

Leave of Absence

Friday, May 19, 1995

HOUSE OF REPRESENTATIVES

Friday, May 19, 1995

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Madam Speaker: Hon. Members, I have granted leave of absence from today's sitting to the Member for Caroni East (Miss Indera Sagewan), and the Member for Port of Spain South (Hon. Jean Pierre).

CONGRATULATIONS

(Clerk of the House)

Madam Speaker: I also wish to advise hon. Members that congratulations are in order for Miss Jacqueline Sampson; she has been appointed Clerk of the House [*Applause*] I am sure all Members would find the time to congratulate and encourage her. She has been doing a very good job and we welcome her as Clerk of the House of Representatives.

Mr. Hedwige Bereaux: Madam Speaker, I know that this may not be the correct time, but seeing that Miss Jacqueline Sampson hails from La Brea, having won a scholarship from Brighton EC School, I extend my personal congratulations, and congratulations on behalf of the entire La Brea constituency.

PAPERS LAID

1. Report of the Board of Directors of the former Eric Williams Medical Sciences Complex Authority for the financial year January 1 to December 31, 1992. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
2. The Customs (Caribbean Common Market) (Origin of Goods) (Amendment) (No. 2) Regulations, 1995. [*Hon. K. Valley*]
3. Audited statement of accounts and annual report of the Trinidad and Tobago Free Zones Company Limited for the year ended December 31, 1992. [*Hon. K. Valley*]
4. Audited statement of accounts and annual report of the Trinidad and Tobago Free Zones Company Limited for the year ended December 31, 1993. [*Hon. K. Valley*]

5. Audited statement of accounts and annual report of the Trinidad and Tobago Free Zones Company Limited for the year ended December 31, 1994. [*Hon. K. Valley*]

The following questions stood on the Order Paper:

ORAL ANSWERS TO QUESTIONS

**Community Centres
(Chaguanas Constituency)**

- 83.** Could the hon. Minister of Community Development, Culture and Women's Affairs:
- (a) state 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) 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) 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*]

**Media Time
(Opposition)**

- 89.** Could the hon. Prime Minister indicate:
- (a) Whether Government has taken or intends to take steps to ensure that the official Opposition in Parliament obtains state sponsored media time to express its views on Government's actions?
 - (b) The sums of moneys the Government spent on public relations and media time since it got into office? [*Mr. R. L. Maharaj*]

**Government Lobbyists
(Award of Contracts)**

- 92.** Would the 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 of 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. R. L. Maharaj*]

**Edinburgh 500
(Playing Facilities)**

95. Could the Minister of Sport and Youth Affairs state:

- (a) 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*]

Sporting Facilities

96. Could the Minister of Sport and Youth Affairs state:

- (a) How many playing fields in this country are under five acres in size?
- (b) Whether such playing fields would be enhanced to encourage sporting activities?

- (c) If not, what alternative arrangements would be made for the members of such sporting communities? [*Mr. R. Palackdharrysingh*]

**Project Pride
(Status)**

143. Could the Minister of Works and Transport state what is the status of Project Pride at Piarco Airport since the turning of the sod almost one year ago? [*Mr. C. Rajaram*]

**Ramlal Trace (off Warren Road, Bejucal)
(Installation of Telephone)**

152. Could the Prime Minister indicate:

- (a) Whether there are plans to install a telephone service to the residents of Ramlal Trace (off Warren Road, Bejucal)?
- (b) If the answer is in the affirmative, would the Prime Minister indicate when this service is likely to be supplied? [*Miss H. Bhaggan*]

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, the Government would be answering nine of the questions on today's Order Paper; Nos. 109, 114, 128, 136, 140, 146, 147, 148 and 153. We are seeking a deferral of the other questions for a period of two weeks.

Questions, by leave, deferred.

Mr. Maharaj: Madam Speaker, in relation to some of these questions, the Government had already asked for a deferral and promised this House that it would deliver these answers. For example, question No. 89 to the Prime Minister, I quote:

“Could the Prime Minister indicate:

- (a) Whether Government has taken or intends to take steps to ensure that the official Opposition in Parliament obtains state sponsored media time to express its views on Government's actions?
- (b) The sums of moneys the Government spent on public relations and media time since it got into office?”

That question has been deferred several times and on the last occasion we were assured that it would have been answered today.

I appeal to the Government that having regard to the time factor, they get three weeks notice, that some of these questions should really be answered because it prevents other questions from getting onto the Order Paper.

Hon. K. Valley: Madam Speaker, it is a question of, "You are dammed if you do and you are dammed if you do not." Last week we answered all the questions on the Order Paper and we got unfavourable press.

We try to answer questions as quickly as possible and I can assure the Member that as soon as the answers are ready the Government would provide them. We have a record that is extremely good. In any session of Parliament, if one were to check, we would have answered at least 95 per cent of the questions raised.

We do not have the answer at present and while I would be willing to give my hon. colleague the answer, I cannot. I know the hon. Member would not want me to manufacture an answer for him this afternoon.

1.40 p.m.

Mr. Maharaj: Government can answer their questions very quickly, but the records have shown that they have not done so. I should like, again, to appeal to my friend, the hon. Minister, to have these questions answered. If the matter comes up and two weeks is asked for, all the time, it makes a mockery of question time.

Madam Speaker: All right. Well, you know, answering questions is really outside my domain, and the honourable Leader of Government Business has indicated that as soon as the answers are ready, they will be supplied.

Mr. Sudama: Madam Speaker, I just have a query. Two or three weeks ago a question to the Minister of Community Development from me with respect to expenditure on community centres was deferred, and I thought I would have seen it on the Order Paper today. I do not see it, and I was wondering whether the Government, in addition to not answering questions, are now eliminating questions from the Order Paper.

Madam Speaker: I would ask the Clerk of the House to look into that matter. Hon. Members, the question as originally put was that the answers to these questions be deferred for a period of two weeks. Let us proceed.

**Rienzi/Kirton Highway
(Traffic Hazard)**

109. Mr. T. Sudama (*Oropouche*) asked the hon. Minister of Works and Transport whether:

- (a) he is aware that the detour at the end of the Rienzi/Kirton Highway in San Fernando has, for a number of years, constituted a traffic hazard and has caused a number of serious accidents?
- (b) that the building on Independence Avenue, San Fernando, which was constructed directly in the path of the highway had been demolished three years ago?
- (c) his ministry intends to complete this roadway according to the original design and, if not, why not?

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, the Minister is aware that the detour at the end of the Rienzi/Kirton Highway in San Fernando has, since its construction, resulted in the highway in that particular area not being as safe as it could be. The detour may, therefore, contribute towards accidents in that area.

The Minister is aware that the building on Independence Avenue, San Fernando, which was constructed directly in the path of the highway was demolished three years ago.

Yes, the Ministry of Works and Transport intends to complete this roadway according to the original design as soon as the necessary funding can be identified. The estimated cost of the construction work is \$700,000.

Madam Speaker: I noticed that there are people standing in the public gallery, could arrangements be made for these persons to go upstairs, please? All persons who cannot be accommodated downstairs, go upstairs, please, and let us have some order. Is someone there with a sno-cone in his hand? I would ask the people who are looking after the members of the public to please advise them as to what they cannot come into Parliament with.

Hon. Member for Oropouche was there a supplementary question?

Mr. Sudama: Yes, Madam Speaker. Is the Minister aware that on December 04, 1992 he told this House that consideration was being given to this project to be implemented in 1993? I can report that we are looking at it in terms of the programme of the relevant district for that area. Could he inform this House whatever happened to that undertaking given in 1992? We are now in 1995.

Hon. C. Imbert: Madam Speaker, because of the magnitude of the project—I have just indicated that it was \$700,000. As a matter of fact, the original estimate was \$1 million, and therefore, we felt that we could better spend that money on other roads such as roads in the Member's constituency.

Mr. Sudama: Does the Minister not agree that, perhaps, a saving of \$2 million on the Hong Kong trip could have looked after this project, which is only \$700,000?

Mr. Palackdharrysingh: Madam Speaker, question No. 114 to the hon. Minister of Agriculture, Land and Marine Resources:

Dr. Rowley: Madam Speaker, are you speaking to me? I cannot hear you.

Madam Speaker: I have asked the police officers to indicate to those persons outside that they can, indeed, continue with their march, but not disturb Parliament. Has anything been done about it? The Clerk of the House has been directed to do so.

There is a little problem with the seating arrangement. Ladies and gentlemen, those of you who are standing at the back may go upstairs. If not, you are going to have to stand outside until there is room. We must respect the Parliament; you cannot come in here wearing a vest and eating a sno-cone.

I am going to suspend this sitting until the police officers in charge can have this House properly organized.

1.48 p.m.: *Sitting suspended.*

1.50 p.m.: *Sitting resumed.*

Project Road (Carlsen Field)

114. Mr. Raymond Palackdharrysingh (*Caroni Central*) asked the Minister of Agriculture, Land and Marine Resources:

- (a) Would the Minister state whether Project Road leading to farms #44, 45, 46, 47, and 49 in Carlsen Field is an agricultural access road under the control of the Ministry of Agriculture?
- (b) If it is, would the Minister state whether this road has been unlawfully closed by the digging of a trench across it on more than one occasion?

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- (c) If the answer is in the affirmative, what action was taken to rectify the problem?
- (d) Would compensation be paid to residents who suffered great inconvenience by this unlawful action?

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Madam Speaker, Project Road leading to farms #44, 45, 46, 47 and 49 in Carlsen Field is an agricultural access road under the control of the Minister of Agriculture, Land and Marine Resources. The road has been closed on more than one occasion when a farmer excavated a trench across its width to highlight his claim that the roadway was originally constructed to provide access solely to his holding and that he has solely been responsible for its improvement and maintenance.

The problem has been referred to the Director of Surveys, the landlord of the estate, for advice leading to a satisfactory resolution of the issue. The matter of compensation for illegal action has not been specifically raised by the farmers involved, but should it become an issue, the competent authorities will address it.

Status of Legislative Matters

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

Could the Attorney General and Minister of Legal Affairs state:

- (a) The names of the legislative matters which have not been proclaimed and/or which have not been assented to and/or which have not become operative?
- (b) In respect of each legislative matter, what steps, if any, his Government took since it got into office for the Acts to be proclaimed and/or assented to and/or for them to have effect?
- (c) Whether his Government intends to repeal any of these Acts and, if so, give the names of the Acts?

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Madam Speaker, the Member for Couva South has agreed to accept this answer in writing and it will be circulated.

Vide end of sitting for written answer.

State-owned Agricultural Estates and Farms

136. Mr. Jarrette Narine (*Nariva*) asked the Minister of Agriculture, Land and Marine Resources:

Would the Minister state:

- (a) Which state-owned agricultural estates and farms are to cease operations?
- (b) What are the assets and what are the values of these respective estates and farms which are to cease operation?
- (c) What does the Government intend to do with the assets of these estates and farms?

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Keith Rowley): Madam Speaker, the Ministry of Agriculture, Land and Marine Resources, in reviewing its mission and mandate and realigning its resources and programmes within the context of its strategic plan, identified the following stations on which operations should cease: La Pastora Demonstration Station, La Pastora Propagation Station, Bamboo Fish Pond and St. Michael station. Additionally, there will be curtailment of operations at the following stations: El Carmen, Centeno Livestock Station, Marple Farm, La Reunion Estate, Aripo Livestock Station, Chaguaramas Agricultural Development Project and Aripo.

Activities with respect to bio-diversity conservation and environmental horticulture originally undertaken at La Pastora Propagation Station will be carried out at the St. Augustine station thereby expanding activities there. At the Chaguaramas Agricultural Development Project, activities pertaining to the commercial production of seed will be curtailed. Emphasis will be on the production of basic seeds for sale to farmers who will then produce commercial seed. Additionally, agro-germ plasm resource management will be expanded at this station.

The main assets of each of these estates and farms consist of land, buildings, vehicles and equipment. A valuation of these assets has not as yet been conducted. Proposals for transfer and disposal of these assets are still being examined by the Government. The main consideration, however, is that most of these lands would be subdivided and utilized for agricultural enterprise in the very near future. In the case of La Pastora, it is proposed that this station be disposed of as a going concern with a view to attracting investment in commercial horticulture.

**Pipe-borne Water Supply
(Naparima)**

140. Mr. S. Panday (*Naparima*) asked the Minister of Energy and Energy Industries and Minister of Public Utilities:

- (a) Could the Minister state why residents of Sugar Road, Bronte, Bronte Village, Ciperio Road, Cunjal Road, (off Realize Road) have not received a pipe-borne water supply since November, 1994?
- (b) When can these residents expect a reasonable supply of pipe-borne water?

The Minister of Energy and Energy Industries and Minister of Public Utilities: Madam Speaker, WASA confirms that some consumers in the listed communities may not be receiving a supply of pipe-borne water. The communities lie at the extremities of WASA's transmission/distribution network and are served by mains that are now undersized to meet the demand and are extensively corroded. As a result, the system lacks the capacity to meet the total demand during WASA's scheduled pumping hours.

As part of its Emergency Rehabilitation Project, WASA proposes to replace the 6" diameter cast iron/asbestos cement main along Ciperio Road with an 8" diameter PVC main for a distance of 8 km. The required PVC pipe is already on site and pipe laying has commenced and should be completed by the end of June 1995. This will bring relief to Ciperio Road, Sugar Road, Bronte, Borde Narve.

With respect to Cunjal Road, Phase 1 of a pipe replacement project has been completed with the laying of 5.5 km of 12" diameter ductile iron pipe along the Moruga Road from Ramdhanie Trace to Toppin Trace. Phase 2 of the project requires the laying of a 3.4 km of 6" diameter PVC mains along Mandingo Road to the junction of Realize and Cunjal Roads. Phase 3 of the project requires the laying of 2 km of 4" diameter PVC mains along the Cunjal Road. WASA expects to complete this project by the end of 1995 after which residents of Cunjal Road can expect an adequate water supply.

I thank you, Madam Speaker.

**Dry Water Pipes
(Princes Town)**

146. Mr. Mohammed Haniff (*Princes Town*) asked the Minister of Energy and Energy Industries Public Utilities:

- (a) Is the Minister aware that paying customers of the Water and Sewerage Authority (WASA) who reside along Timkey Trace and Contention Road in Princes Town have had no water in the lines for over three months?
- (b) If the answer is in the affirmative, could he state what steps are being taken to remedy this problem with a view to bringing relief to the affected residents?

The Minister of Energy and Energy Industries and Minister of Public Utilities (Sen. The Hon. Barry Barnes): Madam Speaker, WASA has advised that because of leaks on the distribution line serving Timkey Trace and Contention Road in Princes Town, some consumers in the area may have suffered an inadequate water supply because of low pressure in the system during February/March, 1995.

Since that time WASA has repaired a number of leaks in the area as a means of providing some measure of short-term relief. However, to permit a satisfactory level of supply to the affected consumers, WASA proposes to replace the existing long line service connections along Timkey Trace with a 4 inch diameter PVC pipe main.

I thank you, Madam Speaker.

**Poor Water Supply
(Naparima/Mayaro Road)**

147. Mr. Mohammed Haniff (*Princes Town*) asked the Minister of Public Utilities:

- (a) Is the Minister aware that residents of George, Robert and Poole Villages along the Naparima/Mayaro Road continue to experience extreme difficulties without a reasonable water supply for years?
- (b) If the answer is in the affirmative, could the Minister state how soon the second and third phases of the pipe re-laying project will begin along the Robertson and Torrib/Tabaquite Roads in the Princes Town constituency?
- (c) Could the Minister state when this project is likely to be completed?
- (d) Could the Minister state whether the residents of George, Robert and Poole Villages who have been paying WASA rates but not receiving a supply for very long periods would be the recipients of a rebate of moneys paid for no supply?

