapse of an institution can be orchestrated as in the case of ITL. One decade or so ago the collapse of ITL was orchestrated by vested interests in this society who had very close association with the PNM government of the day. ITL went through and millions of dollars of depositors' money went with it.

Quite apart from ITL, my concern is—now that we are dealing with securities and we would pass this legislation—that we do not give a false sense of security to investors. We want investors' confidence. If we give them a false sense of security and something happens, we would never be able to recover from that debacle.

People would be investing their moneys and in the end they stand to lose because somebody tried "a ting"—as we say in Trinidad—probably in collusion with the PNM Government. They might try something, get away with it and investors would lose millions of dollars of their hard-earned moneys. *[Interruption]* The Member is saying that I am scandalizing the PNM. The history of the PNM is a history of scandal—corruption upon corruption, I do not have to scandalize the PNM.

When we raised the question of O'Halloran issue in this House, the Government vehemently denied any wrong-doing by him. It had to take a United States of America court to bring an indictment against John O'Halloran before that matter could have been pursued.

**Mr. Manning:** Who denied it?

**Mr. T. Sudama:** You were there as a Member of the Government.

**Mr. Manning:** I denied it?

**Mr. T. Sudama:** You are there now for 24 years in the PNM and you are trying to absolve yourself of responsibility for all the ills and corruption associated with the PNM? Are you trying to do that? *[Interruption]*

**Madam Speaker:** If the Member is so experienced, please go on.

**Mr. T. Sudama:** Madam Speaker, I do not want to deal with this Tobago—

**Madam Speaker:** Please do not.

**Mr. T. Sudama:** The Member had better keep his mouth shut.

*Securities Industry Bill*  
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When we look at the range of things the commission has to oversee—and I just want to advise this House that it is quite a comprehensive kind of objective that is being served. First of all, it must meet the required financial criteria. Now, we do not know what these required criteria would be. This is what these security companies would have.

The securities commission would have the power to limit the operation; to suspend or revoke registration; it would have the power to register brokers, dealers, traders and securities advisers; it would have to register securities which are on offer with the commission. It would have to oversee and examine prospectuses and look into the possibility of fraudulent and dishonest practices and so forth.

We should have some guidance as to whether the Government is in a position to, in fact, establish such a commission. That is a fair question which we need to ask. If they want to do it in a hurry, more so we need to ask that question and get an answer to it.

If I am to take assurances from the Member for San Fernando East—this is the same Member who said that in 1995 prices would fall flat, there will be no more price rises in Trinidad and Tobago and that would be a thing of the past. I do not want to take the Member's simple assurance. I want to know, on the basis of the examination of the people who would be responsible for implementing this legislation, whether, in fact, we have the capacity to do so. And, whether in fact, we are not giving the society a very false sense of security.

Thank you very much.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill referred to a joint select committee of Parliament.*

#### **BUSINESS OF THE HOUSE**

**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 now consider Motion No. 1 on page 8 of the Order Paper.

*Assent indicated.*



**3.20 p.m.**

**ILO PRACTICES**

[Second Day]

*Order read for resuming adjourned debate on question* [February 24, 1995]:

“*Be it Resolved* that this government reaffirm its commitment to promoting the advance of the democracy through the rule of law, sound industrial relations practice and tripartition” [Mr. H. Bereaux]

*Question again proposed.*

**Mr. Raymond Palackdharrysingh** (*Caroni Central*): Madam Speaker, the Motion before the House is by the Member for La Brea. How ironic, today, that the Member for La Brea has been under a barrage of protest from workers in this country. [*Interruption*] Do not worry with that Nicodemus from the other side.

Madam Speaker, let me say that this Government cannot reaffirm anything if it has not previously affirmed something. What has it affirmed in the past? Let me say at the outset that I intend to move an amendment to this Motion that would delete the word "reaffirm" in the last paragraph, and substitute the word "affirms". And that is the amendment we wish to make to this Motion.

The hon. Member for La Brea, in presenting of the Motion stated.

"Poverty everywhere constitutes a danger to prosperity everywhere. All human beings, irrespective of race, creed and sex have the right to pursue their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.

These are powerful statements which nations, especially developing countries like Trinidad and Tobago, need to focus upon, adopt and inculcate as they seek to make their countries competitive to meet the challenges of the 21st Century."

I agree with him. I agree that we need to focus, and that is the point: if we are now needing to focus, it means, clearly, we have never previously focused upon these matters and, therefore, there is now need to focus and there is need for an affirmation, not reaffirmation.

The mover of the Motion went on to state the following fundamental human rights and freedoms, namely:

- "(b) the right of the individual to equality before the law and the protection of the law;
- (g) freedom of movement,

[MR. PALACKDHARRYSINGH]

- (i) freedom of thought and expression,
- (j) freedom of association and assembly; and
- (k) Freedom of the press."

What he conveniently failed to point out was section (b) of the Preamble to the Constitution. And I want to quote this because I think it is important:

- (b) respect the principles of social justice and therefore believe that the operation of the economic system should result in the material resources of the community being so distributed as to subserve the common good, that there should be adequate means of livelihood for all, that labour should not be exploited or forced by economic necessity to operate in inhumane conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity;"

The very Constitution that he made reference to has in its preamble definitely stated, the spirit of the entire Constitution with respect to the distribution of resources in the country.

Madam Speaker, look at the situation in Trinidad and Tobago today and you will see why this Motion is not one that could give any credence to the work of the Government. As a matter of fact, this Motion is ill-advised, because it has only opened up for perusal and coming from that side that cannot stand the test—the stewardship of the Government.

Madam Speaker, in the *Newsday* of Wednesday, March 22, 1995 on page five it says:

"PAHO consultant says 26% of TT poor.

Some 26 percent of Trinidad and Tobago's population live in poverty. Poverty generally affects some 20 to 30 percent of the region's population.

Greene said while several social sectors have reflected positive trends, including educational coverage, improved access to drinking water and sewerage, reduction in infant mortality and better nutrition, the situation with regard to poverty remains discouraging.

He said between 1990 and 1993, when most economies expanded modestly with adjustments and changes in the world economy—with GDP per capita growth of some 1.3 percent per year—poverty persisted. According to Greene, the situation was compounded by inequities in income distribution."

**3.30 p.m.**

"By 1990, the wealthiest ten percent of all families in the Caribbean improved their positions both in relative and absolute terms and received 15 to 20 times the incomes of the poorest ten percent. At the same time, the lowest 20 percent suffered the biggest loss. In some countries like Jamaica, Trinidad and Tobago and the Dominican Republic, the middle income sectors also experienced serious setbacks,' he said. Farmers, the unemployed and underemployed, youth and children, female-headed households and the aged were listed as the groups most affected."

When one looks at the work of the ILO one would see the intention of the ILO was to prevent situations like that which I have just demonstrated by quoting this newspaper clipping. It has to be that we are not too *au courant* with the ILO Convention, as it says in *The ILO and the World of Work*. In its constitution, the ILO has declared on page 8:

"A universal and lasting peace can be established only if it is based upon social justice.

'Conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled...an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of labour supply, the prevention of unemployment; the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of workers when employed in countries other than their own, recognition of the principle of equal remuneration for work of equal value, recognition of the principle of freedom of association, the organisation or vocational and technical education...'"

If this is the mission statement of the ILO, how could the Government come today and make a statement through a Motion, that it supports the work of the ILO, when the conditions that the ILO seem to be fighting against exist in this country? As was pointed out by this *PAHO Report*, the group at the top is getting extremely rich and the larger sections at the bottom of the society are becoming desperately poor. That is why the hon. Prime Minister did not go to the Social Summit in Copenhagen, for he had nothing to report. As a matter of fact, what is

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happening in this country is an indictment against him and his Government. That is the truth.

Let us look at the posture of this Government, about economic growth in this country, when in truth and in fact, there is human degeneration day by day. The test of their stewardship cannot be merely what is called economic growth without the promotion of human welfare in the society. That point has been made over and over.

**Madam Speaker:** I heard during your contribution that you were proposing an amendment. Are you ensuring that that amendment reaches the House so that the necessary procedure can be adopted with respect to it?