The Minister of Energy and Energy Industries and Minister of Public Utilities (Sen. The Hon. Barry Barnes) Madam Speaker, WASA confirms that water supply to George, Robert and Poole Villages along the Naparima/Mayaro Road is at best on an intermittent supply basis and is unsatisfactory.

The first phase of the three-phase project to improve water supply to the area has been completed. Phases II and III of the project requiring the replacing of transmission mains along the Robertson and Torrib Tabaquite Roads are part of WASA's Short-term Rehabilitation Programme to replace 100 kilometres of transmission pipelines. Work on the design of the replacement transmission systems will be completed by WASA's consultants by mid-year and physical pipelaying work will commence thereafter.

The Robertson and Torrib Tabaquite Roads part of the project should be completed during 1996.

The matter of water rates and rebates is being conducted in accordance with Public Utilities Commission Order No. 83.

2.05 p.m.

**Dental Health Services
(Chaguanas/Cunupia)**

153. Miss Hulsie Bhaggan (*Chaguanas*) asked the Minister of Health:

- (a) Would the Minister indicate whether he is aware that there are no dental services being presently offered at the Chaguanas and Cunupia Health Centres?
- (b) If the answer is in the affirmative, would the Minister indicate whether he intends to rectify this situation and, if so, when?

The Minister of Health (Hon. John Eckstein): Madam Speaker, dental services are being offered at the Chaguanas and Cunupia Health Centres. At the Chaguanas Health Centre these services are provided from Monday to Friday. Children between the ages of two and a half years and 12 years requiring filling, extractions, polishing and fluoride treatment receive attention from a dental nurse. This nurse also visits schools in the area on Thursdays to provide dental health education. Anti-natal patients at the health centre also receive care and advice from the dental nurse. Adults requiring extractions and fillings are provided with these services by a dentist on Monday and Thursday mornings.

At the Cunupia Health Centre, children between the ages of two and a half and 12 years receive attention from a dental nurse on Mondays and Wednesdays, while adults requiring extractions and fillings are seen by a dentist on Thursday afternoons.

During the period February 1, 1995 to March 5, 1995, a dentist assigned to the health centres in Chaguanas and Cunupia was appointed to act as Dentist I, County St. George West, due to the appointment of the substantive holder of that post to act as senior Dental Surgeon in the Ministry's head office. As a consequence, adults requiring the services of a dentist were unable to receive same during that period.

It is to be noted, however, that the services normally provided by the dental nurse continue to be offered during that period in question. The situation returned to the *status quo* with effect from March 6, 1995.

Moruga Road (Landslip)

148. Mr. Mohammed Haniff (*Princes Town*) asked the Minister of Works and Transport and Minister of Local Government:

- (a) Is the Minister aware of a landslip that has carried away a large portion of the roadway and the footpath along the Moruga Road near to the Indian Walk Government School?
- (b) Is the Minister aware of the serious danger to which school children and other pedestrians are now exposed as a result of this landslip?
- (c) If the answers to (a) and (b) are in the affirmative, could the Minister state how soon remedial work would be carried out?

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, there exists a landslip on the Moruga Road between the 1.75 and the 2-mile marks in the vicinity of the Indian Walk Government School. The landslip is 25 metres long and has reduced the road to a single lane of traffic. The footpath has also been affected. The estimated cost of repairs is \$125,000.

As in the case of many other landslips in an environment of this nature, there is some danger to pedestrians and vehicular traffic. Adequate precautions, however, have been taken to facilitate safety of both pedestrians and vehicular traffic. Advance warning signs and notices and reflective barriers have been

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installed and are being maintained. There is a problem, however, of removal of barriers by members of the public from time to time.

The ministry, to date, has not had the resources required to repair the landslip. Repair work on the landslip, however, is expected to commence by mid-1995 and all efforts will be made to have the repair work completed by the end of 1995 using the ministry's own in-house resources.

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 we now consider Private Members' Bills, Nos. 1 and 2 at page 13 of the Order Paper at this time.

Question put and agreed to.

OLYMPIC COMMITTEE (INC'N) BILL

Question put and agreed to, That a Bill for the incorporation of the Trinidad and Tobago Olympic Committee and for matters incidental thereto, be now read a second time.

Bill accordingly read a second time.

Bill referred to a special select committee of the House chosen by the Speaker as follows: Mr. Desmond Allum, Mr. Jarrette Narine, Mr. Edward Hart, and Dr. Carl Singh.

KALA BHAIRAVA FOUNDATION (INC'N) BILL

Question put and agreed to, That a Bill for the incorporation of the Kala Bhairava Foundation and matters incidental thereto, be now read a second time.

Bill accordingly read a second time.

Bill referred to a special select committee of the House chosen by the Speaker as follows: Dr. Rupert Griffith, Mr. Jarrette Narine, Mr. Edward Hart, and Mr. Krish Jurai.

ROAD IMPROVEMENT FUND (FIRST BIENNIAL REPORT)

[THIRD DAY]

Order read for resuming debate on question [May 5 1995]:

Be it Resolved that the House of Representatives take note of the First Biennial Report of the Road Improvement Fund. [*Hon. C. Imbert*]

Question again proposed.

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, on the last occasion different types of allegations were made by Members on the other side and I can now respond to them. They referred to alleged irregularities, poor quality of work, poor quality of materials being placed on the nation's roadways, and so on. What I shall seek to do is go through some of the more fundamental matters raised by the Members on the other side, before dealing with some of the technical issues that have been raised during this debate.

So let me go through it in sequence. The Member for Princes Town made the assertion, or the proposal, that an independent organization out of different professions should monitor the quality of the work and the materials, being utilized under the Road Improvement Fund. The Member is obviously unaware that there are three independent testing laboratories which are being contracted by the Ministry of Works and Transport, more than one year now, to conduct testing on the asphalt materials, both at the plant and on site using core sampling.

These independent laboratories are the Caribbean Industrial Research Institute, better known as Cariri; the Materials Technology Laboratory of the Faculty of Civil Engineering, University of the West Indies, and Lee Trintoplan. At other times other independent agencies have been used, such as Geo Technologie Ltd., to test materials both at the plant and on site. These three laboratories are used together with the ministry's own in-house road materials laboratory to check the quality of materials placed.

So that is already in place and it is on that basis that some of the decisions were taken by the Ministry of Works and Transport which have led, it appears, to some of the complaints made by Members, particularly the Member for Oropouche, about certain contractors not being selected for contracts. It is because of the testing done by these independent laboratories.

2.15 p.m.

Mr. Hosein: Madam Speaker, can the hon. Member indicate what monitoring in other aspects of the works was undertaken under this programme in addition to those he has already outlined?

Hon. C. Imbert: Madam Speaker, I shall be speaking for quite some time. If hon. Members would allow me to develop the issues, I am sure most of their concerns would be addressed.

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Let me go now to the instant case. A particular contractor mentioned by the Member for Oropouche complained bitterly about not being selected for contract awards: I have test results in front of me from Cariri, Geotech Laboratory and the Roads Materials Laboratory of the Ministry of Works and Transport, on various scientific aspects of those contractors' materials, both at the plant and on site.

Each one of the laboratories, including the independent laboratories, failed the mixture. The mixture, in fact, failed because there were too many air voids in it—in other words, the compaction of the mix, which is an indicator of its quality and its durability. That contractor failed consistently. This testing was done by all the independent laboratories. This is one of the contractors about whom the Member for Oropouche raised the query that the man was not being treated in the proper manner.

Mr. Sudama: Madam Speaker, is the Member saying that all other contractors' materials passed the independent testing?

Hon. C. Imbert: Madam Speaker, all contractors are tested on a continual basis. If one's asphalt mix does not meet the specifications, appropriate action is taken. If one's mix is up to specification, good.

I simply wish to point out that one of the particular contractors mentioned by the Member for Oropouche complained bitterly—and I have a number of letters from that particular contractor making all sorts of allegations—but when one looks at the facts, that contractor consistently failed in terms of the quality of the asphalt. That is as a result of the testing done by the independent laboratories.

I simply wish to make the point that the allegation made that there is no proper monitoring or independent testing is simply not correct.

The Member for Princes Town also spoke about duplication of work, with reports that contractors were paid to do work that is, in fact, being done by the ministry's staff. As far as we could determine, at this point in time—and I am being very careful with what I am saying—there is no evidence of any duplication of work. That is as a result of investigations carried out after allegations were made last week.

The Member for Princes Town also made the claim that over a 10-year period some \$5 billion was spent on the Ministry of Works and Transport. The Member however, did not point out that the Ministry of Works and Transport is a very large ministry. It comprises several divisions and deals with all manner of infrastructure. There is the Highways Division, Drainage Division, Mechanical

Services Division, Civil Aviation Division, Maritime Services; statutory authorities such as the Port Authority, Airports Authority and so forth.

Therefore, the \$5 billion is, in fact, an aggregate figure on all aspects of the ministry, and, therefore, cannot be used to compare the expenditure on roads over the 10-year period. At this time, the actual expenditure on roads over that 10-year period is far less than \$5 billion.

Might I also say—and this might be of interest to the musical accompaniment outside—that over the years, as the amount of funds available for purchasing road maintenance materials reduced drastically, the expenditure on wages remained either constant or it increased.

Let me emphasize this. What happened is that if there was an annual allocation to the Ministry of Works and Transport, but as the price of oil declined and the economy declined, the expenditure on wages remained constant and the expenditure on materials and goods and services was reduced systematically over time. This has affected the efficiency of the ministry where there are now ratios of labour to materials of 80 per cent labour and 20 per cent materials and 90 per cent labour and 10 per cent materials. Highly inefficient and very cumbersome.

That is why, over the years, the ministry has not been able to be as productive and efficient as it should have been. You see, this Government did not see it appropriate at the time to create the kind of social dislocation which would have come out of trying to achieve a balance between wages and expenditure on goods and services by reducing the wages component. We could have improved the labour to material ratio by just cutting the wages and putting more expenditure into goods and services, but we did not, because we recognize that would have caused severe social dislocation. And this is a caring Government. Very caring.

As we move on into the 21st Century, that type of arrangement—where all of the money is spent on wages, and virtually none on goods and services, would have to change because it is simply inefficient and unproductive. As a result the ministry created a dedicated Road Improvement Fund in 1994, the fund about which we are speaking today—a dedicated road fund.

One of the conditions of that fund is that no money should be spent on labour. That fund is used to address the unproductive, unsuitable and inefficient labour to materials ratio. That fund is now used to supplement our goods and services allocation; \$50 million goes into goods and services now. Whereas in the past there might have been \$5, \$8 or \$10 million on an annual basis going into goods and services—we now have \$50 million and a wages expenditure.

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In our Highways Division we have a wages expenditure of \$100 million. We now have a more efficient and productive labour to materials ratio of 2:1 rather than 10:1 and 5:1, as it was in the past. This is why the ministry has been able to be so productive and efficient in terms of repairing the nation's roadways over the last 18 months. It has addressed that chronic problem without engaging in social dislocation. We found more money for goods and services through a dedicated fuel tax. That is the reason, although money was spent in the past, we could not get the kind of productivity and efficiency we would have liked.

The Member for Princes Town also made some statements about the selection criteria for roadways. I do not want to belabour the point, but we use scientific criteria which is based on a number of studies done by internationally recognized consultants. We used criteria such as the average daily traffic, the cost benefit ratio, the cost of repairs themselves and so forth, to prioritize roadways.

While I am on that, although the Members on the other side continually come into this House and speak about discrimination, lack of equity and so forth, if one looks at the facts, and expenditure, one would see that for the first time in a long time—and this is because we have been able to get the kind of goods and services injection we needed—we have been able to spread work throughout the length and breadth of Trinidad and Tobago.

2.25 p.m.

There is not one Member on the opposite side, whether in Trinidad or Tobago, that could honestly say in this House that substantial and significant roadwork has not been done in their constituency. They can get up dishonestly and say it is not being done, but they cannot truthfully say. This Government has spread the road fund throughout the length and breadth of Trinidad and Tobago. This is a fact.

There was nothing more in the statement made by the Member for Princes Town which needs to be responded to at this time. I would simply go on to say that with regard to local government roads, the Member did ask about them. The ministry receives applications from the various local government authorities for prioritization of work on local government roads.

I will now repeat this. It is not the first time and it appears it will not be the last. I will make this request to the Members on the other side. If there are any particular local government roads which they consider to be of importance and they wish to get work done on them, they simply have a right to write a letter to the Minister and that will be taken in the overall context of all the representations of various interest groups from road users, community groups and local

government corporations—in determining the final list of roads. A simple written request to the Minister of Works and Transport is all that is required for local government roads to be considered.

Mr. Jurai: Why does the Minister not apply the same principle—

Hon. C. Imbert: What is the point, Madam Speaker?

Madam Speaker: Are you willing to give way?

Mr. Jurai: Will the Minister give way to a question, please? Why does the Minister not apply the same principle to the main roads? I am referring directly to the Cunapo Southern Road in my constituency which links Biche, Rio Claro and Sangre Grande? Why is it not being paved? I have written several letters to him.

Hon. C. Imbert: Madam Speaker, I am going to beg for your protection. It is clear to me that one by one the Members on the other side are going to get up and ask why this road or that road has not been fixed, in an attempt to distract me. It is not a point of order and I would like to say that this is not the first time the hon. Member for Nariva has made that allegation, which is simply untrue.

Over a month ago the equipment of the ministry was mobilized on the Cunapo Southern Road and considerable and significant road strengthening work has already been done on that. If the Member for Nariva persists in coming to this House and making that allegation I would get a 20 x 30 colour photograph and bring it with me on the next occasion and hold it up for everyone to see.

That is the same Member who brought a motion about a boulder that could not be found and about corbeaux that were eating children. His imagination runs wild. We still cannot find the boulder.

I now go on to the Member for Siparia.

Mr. Hosein: I raised a very important issue which I thought would have been addressed at the beginning of the Minister's contribution. That is with regard to the whole issue of the Road Improvement Fund. It deals with the conflicting information given in these documents. I think it is very pertinent to this whole debate.

Madam Speaker: In the Member's contribution, I recall the Member raised that point and asked that there be a response to it. The Minister is now saying that he will respond. Let us await the response.

Hon. C. Imbert: Madam Speaker, I am totally at a loss. I distinctly remember saying I am coming to the contribution of the Member for Siparia. That is the same Member who got up! What is going on here today? He does not know where he is.

On the last occasion I responded to that allegation. I wish to state for the record that I have in my possession a copy of the *First Biannual Report* January 1 to June 30 1994 dated Monday September 1, 1994 which I received from the Parliament library and that is what I am using in this House. The Member made an allegation that he received one copy from the Parliament library and he had another one which he alleged came into his possession.

Mr. Hosein: Madam Speaker, I did not make an allegation. I stated to this honourable House that this was circulated to me by the parliamentary staff. This other copy was sourced from the Clerk of the House and because there are different figures, it is of great concern to me in that both documents are titled Ministry of Works and Transport Road Construction Branch Road Improvement Fund Programme—First Bi-annual Report, January 1 to June 30 1994 and are dated Monday September 1, 1994. Which one are we to believe? Is it the one which was circulated previously, or the one which was sourced from the Clerk of the House? Why are there documents in the House which give conflicting figures?

Hon. C. Imbert: Madam Speaker, I dealt with this matter already. I laid a report in this House. As far as I am aware there is only one report.

Mr. Hosein: Madam Speaker, on a point of order. I should like an explanation as to why there are two different reports?

Hon. C. Imbert: Madam Speaker, I have one report which was laid in this House and has the Parliament stamp on it. It is the same report that I laid in this House. I got this copy because I anticipated this response from the other side. Instead of using my old report, I got a copy from the Parliament library. There is a stamp on it. This is the one to which I am referring. I do not think I need to belabour that point. There is only one report.

The Member for Siparia asked about the action taken with regard to the break-in of the chief construction engineer's office. After investigations additional security has now been put in order to minimize the possibility of recurrence. The Member also complained bitterly about lack of attention given to Rochard Road in his constituency. I am certain that the hon. Member for Siparia is fully aware that the Water and Sewerage Authority is about to embark on an extensive pipe-

laying exercise along that same road. I cannot expect the Member to ask the ministry to pave Rochard Road and then allow the Water and Sewerage Authority to come—

Mr. Hosein: The Member is misleading the House. Only a small segment of Rochard Road is going to be repaved. The area I was referring to is not the area where the lines are going to be replaced.

Hon. C. Imbert: Madam Speaker, I am sorry. I regret that in my investigations a number of the matters raised on the other side were without foundation.

As I said, WASA is going to embark on an extensive pipe-laying exercise on Rochard Road. This work is expected to commence in the very near future and to commit any significant road paving expenditure for that road would be a waste of taxpayers' money.

As a matter of fact in the constituency of Diego Martin West, the ministry had earmarked the paving of Rich Plain Road in its 1995 programme, and the conscientious and responsible Member for Diego Martin West asked the Ministry to defer paving it until WASA finishes its pipe-laying exercise. We on this side do not wish to waste taxpayers' money. We have no intention of paving Rochard Road and then letting WASA come and dig it up the following month. Then the same Member for Siparia would come to this House and ask why we paved the road and then let WASA dig it up.

I was very disappointed with the Member's contribution when I went into the record and found the extent of work done in the Siparia constituency. The Member complained bitterly about what was being done about the various bridges in the country. My information indicates that in 1994, 10 bridges were reconstructed throughout Trinidad under the Road Improvement Fund Programme, and two of them were in the Siparia constituency.

2.35 p.m.

Mr. Hosein: The Minister is misleading the House. I did not complain. I advised that in the course of repairs to local government roads attention should be placed on repairing the bridges. Please do not distort what I said.

Hon. C. Imbert: Madam Speaker, I have the relevant *Hansard* records and as I made the point, I am particularly disappointed in the contribution of the Member for Siparia which gives this House the impression that nothing is being done in his constituency when two out of 10—one-fifth of all the bridge work

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done in the country in 1994—was done in the constituency of Siparia. Absolutely disgraceful! I do not think I need to say much more about the allegations made by the Member for Siparia, except to say that most of them were totally without foundation. They are far from the truth.

Let us go now to the Member for Oropouche. I must say that this is the more important aspect of the investigations done by the Ministry of Works and Transport. I would also say that, notwithstanding his tendency to hyperbole, from time to time he has supplied the ministry with certain information, specifically that given to the Minister on a tour made in the Oropouche constituency some time ago, when he supplied the Ministry of Works and Transport with proper detailed information about certain irregularities in the Ministry of Works and Transport—and this is the first time that a Member on the other side did so.

Let me say that the internal audit division in the ministry has not, in 1995, been able to determine any significant breach in the 1994 period, but that is being continually audited. As a matter of fact, staff of the Auditor General's Department has been in the Ministry of Works and Transport for the latter half of 1994, scrutinizing all the documentation to determine whether there has been any breach of procedure.

I wish to report that based on certain allegations made by the Member for Oropouche, it appears that certain employees of the ministry have some interest in companies which provide goods and services to the Ministry of Works and Transport. We have determined that and in the normal course of things—because I want to go on to another matter—as we pick up information, we will hand it over to the police if it is determined to be a police matter. We expect appropriate action to be taken.

I wish to state that the Ministry of Works and Transport does not flinch from its responsibility. I should like to take you back several years, to 1992, when the Ministry of Works and Transport uncovered serious irregularities in the Licensing Division. As we moved to deal with it decisively—the Member for Couva South tried his best, but failed—I am happy to say that charges have been preferred, so far, in the Licensing Division, against 30 persons, resulting from our investigation. Thirteen of these 30 persons are employees of the Transport Division, and charges are being contemplated against others.

Despite the best efforts of the Member for Couva South to block this investigation, the Ministry of Works and Transport was successful. We have had police officers there and charges are being preferred against 30 persons. In the

same way, under the Road Improvement Fund, as we uncover irregularities, the matters will be handed over to the police, and any of those who have broken the law will be dealt with accordingly.

I wish to state for the record, on behalf of the Ministry of Works and Transport and on behalf of the Government of Trinidad and Tobago, that we have no sympathy with any person who breaks the law. We will do our duty, in a responsible manner, to make sure that every person who breaks the law is brought to book and appropriate police action taken against him. *[Interruption]* Madam Speaker, it is clear to me that the Member for Couva South has more than a personal interest in the matters taking place at the Licensing Office.

Let me go now to the allegation by the Member for Oropouche about the selection process for contractors. The Member complained bitterly that a particular contractor was being victimized and has been left out of the selection process because the ministry was using a judgmental approach to the selection of contractors.

I was very surprised at that allegation because the Member for Oropouche was referring to the post-Central Tenders Board, the June to December, 1994 period when contractors were bonded on the basis of tenders made to the Central Tenders Board. That particular contractor that he has singled out as being victimized is today doing 100 per cent of the asphaltic work in Tobago under the Road Improvement Fund. I find it very curious.

Mr. Sudama: Would the Minister tell this House whether that contractor is the only one who has an asphaltic plant in Tobago? Secondly, is the work being done in Tobago negligible in terms of the total Trinidad and Tobago picture?

Hon. C. Imbert: I am very glad that the Member considers \$3.5 million to be negligible. I do not.

Let me go on to say, Madam Speaker, that that particular contractor obtained very high marks in all the technical categories in terms of condition of plant, availability of resources, quality, and so forth, but got a very low mark when it came to prices. The Member is always making allegations. In fact, the allegations made by the Member for Oropouche with regard to contractors with low prices being excluded because of some sort of judgmental approach to the matter is without any foundation whatsoever.

Mr. Sudama: The Minister is grossly and deliberately misleading this House on the contractor losing out on the question of prices. I have here a response,

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given by the very Minister in which the contractor in question is the second lowest bidder. In price per tonne of hot mix, he is the second lowest bidder, supplying at an average of \$229 per tonne, the lowest being \$222 per tonne and all the other prices being above those prices. When it comes to the second half of the year, that contractor is completely excluded. It therefore gives rise to whether the system being operated in the ministry is corrupt and savours of irregularity and favouritism.

Hon. C. Imbert: The Member for Oropouche has difficulty in understanding things. I will go through this very slowly. The figures referred to by the Member are the pre-tender figures. He is referring to tenders when there were no bonded contracts. I am stating for the record that the period was after contracts were awarded and I will go to the *Hansard* for him now.

2.45 p.m.

"What was involved in the selection of just these three asphalt paving companies in the period June to December 1994?"

And I would not call the name of the contractor although my hon. friend likes to do that sort of thing. Very curiously, X contractor who supplied in the January to June period at \$229 per tonne, could not get a tonne of hot mix to supply in the June to December period.

The records of the Central Tenders Board would show that in the bonded contract period, June to December, when that particular contractor submitted his tender was one of the highest tenders received. The Member just does not know what he is talking about. I have been very careful about what I have been saying here. That contractor, in the bonded contract period was one of the highest tenders received. Is the Member therefore saying that we must give the contract to the highest tender? Is that what he is saying? He just does not know what he is talking about.

I challenge the Member for Oropouche, to go into the records of the Central Tenders Board and check the price submitted by that particular contractor for the award of bonded contracts in the June to December period and see whether it is not one of the highest prices quoted.

Mr. Sudama: Madam Speaker, this is the very reason why I asked for an independent enquiry into the manipulation of the Ministry of Works. I cannot go into the records of the Central Tenders Board. We want an independent commission of enquiry to look at it. We cannot take the hon. Minister's word! Given the record of that Government, we cannot take their word. *[Interruption]*

Mr. Maharaj: The hon. Member must be involved in it too.

Hon. C. Imbert: Madam Speaker, I am being continually interrupted. As I said, every single Member on the other side will get up here with bogus and spurious information. I am saying for the record, the Member does not have the facts, he is misleading the House; his information is absolutely wrong. *[Interruption]*

I am also repeating that that particular contractor received very high marks in the technical category and very low marks in the price category, as his price was among the highest. Therefore, in all conscience we could not award—and this was done by the Central Tenders Board. The Member likes to say that it was the ministry. It is not the ministry. The contracts were awarded by the Central Tenders Board, not by the Ministry of Works and Transport.

Mr. Sudama: Would the Minister state—

Hon. C. Imbert: Madam Speaker, I am not giving way. *[Interruption]*

Mr. Sudama: Madam Speaker, the Member is misleading the House; price is only 20 points in the award of contracts.

Madam Speaker: The Minister is trying to explain that you are dealing with the pre-tender period and he is dealing with the post-tender period. *[Interruption]* Let us hear what the Minister has to say.

Mr. Sudama: Madam Speaker, let me make this point because the Minister is misleading the House by telling us that price was the significant factor. Price is not the significant factor, the criteria in selecting contractors were five, technical ability—*[Interruption]*

Hon. C. Imbert: Madam Speaker, this not a point of order. *[Interruption]*

Madam Speaker: The hon. Member is saying that you are misleading the House and we are trying to get how you are misleading the House so you could reply.

Mr. Sudama: I am trying to show the hon. Minister how he is misleading the House. If the Minister is saying that this particular contractor qualified high on the four other criteria and therefore he fell down on price—price accounted for only 20 out of 100 points, why is there that discrepancy? *[Interruption]*

Hon. C. Imbert: Madam Speaker, I am asking for protection. The Member for Oropouche cannot talk out of both sides of his mouth. When one reads his

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contribution in *Hansard*, one sees that the Member alleged that the ministry was manipulating the process to give contracts to people whose prices were high. That is what he said.

He said that we were manipulating the process, using the other criteria. He cannot speak out of both sides of his mouth. As a matter of fact, according to his recommendation in the debate on the last occasion, we should give it to the people with the lowest price. When he learns today that the contractor whose cause he is championing had the highest price, he said, "No, forget that; do not use price as a criterion." The Member cannot talk from both sides of his mouth, but that is typical of the Opposition, Madam Speaker. *[Interruption]*

Mr. Sudama: I asked for an explanation, Madam Speaker.

Hon. C. Imbert: Madam Speaker, I am not giving way. *[Interruption]*

Madam Speaker: The Member has made that point. *[Interruption]*

Hon. C. Imbert: Madam Speaker, I am not giving way.

Madam Speaker: Please, Gentlemen. *[Interruption]* Well I would have to stand now. I am trying to settle this matter as amicably as possible. The hon. Member is alleging that the Minister is misleading the House. The Minister is now aware of the allegation and he is trying to reply to it. *[Interruption]* All right, hon. Minister take note please. *[Interruption]*

Mr. Hosein: Madam Speaker, the two reports I referred to, one was laid in the House and the other was laid in the other place. One with completely one set of information was laid in the other place and a different one was laid in the House. *[Interruption]* *[Desk Thumping]*

Madam Speaker: Order! Order!

Mr. Maharaj: Madam Speaker, on a point of order. If we have information that there are two documents, one laid in the other place and another laid in this House which has figures which are different from the one in the Senate, it is a very serious matter.

Mr. Valley: Madam Speaker, the Member laid the report in this House, his responsibility ends at that point. The report that is laid in the other place was not laid by the Minister; copies would most likely be made available to the other places. Therefore it is the Parliament's responsibility to ensure the correctness of the report laid in the other place. *[Interruption]*

Madam Speaker: Order! Order!

Mr. Maharaj: Madam Speaker, it is a contempt of this House if information is brought here from the same source—the Ministry of Works and Transport and there are two different sets of figures. Therefore this Government owes an explanation, before we conclude this debate. Two documents with different figures, it involves money! It is possible corruption by the Government and they cannot close their eyes to it!

Mr. Valley: Madam Speaker, that argument is fallacious, obviously. The Minister made the point in the opening that there were different drafts of the document. The Minister came to the Parliament, he laid a document and that is the document he is responsible for. If a report was laid in the other place that is different from the one the Minister laid here, that cannot be laid at the doorstep of the Minister. It has to be the Parliament's responsibility to ensure that the report laid in the other place is in accordance with the report laid in the House. It must be! The Minister is not a Member of the other place.

Mr. Sudama: Madam Speaker, who laid the report in the other place? It does not fall from the sky, somebody laid it. Could the Minister tell us who laid the report in the other place? Crookedness, corruption!

Madam Speaker: I am advised by the Clerk of the House that the system is—and she says that there is no reason to believe otherwise—the reports were received from the Ministry of Works and Transport, one set would have gone to the Senate and one set to the House. Now both the Clerk and officials of the Ministry could enquire whether, as the hon. Leader of Government business said, there were drafts and whether it was a copy of a draft or whatever it was we have to enquire.

Miss Nicholson: Madam Speaker, who brings these reports to the Parliament, is it the Clerk or the Minister?

2.55 p.m.

Mr. Valley: Madam Speaker, the report for the other place is January 01 to June 30. The report that was laid in the Lower House according to the report here is not the same report. It covers the period January 24 to June 30. *[Interruption]* It does not cover the same period. *[Interruption]*

Mr. Robinson: Madam Speaker, surely it is the responsibility of the Government to enlighten this House regarding the reason for the conflict between the reports, if there is a conflict. These reports are now in the public domain, they

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are in the Parliament, and Parliamentarians are entitled to an explanation regarding any conflict between the figures in these reports.

Mr. S. Hosein: Madam Speaker, I refer Members of this House to the third and fourth recitals of the Motion:

"*Whereas* at a sitting of the House of Representatives held on October 28, 1994, the First Biannual Report of the Road Improvement Fund Programme was presented and laid by the Minister of Works and Transport;

And whereas at a sitting of the Senate held on November 01, 1994, the First Biannual Report was presented and laid by the said Minister:"

Therefore, the responsibility is his. [*Interruption*]

Hon. C. Imbert: Madam Speaker, I thank you for your indulgence. I am saying one last time for the record. The first Biannual Report, January 01 to June 30, 1994—I have it in front of me, I received a copy from the Parliament Library—this is the report that was laid in this House and this is the report that we are debating. The Ministry sent 60 or 70 copies to the Parliament, whatever it is, and this is the report we are debating. This is the report that was laid in this House and this is the report that the Member for Siparia has access to. The figures that he has called out—for the record, the Road Improvement Fund that I am debating here this afternoon that was laid in this House by me, at Appendix I reads: Arima/Blanchisseuse Road; Ariapita Road; Audrey Jeffers Highway; Beetham Highway and so forth. This is the report. There is just one report in this Parliament.

Mr. Sudama: Madam Speaker, could the hon. Minister tell us why one report covers the period January 01 to June 30, and the other report covers the period January 24 to June 30? Could he explain that? All it needs is a simple explanation presented to this Parliament whether it is this House or the other place.