**Mr. R. Palackdharrysingh:** Yes Madam Speaker. I have a copy of it here.

**Madam Speaker:** Do you know that we must have a seconder so that it could be debated? There is a procedure that must be adopted.

**Mr. Palackdharrysingh:** Madam Speaker, the amendment reads, in the resolution: Substitute for the word "reaffirm" in line one the word "affirm". I so move.

*Seconded by Mr. Krish Jurai.*

**Madam Speaker:** As it is now, Members can speak on the Motion as well as the amendment to the Motion. Proceed, please.

**Mr. R. Palackdharrysingh:** Madam Speaker, I have been indicating that in spite of the Government's indications that it is attempting to follow, or has followed more or less, some of the requirements of the ILO, the very opposite results seem to have obtained.

**3.40 p.m.**

Now, Madam Speaker, we talk about the rule of law—that it should be observed—but for it to be meaningful in any society, that society must, of course, manifest social and economic justice. We cannot merely say that we want to uphold the rule of law when there is oppression driving people to the limits of human desperation. That has to be understood.

In looking at what is meant by the rule of law, I went to a book called, *An Introduction to the Study of the Law and the Constitution: Tenth Edition*, by A. V. Dicey, with an introduction by E.C.S. Wade. It was in a colloquium in 1957 at the

University of Chicago. The more important of the general statements have been summarised by the Secretary of the Colloquium as follows:

- (1) “The rule of law is an expression of an endeavour to give reality to something which is not readily expressible; this difficulty is due primarily to identification of the rule of law with the concept of the rights of man. ... all countries of the West recognise that the rule of law has a positive content, though that content is different in different countries; it is real and must be secured principally, but not exclusively, by the ordinary courts.
- (2) The rule of law is based upon the liberty of the individual and has as its object the harmonising of the opposing notions of individual liberty and public order. The notion of justice maintains a balance between these notions. Justice has a variable content and cannot be strictly defined, but at a given time and place there is an appropriate standard by which the balance between private interest and the common good can be maintained.”

In short, the subject of the rule of law connotes as a feature that is common to the West the protection of the individual against arbitrary government. That is what we have been having in this country—arbitrary government. We have been having divestment without consultation; liberalization of the economy without proper mechanisms and at the same time, we have been having a tremendous fall-out in terms of human development. How can the rule of law be meaningful when there is not that balance of the individual’s liberty against the whims and fancies of the state?

It is not good enough to come here today and say that we have to uphold the rule of law. The rule of law can only be upheld in a society that has as a precondition the concepts of social justice that are meaningful to the individual. Once that individual is deprived of those conditions for his development and social security, the rule of law becomes meaningless.

That is something we have to look at very carefully because it is under conditions like these that the average citizen is forced to take action into his hands. When one reaches the position in life where one can go no further down, and the only way that is more peaceful than living tortuously is death, then one has to understand how perilously close one is to danger in this country.

I cannot understand this Government making claims of upholding the notions of the ILO when we see that since the Government came into power in 1991

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approximately 17,000 workers have been retrenched or forced to accept VSEP and other packages as follows:

WASA —1,500

Port—2,500

Additional —500

Government daily-paid —1,000

Earmarked to be victims of privatization —936

Trintoc, Trintopec and Trinmar —1,000

Amoco —500

Skinner Marine —125

Trinidad and Tobago Printing and Packaging —175

Farrell House Limited —75

Hydro-agri —40

PUC —49

IDC, TDA and EDC —300

BWIA —400

Maraj Jewellers —35

Oil contracting industries —1000

Lake Asphalt —100

MTS —1,000

The steel industry —500

Ministry of Local Government—1200

(to be dismissed)

Ministry of Works— 600

In such a scenario, it is perhaps fitting for the House to really denounce this Government, rather than join with it in this charade of trying to reaffirm the principles of the ILO, when all its stewardship points to human deprivation and decadence in this society. Do you see what we are about?

The hon. Member for La Brea—and I would really like to focus on him because as I looked through the contribution of the Member for Diego Martin

East, I saw nothing said in all the time he rambled and mumbled that one could really reply to, except to recognize that he was there to do some overnight batting and filibustering.

The PNM Government wants to give the impression that it has done so much good work in terms of ratifying the conventions and recommendations of the ILO, but I think it was pointed out by the last speaker on the Government side that of the 12 conventions ratified, 10 were ratified in colonial times and two probably since 1970. One must make it abundantly clear that even under the colonial government, there was considerable interest in the working conditions of people in the Caribbean.

### **3.50 p.m.**

Between 1919 and 1929 it was the Labour Government in Britain—members of the Labour Party—that advocated that the people in the colonies must not be exploited. One must not lose sight of that fact. It is long before our independence that 10 of the conventions were ratified. It is the British people who are responsible for this. The impression must not be given that the PNM was in the forefront of bringing better working conditions to the people.

There was an organization called the (TWMA) Trinidad Working Men's Association and in that Association there were people like, Cipriani and even Crichlow, from Guyana, who made trips to London at the Labour Government's invitation. They secured ratification of some of the conventions of the ILO. I want to quote J.S Thomas, Secretary of State for the Colonies in the first Labour Government as he wrote in 1920:

"Labour has its principles and one is that there should be no economic exploitation of the natives by white men. We shall endeavour to acquire for him the opportunity of development, and retain for him economic resources of his own land."

This was the extent of some of the serious concerns expressed in Britain in the 1920's.

It is very clear to me that the Government, in whatever it has said in the Motion, has not really been in the vanguard of anything. As a matter of fact, when one looks at the ILO one would see that between 1919 and 1986 there were 162 conventions and 172 recommendations. Look at the quantum of conventions and recommendations. Today we stand here after more than 30 years of independence, ratifying on our own accord merely two conventions and going along with the 10 that were ratified during the colonial period.

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Is it that the Government is not prepared to ratify the many meaningful conventions for us? Is it that it does not want to be subjected to the responsibilities and obligations if it ratifies those conventions?

That has to be asked, Madam Speaker, because how can it say it wants to take cognizance of the workers, the employers and Government in a tripartite situation, when in truth and in fact, the ILO has been moving ahead and apace in bringing about better conditions for the workers? The Government has been backward and delinquent in accepting what ought to be accepted, especially on behalf of the workers.

It is said that conventions and recommendations are instruments on various subjects, which are adopted at the annual International Labour Conference, and which represent standards to be met by member states in respect of the matters with which they deal. The two classes of instruments differ, in that conventions on being ratified attain the force of treaty obligations, whereas recommendations, which are not subject to ratification, represent only guidelines which member states are expected to follow in pursuing goals of social and economic development.

Is it not clear that this Government has not really done anything of significance to promote the interest of workers? As a matter of fact, one would remember in the 1970s, workers in this country were brutalized by the PNM, especially as they sought to introduce the Industrial Stabilization Act to be replaced by the IRA, the Industrial Relations Act, and of course, they also sought to introduce the Public Order Act to curtail the rights and freedoms of the individuals, especially workers.

We can never forget that, Madam Speaker. That has been—for those who had merely a rudimentary interest in politics—something so shocking, it is a blot on the PNM. Then there was "Bloody Tuesday" in the 1970s, again, the battering of workers. Where is social justice for workers in this country today? Let them tell us! Daily in this country unions are weakened more and more. It would seem that the trade union movement today has been virtually paralyzed because of what the Government has done.

We cannot hold the view that the Government is reaffirming anything. If anything it now has to make a commitment; it has to start its repentance and ask for forgiveness, and then move forward to uphold the workers as a class of people who need to be protected from the ravages of trade liberalization, privatization, the removal of the negative list and so forth. If we cannot do that, we know that this nation would be filled with despondency.



We also know that at the present time there are several pieces of legislation which have to be dealt with that require urgent amendment. The Workmen's Compensation Act, Chap. 88:05 has to be amended to bring it into line with modern practice; the Retrenchment and Severance Pay Act, No. 32 of 1985, so that workers could get their severance pay when companies go into liquidation; the Industrial Relations Act, Chap. 88:01, as recommended by the ILO, so that awards of the Industrial Court can be enforced; the Minimum Wages Act, Chap. 88:04 to ensure that workers are not exploited by unscrupulous employers in certain sectors of the economy.