Hon. C. Imbert: Madam Speaker, I shall refer to the statement made by me on October 28, 1994 when the First Biannual Report was laid in this Parliament. As I said at that time;

"...the first Biannual report on the operations of the Road Improvement Fund Programme covering the period January 01, 1994 to June 30, 1994 has been laid in this honourable House today."

I wish to state for the record that a report covering the operations of the Road Improvement Fund Programme from January 01 to June 30, 1994 was laid in this

honourable House. I have a copy in front of me and this is the report that was circulated to Members on the other side. That is all I have to say. There is just one report that was laid in this honourable House and this is the Report that we are debating here.

Mr. Maharaj: Madam Speaker, on a point of order. We cannot accept that because according to the Motion it is the same report which was laid in the other place and which was laid here, that we are being asked to take note of; that is the debate. We are asking again, that the Minister give an explanation to this House, because if the Motion concerns the same report in both Houses and there are discrepancies of millions of dollars in respect of both reports, how can we proceed to debate this without a proper explanation?

Madam Speaker: I am a little concerned about the fourth limb of the Motion because it does, indeed, state that at a sitting of the Senate on November 01, 1994 the First Biannual Report was presented and laid by the said Minister. There seems to be an error in the report that was laid, I do not know. Maybe, the hon. Minister would like to investigate that before proceeding with the conclusion of this debate, because that is a limb of the Motion.

Hon. C. Imbert: Madam Speaker, the appropriate number of copies of this Road Improvement Fund Programme Report, the First Biannual Report, January 01 to June 30, 1994 dated Monday September 01, 1994 was sent to the Parliament for laying in both Houses of Parliament. If there is a discrepancy—because there is one report—copies of which were sent to this Parliament, it will be investigated. That should not detain us here today.

Mr. Maharaj: Madam Speaker, it is not "if" there is a discrepancy; there is a discrepancy. The Member of Parliament for Siparia on the last occasion pointed out that there is a discrepancy of about \$10 million, and whether it is \$10 million, \$5 million, \$2 million, or \$1 million the fact of the matter is that the Government is aware that there is a discrepancy. Therefore, this debate cannot be completed, with the public conscience in mind, with the Minister saying "if" there is a discrepancy.

3.05 p.m.

Madam Speaker: I would ask the hon. Minister, inasmuch as this is, indeed, one of the limbs on which the Motion is being debated, whether he would like an opportunity to ascertain what really is the true position before concluding the debate. Maybe we can adjourn, or if there is no reason, maybe, the hon. Minister can continue with his conclusion on the debate.

Hon. C. Imbert: Madam Speaker, there is one report laid in this honourable House.

Mr. S. Panday: There is one report laid in the Parliament.

Mr. Palackdharrysingh: Who changed the report?

Mr. Hosein: The Clerk said that there were two reports laid—one in this House and one in the other place; and for the Minister to say that one report was laid—

Madam Speaker: The Clerk did not say that. What the Clerk indicated was that the report was received; a report was laid in the House; one was laid in the Senate. She did not indicate that they were two different reports. She said that the reports were received from the Ministry of Works and they were eventually laid in both Houses of Parliament. How this has happened, I do not know.

Hon. Member: They carry different figures.

Mr. Hosein: Apparently one report was laid in this House and a different one was laid in the other place and surely the Minister owes us an explanation—owes the country an explanation—as to which are the true figures and why this has taken place.

Mr. Palackdharrysingh: Somebody broke in and changed the figures.

Hon. C. Imbert: Madam Speaker, for the record, there is simply one report.

Mr. Jurai: They have different figures. You are talking about \$10 million.

Mr. S. Panday: This may be your last speech, you know. This may be your last speech as Minister of Works.

Miss Nicholson: Close down the Government—we are not taking that.

Hon. C. Imbert: Madam Speaker, let me ask this honourable House for an adjournment so I can sort this matter out.

Question put and agreed to.

Madam Speaker: I think that the hon. Minister has acted wisely.

Hon. K. Valley: Madam Speaker, we ask that we continue with another matter.

Madam Speaker: This matter will be continued at the next sitting of the House.

CONSTITUTION (AMDT.) (NO. 2) BILL

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Madam Speaker, I beg to move, That a Bill to repeal the Constitution (Amdt.) Act, 1994 and to amend the Constitution of the Republic of Trinidad and Tobago, be now read a second time.

Members will recall that in November 1994 we debated and passed in this House a Bill which is now entitled Act No. 30 of 1994. That Bill sought to deal with the provisions of section 127 of the Constitution of Trinidad and Tobago and to extend the powers of delegation given to service commissions and to extend those to the regional health authorities and the boards of those authorities.

Madam Speaker, once that Act was passed, the persons who were responsible for implementing and operating that Act realized that there were certain legal difficulties which had arisen. Advice was sought from a number of quarters and there were differing legal opinions on the effectiveness of the drafting of that Act. So that what we are doing here today, is providing a re-draft of the specific clause to deal with the original intent of extended powers of delegation. We have not in any way attempted to change the policy position.

What we found was that because of drafting deficiency there were differing views as to the efficacy of the legislation. In circumstances such as those, it was thought in the best interest that it is better to err on the side of caution and to do a re-draft which now fully satisfies those who gave legal opinions on the matter.

I may say, that this matter was fully ventilated in November, 1994 and I propose to say no more insofar as the policy of the legislation is concerned, because there has been no change in the policy position which was debated in November, 1994. I merely wish to re-assert that the provision as amended is really an enabling provision. It gives the service commissions in their discretion the power to delegate and it is a power which they have and which they can exercise in their own judgment. It is also a power that they can revoke, again, in their deliberate judgment.

3.15 p.m.

For the purposes of clarification, I may say that if one looks at the relevant provision of the Constitution, section 127, one would easily be able to understand

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why there is that drafting difficulty and the difference of opinion from different legal sources. Section 127 begins by saying that:

"A Service Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit, delegate..."

And then there are three categories referred to:

- "(a) in the case of the Judicial and Legal Service Commission...
- (b) in the case of the Public Service Commission...
- (c) in the case of the Police Service Commission..."

What we did in 1994 was to insert a fourth category, "in the case of the Regional Health Authorities." That does not make sense when one reads it because section 127 says that "A Service Commission may delegate in the case of the regional health authorities. So what the drafting experts have advised is what is now before us and it creates a division between the public service commission acting in respect of the regional health authorities and the Teaching Service Commission acting in relation to public officers.

So it is really a drafting difficulty on which there was a difference of legal opinion and the Government was of the view that given those circumstances, an amendment which would clarify that drafting problem should be presented to this honourable House.

In the circumstances, I repeat, there has been no change in the policy which this House approved; it is merely a drafting difficulty which we are seeking to correct by this Bill.

I therefore beg to move.

Question proposed.

Dr. Carl Singh (*Tabaquite*): Madam Speaker, I thought today would have been a different day in Parliament, probably having a date fixed for new elections and Parliament being dissolved, what with the recent scenario pervading the atmosphere in Trinidad and Tobago.

The degree of incompetence comes out with every presentation in this House. This Regional Health Authorities Bill was passed; it came back to Parliament last December and we are back again today. It has not yet been put in place to function, but we have had a third presentation in this House, simply because of the manner in which the whole Bill was handled. The consultation was inadequate

and this is quite clear when the Attorney General says the drafting problems necessitated our coming back to Parliament to discuss this Regional Health Authorities Bill.

Section 127 of the Constitution was changed in 1994 to add another section, where the delegation of power can go down the line. Today we are basically discussing the same thing, as the Minister stated, that the policy has not really changed. Well, then, why come back to Parliament if the status quo remains? There must be something that bothered the drafters and the people who have to implement this piece of legislation in the regional health authorities.

Historically, in the 1950s the Public Service Commission was formed. In those days you would appreciate the Governor had the say. In 1956 the Police Service Commission was established and later we went on to establish the Teaching Service Commission. I wonder, why was not a health service commission established at that time? Because the health service embraces a tremendous number of public servants. Maybe they felt that the people who were going to man the health services, because of their long period of training and discipline, should not be afraid of them and should allow them to have a free rein to run the health services. That may be one of the reasons.

Members of the service commissions are appointed by the President, after consultation with the Prime Minister and the Leader of the Opposition. In the case of the regional health authorities, it is a different kettle of fish. The regional health authorities are appointed by the President and in our setting this means, the Cabinet. Who then advises the Cabinet on the membership of these regional health authorities? Quite clearly, it falls on the shoulders of the Minister of Health.

So what has been happening here with the present scenario, is that there is going to be a direct link between the executive and the several regional health authorities. The main reason for the development and the putting in force of these service commissions in our society is that the political directorate would not have a direct hand in the running of the regional health authorities. We are today debating to delegate this power down the line, to the regional health authorities, the board, and this essentially falls on the shoulders of the chief executive officer—one man.

The service commissions are fundamentally independent bodies created to ensure that fairness of employment practice in the public service is obtained. These bodies act as buffer zones. But we are short-circuiting this by having a

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different mode of setting up these regional health authorities where the Minister and the Cabinet directly control this.

When we listen to the murmurs and to the speeches outside, it gives us the impression that the attitude is "if thy right eye offend thee, pluck it out." This is the situation. "This is in my way; I cannot do this; get rid of it." This is the fear that is pervading the whole of the public service today. No one has any sense, of job security particularly in the Ministry of Health, and this will extend to all the other—

Hon. Member: Even Ministers do not have job security!

Dr. C. Singh: Quite true. The "10-days" has been extended now to the ministerial level. This is what we are afraid of. The purpose of the commissions is to safeguard job security for public servants.

If, as they say, the commission can delegate their authority and if there are breaches, you can take it back, that is besides the point. When would you take it back and how would you take it back, when the commissions functioning today are not good? Why are they not functioning? This is the first question one should ask rather than try to get rid of them. They were put there. Indeed, as I mentioned before, these commissions started in the 1950s and 1960s and the drafters of the Republican Constitution of Trinidad and Tobago saw it fit to have these retained in the Republican Constitution.

This is a process when, once started, would be going down the road and there would be no more safeguards for public servants who have spent most of their lives there. They would be just thrown out.

I read here from the PNM manifesto of 1991. These were some of the commitments made during the 1991 election campaign. Speaking about the Eric Williams Medical Sciences Complex it says at page 34:

"The hospital is to be fully integrated into the public health system where it will operate to:"

Completely integrated. You see, they are taking the power to do what they want. We are starting the initiation of this portion of attrition. They have promised this in their manifesto of 1991. Can we say in reality that this is functioning like that? Definitely not. How can you get access when the central regional authority embraces the Mount Hope Medical Complex? You cannot access treatment there

as a private citizen, without paying. You must be referred from another area. Is that what we are talking about, when we say full integration of a medical service?

A colleague of mine went there with a laceration and he was asked to pay \$150.00. This is the type of thing that will go on at Mount Hope and that is in the Central Regional Authority. This is not what I would consider to be a fully integrated medical service.

Again, the same manifesto promised to complete any construction activity contemplated or underway in respect of Tobago, Sangre Grande and Couva Hospitals. Quite true, San Fernando Hospital has been extended since last December; my information is, and the Minister stated clearly, that \$15 million has been allocated to equip that new wing. To date, nearly six months later, it is closed up.

I am subject to correction—that particular wing, which was opened last year with tremendous political fanfare, remains closed and is waiting to be used as the regional headquarters in south Trinidad.

3.25 p.m.

There were also several health offices opened, but many of them are under-utilized due to lack of staff, medicines, basic equipment and other factors. With the new ones that have been put in place by the Bill, an equal number have been closed: Cedros and Princes Town have gone through. We are promised one in Ortoire/Mayaro and the Caura Chest Hospital is on the range to move. Apparently, to balance the sheet, the Government has opened a few and is closing down a few. This is the situation that obtains as far as the building of new hospitals is concerned.

Again, as the Attorney General stated, it is a simple piece of legislation, but if one looks at it carefully, it is really like a wolf in sheep's clothing.

We are indeed living in strange times when utterances coming from persons in high places are especially laced with delusions of grandeur. For example, when one ascribes to oneself the title of "Father of the Nation," and states categorically that commissions must go, they are antagonistic. These are the fears. Where are we pointing? We are pointing to a one-man state and one-man rule. Is it tyranny? What are we pointing towards when we are making these utterances in public?

We, as a nation, must question the physical and mental faculties of persons who are in high office, and are presenting themselves for high office. One of my

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medical colleagues made the statement that politicians must have comprehensive medical examinations, particularly, of their central nervous system.

I am sure the Member of Barataria/San Juan would agree with me when I say that comprehensive medical examinations should be done.

As I said before, the delegation of powers down the line is a dangerous precedent to follow. We on this side find it difficult to support this *carte blanche* because of the magnitude of the abuse that would take place down the road. When the power is placed in the hands of one man we would all be sorry.

Madam Speaker, I thank you for allowing me the opportunity to address this House briefly on this amendment Bill.

Mr. Ramesh Lawrence Maharaj (*Couva South*): Madam Speaker, the proposed amendment to section 127 of the Constitution is to give power to the Public Service Commission, with the approval of the Prime Minister, and subject to certain conditions that would be imposed, to delegate any of its functions other than those mentioned in 129 of the Constitution in respect of the regional health authority, to the boards of regional health authorities.

In effect what this amendment proposes to do is to give authority to the public Service Commission to delegate these powers which normally may be granted to public officers to the boards of the regional health authorities.

What the hon. Member for Tabaquite was saying is that these are two different types of bodies. For example, the Public Service Commission is regarded as an independent commission because it is appointed by the President, after consultation. It is one of those matters on which the President is not dictated to. The regional health authority, on the other hand, is appointed as a result of Cabinet's recommendation. Its members comprise persons who can be appointed by the Government of the day.

The question which arises is whether this power, if given and utilized, can affect the security of tenure of persons who would normally have had that security of tenure. It brings into question the whole concept of the service commissions and their role and function.

The functions which are liable to be delegated are those described in section 121 of the Constitution. These functions include the power of appointment; the power of promotion; the power of transfer; the power of confirming appointments and the power to remove and exercise disciplinary control over persons. We can therefore see that the board of the regional health authorities, in effect, is

appointed by the Cabinet. Yes, the President makes appointment, but it is not the appointment after consultation with the Leader of the Opposition, and is one of those appointments whereby he must act according to what he is instructed to do by the Cabinet.

One would have a politically appointed board—if I can use that expression—which would have the functions of the Public Service Commission in the exercise of these important matters affecting the rights and security of employees of the public service.

I think that, yes, it is correct that this matter was debated; yes it is correct that it was passed in this House; yes, it is correct too, that it would appear to be a simple amendment, but it is also correct that the policy of this particular piece of legislation is, therefore, important to this House this afternoon.

3.35 p.m.

We say that the effect of this amendment is that machinery can be created which can facilitate the political victimization or political favour in relation to important matters affecting discipline and promotion of persons who would fall within that category, and who are employed in the public service where it would be able to delegate these functions. It would also have the effect of taking away an important safeguard for the protection of persons so employed and which under the jurisdiction of the Public Service Commission, without being able to delegate to an outside authority, these employees would have been insulated from political interference.

It would give to the Public Service Commission the power to delegate these functions. It is correct, as the hon. Attorney General stated, that the Public Service Commission does not have to delegate, but that is not the issue in respect of the purpose of the service commission. The purpose of the service commission was not to protect or give powers to the service commission. The purpose of the service commission was to protect the employees and insulate them from political interference.

That is why when we were getting Independence the whole concept of the role and function of the service commission had to be looked at. The concept was that if we have a constitution putting power into the hands of any government and that power is not controlled, there would be no safeguards, guarantees, checks and balances, and that power was likely to be abused and misused.