At present, there is no law regulating the security industry where private security guards are being forced to work for as low as \$2.00 per hour. Only recently in this House the Minister of Labour and Co-operatives brought an Order to put workers under the most severe pressure—the Estate Constables Organization, where workers would not be entitled to some of the basic protection that has been fought for by the ILO.

Do you see what we are up against in this country, Madam Speaker? We can clearly see the policy of the Government with respect to workers. When we examine pronouncements made by the Prime Minister himself we see that he has been slamming workers in perhaps the most callous way. I quote from the *Express* dated Friday December 20, 1991:

"Prime Minister Patrick Manning has described as 'unacceptable' the system where a worker is taken from the shop floor and placed on the Board of Directors of a state company.

'It is not an acceptable course of action,' Manning said, adding that this method was tried before by the PNM in Caroni Ltd but the Government then 'was not happy with it'."

In that statement Mr. Manning has placed the onus for failure of companies, not on the party hacks that have been put in top management positions, but on the poor workers who labour tirelessly day and night to give of their best.

I continue:

"McLeod said his union will have nothing to do with representation on State Boards if it is to be used merely for window-dressing and to put the stamp of approval on decisions in which the workers did not have an input."

You see clearly that this chorus of tripartism; consultation; and worker participation is merely a charade, and this has to be uncovered, so people would

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know where they stand with this Government in the face of dictatorship to the highest degree.

**4.00 p.m.**

From the more recent statements of the PNM we are going to pull their policies. One recalls, during the reading of the 1995 Budget Speech the Minister of Finance stated as follows:

"Second, with globalisation of markets and capital flows, investment decisions are now increasingly focused on conditions in the labour market. In deciding whether to invest in Trinidad and Tobago and create jobs here, a local or foreign investor will be weighing not only direct labour costs, but also, for example, how punitive are our severance benefits versus those in Barbados; how restrictive are trade union practices here versus those in Costa Rica; how many add-on benefits and taxes and wages are imposed here versus those in Taiwan.

The results of such assessments have led to the wholesale export to the U.S.A of German jobs in the motor car industry because German auto manufacturers have found what the IMF euphemistically calls, 'less rigidities and distortions in the labour market' in the U.S.A."

Is it not clear that this statement contains all the elements of exposure of the worker to the evils of the workplace and market forces.

The statement by the Minister therefore, gives credence to the notion that the PNM Government is resolute in its plans to marginalize and destroy the trade union movement in this country. As we have seen, that movement is now virtually paralyzed.

Again, when we look at what is said in that same budget speech in 1995 and we look at the \$606 million towards the settlement of the \$3.1 billion arrears of remuneration owed to the public sector employees—which the Government has indicated is final offer it is willing to make to the public sector unions—we see a divergence from the Government's initial promise to engage in extensive consultation with all interest groups and to foster a spirit of tripartism.

In fact, the Government is not truly represented at meetings of the tripartite committee. The practice is for the CPO to attend these meetings. However, the labour movement is of the view that the CPO cannot truly represent the Government for he is not essentially a decision-maker of key Government policy. Again, you can see what has been happening in other areas of labour and

unemployment. I do not have to quote because we know what has been happening in those sectors.

**Madam Speaker:** The hon. Member's speaking time has expired.

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

*Question put and agreed to.*

**Mr. R. Palackdharrysingh:** Madam Speaker, I am sorry that the Minister of Finance is not here at the moment, but I should have liked to draw his attention to some very preposterous statements he made in Guyana with respect to the labour movement. He hoped that the IMF would be in a position to do with workers in Trinidad just what they did to workers in Guyana.

**4.10 p.m.**

We see today that this issue of tripartism has not been in any way a manifestation of the practices of that PNM Government. In fact, it has been the death of the workers of this country—no social justice. Would you believe, Madam Speaker, that today we have an our statute books Master and Servant Ordinance?

If one reads some of its clauses one would be appalled that they are still on the statute books. Is this the way we intend to treat with workers? We also recognize that there has been no real effort made by anyone in this country over the years to bring about the type of conditions that would relate to human security and development.

PNM in its manifesto promised consultation with the workers.

"The PNM remains committed to the free collective bargaining process and will undertake to pursue the following objectives in relation to the trade union movement:

- Meaningful consultation with the Trade Union Movement

**Hon. Member:** All the time!

**Mr. R. Palackdharrysingh:** It goes on:

- "- Introduction of measures to encourage the Movement to broaden its horizons and to utilize its resources for the economic development of the country. Assistance through the provision of technical and managerial support in the development of enterprises for the benefit of its member, including housing schemes.

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- Assistance in providing adult education programmes for its members
- Encouragement to participate in the share ownership of any divestment in economic enterprises both state and private
- Review of the Industrial Relations Act with a view to ensuring the expeditious resolution of trade disputes."

I cannot understand why the PNM has not moved with speed to remove this section from its manifesto. Every day more and more people are going home. Listen to the PSA hitting out at the Government's proposal: "Just Jobs for the Boys." This article was in the *Express* of Thursday February 16, 1995. It says: quote:

"PSA President Clyde Weatherhead has described as 'extravagant and wasteful' government's proposal to create posts in the public service for deputy permanent secretaries. Weatherhead said in the first place, the PSA had not been consulted and had only learnt about the proposed posts via the media."

**Mr. S. Panday:** All the time!

**Mr. R. Palackdharrysingh:** It goes on:

"This was now the 'norm', he said, adding that government does not treat with the PSA properly although it is the recognized association in the Civil Service Act."

Madam Speaker, do you see what has been happening? I am wondering if the Member for La Brea wants to withdraw the Motion because it cannot stand any test in this House. [*Interruption*]. The Member knows that.

Apart from that, even the labour institutions in this country, what happens at the Cipriani Labour College in terms of qualifications and so forth is not open-ended for those who are pursuing courses there to be accredited for further studies. That is the extent to which some of these institutions are treated.

The founding fathers of the PNM and those persons who wrote the *People's Charter*, are wondering today, what the new PNM is all about. In the *People's Charter*, the Movement was born. Incidentally, a copy of the *People's Charter* was given to me by the Late Morris Marshall; I think he believed in it. Here are some of the concerns:

"Higher Wages? Ask the housewife plagued by the steep rise in the cost of living, who, for every dollar spent in 1950, had to spend 86 cents more on

imported rice at the end of 1954; 39 cents more on condensed milk; 31 cents more on salt fish and table butter."

If one were to put in the figures today they would be astronomical. It goes on:

"Social Security? Ask the workers whose years of toil are rewarded in old age by a ticket to the Poor House which does not even guarantee admission."

Is that the situation today with all the vagrants? It goes on:

"Better Housing? Ask the inhabitants of John John and Shanty Town, or the people who have to pay a reward before they can even rent a house."

More and better schools? Ask the parents of the thousands of children of school age who are not in school, or the mother who was arrested not so long ago for demanding that her child be admitted to school."

We have come back to that state, as there are many communities in which there is not an adequate number of school places even at the primary level. It goes on:

"More and better roads? Ask the peasants in the rural areas."

Where is the Member for Diego Martin East? It goes on:

"New Industries? Ask the unemployed workers who queue for farm labour in the United States of America, or the shirt or textile workers whose jobs trembled in the balance from the competition of cheaper labour in other countries.

Full employment? Ask the sugar workers displaced by mechanisation, or the dock workers displaced by bulk shipment of sugar, or the store clerks who were dismissed because their miserably low wages were slightly raised.

Every day the situation grows worse. Our population increased by 81,600 between 1949 and 1954; it will increase by about 98,000 between 1954 and 1959. Every year we have more mouths to feed, more children to educate, more families to house, more workers to employ. Every year we need more jobs, more schools, more houses, more health services."

The *People's Charter* is a very interesting document. Are those questions still not very pertinent and relevant today? The only difference is that conditions have worsened with greater intensity. I am afraid that with the growing poverty level of this country we shall not at all be able to pull back. Let me urge the Government, if it is serious, to, begin to put its house in order; and start to put people first. It should begin to consider how to protect the workers in conditions that exist today.

No matter what the Member for Diego Martin Central says, he is a heartless tyrant. He has no consideration at all for the growing poverty level in this country. Let not that smile on his face mask what he feels in his heart because not every smiling face has a smooth heart.

**Mr. Valley:** Madam Speaker, the Member has got the nerve. He is the friend of the Member for Chaguanas but he went to Chaguanas and swore to an affidavit against her. He has a heart.

**Mr. R. Palackdharrysingh:** Madam Speaker, not even that shall prevent me from making the point I want to make. No matter what, the conditions speak for themselves. I want the Member to note that I am no "forced ripe" politician—I have spent a number of years in politics—so I shall not be deterred or disturbed by anybody.

This Government talks about violence in the community and violence against individuals, but the state has become the greatest oppressor of the people. Corporate violence is being instituted by the Member for San Fernando East and all his colleagues and is desecrating the trade union movement. Creating additional poverty in this country would not last very long in terms of how long the PNM would want to do it.

#### **4.20 p.m.**

If the PNM is interested in affirming the ideals of the ILO it must go back to some of its main fields of activity, such as improvement of living and working conditions; practical methods to humanize work and raise living standards. It must go back to the promotion of employment—the condition for collective prosperity and individual well-being; it must go back to the development of human resources, since training and use of these resources are the key to economic expansion and social progress. The PNM must go back to the development of social institutions, that is, the establishment and strengthening of administrative bodies, professional organizations and the channels of participation and communication which are the framework of modern society. It must not merely dump the workers; it must retrain them to fit them back into the labour market creatively.

Madam Speaker, I want to end this contribution just with a short statement on the "Conclusion."

**Mr. Eckstein:** Already?

**Mr. R. Palackdharrysingh:** I quote, Madam Speaker, from page 73:

"The International Labour Organisation exists to help countries put into practice the principles of social justice, freedom, economic security and equal opportunity for all. Its action is directly related to the daily realities of the working world."

Thank you very much, Madam Speaker.

**The Minister of Labour and Co-operatives (Hon. Kenneth Collis):**

Thank you very much, Madam Speaker—

**Mr. Sudama:** Is this the same fellow who withdrew the Minimum Wages Order?

**Hon. K. Collis:** You are lucky Bhadase is dead.

**Mr. Sudama:** Bhadase was a PNM?

**Hon. K. Collis:** Madam Speaker, this afternoon, I rise to join the debate on this Motion moved by my colleague the Member for La Brea in re-affirming our position on tripartism.

**Mr. Sudama:** What is tripartism?

**Hon. K. Collis:** The resolution states:

*Be it Resolved* that this Government reaffirm its commitment—

and I emphasize those words, Madam Speaker, “reaffirm its commitment—“

to promoting the advance of democracy through the rule of law, sound industrial relations practice and tripartism."

Much has been said about Trinidad and Tobago not ratifying conventions and taking up recommendations.

This afternoon, I want to state here that ratifying conventions carries with it some responsibilities, and our country has taken up those responsibilities, but without ratifying.

**Mr. Sudama:** So why do you not ratify?

**Hon. K. Collis:** Let me go further--let me explain.

**Mr. Bereaux:** Ignore them; they do not understand.

**Hon. K. Collis:** Let me explain, Madam Speaker, that conventions come; and at this point there are 20 conventions which have been revised because they are no longer—they are absolute.

**Mr. Maharaj:** They are what?

**Hon. K. Collis:** Obsolete, rather.

**Mr. Maharaj:** Read it over.

**Hon. K. Collis:** In addition, there are a number of conventions which have been adopted by the conference and which are only of marginal relevance to Trinidad and Tobago. Therefore, it does not make sense for us to ratify each and every convention. Many of the instruments adopted by the conference are already in practice in our country and they are there through common law or statute. In other words, the recommendations are there on our law books.

**Mr. S. Panday:** For example?

**Hon. K. Collis:** They are incorporated in our collective agreements and, moreover, many of the measures contained in conventions—

**Mr. S. Panday:** Example!

**Hon. K. Collis:** I am going to come to those examples just now, sir—

**Dr. Baboolal:** Hear, hear.

**Hon. K. Collis:**—As I was saying, many of the measures contained in conventions are used as guidelines for national policy. In practice, therefore, the standards that are advocated by these conventions are really in our legal system as far as labour legislation is concerned.

Ratification of conventions carries with it certain responsibilities on the part of member states—including the following—and it is important that we, as a country, understand that enactment of new legislation and the updating of existing ones and the establishment of administrative procedures, such as the setting up of inspection services, that will ensure continuous compliance with all the terms of the instrument.

**Mr. S. Panday:** You should let McShine read that.

**Mr. Sudama:** Who wrote that for you?

**Mr. S. Panday:** McShine!

**Hon. K. Collis:** Madam Speaker, when you ratify.

Failure to comply with the terms of the conventions can result in various sanctions being imposed on the defaulting member state.



It is therefore essential, for Members to thoroughly consider the socio-economic ability to meet the requirements of the conventions before reaching the conclusion to ratify.

More than that, I want to bring to this House the new thinking of the ILO, via the Director-General of the ILO, and I quote for you, Madam Speaker, from his report of 1994, entitled *Defending Values, Promoting Change* with the subtitle—*Social Justice in a Global Economy, an ILO Agenda*. It is very relevant to us at this time, given that some persons are asking for conventions to be ratified, and so forth. But this is what the Director-General of the ILO has stated:

The ILO's very real progress towards universality means that member states have increasingly different circumstances and needs which sometimes make it difficult for them to adhere to a kind of common code.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

[MR. DEPUTY SPEAKER in the Chair]

**Mr. Robinson:** I am afraid, Mr. Deputy Speaker, the House will have to adjourn. We do not have a quorum.

**Mr. Deputy Speaker:** We have no quorum. We will suspend for a few minutes.

**5.01 p.m.:** *Sitting suspended.*

**5.04 p.m.:** *Sitting resumed.*

**Hon. K. Collis:** Mr. Deputy Speaker, I was quoting from the report of the Director-General of the ILO for 1994 entitled "Defending Values, Promoting Change" with the subtitle "Social Justice in a Global Economy—an ILO Agenda." I am doing so to show the changing world that we are living in presently. He says:

"Perhaps we should even review certain recent Conventions which, in spite of their relevance, have not been ratified because their provisions are considered too rigid, or their requirements too high. Standards adopted in recent years have, in fact, been characterized by a 'maximalist' strategy which aims at introducing 'high value-added' provisions which are already in force at the regional or national level."

This is what I was trying to explain, that while we have not ratified certain conventions on our books, we have these recommendations in law and, therefore,

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ratification is not necessary, given the kinds of responsibilities that go with ratification. He continues:

"Almost invariably, this strategy leads to the adoption of Conventions that many States are unable to ratify. Thus, perhaps our Conventions should aim at defining a general framework, leaving the more detailed provisions to a Recommendation, or to the so-called flexibility clauses envisaged by the Constitution since 1919."

What this is saying, and what I interpret this to mean is that the broad framework should be put there and it should be left to the various states, given their local situation, to put it in law. This is what the Government has done.

Via tripartism, we have gone on record as putting various measures into law. In Trinidad, there is widespread adoption of the principle of tripartism. It is demonstrated in such institutions as our National Training Board, the Registration, Recognition and Certification Board, the Minimum Wages Board—

**Mr. Sharma:** Is the Minister still quoting the document?

#### ADJOURNMENT

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Deputy Speaker, perhaps this is an appropriate time to take the adjournment for the evening.

I beg to move that this House do now adjourn to Monday, March 27, 1995 at 1.30 p.m. and to inform Members that on that day, we would be doing two things. One, the resolution that we are moving in support of the International Criminal Court and also we will be doing the variation of accounts—in other words, the closing of the 1994 year. I will give Members a copy of the resolution.

**Mr. Deputy Speaker:** Before I put the question, we have four items on the motion for the adjournment. I wish to take the motion of the Member for Princes Town first—the shortage of water throughout the country.