The whole concept of dividing the power or controlling it, was in an effort to ensure that a person in office who gets sick with power would not be able to abuse

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it and victimize people, or use it for his own political purposes. Therefore the service commission was to act as a buffer between the government and the employees whether it be the police service, teaching service or the public service. Therefore the service commissions were regarded as important safeguards in order to insulate and protect workers who are covered by their jurisdiction.

With this measure, the Government wants to take away some of the management by the service commission, and put it into a board appointed by the politicians. In effect, one of the fundamental structures of the Constitution is being examined in this legislation. Normally, it would be an independent commission and the Government would not direct it to what it should do.

The Regional Health Authorities Act section 5 (1) states:

"...a Board shall exercise its powers and functions in accordance with such specific or general directions as may be given to it by the Minister."

The Government wants to create machinery whereby it could be possible for the Minister, in respect of important matters regarding the security of tenure of workers, to have the power and, in effect, the Cabinet to have the power to issue specific and general directions to that authority. As it stands now, the Minister, the Prime Minister or the Cabinet—in relation to employees under the Public Service Commission—cannot issue directions. If they do the Commission does not have to follow those directions.

As a matter of fact, we have seen how many attempts the Prime Minister of this country has made to force the Commissioner of Police to resign. There was the creation of a new post in order to get the Commissioner of Police out of office because the Prime Minister appears not to like him. We have seen that the Government has tried to bring to this Parliament a Bill to abolish the Police Service Commission in relation to those functions and give them to a Cabinet appointed committee, a management board. We are seeing a continuation of that policy in a different form. This Government feels that we should remove that buffer and the Government of the day must have direct control over the employees, either directly or through the agents appointed on boards.

When we look around at what is happening to us we have to ask ourselves serious questions. If the Government are going to have that kind of power, have they shown that they are good managers when it comes to employer/employee relationships? Only recently the Prime Minister of this country fired the Hong Kong Consul of this country in disgraceful circumstances which have shown that he had no consideration for the national interest or for the individual. The Prime

Minister fired him and the reason advanced was that he fired him in order to give him a different job. It seems as though when the Prime Minister went to Hong Kong, he got a special honour; they gave him the name "Lying".

We have also seen that the Prime Minister has fired a Minister of Government and has given no reason whatsoever to this country for doing so. I hold no brief for the Minister but as a human being, it was an act of inhumanity perpetrated on him and a disgrace to this nation. To this day, the Prime Minister has treated this country with contempt and has not given an explanation. I am disappointed because those on that side had an opportunity to stand publicly and condemn that action for the integrity of the parliamentary and political process.

Where are we going? To have legislation to give the Government the power of management over employees where the Minister can give special and general directions? The question arises: Have the Government shown by their record that they are good managers when it comes to employer/employee relationships? The answer is no. Even if they had shown that they were good, the question is: Are we creating a machinery which can be abused? Yes, Papa of the nation! Are we creating a machinery for another Papa Doc?

It seems to me that instead of taking away these safeguards, we should be improving them. When one looks at section 127 one sees that the intention of the constitution framers was that if one was going to delegate functions which a service commission has, it would have delegated them to a member of the particular service, so that the commission would continue to exercise a residual jurisdiction over that member.

3.45 p.m.

For example, section 127(1) states:

- "(a) in the case of the Judicial and Legal Service Commission, to a Judge;
- (b) in the case of the Public Service Commission or the Teaching Service Commission, to any public officer; and
- (c) in the case of the Police Service Commission, to the Commissioner of Police or a Deputy Commissioner of Police."

What do we want to do now? We are now creating a new category to which delegation of these functions can go, and the new category is not to someone who can be controlled, or over whom the public service has control; it is an authority over which the Cabinet and the Minister have control.

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It is a way of trying to get indirectly what the Government could not get directly. I guess one of the ways to answer this, from the Government's point of view, is simply to say that the commission does not have to delegate. But whether the commission makes a decision to delegate or not, we know that these provisions were put for the protection of the public servant. That employee had an entitlement, in his employment with the public service or with the Government of Trinidad and Tobago, not to be put under a machinery by which his service can be politically interfered with. He was entitled to insulation by an independent service commission and not by a politically appointed board or tribunal. This was for the protection of the employee and not for the discretion of the members of the Public Service Commission.

It is very, very important that we remember that the whole purpose of constitution framing is creating mechanisms to control power, because it has been recognized that human beings who get power can abuse it. No one can say whether a service commission in the future, properly appointed, will not want to abuse that power. The protection was not for the service commission; it was for the worker.

Therefore I think it is not a proper argument to say that the service commission does not have to delegate its powers. The question is: Will the workers be placed in a different position? Will their terms and conditions be altered? Will their security of tenure and protection be changed? Are you altering, to a class of persons, the terms and conditions of the public service by altering the nature of the protection to which they are entitled?

It would appear to me—and this is subject to what the Attorney General has to say—that in relation to the service commission's decisions being challenged, under section 129(3) of the Constitution:

"(3) The question whether—

- (a) a Service Commission has validly performed any function vested in it by this Constitution;
- (b) a member of a Service Commission or any other person has validly performed any function delegated to that member or person under section 127;
- (c) a member of a Service Commission or any other person or authority has validly performed any other function in relation to

the work of the Commission or in relation to any such function as is referred to in paragraph (b).

may not be enquired into in any court."

It would seem to me—and the Attorney General can tell this House if I am correct—that in respect of any function delegated to the boards of the authority, this ouster clause would apply in respect of any decision it has made. It would mean, therefore, that if this ouster clause applies to that, their decisions would be restricted from being challenged.

This means that a politically-appointed body, which can be partisan, would have the jurisdiction to determine matters involving discipline and promotion, and those decisions may not be enquired into by any court. We know that, even under the Public Service Commission, if there is a decision which is in breach of the rules of natural justice or does not follow certain rules, even though it can be said that the court may not enquire into it, the court has assumed jurisdiction because it would regard those matters as being acted upon without jurisdiction, so that one can go to the court and get judicial review.

That is why the Member for Diego Martin East is so annoyed these days. If anyone is charged and he applies for judicial review, that Member thinks that the lawyers are preventing the Government from governing, so we would probably get another piece of legislation introduced by the Member for Diego Martin East to abolish judicial review.

Although we have this ouster clause which provides some form of challenge, there is also the question of appeals to the Appeal Board. When an officer is to be appointed to an office over which the Public Service Commission would have residual jurisdiction, there is more likelihood that the norms and procedures would be adhered to. Therefore, it would not involve persons having to go to court to try to get these decisions set aside. It appears to me that having a politically-appointed body is creating the machinery for more allegations against such a body to say that that body did not act fairly and was politically biased.

3.55 p.m.

It could be that a UNC employee, having an application before a politically-appointed body, may not get the kind of treatment he would if there was a public service commission and a member of the public service as the delegated authority.

It is really creating a machinery whereby there would be more avenues for distrust, more avenues for complaint. It would seem to me that the concept is

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wrong and totally inimical to the intention of the constitution framers, because it was not their intention; it is totally against the spirit of the Constitution and that should be seriously noted.

It shows that this Government is really not thinking of making the service commissions work, not trying to have confidence in the administration of service commissions. It has adopted a policy that if there are complaints about any particular matter, we should try to get rid of those matters, whether it is bail or service commissions, get rid of them. *[Interruption]* Yes, whether it is the Member of Parliament for Couva South. They tried to get rid of the Leader of the Opposition by laying some bogus charges against him.

I, together with the hon. Member for St. Augustine, had the privilege yesterday of meeting with a delegation from the Namibian Parliament—those members are actually in the Parliament today listening to our contributions and seeing how the Parliament works. In discussions with these Members we were able to get a copy of their constitution.

It is very instructive to note that in their constitution—I am particularly reading from the Constitution of the Republic of Namibia, at pages 57 and 58 where it deals with the public service commission. One would see that this new democracy decided to deal with these matters in a way that the public would feel involved in the decision-making process of appointing a public service commission, which has to adjudicate and determine matters affecting members of the public service.

Under our system—as you know—Madam Speaker, the President consults with the Leader of the Opposition in the appointment of members of the service commission. The President can reject or accept whatever the Leader of the Opposition says. He can reject or accept whatever nominations the Prime Minister may suggest and he would then make the appointment in his absolute discretion. There is no way of challenging that decision, there is no way that the public can have any say in that matter, apart from those consultations.

The way it is done in the Republic of Namibia is that the President nominates the members of the commission and the Parliament decides whether those persons should be appointed. I quote from Chap. 13(3) of the Namibian Constitution:

"The Public Service Commission shall consist of a Chairperson and no fewer than three (3) and no more than six (6) other persons nominated by the President and appointed by the National Assembly by resolution."

One sees that the national assembly would, in effect, approve the appointment so that the public of the country, through their Members of Parliament, would have a say. That is akin to the American set-up whereby appointees are publicly scrutinized before they are appointed.

Mr. Sobion: Madam Speaker, I wonder whether the Member for Couva South would indicate whether he is advocating the position as embodied in the Namibian Constitution.

Mr. R. L. Maharaj: Madam Speaker, I am saying that this section shows that it is a forward-thinking Government, in that it is looking at other constitutions and considering and deciding whether there should be more openness in appointment. Therefore, this is one country which has more openness in the appointment of members of service commissions than we have at the present time, because at the present time it is mere consultation.

We on this side have not taken a position as to whether we should adopt this particular system situation, but we can say that the present system of appointing has to be reviewed, and we have been advocating that there should be public scrutiny in important appointments. We have recommended that there should be parliamentary scrutiny of these appointments. My personal position is that this is a very good measure because it would provide a means whereby there would be parliamentary scrutiny of appointments.

We see how an open system operates—as in the United States—where persons who are to occupy public office are subjected to public scrutiny. There is a joint select committee where the public can ask questions. I am saying that instead of taking away safeguards, powers, functions and duties of service commissions, we should be trying to make the system work, keeping the safeguards so that people would feel assured that their rights and interests are not taken away or politically manipulated.

We, in this country, are privileged to have had two Constitution Commission Reports: we have had the Wooding Commission Report and the Hyatali Commission Report.

Mr. Casimire: Madam Speaker, with respect to the Namibian Constitution, could the hon. Member for Couva South say whether, after the President makes nominations, there is any specific majority—simple or otherwise—by which it is approved in the House?

Mr. R. L. Maharaj: Madam Speaker, it would appear to me from reading this constitution that it is by a simple majority, that is how it should be, in my

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respectful view, because if there is distrust by an impressive number of people in respect of an appointment, then obviously the appointment should not be made.

The Wooding Constitution Commission Report stated that service commissions must be kept, and advocated that this was the best route to go. Quite recently, the Hyatali Commission Report dated June 1, 1990, also stated that that was the route to go. That is very important because where we have legislation, which would in any way undermine the functions and purposes of service commissions, we would be creating a precedent.

If this precedent is created with the Public Service Commission, would the Police Service Commission follow: And then Teaching Service Commission and the Judicial and Legal Service Commission? When there is going to be a dictatorship, there is a creeping process: it starts with one.

4.05 p.m.

We must be careful that we do not create a precedent. It may be that on the last occasion when this Bill came to this House, and it came in such haste that Members did not look at it very carefully. Maybe, it is an act of God—I am not saying a gift of God, but an act of God—that the Government is saying that there was an error and now has to come back to repeal that one and replace it with a new one.

We are, in effect, asking this House to approve such an important measure without the Government putting in perspective the function of the service commissions: what can be achieved; what can be the plus; what can be the minus. It is significant that the Government at times resorts to the Hyatali Commission Report: At page 162 paragraph 305, it says:

"In considering the role of Service Commissions it is always necessary to ensure that appointments and promotions are so protected from political influence or interference that a change of Government does not engender fear and suspicion that the hierarchy of the public service would be so politically oriented that they find difficulty in co-operating willingly and professionally with a new Government."

One of the concepts, obviously, which the Hyatali Commission was worried about was a set-up whereby the politicians can have direct contact with the employees and have direct influence over the employees; exert direct pressure over them. Are we not in effect, changing the system whereby public servants—government employees are supposed to implement the policy of a government—are put in a

situation where they would be politically oriented? We would, in effect, be placing it as in the United States where there is the spoils system, whereby employees get so identified with the political plans of the existing government that it becomes difficult for them to work with a new government.

We are living in an era in which a Government Minister of today can be the Opposition Member of tomorrow; and at a time when it is very easy for an Opposition Member on this side could be the Government Minister on that side tomorrow. We are living in an era in which a member of the Government can be in opposition, justifiably, within the Government. The Hyatali Commission Report continues:

"Generally speaking there are two approaches which characterize the upper level of the public service in the United States and Britain from which relevant inferences may be made.

The approach in the United States of America with regard to the upper echelons of the public service is the use of "the spoils system" where, with a change of President, a whole cadre of senior public officers are replaced by new appointees who are intended to carry out the policies and programmes of the new regime. In such a system it is difficult for appointees to think in terms of a career and the experience of those who have attained high office is invariably disregarded. This system often places in public office, employees who are not necessarily the most competent and so weakens the formal organisation of the public service."

We have a set-up here whereby we have seen a precedent. We have seen a top Minister in the Government, Minister of Foreign Affairs, who had a Permanent Secretary, and a few days before the Minister learnt of his no longer being a Minister—he was, in effect, the political head of the department—the Permanent Secretary, who was the head of the department was appointed in his place as the Minister of Foreign Affairs. So in such a situation, if that is correct—I am not saying that it could never happen—what is the message being sent to other Ministers of Government with respect to other Permanent Secretaries?

Under the structure of our system there has to be a situation where Government does not become too involved with the Government employees in the sense that the employees can consider that they have to toe the line because of the Government's pressure being brought to bear on them. That is why there are independent commissions to insulate them. If there is that kind of policy, there could be situations where public servants would, in effect, be identified with the

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political policy of the Government, become involved in the policy and not merely in implementing it.

That is why in the Hyatali Commission Report it is stated:

"Political appointees always owe their loyalty to the party and not really to the voters whom they are supposed to serve."

The question may arise in respect of persons who are appointed by the politicians in the Cabinet: Whose interest would they protect? It is not an independent commission. The report continues:

"Therefore, under the "spoils system" political corruption can eventually infiltrate the public service in such a manner as to inveigle subordinate employees into widespread schemes of graft and dishonesty."

In the United States, where there is the "spoils system" and where the public servant becomes identified with, or becomes subject to the discipline of the politician, we see that it is a system where public servants would not be able to stay after the government or the President changes. It is really these people becoming identified with the particular government. I am saying that with such a machinery the regional health authority boards can be used to promote political interference with public servants in the exercise of their functions and duties and the question of political favouritism or political victimization. The Hyatali Commission Report continues:

"Under the British system the responsibilities of the civil service and its relationship to the particular Government in power are very clear. It is the function of Ministers of Government to determine policy and to approve policies which are the result of the careful thought and experience of senior public officers.

However, whether policies are initiated by the Minister or by public servants, whatever the Minister approves must be carried out by the civil servant with enthusiasm and with all the goodwill and public relations he can manage. This must be so whether he agrees with the policy or not. This policy remains unchallenged in the United Kingdom and is a system to which, ostensibly, we in Trinidad and Tobago subscribe."

Madam Speaker, if it is that we are creating a machinery under this Constitution whereby a body which is appointed in this way can perform the functions under section 121—and let me read those functions:

"...power to appoint persons to hold or act in offices to which this section applies, including power to make appointments on promotion and transfer and

to confirm appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Public Service Commission."