**5.10 p.m.**

#### Water Shortage

**Mr. Mohammed Haniff (Princes Town):** Mr. Deputy Speaker, this matter was originally intended to be raised on February 17. The situation in the country as regards the water shortage is extremely bad and has been worsening over the weeks. I have had several meetings, together with my colleagues and others across the south, in particular, and in central areas.

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When I met the senior officers in South on February 3, 1995, the areas we had discussions on were as follows:

Ramai Trace	Delhi Road
Lallbeharry Trace	Robert Village
Congo Village	Contention Road
Mohess Road	Piparo Road
Transfer Village	Realize Road
Digity	Mandingo Road
Tulsa Trace	Cunjaj Road
Batchiya Trace	Cumuto Road
Suchit	Ecclesville
Latchoo Road.	Biche
Sugar Road	Charuma.
Bronte	

Mr. Deputy Speaker, I know you would not want me to continue to call out all the villages affected, but the situation is bad and getting worse. In 1994 several schools had to have a truck-borne supply and it started quite late in the year. If that is the situation and some arrangements were made to supply the schools with truck-borne water, does it not follow that the villages in those areas where the schools were supplied were also suffering? And we are talking about 156 schools.

That situation continues into 1995 and it is getting even worse. I am not saying that the schools have not been supplied. The schools in most areas have been getting a supply. But it is not adequate, and in many instances, the storage tanks need to be cleaned so that the water put in there could be used at the same time. In very many instances when the water is taken by truck to these schools and poured into the tanks the water cannot be used immediately.

What disturbed me recently, in looking at the operations at the Princes Town water hydrant, to be exact, I saw dozens of trucks lined up, taking water to the local government areas. These are trucks employed by the local government which recently started. These trucks are taking water to the areas where you have no water lines, but they must pass through areas where there are water lines and there is no water.

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My colleague raised the issue of violence. There is, in fact, violence taking place out there and the local government body has no security to deal with that situation. That is one aspect of it. But what bothers me the most, is that children of all ages, parents and others, are out there at nights where there is a little water—because in most cases there is no water during the day. While that continues, we hear all sorts of arrangements by the authorities and the Minister to put things in place.

I have information that WASA was paid recently for one million gallons of water by EXXON, a company which is doing drilling on the Moruga Road, known as St. Cross No. 1. But the actual site is Moruga Road. An earthen dam has been dug and prepared there. New drilling preparations are taking place and one million gallons of potable water is taken from the Princes Town hydrant, coming from the Navet Dam, to be thrown into an earthen dam at this time.

Unfortunately, both the Ministry of Public Utilities and the Ministry of Energy and Energy Industries fall under the Minister. I have spoken to certain people inside and outside this House, and we cannot understand why the potable water we have, which should be carefully distributed for use throughout the nation is taken up by trucks and dumped into an earthen dam where most of it, naturally, is being absorbed into the soil. That aggravates me. It is as though we are not thinking. I am of the firm view that that arrangement should stop immediately and water should be found from some other source to put into the dam.

I have a clipping here dated February 1, 1995 from the *Trinidad Guardian*; the headline is "Foreign partner to end water problems—PM." It reads:

"You can be assured that we are expeditiously working on it."

He said a truck-borne water programme to temporarily improve the water supply would soon be announced by the Minister of Public Utilities."

From the first day of February to this present time, I have not heard of any announcement. If such announcement was made, I missed it, and perhaps the Minister concerned could tell us if any was, in fact, made.

I am in touch with WASA officials regularly. Our working relationship is such that I can speak with senior officers at their homes because of the continuing need to speak with them. But there is hardly any improvement taking place and, as such, the situation continues to worsen. We have waited to hear whether any trucks were coming on stream. This morning when I spoke to the officers, they told me that two trucks came to the South and were sent to Moruga.

I admit that Moruga is extremely hard-hit, but how is it that only in Moruga the Unemployment Relief Programme being utilized to pay a contractor's truck to supply residents of Moruga? Why is that system not extended to other parts of the country where there is an extreme situation as regards water shortage? I cannot understand that. Yet the two trucks that came to South only two days ago were sent to Moruga as if the other areas in the South have no difficulty.

I am not protesting against the trucks going to Moruga, but I want to find out whether steps are being taken to include other areas as well. We are at the end of March and I am surprised. We are a loving people in this country, people with patience. As a matter of fact, do you know that people are saying they are not complaining again because their complaints are falling on deaf ears? Instead they are looking for whatever little money they might have, or taking their children with all sorts of little pans and buckets throughout the day and night, to run for a little water, because neither the authorities at WASA, the Minister nor the Government is taking any steps to do anything about the water situation in the country.

**5.20 p.m.**

**Mr. Eckstein:** What about the representative?

**Mr. M. Haniff:** The representative is making tremendous efforts. I just said that I have raised the issue with the Minister concerned on several occasions. Since he became Minister I have invited him to Princes Town, and he is still promising to come, just as the Minister of Works and Transport, but I do believe the Minister of Public Utilities would come. In fact, what he told me was that he is trying to put certain things in place and he would come to Princes Town when he has something good to say. With due respect to you, Mr. Minister, I believe that might be after your term and my term have ended. We are probably talking about the next term, not this one.

This Member has been making more than adequate representation. I am in touch with all the senior officials at WASA, be it director, technical director or Permanent Secretary. I have spoken with all of them. I just said, and I would repeat, because of the hardships in the South, in my constituency and surrounding areas, I go to WASA regularly and speak with the officers there almost on a daily basis since leaks continue to be a major problem. We would, possibly, hear this evening that there is much money and leaks are being attended to.

There are still a number of leaks and that is one of the reasons I have to be in touch with these officers regularly. I am in touch with them, and in certain

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cases—I want to admit—as a result of my representation and good working relationships with these officers in certain areas, we have had improvements.

However, the situation is not satisfactory and should not have been allowed to reach this point. Trucks are seen going to supply residents who are not paying water rates. Those people, of course, deserve water. Traditionally, they have been given water in the dry season. While these trucks go to distribute water to those residents who are not paying water rates, those who are paying rates have to stand by and watch the truck pass by and find money to pay private contractors.

We discussed this issue and we think that WASA, the Minister, the Government, and the Prime Minister—because he had made certain statements on that date and we have not seen anything happening to indicate improvements as promised. It is in that kind of situation, as I have always done, that this is intended to raise these issues so we can hear from the Minister, the Government and WASA what is happening. Why has this situation been allowed to get as bad as it has become at the present time? Even so, what steps are being taken to assist in a situation that is extremely bad?

Mr. Deputy Speaker, because of the intention to raise all Motions this evening, I would not be too long. I shall end my contribution at this point, but that, by no means, should give anyone the impression that this situation is not very serious. I would hope that the Minister concerned can really tell us if anything is happening. I am not now speaking about the longer terms. If something is likely to happen for the long-term, yes, we would like to know, but we have a crisis on our hands.

We have situations where school children have to go home early and there is no one at home to supervise to them; Government offices and people, generally, are affected. I have clippings which I really intended to go through, and keep this House here for the rest of the evening. That was my original intention. If one looks here, there is a picture of a car with an attachment at the back pulling a trailer. This is in Tableland, Princes Town. That kind of thing continues. I really thought I would have been able to read some of these clippings because I get the impression that those in authority do not know and understand what is happening, even at this time.

However, because of what I just said, I eagerly look forward to the reply from the Minister in a situation where we have a crisis on our hand in this nation.

Thank you very much.

**The Minister of Energy and Energy Industries and Minister of Public Utilities (Sen. The Hon. Barry Barnes):** Mr. Deputy Speaker, I have had to speak on the subject of the overall situation with respect to WASA and the water supply in this country in the last dry season. At that time I made no secret of what WASA is, how important it is to this country and what the situation of WASA was at the time.

I just want to refresh the memory of this House on some of the details. WASA: five major water impounding reservoirs—Caroni/Arena, Hollis, Navet, North Oropouche, Hillsborough in Tobago; 30 well fields; 52 booster stations; six high lift pumps; more than 3,000 miles of transmission mains; 250,000 household connections and a production capacity in Trinidad and Tobago of 160 million gallons per day.

And this is the peak of the dry season.

**5.30 p.m.**

This House knows, commencing in last year's dry season, certain rehabilitation work programmes started. The Member for Princes Town has said "We are going to hear that leaks have been repaired". There was a backlog of leaks—4,000 to 5,800. Those have been repaired, but there is a system in which there are 576 miles of transmission mains that are 50 years old, undersized and encrusted. There is a system at Caroni/Arena where all available pumps are on line 24 hours a day. There was a refurbishment, there was a programme of leak repair but it is a system that is producing 100 new leaks each month and that is the reality.

What has WASA been doing? For a start and I think the Members opposite are fully aware of this—the reactivation of all the old well fields. If the transmission of the water is a problem, then you try, insofar as possible, to source your water as close as possible to the areas that are under difficulty.

We have had a programme of well refurbishing—and Members opposite are fully aware of this: the Penal well field, wells brought back; two wells in Clarke Road—work has started on it; Fyzabad well field; Freeport well field; Granville well field, Point Fortin well field; back in operation; the completion and putting into service of the St. Patrick project—eight different sets of storage tanks. I think they would be very ungenerous if they did not say that there are, at least, certain areas that have had some small improvement in the quality of their service.

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Let me also say, for the benefit of this House, that equally in areas North, Central and South, at the end of the existing transmission systems problems appear, and this is simply because the distribution system is undersized to meet the requirement of growth and demand. That is the reality. We have brought back well fields in Arima; George V Park, St. Clair and at the moment, in the Queen's Park Savannah trying to increase the overall capacity for water in Trinidad and Tobago—indeed, in terms of well-field production and in terms of reservoir production better than what WASA has been doing for several years.

To go on, the reliability of the system—and let me start off by saying that in 1995 the fundamentals of WASA are that 25 per cent of the connections receive a daily supply. Only 25 per cent. When I say a daily supply I do not even mean 24 hours a day. Mr. Deputy Speaker, 70 per cent of the population is on a scheduled supply.

When WASA says, “regular schedule” they include everything up to one day a week for 12 hours. If you are on a scheduled supply, depending on a booster station that has two pumps which must work continuously, if one pump goes and you do not have a spare pump you miss your schedule. That is the reality and that is what we have to face.

So that at the present time a new pump is being installed in Caroni/Arena—12 million gallons per day; and the programme calls for pumps that have to be brought in from abroad. A second pump is due in by mid-April and two pumps due by the end of April to restore Caroni/Arena, the heart of the project—65 million gallons a day.

There is a programme requiring a replacement of several areas of the transmission system, the ductile iron pipe. Members opposite know as much about it as I do; I am aware they are talking to WASA every day, and they know what the programme is but, with respect, there is no body can lay pipe unless he has pipe. One of the matters that all of us must remember is that the supply and distribution of water in Trinidad and Tobago is a matter of pumps. Every pump must be purchased from abroad.

Valves: We do not make valves in Trinidad and Tobago. Every one must be imported from outside.

Pipe: Apart from PVC pipe which has made plumbers of all of us and which is part of the problem, ductile iron pipe must be brought in from outside. So, we have commenced the fixing of the system. Let me come back to the other points that were made.



The Member for Princes Town talked about EXXON drilling in Moruga. My information is—and we had the annual technical meeting with EXXON yesterday—that they are not yet drilling, but leave that out

Let me get back to the specifics. We would come back to that. Recognizing the constraints of the dry seasons—and let us understand, that in the dry season the sugar crop at Caroni comes on—there is the requirement for water for irrigation and an increase in demand so that, effectively, the demand on WASA's system increases 20 to 25 per cent over the dry season at the very time when the available water sources, in the nature of the season, start to shrink.

Within that framework we have had in the past a dichotomy in the system. We have had—as the Member for Princes Town correctly advised—local government delivering water to areas that were piped up and, an obligation, self-assumed on WASA, to deliver water to the areas that we piped.

Everybody in this House knows that system broke down in February last year, and I make no apology for it. It did not break down for any other reason but that the contracted water truckers said they were not working for WASA because they were not being paid.

We have been looking at it—and we had a question in this House today of definite difficulty arising, showing water rates and receipts and so forth. The Government has decided that it is better to operate a system where the local government body will be charged with providing truck-borne water in the particular areas, if only because they are the ones that are most likely to know the exact areas where the shortages exist.

Government has, in fact, given a supplementary budget to local government and my information is that the supplemental water trucking service is in operation and is to be extended for the rest of the dry season.

**Mr. Haniff:** With due respect, the local government bodies are not distributing water in areas where there are water lines and no water. I have looked at it, I have examined it and this is not happening.

I would appreciate it if you could qualify that.

**Water Supply  
(Warren/Bejucal Road)**

**Miss Hulsie Bhaggan** (*Chaguanas*): Mr. Deputy Speaker, I raised this issue several weeks ago, the question of farmers in the Warren/Bejucal Road area and

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west of the Uriah Butler Highway having a serious problem where the irrigation system is without water, simply because—they are alleging—the WASA system now is conserving water because of the threat of a drought. They are saying because WASA is now feeding into that irrigation system, they are unable to have water for their crops. So, many of these farmers have problems where, either large acres of agricultural produce have been destroyed, or in many instances they are not able to actually plant their lands although they have been able to prepare them.

Mr. Deputy Speaker, my question, therefore, to the hon. Minister is whether he would look into that matter to see if there is some solution to that problem, given the fact that hundreds of people are affected directly, namely the farmers themselves who cannot plant their crops, and those who depend upon these farmers.

Thank you.

**The Minister of Public Utilities and Minister of Energy and Energy Industries (Hon. Barry Barnes):** Mr. Deputy Speaker, my understanding of the situation from WASA is as follows. It is the Caroni/Arena area of the Caroni Arena Water Works. Arena is an impounding reservoir. Water is collected there during the rainy season because, in the dry season the level of the Caroni River falls. Understandably, what happens there is that WASA releases water that has been impounded in the Arena reservoir in order to maintain the level of the Caroni River at the WASA take, at 12 feet because they require that to be able to operate their pumps.

My information is that the Arena impounding reservoir holds about 10 billion gallons of water and, of course, it has to last over the dry season. In terms of the planning of the system, WASA aims to ensure that it has sufficient supplementary water to keep the level of the Caroni River at the required intake level up until—being a little conservative—July 31.

**5.40 p.m.**

Historically, it has been found that over the season, day by day, as the level of the Caroni River falls, generally, earlier on in the dry season, WASA has to release about 20 million gallons per day and it rises as high as 30 million gallons per day at the end of the season. This is done and the release is controlled in order to conserve the water over the entire period. When this is done and they pump for water treatment to supply the nation, obviously, the pumps cannot pick up all the water. It would go down stream to a sluice gate and generally, they release that

into the irrigation canal to help the farmer. However, they must also return some of the water to the Caroni River to allow it to flow through to the sea for ecological reasons.

Now, there is also a rice development project under the Ministry of Agriculture, Land and Marine Resources which also has a requirement for water. So that, as it were, surplus water, is now being divided. It goes into the irrigation canals three times weekly; I think two days a week it is allowed into the direct flow of the river, and two days per week to irrigation for the rice project.

In a sense, the only solution to the problem that the Member for Chaguanas has enunciated is to release more water from the Arena impounding station. If one does that, one runs the very serious risk that the storage would be used up before the end of the dry season, and that would put the distribution and supply of potable water in Trinidad and Tobago in considerable jeopardy.

In a way, we are looking at the meteorological forecast. We are measuring the actual level of the river to determine the quantity of water that must be released. On the basis of the Member's question, WASA has reviewed the situation and we have talked to the meteorological department and we are convinced that what has to be done is to limit the release of water to no more than 30 million gallons per day at this time, and to seek to meet the requirements of the three competing interests. WASA has informed me that the release into the irrigation canal is three times weekly which is just about half the availability. WASA is satisfied that it can maintain that schedule to the end of the dry season, but at the present time the best advice is that this is the system that should be operated.

Thank you.

**Mr. Jurai:** Mr. Deputy Speaker, before the Minister winds up, I would appreciate it if he could answer the question raised by the Member. [*Interruption*] I raised the matter today as a matter of urgent public importance. You were not here. Do not tell me hush! I want to know what system we are going to use to supply water to areas that have pipelines and no water in them? That question was raised.