So, in effect, what we are doing is giving this body these—*[Interruption]*

Madam Speaker: Hon. Member, your speaking time has expired.

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

Question put and agreed to.

Mr. R. L. Maharaj: Madam Speaker, I must thank the hon. Members for their agreement for me to continue. What I was about to show, therefore, is that I would like to say that what is happening here is really part and parcel of a policy of this Government to get rid of service commissions. I would like to refer to the *Newsday* of March 27, 1995. It is headlined: "PM: Service Commissions hindering reform." And says

"Prime Minister Patrick Manning is insisting that Service Commissions must go.

He said the Commissions were hindering the reform process and had outlived their usefulness."

"Manning was speaking on Saturday at the San Juan Senior Secondary School during a regional conference of the ruling PNM.

The Prime Minister said the Service Commissions were set up by the Colonial British Government because they felt that the Public Service had to be protected from political interference."

4.15 p.m.

Well, it was not set up so at all. It was set up because in the Independence talks the people of Trinidad and Tobago decided that that is the kind of Constitution they wanted and they demanded protection from the colonial masters.

"Manning contended that even if the Commissions were important at the time of Independence, this country's population was now sufficiently educated and mature to do without them."

How ridiculous!

Mr. Sudama: Megalomania.

Mr. Humphrey: How are we going to do without them?

Mr. R. L. Maharaj: This Prime Minister is saying that this country's population is now so educated and mature—what have education and maturity to do with the question of whether a Prime Minister or Government can abuse or misuse its powers? It has nothing to do with it. The service commissions are to safeguard and protect the rights of the people. It shows how ignorant the Prime Minister is of matters affecting national life.

"The PNM's Political Leader pointed out that the United Kingdom did not itself have Service Commissions..."

Well anybody would know that. In the United Kingdom there is no written constitution, but there are avenues whereby joint select committees can monitor departments; can call for the Ministers—can send to get them; there is legislation dealing with right of access to certain kinds of information.

In this country this Government has stated that it is not interested in having a Right to Information Bill. It opposed the Government with such a measure—they have opposed the next Government over such a measure. It opposed the Opposition when it sought to introduce such a measure.

Dr. Baboolal: If dreamers were horses, then beggars would ride.

Mr. R. L. Maharaj: He stated; Madam Speaker, listen to this, and I want the hon. Member for San Fernando West to see what he is facing.

"The PNM's Political Leader pointed out that the United Kingdom did not itself have Service Commissions, promising that if the Opposition did not want to co-operate with the Government to have the Commissions removed, then the PNM would seek a constitutional majority to effect the changes.

Manning said: "The Service Commissions must go!"

Well, the Prime Minister has been talking about a general election since last year. He has been talking about Cabinet reshuffle since December. We have made our position clear. We are not prepared to support the Government on getting rid of Service Commissions, because if we do that we would be, in effect, creating the machinery for dictatorship. If he is dissatisfied, why did he not come here today and call the election or announce a Cabinet reshuffle?

We know that he has so much trouble in that Cabinet that he is afraid to act; and he will have to give the Member for San Fernando West a good ministry. He

cannot treat him with such inhumanity; and we tell the Prime Minister here today that he cannot do otherwise; and he is afraid to come into this House and face the music—the marches and demonstrations he cannot face!

Madam Speaker, I continue:

"He said that when the Head of the FBI in the United States did not want to resign the President simply fired him and no one cried political interference."

Madam Speaker, what has gone wrong with our "Father"? What has gone wrong with our "Papa"? Madam Speaker, I mourn aloud for my "Papa". "Papa" [*Laughter*] I know he is a very gifted daddy, but he must not treat his children so, Madam Speaker.

If it is that he wants all this power and wants to do like the United States of America, then he must create the machinery that there is in that. Madam Speaker, there are all forms of accountability where Congress can make Members of the Government accountable—even the President. There was a situation the other day where President Clinton had to be interviewed by the FBI and give statements.

In this country we have had circumstances surrounding the sale of the Prime Minister's car and he said he does not want any enquiry. When an international commission did a report in which all kinds of things were said, he would not answer the allegations.

Dr. Rowley: Dismally presented.

Mr. R. L. Maharaj: Madam Speaker, it is not only one report which has condemned this Government: Freedom House; the United Nations Committee; Human Rights; Caribbean Rights. There are about seven reports.

We are compiling them—

Dr. Rowley: All of them written by you.

Mr. R. L. Maharaj: Oh yes, say it now! I have written the United Nations report? The Opposition is very powerful in this country, Madam Speaker? You see, the philosophy and policy of the PNM is to attack the messenger but they would not deal with the message. What has that Minister done?

That Minister has been one of the most successful in the poll. He had a higher rating than the Member for Diego Martin West. The public has declared that that Minister is one of the leading Ministers of Government. Better than the Member for Diego Martin West; better than the Members for Diego Martin East and Diego

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Martin Central. As a matter of fact the Member for St. Ann's East was rated No. 1 and after he was rated No. 1, he was in the doghouse.

Hon. Member: Dog mansion.

Mr. R. L. Maharaj: I think the Member for San Fernando West was rated No. 3, and that is the reason. The Prime Minister does not want anybody with ability around him. And we want to put into this Government's hands the right to appoint people on boards and deal with public servants? If they could do a Minister that, my God, what about poor public servants!?! Madam Speaker, we in this country have created history. It is going to go down in the *Guinness Book of Records*. It is the first time in the history of a country with our system that any Minister of Government served for ten days. Shortest period!

Dr. Rowley: No sir—Oropouche! That Member served for one day.

Mr. Sudama: As a Minister of Cabinet.

Mr. R. Maharaj: I am talking about a senior government position, Madam Speaker. I am talking about a Cabinet Minister.

Hon. Member: He served for one day!

Mr. R. Maharaj: Anyhow, Madam Speaker, you see how "ten days" has become such an important philosophy and culture for the PNM that they think they even have to give a Minister "ten days"? Minister Gift got a "ten days!" Madam Speaker, I knew that was not a decision of the Prime Minister; it was a decision of the Member for Diego Martin East, because he is the Minister responsible for "ten days".

4.25 p.m.

Madam Speaker, this is not what the Opposition alone is saying; this is what the guardians of the rights of the people are saying. The *Express* of yesterday, if you read that article, you would wonder whether you were in a different country. The Prime Minister would have come today and—

Hon. Member: I thought you do not read the *Express*.

Mr. R. L. Maharaj: I read it. My Leader says he does not read it. In this party we can disagree on important matters and still stay together. *[Interruption]* The Minister is asking me to ask the Member for Chaguanas. Is he saying they are not on speaking terms?

The headline on page 8 of the *Express* of yesterday states: "What manner of man is this?" It has to do with management because what the Government is trying to do is to be involved in the management, employer/employee relationship. Listen to what it says:

"At the end of a second day of uncertainty in Government, and embarrassment and annoyance in the country, it is inevitable that one question will be asked: Was all this necessary, and why?"

If it is that the Government wants us to support this measure, it has to come and tell us why the Member for San Fernando West was fired. The Government has to show us that if it is given this kind of power, it cannot be misused and abused. Because there are no checks and balances on its power to be controlled. The article continues:

"For two days, the Government had sealed its lips as rumour and speculation swirled around the future in office of the newly appointed Minister of Foreign Affairs. The practice of saying nothing in answer to media questions about a matter of high public interest ought itself to be called critically into question. For it evinces an undemocratic spirit of contempt for public opinion and for the public right to be kept informed.

Without any doubt, the momentous turn of events which projected Knowlson A. Gift into Ministerial office guaranteed that subsequent events would attract keenest interest. In a dramatic turn, Mr. Gift was appointed to replace his former boss who was ignominiously fired by Prime Minister Patrick Manning.

In the short, unhappy Ministerial career of Mr. Gift—he was appointed on May 7; his resignation accepted on May 17—a succession of unsavoury questions about his past financial dealings came up...

The nation suffered the agony of recognising that someone chosen for a high office, one with an international profile, would be vulnerable to smear attacks and ridicule on the basis of the management of his personal affairs. Mr. Gift offered his resignation, and Mr. Manning, as he was obliged to do, accepted it.

As it closes one regrettable episode, however..."

And it talks about Mr. Gift's departure. Then the next paragraph, talking about the trip to Hong Kong, states:

"It was a trip that precipitated appalled national attention unto how Mr. Manning handles himself as a Government leader and as a manager of people."

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That is the point I am making. This Government is being headed by the Member for San Fernando East. He is the manager and his Government is saying that it can have a board appointed by it to deal with matters affecting appointment, promotion and discipline of Government employees. Therefore its track record in how it deals with people and their jobs is very important and relevant. The article continues:

"The firing of Mr. Lau as honorary consul in Hong Kong became a hot national issue because of patently implausible reasons given by the Prime Minister. Of these, the latest and most contemptible was that Mr. Lau had been fired so he could have been hired for a bigger job!"

Here it is that this Prime Minister is asking for this power so that this political body could deal with terms and conditions of service of Government employees. But he fires an honorary consul and when he is asked to give an explanation he tells the country that he fired him in order to give him a better job and to see how he would behave.

NAMIBIAN DELEGATION

Madam Speaker: Before we take the tea break, may I inform Members that the Namibian delegation is here and they will be joining Members for tea and I am sure that Members would entertain them graciously.

ROAD IMPROVEMENT FUND PROGRAMME

Madam Speaker: Hon. Members, also, since a very important matter was raised during the debate that preceded this present one, I make the following statement to have the matter clarified. The Clerk of the House has brought me this report indicating what really happened at the secretariat level; this is really what happened.

On Friday, October 28, 1994 copies of a report of the Road Improvement Fund Programme were received by the parliamentary secretariat. The report was placed on a Supplemental Order Paper for laying on that same day. Just before the sitting commenced the Clerk was informed by the Minister of Works and Transport that it was, in fact, an incorrect set and that he wished to recall them and have them replaced by another set which were subsequently forwarded to the Parliament. The commencement of the sitting was delayed as the staff had to remove the incorrect reports and replace them with the correct set. Apparently, due to the rush of this exercise which was done in the Chamber, not all the incorrect reports were removed. Unfortunately, it appears also that an incorrect copy was left in the Parliament library.

It is, therefore, apparent that the report on the Road Improvement Fund Programme dated January 1 to June 30, 1994 is, in fact, the report that was laid in both Houses of Parliament. Checks have further revealed that the copy Mr. Hosein subsequently obtained from the Parliament is unfortunately a copy of the incorrect report which was required to be returned to the Ministry of Works and Transport.

The sitting of this House is suspended until 5.00 p.m.

4.31 p.m.: *Sitting suspended.*

5.12 p.m.: *Sitting resumed.*

CONSTITUTION (AMDT.) (NO.2) BILL

Mr. R. L. Maharaj: Madam Speaker, before the suspension for the tea break, I was reading from the *Daily Express* editorial to demonstrate that, if the Government wants to get legislative authority to transfer jurisdictional powers of an independent service commission to that other body appointed by Cabinet and the Minister, the Government, would, in effect, be assuming a greater role in the management of the public service by having control of the disciplinary functions of the public service and of public servants.

Therefore, we must examine the Government's record as managers, where employee/employer relations exist or, where the question arises in its broadest context, industrial relations practice.

This editorial states:

"We have now to add to Mr. Manning's account the ugly fiasco of the Gift appointment and resignation. The short-term result can only be instability in the Government and particularly in the Ministry of Foreign Affairs.

The Prime Minister has proved himself incapable of finessing the 'reshuffle' of a single Cabinet position. Without a doubt, this political and diplomatic disaster could have been avoided had there been better consultation and a routine background check."

I should like to endorse those words and ask certain questions. This sudden appointment of Mr. Gift, a Permanent Secretary, means that there was some discussion and agreement for him to take this appointment. On the face of it, it appears, therefore, that there was an undermining of the Minister of Foreign Affairs. What is the position of Mr. Gift? Mr. Gift left the public service, put on a balisier tie, then becomes a Minister and stays for 10 days. What is the position? Does he go back into the public service?

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Madam Speaker, do you see what effects this can have? The action of the dismissal of this Minister of Foreign Affairs has many connotations, but one of the implications is that on the face of it, it appears as if the persons who were in charge of the political process were involved in activities which undermined the position of the Minister of Foreign Affairs.

The Prime Minister of this country, who is captain of the political ship; has displayed that the management of this Government would involve undermining the political process and the public service, disregarding norms and taking away safeguards. It has been clearly shown that the Minister of Foreign Affairs' position in this matter was undermined by the Prime Minister and this has repercussions for the role of the public service and the effects, therefore, that political interference can have.

I can understand my Friend, the hon. Member for Diego Martin Central, who seems to think that these matters are trivial. As a matter of fact, as far as he is concerned, everything we say in this Parliament is very trivial. *[Interruption]*

I should have thought that the Member for Diego Martin Central would have addressed his mind to the question of his Government appointing a Minister of Foreign Affairs, who had a trail of debts. He came to this Parliament to seek our approval for legislation which would give his Government the power to interfere with the employment process and practices and the terms and conditions of services of employees of the State. I should have thought that he would have addressed the question of whether to forgive him the debts as his parliamentary colleague got forgiveness. Is that relevant or trivial?

Mr. Valley: That is not trivial; it is not relevant to the business at hand.

Mr. R. L. Maharaj: I agree with the Member that it is not relevant, and I would not deal with it in this debate, but I would give notice that it is something he would have to deal with.

Mr. Valley: Yes.

Mr. R. L. Maharaj: Madam Speaker, this trivial matter that the Member for Diego Martin Central is talking about here—

Mr. Valley: Madam Speaker, I am not talking about that.

Mr. R. L. Maharaj: I should like to put on record the views of the Public Services Association of Trinidad and Tobago which represents the public servants of this country. *[Interruption]*

In a letter from the Public Services Association, signed by Mr. Clyde Weatherhead, in respect of the proposed piece of legislation, the view of the association is that—and it so happens that those views also tally with ours and demonstrate that there are persons in the country who have the interest of the workers at heart—it would like to see that the safeguard of the workers are not taken away. The association wants to ensure that the PNM Government does not take away these important safeguards in order to manipulate the process against them.

Madam Speaker, if I read from page 2 of this circular from the Public Services Association; it talks about the Bill:

"What is the Issue with the RHAs and public officers

In Order to understand the 'unresolved constitutional issue' as your editorial describes it, we need to trace the developments with the RHA Bill."

And it goes on to trace the development of the Bill. It talks about how the Government withdrew a particular section of the RHA Bill. Then it says, at the bottom of page 3:

"This action which is no solution to the problem flies in the face of the spirit of the very Constitution. Section 127 allowed Commissions to delegate authority only to persons within the services over which they exercise jurisdiction."

5.20 p.m.

"In the case of the Judicial and Legal service, delegation is to a judge. In the Police, delegation is to the Commissioner or his Deputy..."

One thing this ensures is that anyone who abuses such delegated authority is subject to disciplinary action by the Commission.

If authority is given to an RHA Board outside of the public service, who will discipline them in the case of such abuse? All the Commission will be able to do is take back its authority. A toothless bulldog will be let loose.

Further, and more fundamentally, the Commissions are independent bodies, created to ensure fairness in employment practice in the public service and to act as a bulwark against the politicisation of the public service. Goals which I find hard to imagine that the 'Guardian of Democracy' can disagree with.

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What has now been done is to reduce this principle of our Constitution to nonsense by suggesting that the Commission may delegate its powers to a Board selected by and subject to the 'general and specific directions of the Minister' as set out in the RHA Act.

It is this monkeying around with our Constitution to allegedly solve problems that could be avoided altogether that this union which fought for the introduction of such protection in the very Constitution is vehemently opposed to.

I am certain that all democratic-minded citizens on proper examination of interference with the spirit of the Constitution, will agree with our stand on this matter."

This is where I should like to put this matter in perspective. If this Government were committed to the principles of democracy, it would not be involved in a piece of legislation which would create a machinery whereby the rights of the workers can be trampled upon. It is no answer to say that if their rights are trampled upon they can appeal to a public service appeal board or they can go for judicial review, because the time it would take for that would mean retirement from the public service. It is no answer—and I am saying it in advance because I know that is what they are going to say—to say that they have a discretion but they do not have to exercise it. The fact of the matter is that if they exercise that discretion they can put it into the hands of a politically controlled board.

One of the main reasons apart from its acting as a buffer, is that there is a likelihood or almost a guarantee that the Public Services Commission in the exercise of its function in delegating this authority to persons within the Public Service would not act unfairly and would act properly, because there was the residual jurisdiction to deal with any such matter.

It seems to me that this Government should come here with legislation to make them more accountable. For example in the Standing Orders of the Namibian Parliament there is one which says that a government minister can be asked to answer questions immediately, with leave of the Speaker, and he does not have to wait for three weeks' notice. There is a general rule. It gives the Speaker the discretion to call a matter for the government to be compelled to answer questions. If we had a situation like that in this country on many of the important matters, we would have been able to compel the Government to answer questions.

At this time, the Government should consider amending the Constitution to make the appointments of these people subject to public scrutiny. If they do not want—and there are good reasons why they may not—a simple majority because the Government that controls the Parliament might be able to get their wish, if 25 or 30 per cent of the Parliament expresses disfavour with an appointment, it should be vetoed. There can be innovation to the process to make the Government more accountable.

They should be interested in passing a Freedom of Information Bill to give the public the right to get information, but instead of doing that, they are taking away the safeguards and the buffers between the politicians, and the public servants. There is a saying that power tends to corrupt and absolute power corrupts absolutely. Based on that principle, it would seem to me that to give the Government that kind of power would be, in effect, promoting the abuse of public power in Trinidad and Tobago.

Thank you.

The Minister of Health (Hon. John Eckstein): Madam Speaker, let me respond to the submissions made by Members opposite. The Member for Couva South mentioned the Hyatali Commission several times. I want to draw from the report on the health services of a commission of enquiry headed by Sir Isaac Hyatali. This was on the occasion of the deaths at the St. Ann's Hospital. It is one thing to discuss a constitution in an environment away from the practical and actual situation.

When the said Sir Isaac headed a commission of enquiry or investigated that incident where 14 persons died at St. Ann's, he had with him Dr. Mohess then Chairman or President of the Trinidad and Tobago Medical Association, Dr. Quamina, a former chief medical officer who had spent all her working life in the public service and Miss Valerie Foster a retired chief nursing officer. They spent one year looking into that incident.

I quote from page 302 of the report which states:

"The system of 'passing the buck'...is a devious administrative device practised at St. Ann's."

This is what the Ministry of Health is all about.

"The April crisis however, has popped into sharp and sudden focus the following questions which need to be urgently addressed." *[Interruption]*

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I have been asked to identify. This is the egg-nog crisis.

"(a) has not this devious administrative device of 'passing the buck' been clearly exposed as a pernicious system of management?"

Management in the public service as far as the health institutions are concerned, is a pernicious system. It is not my language, but the language of Sir Isaac Hyatali. Ask any one to account and one would say one has no responsibility. DPA or CPO is not accountable in the service.

"(b) if so, should it not now be speedily dismantled and substituted at the hospital by a new and dynamic system of administration?"

(c) and if yes, should this system not be one which places fairly and squarely into the hands of those who manage, portfolios which clearly combine responsibility and accountability with authority and control at the workplace?"

I have argued over and over that if one is given a responsibility, that individual should be vested with the authority to discharge that responsibility and only then can one be held accountable. There is no accountability whatsoever in the system because everybody says that is not their function. It is either CPO's function or DPA's. They have no authority whatsoever and the system that we are proposing is one that marries responsibility to authority. This is a fundamental principle of management.

5.30 p.m.

Take up the most elementary textbooks and a person will see that he cannot divorce them and expect to get results. This is our system. All we shall get is the chaos, confusion and litany of woes that the Member for Tabaquite spoke about. And it will continue as long as this system of administration is in place.

The Hyatali Commission is of the opinion that the questions it has posed should be urgently addressed and satisfactorily resolved by courageous decision and resolute action. Moreover, if they are not, messy tragedies like the April disaster, are likely to be repeated with greater frequency and more fearful consequences. This is the situation that we face in our health services in Tobago and in every part of Trinidad where managers are asked to run services for which they have no authority.

Mr. Maharaj: Would the hon. Minister agree that even under the present set-up, the Public Service Commission is not involved in the management process of

the health service? Our Public Service Commission is involved in matters like the appointment and disciplinary processes. This Bill relates to the functions of the Public Service Commission, not management in the other context.

Hon. J. Eckstein: If someone is hiring, disciplining, promoting and firing personnel and he does not regard that as an essential part of management—

Mr. Maharaj: Can you answer another question, hon. Minister?

Subject to what you have just said, would you then agree that that philosophy of Government control would apply to the Police Service, the Teaching Service and all the other services?

Hon. J. Eckstein: Madam Speaker, I should like to quote Mr. Roland Baptiste, a former Chief Personnel Officer, who wrote an article on the subject of commissions, which was published on page 8 of the *Express* dated Thursday, May 11, 1995. What he did was to divide the public service into three groups and for the benefit of our discussion, we are focusing on the third group. This is what he had to say:

"The third group consists of organisations which deliver services directly to some sector of the national community. The Ministries of Education and Energy are examples. They participate in formulating government policy; they regulate some sector of national activity; and they provide services to the public. They must be in a position to offer proactive, timely and state-of-the-art service if the quality of life in the country is to meet international standards. Indeed, a government's performance is largely judged on the performance of these agencies.

My conclusions are that the departments in the first two categories can function well under reformed Commissions. By reform I mean retraining of staff, modernization of systems and so on.

However, many of the services offered by departments in the third category cannot be delivered effectively by organizations operating under institutions such as the Commissions, the Ministry of Finance, the Central Tenders Board and the Personnel Department, whether these institutions are reformed or not."

[Interruption] How does he know that? Fifty years of experience tells him that. Fifty years of working a system that has failed this country miserably, and there is no prospect in sight for an improvement in the service.

Mr. Robinson: Will the Minister, on the basis of his reasoning, state why the state enterprises have failed?

Hon. J. Eckstein: This is very broad. Is the Member saying that no state enterprise has succeeded?

I will give Members a practical example. I was Minister of Public Utilities some time between 1981 and 1983 and it was the subject of ridicule and contempt. People were ashamed of the airport and in 1979, I believe it was, Mr. Selwyn Richardson piloted legislation which established the Airports Authority. Prior to that, the airport was under the public service—the Director of Civil Aviation—and was an unmitigated disaster.

When I came in, in 1981, the legislation had not really seen the light. The implementation took place under me, and within two or three years there was a dramatic transformation of that airport, largely because there was an authority there competent to take its own decisions. Up to today, there has not been one member of staff who has had his life and tenure disrupted. In fact, Mr. Selwyn Richardson became, largely because of the activities of that authority and how it compared so dramatically with the DPA, “Individual of the Year”

Mr. Robinson: Was that not because of a person who was an independent mind and who was prepared to manage? Was it not the personality rather than the system that the other enterprises—*[Interruption]* Please try to understand, otherwise you will have problems. We are raising fundamental issues. The Minister is saying they must have the authority to manage and that is the answer. The Member for Couva South is saying that is not all that one has to deal with. I pointed out where it exists with the state enterprises, and asked why so many of them failed. Now the Minister is telling us about the Airports Authority which Mr. Selwyn Richardson started and we know his is a peculiar case. He was able to stand up to the particular administration. *[Interruption]* This is precisely it, there is no independence of mind.

5.40 p.m.

The point that bothers Members on this side is that these boards are open to political appointments, in other words, to the same kind of control that existed over the state enterprises which failed so miserably. Madam Speaker, if they do not understand that, then they would not understand the concerns of people other than themselves. *[Interruption]*

Hon. J. Eckstein: I have the greatest respect for former Minister Richardson. I was his Minister for three and a half years and we worked reasonably well

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together and the result was what one saw at the airport. Nothing would have been possible either under my stewardship or his, if he did not have as the chairman of the Authority, the power to run the affairs of the Authority.

I could be uncharitable and make reference to the same man in another administration, under another Minister, but I will not because—*[Interruption]*

Madam Speaker, this very week—well, the letter is dated May 1, 1995:

"FORUM ON LEADERSHIP FOR HEALTH SECTOR REFORM

San Juan, Puerto Rico

Sir,

For the third time in the 20th century, Puerto Rico has embarked on a program of sweeping changes in its health sector. The first change, which took place in the 1960s, was the reorganization of the sector around health regions."

They did in the 1960s what we are trying to do today and it is not that these recommendations were not made then: a whole series of commissions going back to 1957. There has not been a single commission of enquiry that has sat and looked at the Ministry of Health and has not suggested that the only solution is to empower the managers. The quote continues.

"...The second occurred in the late 1970s and early 1980s, establishing the mechanism to deliver health services on the basis of primary, secondary, and tertiary care.

The third change, in which we are involved, seeks to build on previous experience with the health care model and its financing in order to improve quality, cost-effectiveness, and user satisfaction. The purpose is gradually to reduce the inequities of the current system, where the population without health insurance has access to health services, but does not receive adequate care in comparison with those who have the ability to pay."

Here is a Caribbean country famous for its health delivery system capability: since the 1960s they have decentralized and established authorities. Trinidadians without number, as soon as they get sick they run across to Puerto Rico. Why do you think they do that? Because there is a public service running the health service over there? *[Interruption]* I went—and not only I, other people on that side of the House also—to where there is an authority running the health service. Where the administration has power over the employees. It is the only way.

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So despite all this talk that we are getting, anybody on the other side who gets ill would seek either to go to a private institution where everyone of them without exception, with their 10 and 12 beds, would have a board running them. Every single one of them. Or, if they go to the public sector they would go to the Mount Hope Hospital. Every one of them! *[Interruption]* The Member said because the Government has no services! I am confessing that, I am not hiding that, and I am saying that with the present arrangements we would never have it and the Member is aware of that.

This is what the UNC said in its manifesto:

"It is essential that we have a Health Service which provides an efficient and high standard of care for the ill and the ailing. ... In order to advance these concerns the UNC will implement:

- (4) Efficient district medical services managed by Regional Medical Boards..."

[Interruption] This is what the UNC said in its Manifesto. *[Interruption]* So you are going to have regional medical boards managing the services *[Interruption]* I see nothing here— It says here:

"Efficient district medical services managed by Regional Medical Boards including efficient emergency and outreach facilities."

There is nothing here about being independent.

Dr. Singh: Could the Minister tell us what has happened with the regional health services in the 1960s? A north and south were declared; what has happened to that? The fear is the political infiltration of these several bodies with the direct line from the politician to the administration. *[Interruption]* We do agree on the tripartite level of primary, secondary tertiary health care, but to supply the essential equipment and chemicals, this is where the administrative problems crop up, not in the dispensation of the medical service.

Mr. Maharaj: We agree to decentralize but—

Hon. J. Eckstein: Hush your mouth, you rambled for an hour and said nothing. *[Interruption]* Madam Speaker, even as I say that, I apologise. I sincerely apologise, please forgive me.

Here is a document put out by the World Health Organization, a division called "Strengthening Urban Health Services." It says in conclusion:

"It would be rewarding to be able to conclude on a note of optimism..."

about the urban health services, but unfortunately they cannot.

5.50 p.m.

It says:

"Nevertheless, one positive conclusion is possible. Certain important, interrelated concepts that are accepted as fundamental in international organizations and cooperation agencies are finally being considered and debated locally and seem to be receiving increasing attention. Some of these concepts are:

- decentralization, the development of self-reliance, and local capacity building..."

Mr. Maharaj: We are not against that—what the Prime Minister said about you I now realize that he was right. I want you to answer the debate.

Hon. J. Eckstein: What do you want me to answer? Even the former administration during its tenure did a few things, most of it towards the end of its term of office. Unfortunately, it squandered four years, but it really, in my view, made a serious attempt to address the problem in health in the last year of that five-year term. It left in the Cabinet records a note that assisted us. In paragraph 4 of that Cabinet Note—this is Sister Pam of Tobago West—listen to what the former administration left in the records when it had the opportunity, and I compliment them on the visionary thinking contained. It says:

"...health care services be delivered to the country's population through hospitals managed and run by incorporated authorities which are answerable to the Minister of Health...

The Ministry of Health also proposes as part of the new framework, that the responsibility for and control over staff and property be vested in the incorporated authorities themselves, if not immediately on their incorporation, then on a phased basis over a period of transition."

Visionary thinking! Nothing could be wrong with it; the logic is impeccable and you are to be complimented on it. It is a pity that the politics forces people to take positions that are clearly at variance with good sense. Madam Speaker, we are fairly confident that we are embarked on the correct course.

If I could just state quickly, the Member for Tabaquite spoke of the San Fernando General Hospital and heavy weather was made of the fact that we had a grand opening ceremony. True. There was much political fanfare—true—and that

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the hospital remains vacant—true. The fact, however, is that much work is going on and I am prepared to share with the Member for Tabaquite in terms of that activity. It is really frenetic these days and we are getting close to commissioning. In fact, a commissioning schedule has been published and has been made available to the media. We had a press conference last week in which we dealt with that in detail. Mr. Trevor Hewitt is our commissioning manager. All the tenders have been received from the various suppliers. We expect equipment to be coming in very shortly and we have a phased commissioning which we hope will relieve, considerably, the problems at San Fernando. It has taken time because it is not an easy exercise; it is an extremely difficult exercise.

In the course of his presentation he also listed a litany of woes on the health service and I concede that. But the Member for Couva South asked the question whether the exercise of the power by the RHA, that is the power which the commission has, would affect and undermine the security of tenure of public servants. I would have thought that as a person representing people, elected by people, he would have asked another question, or at least this question: Would the exercise of the power by the RHA lead to an improvement in the service to the people of Trinidad and Tobago?

I always find it strange that that is not a concern of the Opposition. They do not care what happens to the people. Madam Speaker, the one thing that motivates me as Minister of Health is the improving of the service to the people of Trinidad and Tobago. Every action that we, as a Government, take is moving resolutely in that direction—to improve the service out there.

It is my considered view that if we succeed in marrying these concepts of authority and responsibility, the result will be a considerable improvement in the level of the service. I would also advise just before I conclude, that the RHAs have advertised for various positions within the RHAs and the very people whom they say are afraid of having their tenure disrupted are the people who have applied. Those are the people who are now seeking to fill all the positions in the said RHAs. That is a measure of the confidence that the public servant has
[Interruption]

I have not seen the applications and I do not want to see them; I do not want to be a part of the process of dealing with that exercise; I have just been told that they are receiving applications from a number of public servants in the ministry. I have just been advised by the Member for Tobago West that Tobago has already chosen its Chief Executive Officer. Perhaps, you wish to advise us if it is a public servant?

Miss Nicholson: I do not know the person.

Hon. J. Eckstein: Is it a public servant who was chosen? You do not know the person? We have a convenient lapse of memory.