### **Land Surveying Graduates (No Accreditation)**

**Mr. Sahid Hosein** (*Siparia*): Mr. Deputy Speaker, the Motion which I am raising this afternoon has to do with the difficulties being experienced by graduates in the field of surveying. Because of the need for surveyors in this

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country, in 1983 I believe a programme was set up at the University of the West Indies leading up to a degree in this field.

**Mr. Haniff:** Mr. Deputy Speaker, please allow me on a point of order. I stood up to seek clarification from the Minister of Public Utilities. I am of the view that there was a misunderstanding of what transpired. The Minister of Public Utilities said that local government got extra money to continue work in the areas. He is leaving now and I shall be leaving this House without that clarification. Something is really wrong.

**Mr. Deputy Speaker:** That matter has already passed. The Member for Siparia is now moving his Motion. Member for Siparia, continue, please.

**Mr. S. Hosein:** As I was saying, Mr. Deputy Speaker, in 1983, a programme was started leading up to a degree in the field of surveying. Three years later, seven students, all Trinidadians, graduated and were immediately absorbed by the Government's Lands and Surveys Department. The programme has continued since. In 1987, 16 persons graduated, 13 of whom were Trinidadians and 12 of whom were employed in the government service. In 1988, 15 persons graduated, again, all Trinidadians; and none was employed by the government. Since that time, every year there has been a batch of graduates coming out of the university.

At this point, many of those persons are having great difficulty in being accredited as licensed surveyors. It brings into question the role of the university and whether, at this point, there are too many persons who have graduated in that field. There are clearly set down guidelines in the Land Surveyors Ordinance which was enacted in 1952 and which was amended in 1968.

Before I get on to that, I wish to point out that all seven persons in the first batch at this point are licensed, nine of the number in the second batch have been licensed and one in the third batch. Of those coming after that period which is from 1989 onwards, none has been licensed. This is because there is no set procedure, or if there one for licensing surveyors, then it is not being followed.

The amendment in 1968 clearly outlines what a graduate has to do or undergo in order to be licensed. Among other things, there has to be a trial survey which he must pass and secondly, there must be a written or oral examination in survey law. All these must be administered by a board. At this point, we are not sure—the information I have is that the board is not functioning as it ought to. If it is functioning, there is no set procedure in place for licensing at this time, as outlined in the amended law of 1968. None of these things is taking place at this

time. I ask the question: Does it have to do with the fact that the people who are on the board are surveyors themselves?

**5.50 p.m.**

You would know, Mr. Deputy Speaker, of the countless occasions on which we have raised matters in terms of land acquisition and so forth, and the story has always been that there is a shortage of land surveyors both in the Lands and Surveys Department and in the private sector. Recognizing that to be the problem, it seems very strange that the administration has not moved with haste to ensure that the board is properly constituted and that there are a proper framework and proper guidelines and regulations by which people graduate.

This administration recognized this problem quite some time ago. I have before me a document entitled, *A New Administration and Distribution Policy for Land*: Ministry of Planning and Development: November 19, 1992. I should like to read from page 29, the section, Land Surveyors Ordinance:

“9.21. The Land Surveyors Ordinance enacted in 1952 and its subsidiary legislation regulate admission to the Land Surveying profession and provide for the control of the practice of land surveying in Trinidad and Tobago. The legislation is now wholly outdated and out of touch with technological developments in this field. As a consequence, a satisfactory framework does not exist for the induction of new entrants into the Land Surveying profession.”

I should like to contest that, in that in the amendment there is a clearly set out procedure by which one can license surveyors. If that has become outdated, I expect that the Minister would tell us so this afternoon. This document came from the Ministry of Planning and Development and said, in November, 1992:

“There is an urgent need for the enactment of appropriate replacement legislation.”

This was in 1992; today we are in 1995. Why then, if there is urgent need, do we, every time we come to Parliament, have to bemoan the fact that there is a shortage of surveyors affecting a host of duties performed by the Ministry of Planning and Development. Why are we not moving with haste, as the document, suggests, to deal with that situation? In fact, information reaching me is that one of the reasons might be political, but being the person that I am I refuse to accept that, but one has to examine everything that comes across one's desk.

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I continue on that same page:

“9.22. A Bill to provide for the registration of Land Surveyors, the regulation of practice, for the government and discipline of the profession, and for the induction of university trained graduates into the profession will be enacted.”

To date, nothing has been done. And so we have a number of these persons who have graduated since 1988 and 1989 and are outside there without licences. Most of them work for licensed surveyors, some of whom comprise the board which is supposed to certify them. They are outside there frustrated, and by and large are being exploited. I should like to appeal to the Minister responsible, and his administration, to move as they have indicated in this document, with some haste, to redress the difficulty that those graduates are experiencing.

I thank you.

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley):** Mr. Deputy Speaker, the matter raised by the Member for Siparia is, in fact, one of some concern to the Government and has been attracting the attention of this administration. First, let me refer to the point made by the Member that there seems not to be a functioning Board. The fact is, there is a Board as required under the existing legislation. With respect to the motive governing the behaviour of the Board, I cannot subscribe to any sinister motive. However, I shall read to you what the Land Surveyors Rules state:

“16. Every Land Surveyor shall be ... licensed by the Governor-General on the recommendation of the Board who, before giving each recommendation, shall satisfy itself that the candidate...

- (c) has, in order to acquire a knowledge of local survey practice, spent with the Government Survey Division or with a practising Land Surveyor, or a firm carrying out survey work, approved by the Board, such period not exceeding one year as may be affixed by the Board.”

There is a clear procedure for licensing surveyors. Graduation from the university does not necessarily mean that one can be licensed. It is not required unless the surveyor wants to practise cadastral surveys. Other aspects of surveying can be done without a licence; and can be done with just a degree in engineering, surveying, mapping and so forth.

Insofar as licences are required, in the context of the Motion moved by my colleague the Member for Siparia, the process is taking place. The information that I have is that there are 29 applications before the board at this time with which the board is treating. Only two weeks or so ago, I signed licences for three or four surveyors who had passed the requisite exams. A number of persons who would be covered by some of the comments of the Member for Siparia would be persons who have had to resit some aspects of the examination from time to time. I do have some of that information.

It says that in 1986 all the graduates were recruited by Lands and Surveys Division and they were all licensed between 1989 and 1990. Of the 12 graduates of 1987, nine were recruited by the Lands and Surveys Division; 10 of the graduates were licensed over the period 1991 to 1995, several of whom had to resit the local examination. So it is a process of evaluation and recommendation, but the bottom line is that there are deficiencies in the existing legislation which retard the movement of surveyors into the profession as licensed personnel. That is recognized and the Member has a very valid point there. The Government is addressing that.

This was brought to the attention of the State and in 1985 the Law Commission addressed this issue and a draft was prepared soon after. Nothing happened until 1992 when the current Cabinet, in seeking to address this problem, appointed a committee to review the draft legislation. That committee has done its work. We now have before us draft legislation to update the Land Surveyors Act, which is now going through the requisite process and will soon be brought to Parliament.

One problem though—and I am not trying to belittle the case of those who have sought the assistance of the Member—but there is a point of view held by a number of graduates that there is a job waiting for them in the Government service, and some graduates are having difficulty with that. As I mentioned before, the first batch of graduates was all hired by the Lands and Surveys Division. The Lands and Surveys Division has a certain establishment and has vacancies from time to time which we seek to fill. What we have to be careful about is sending the signal that once someone graduates there is a job waiting for him in the ministry. I think that some of the complaints I have had were from persons who told me, “I cannot get my job in the Ministry.” We are working to remove the bottlenecks and the ambiguous situations which exist with respect to licences.

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However, the present legislation does place an advantage on those persons who manage to get jobs in the Government system, as against those who start their profession outside the Government system. That we recognize, and the new guidelines will treat with that. Because of the way it is stipulated, those persons who work in the Lands and Surveys Division can move very quickly and easily and without question towards the licensing.

**6.00 p.m.**

Insofar as there is any exploitation of people working with licensed surveyors, I do not know if that is so, but it does create a problem. The guidelines are not clearly known to the graduating students, and in seeking to address that, we got the board to spell out these guidelines in clear language. This is being made available at the level of the university so that students would know what their rights and their opportunities are as they move through the system.

In short, Mr. Deputy Speaker, we recognize the problem and it is being rectified from the standpoint of both administration and legislation. In the not too distant future, we hope to bring to the Parliament legislation to address this problem fundamentally.

**Consumer Prices  
(Increase in)**

**Mr. Chandresh Sharma (Fyzabad):** Mr. Deputy Speaker, it would appear from the Motions presented here this afternoon that, perhaps, one full day should be set aside for Motions. Every Motion debated here this afternoon was in the national interest.

The one I am dealing with this afternoon affects people across the board, in every constituency in Trinidad and Tobago. It deals with the increase in consumer prices and its effect on the cost of living.

At present, it is felt in many quarters that more than 30 per cent of the national community is unable to feed itself; it is unable to purchase goods. How did we arrive at this? The *Henry and Melville Report* in 1989 indicated that close to 18.5 per cent of the population of Trinidad and Tobago was living "under the poverty line". The Inter-American Development Bank did a survey in 1993—they looked at the period between 1988 and 1992—and discovered that it was more than 18 per cent; it had gone close to 25 per cent.

In 1994, the Ministry of Social Development also did their own investigations and they were scared by what they found. Since then, too many items have gone



up [*Interruption*]. Now there is a case of almost one third of the population living under the poverty line. We have come to this House and indicated our concerns on numerous occasions. The recent bulletin from *Parliamentarians for Global Action* dated March 6, 1995—less than three weeks ago—supported the idea of an international criminal court; one of their concerns is crimes against humanity. How does the inability of many people to purchase basic items come under this heading? It certainly has some merit.

This afternoon the response does not have to be a political one; it must have a human face, for many of our citizens are unable to purchase or find basic needs for themselves. It also, by extension, causes exclusion from goods, services, rights and activities which our Constitution guarantees every citizen of Trinidad and Tobago.

When we look at recent prices we see that basic items: potatoes, bread, meat and milk products, have been increasing regularly. One of the responses from Government quarters is that if chicken or beef goes up, eat another meat. A further submission was that if the price of bread goes up, learn to bake your own bread. I am in support of that, but one cannot bake bread if one does not have an oven, or cannot buy the flour or other ingredients, and this is the situation.

We have seen how much money is required for an average family of four. In 1993, it was felt that \$300 plus was required, but then from 1993 to the present time, prices have gone up on more than 84 basic items, so that \$300 is no longer adequate. Actually, a more realistic figure would be \$414. If 33 per cent of the national community is unable to provide for itself, that creates a situation where crime will increase because there will be too many hungry people and hungry people—in most cases—become angry people.

This afternoon, I should like to hear from the Minister that some immediate measures can be put in place. For instance, in the previous budget presentation I had indicated that the time had come for the establishment of a food bank. That time is now, where basic food items should be made available to members of the national community who find themselves in this particular situation.

The report submitted by the Ministry of Social Development indicated that Government measures contributed to the situation in which we now find ourselves, so they have a moral obligation to address it. A food bank in this instance can provide basic items—perhaps no-name brands—where costs could be cut. Packaging costs much.

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The President of the Supermarket Association has indicated that a large amount of money goes into the actual packaging, plus other overhead costs. With the establishment of a food bank we could reduce this cost to make sure more citizens who find themselves in need of basic items, would not have any difficulty.

The other question that emerges out from this debate—the effect of the cost of living—is the matter of resources spent. It would be an appropriate time for us to examine carefully how the resources are spent. Can they be better utilized? One area that comes very quickly to mind is the URP, where we can take some of that funding and put it into agriculture for the development of agricultural holdings and get some returns.

In the last budget, a provision was made for \$1.2 billion for what was termed the social safety net, but taking into consideration the increase in prices from then to now, one could easily recognize that \$1.2 billion would not be sufficient. Arising out of this, we have seen a number of applicants who go to various state agencies and do not get the kind of attention they should they get the run round; a lot of "come back next week"; I have to come to your home" and so forth.

This afternoon, in this Motion we must feel the pangs of hunger. We have a collective responsibility to make sure that our decisions are in the interest of the national community. I had indicated my concern earlier in a private capacity to the Minister responsible. I trust that we would not be given a political response but one that shows we care.

I thank you.

**The Minister of Consumer Affairs (Sen. The Hon. Camille Robinson-Regis):** Mr. Deputy Speaker, all of us are concerned about the situation raised by the Member for Fyzabad. The fact, however, is that Trinidad and Tobago—and the Government has said this on more than one occasion—does not exist in isolation. It is clear from what the Member said that he recognizes this, for he made the statement that Parliamentarians for Global Action have indicated that there is a worldwide situation that all of us face with increasing prices, not only in Trinidad and Tobago, but in most countries of the world.

**6.10 p.m.**

Trinidad and Tobago is one of the countries where a large amount of the food consumed is imported. We do have a situation where prices overseas have caused increases in Trinidad and Tobago. What does this mean for our country?

We must come to the realization that in some instances we must establish a situation where we in Trinidad and Tobago must develop the production capacity for some of these goods. Additionally, our businessmen must move away from the traditional sources and look for other sources of the same types of food where they are produced less expensively.

I think this is a particular point which must be taken very seriously, because we must reach the stage where our importers recognize that with trade liberalization, or trade reform, they do not have to be strapped into old modes of importation. Indeed, the entire trade reform movement has resulted in a situation where markets which may not have been traditional have opened, and therefore, our importers must start looking at those markets.

The Government of Trinidad and Tobago had indicated in its budget that certain import duties and surcharges would have been removed, and this was in fact done. The result of this in several instances has been a reduction in prices of certain items. This include some types of powdered milk and juices. Additionally, a large number of electronic items such as appliances; footwear, textiles, personal apparel, perfumes and cosmetics. I should like to repeat that there has been a combination of factors which has led to a situation that we now see developing in Trinidad and Tobago. The Government is monitoring the situation.

We have reached the stage in our development where we no longer have price controls; the Government is no longer directly involved in the market. The Government has found that, over the years price controls and indeed, the negative list, have not worked. Consequently, it is moving in the direction of opening up our market which has brought us to the stage where several of our producers have been able, quite effectively, to move out of the traditional market of Trinidad and Tobago and into new markets worldwide.

We also have a situation where we have found that with regard to basic food items there may be a case for re-examining what has happened with regard to the surcharges. There may be a case. I stress, "may be a case," because this situation has developed only in the first quarter of this year. It will take some time for us to assess whether it is a situation that will continue for a long period—I am glad the Member for Oropouche has mentioned it. It is clear that it is a situation that needs to be monitored.

There is no point in saying that we will reintroduce price controls, or that we will reintroduce measures which have failed in the past to protect the citizenry of Trinidad and Tobago, when we need to take a careful look at exactly what is

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happening before jumping into the market and creating an artificial situation. The market is one that will fluctuate. We have heard members of the Supermarkets Association say, quite clearly, that there is the possibility that potatoes and rice will decrease in price.

Finally, let me say that we must come to the stage where citizens feel that they can take action in influencing prices. Indeed, that is the situation that the Ministry of Consumer Affairs is working towards. As I said when I started, we are concerned, and I repeat, vehemently, that we are monitoring the situation and when, or if, the Government feels there is a need to intervene, it would.

Thank you.

**6.20 p.m.**

**Mr. Deputy Speaker:** Hon. Minister, do you want to address the question with respect to the food?

**Hon. C. Robinson-Regis:** Mr. Deputy Speaker, I am sure the hon. Member is aware that the Ministry of Social Development has an extensive S.H.A.R.E. programme which includes food distribution. At this point, that is the situation with assisting the indigent in our society with regard to basic food items.

**Mr. Deputy Speaker:** Before I put the question, may I inform the House that the Leader of Government Business has asked me to announce that the Finance Committee will meet at 1.00 p.m. on Monday March 27, 1995.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.21 p.m.*