Miss Nicholson: Madam Speaker, I just want to remind the hon. Minister that he cannot criticize or say anything against Tobago West. We have not contributed as yet and he will hear from me next week.

Hon. J. Eckstein: Madam Speaker, I have said nothing against the Member for Tobago West, a person for whom I have the highest regard and affection. *[Laughter]* But I want you to know that the information available to me is not in any detail. I do not know what the details are, only that in respect of the positions advertised it is the public servants who are applying for them and who are being considered. That is a measure of the confidence that they have in the new system in the dawn of the new day for an improvement in the delivery of health services in Trinidad and Tobago.

I thank you, Madam Speaker.

6.00 p.m.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I beg to move that the House do now adjourn to Friday, June 2, 1995 at 1.30 p.m.

Madam Speaker: First Motion on the Adjournment? Member for Siparia?

Hon. K. Valley: Madam Speaker, I am sorry. I wonder whether we can facilitate the Member from the other place. There are a few Motions on the Order Paper on Public Utilities and I wondered whether we can do those first. Well, there is No. 5.

Leave granted.

Inadequate Water Supply (Oropouche)

Mr. Trevor Sudama (Oropouche): Madam Speaker, it is not with any relish that I get up in this House to talk about a matter on which we have spoken endlessly here—but to no avail. It concerns the critical issue of the very deplorable water supply in the vast majority of districts in the constituency of Oropouche. Oropouche is a Cinderella constituency in more ways than one.

Hon. Member: May I congratulate you in advance?

Mr. T. Sudama: Madam Speaker, it is a constituency that has been the subject of neglect over the years by a number of administrations and, indeed, I have come to the conclusion that Oropouche is a constituency that is the subject

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of downright discrimination when it comes to the supply of the basic necessities of life.

Madam Speaker, we are not asking for huge LNG plants in the Oropouche constituency. We have asked for URP programmes—employment creation activities—and none have been forthcoming. What we are asking for are the basic necessities of life which have to do with the most essential ingredient, the supply of water. The fact is that this has fallen on deaf ears and what we get from the Minister and the officials is a set of platitudes—unending platitudes and promises which really do not bring water into the taps.

I have classified the Oropouche constituency into four types of districts. In many districts people in this constituency get no pipe-borne supply of water at all. None whatsoever. It has not flowed in the taps for decades. I want to list some of those unfortunate districts which are outside the pale of concern of the Government. No water at all in the taps for years upon years in Upper Gandhi Village, Puzzle Island, Lower Gopie Trace; Pluck Road, Timital Junction; San Francique between the 1 1/2 mm and 3 1/2 mm; Dumfries Village; Sugar Welfare Settlement at Dumfries Road; Arbajan Trace; Sumai Trace; Trichi Trace—no water supply at all!

How the residents manage there is that they have to buy water at \$100 a tank—people on meagre incomes have to set aside that money, which they may have had for purchasing food or sending their children to school. They have to set it aside to buy water. Or, the few who have vehicles go two or three miles away to some other area to collect the water and bring it; and those unfortunate ones who do not have vehicles and who cannot afford to buy water have to resort to ponds; and now even the ponds have dried up in the area. That is Trinidad and Tobago, 1995, after 33 years of PNM Governments. They should resign for a number of reasons but I think this is an added reason why this Government has failed this society and this country and things are going from crisis to crisis.

There is another group of districts in my constituency which gets water “intermittently” and “unpredictably.” When I say intermittently and unpredictably, I am talking about once a month; once in five weeks; once in six weeks. You do not know when the water is coming—whether it is coming in the day or the night—unpredictable and very irregular.

I am talking about Papourie Road in Esperance; Diamond Village; Picton Street, Triumph Street, Harripaul Village in Diamond. In Debe there are Debe Trace, Kuchawan Trace, Ramsamooj Trace, Suraj Trace. In Penal there are

Bachia Trace, Ramjohn Trace; Toolsa Trace; Upper Gopie Trace. Unpredictably, as we say, "once in a blue moon" these people get a pipe-borne supply of water.

There is another category of district—becoming fewer and fewer—which gets water, perhaps, once weekly on a scheduled basis. I am talking about Rambert, Hillpeace; the SS Erin Road at Debe, La Fortune/Woodland and so forth—once, weekly perhaps.

Then there is a fourth category which has only one district and which gets water fairly regularly during the week, and that is La Romaine.

Now it may be just a coincidence that La Romaine is the only district in the Oropouche constituency where the PNM gets some votes. That may be purely coincidental but it is a fact, of which the Minister, I am sure, is fully aware. Of the very many districts that are recounted, it is only La Romaine which gets a fairly reliable, adequate supply of water, and in La Romaine the PNM gets the vast majority of votes in the Oropouche constituency. Purely coincidence, perhaps.

How has this situation arisen?: In the last few years the problem, the crisis, has intensified and I shall tell you why, because, as I said, Oropouche is a Cinderella constituency, the object of outright discrimination and exclusion.

6.10 p.m.

The supply to the vast number of districts in my constituency comes from the Caroni/Arena Treatment Plant opposite Piarco. What has happened is that the Government has done a substantial capital development programme in the St. Patrick area. I want to disabuse the Minister's mind of any notion that when it embarked on that programme it brought any relief to the St. Patrick section of my constituency.

No relief has come to the St. Patrick section of my constituency because if I recount to you now what the development programme consisted of, you will see that, by and large, it was the constituencies of La Brea and Point Fortin which were targeted for improvement. I have no problem with that.

Madam Speaker: I want to advise the Member, we have five Motions on the Adjournment. If each Member is supposed to get his or her allotted time, we have to take 11 minutes for each because each Motion will take 22 minutes. You have five more minutes. That is, of course, giving you a bit of grace because you were not warned before.

Mr. T. Sudama: Very briefly—because I have to raise this Motion again; I cannot say everything here today—they have had a capital improvement

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programme of work and they spent \$66 million on that project. Do you know what they did? They put 30-inch lines on the South Trunk Road leading to Oropouche; from Oropouche, 16-inch lines, some of the largest lines, into Siparia Road, into Quinam, Palo Seco, Erin, Buenos Ayres; come back to Chatham.

They have spent \$66 million, laid 71 kilometres of transmission and distribution pipeline and they have put down storage reservoirs, two in Cap-de-Ville, two in Siparia, one in Bennett Village—Siparia Old Road—Quarry Village, Buenos Ayres, and so on. That supply has come from Caroni/Arena.

What has happened is that they have diverted the water. Much of the water which came to Oropouche is now going to service La Brea and Point Fortin. As I say, I have no quarrel with servicing La Brea, but not at the expense of Oropouche. It is outright discrimination against the constituency of Oropouche—12 million gallon capacity. All we ask in Oropouche is just to replace some lines, but they cannot find the money.

Then we come here and get these explanations which are recurring decimals. "The lines are encrusted, that is why you cannot get water." I want to tell the Minister we replaced an encrusted line at Esperance Village—8-inch PVC main—as a self-help project. The residents got out there and expended a lot of time, effort and money. They put down one and a half miles of 8-inch PVC mains. Even though the project is completed we still cannot get any water. So that is merely an excuse of the Minister.

The next thing we are hearing is that we are at the extremity of the system. Well, Oropouche has always been at the extremity. In fact, it is outside the country. It is so extreme in what it receives as benefits that it is virtually excluded from Trinidad and Tobago. We shall always be at the extremity of the system. We have to suffer in perpetuity. How do you get a place which is at the extremity of the system to come into—

Madam Speaker: You have two more minutes.

Mr. T. Sudama: Then we are told that there is the inadequate availability of water. Do you know why, Madam Speaker? They send 30 million gallons, they say, from Caroni/Arena—from Piarco—but by the time it reaches San Fernando at the roundabout, there are five or six million gallons, because 12 to 15 million gallons has to service the Point Lisas Industrial Estate.

Now we have spoken in this House about an alternative supply. They have had proposals to bring a dedicated line from the Mathura River to service Point

Lisas. They have not done that, because Point Lisas pay fifty cents per cubic metre of water when such firms in the United States pay \$3.00 and \$4.00 per cubic metre. But this Government has decided that Point Lisas would get cheap water at the expense of the residents of Trinidad and Tobago.

We have also had a proposal that the waste water from the Beetham Dump Treatment Plant be directed to Point Lisas so they could have use of that and release the amount of potable water that they use so to service the residents. But not this Government. This is the caring Government we have heard about. It refuses to raise the rate of industrial water because it is in the pocket of these big businesses—at the expense of the people of Trinidad and Tobago—or to force them to have alternative supplies of water. It refuses to do that. That is one of the reasons.

But even though they have improved the Penal Water works up to 900,000 gallons per day, the St. Patrick section of my constituency has not benefited. So this question of unavailability of water is another excuse. Of course, there is the water wastage about which this Government and previous administrations have been incapable of doing anything.

Then there is the matter of emergency truck-borne supplies. These people have not had water for weeks and months and we have asked for a truckborne supply just to relieve them temporarily, and this Government cannot find the money. There is never any money for the Oropouche constituency for a vital necessity of life. They have \$2 million to go to Hong Kong and not a few thousand dollars to provide an emergency supply of water.

Madam Speaker: Your time is up, Member for Oropouche.

Mr. Hosein: Madam Speaker, I want to move that the Member be allowed to continue. I would curtail my contributions, since I have two Motions.

Mr. T. Sudama: Madam Speaker, in two or three minutes I will wind up. Let me just talk about the promises which have been made by this Minister in this House. They get up here; they make a statement; they have no intention of meeting those commitments. This is one of the problems with this parliamentary system. A Minister who gets up in this House and gives a commitment and cannot live up to it should be censored by this Parliament. Listen to what this Minister says. I am quoting from the *Hansard* of June 24, 1994. He says:

"There has not been any reduction in the volume of water transmitted to the Southern Region from the Caroni/Arena Waterworks."

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My information is there has been a reduction. He says:

"...approximately 30.8 million gallons per day."

He said that is going to go up by the end of 1994 to 35.3 million gallons per day. What has happened is that instead of going up, the supply has come down.

Hon. Member: Time up!

Mr. T. Sudama: The Member does not have a water problem and he does not care about his constituents, whatever problems they may have. So for everybody, time is up. All he is concerned with is going to Hong Kong to make kickbacks and deals.

Listen to what the Minister says:

"The following areas in the Oropouche constituency are being served by the Caroni/Arena Water Treatment Plant:

- Debe Trace;
- Puzzle Island;
- Kuchawan Trace;
- Ramai Trace;
- Suchit Trace;
- Gopie Trace;
- Esperance Village

The mains in the above areas are severely encrusted. The mains on Suchit Trace are scheduled to be replaced at an estimated cost of \$400,000 by the end of 1994."

Madam Speaker, 1994 has come and gone; we are in May, 1995 and there is no replacement of the mains, not even in one district in that constituency as promised by the Minister.

"The distribution systems at Gopie Trace, Debe Trace and Esperance Village require rehabilitation and upgrading to meet the growth in water demand. This rehabilitation programme will commence once the necessary funds are in place."

I am told that a loan has been received by the Government from the IADB. The necessary funds at the end of last year were in its possession. What is the problem

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with spending some money on Gopie Trace, Debe Trace, Esperance Village, Diamond Village and the other areas? Well, Esperance Village is a self-help project, but please send some water into the mains.

The point I want to make here, finally, is that what we have is a parliamentary system where Ministers can get up and make bogus promises; there is no accountability. They can get up here and repeat platitude after platitude, meanwhile the people in my constituency suffer as they have never suffered before.

6.20 p.m.

Granted, this is a long drawn-out dry season. Dry season, drought or no drought, Oropouche never gets water. Most of the constituents never get any water in their districts, or they get it on very irregularly.

What I am saying is that this constituency is outside the pale of concern and participation in Trinidad and Tobago, even at that very minimal level of a water supply, for people to live. This merely gives an idea of the care and concern this Government has for our people, and about the very basic amenities and necessities for people to survive in a constituency which has not voted PNM, and is unlikely ever to do so.

Thank you.

The Minister of Energy and Energy Industries and Minister of Public Utilities (Sen. The Hon. Barry Barnes): Madam Speaker, I am glad to hear from the Member for Oropouche. If I remember rightly—and I am sure *Hansard* would support this—in the dry season of 1994, the Member for Oropouche told this House that since he first arrived in this House in 1981, he had been raising matters of water year after year but that nothing had happened, and that as far as he was concerned he was wasting his breath and he would never speak on the subject of water in this House again.

I can only assume that the Member for Oropouche is now convinced that his intervention would lead to some action and improvement.

Mr. Sudama: Madam Speaker, I have been implored by my constituents to raise the matter in the House. This is why I am doing it, and I always abide by the wishes of my constituents.

Sen. The Hon. B. Barnes: Madam Speaker, I went to great lengths in this House to speak of the geography of Trinidad and Tobago as it relates to sources

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of water. In the very nature of the thing, if one is having water sources in the North, and at Navet in the Central areas there will be locations that are at the extremities of the distribution system. It is a matter of the flow of fluids and where the booster stations are located, which is determined, really and truly by where the available water sources are.

I am merely saying that to—

Mr. Sudama: Are you saying that nothing can be done?

Sen. The Hon. B. Barnes: I am not saying that nothing can be done. Having said that, I want to clear up the question of any discrimination, because in a very real sense, that diverts attention from the real problems. Until we can all concentrate on what the real problems are, the ability to solve them would escape us.

The distribution of water in Trinidad and Tobago relies on the availability of water, in the first place; and then pumpability; that is, the state of the equipment and the state of the pipelines.

Let me deal with some of the specific areas. Diamond Village: Leaks, Esperanza: only temporary relief by repairing the leaks. It is a situation in which the demand in the particular area has grown, with a particular intensification of demand in the dry season because, first of all, it is the dry season. Secondly, one aspect that everybody prefers to ignore, is the fact that our sugar crop coincides with the dry season and the operation of the sugar crop creates a significant increase in the demand for water.

Let me share WASA's perception with this House, which is that the dry season creates an increase of 20 per cent in the overall demand for water. In the central areas the demand actually doubles. If it is taken overall, it is a 20 per cent increase in demand, but the operation of the sugar crop in the dry season, in fact, doubles the water demand in central.

Mr. Sudama: That does not help the constituents of Oropouche.

Sen. The Hon. B. Barnes: That does not help the constituents of Oropouche. I have made no pretence. The problems that WASA faces in the distribution of water—the Member for Oropouche has talked about it; that \$50 million became available at the end of last year. Fifty million dollars cannot, in fact, improve the supply in the area. What improves the supply is the installation of pumps and pipes. I think we have all seen it last week, the first shipment of ductile iron pipe

reached Point Lisas last week Wednesday; and WASA has been very clear, by way of public advertisements, to say where those pipes are going.

I have told this House that \$50 million cannot correct, rehabilitate or refurbish all the items of equipment that need to be refurbished within WASA's existing distribution system. What it does is to allow WASA to tackle the most critical areas to start the process.

The Members of this House are fully aware—we have talked about this, and the Member for Oropouche raised the matter—that there is a requirement to increase the overall availability of water and WASA's Emergency Programme has continued to reactivate the various well fields. The Member for Oropouche was generous enough to refer to the Penal Well Field being brought back up to about one million gallons a day production. He said that it only helped a part of his constituency and did not reach the San Francique area.

The fact that it did not reach San Francique is quite correct because the improvement at Penal Waterworks would only improve the level of service to San Francique after the replacement of the undersized main along the San Francique Road. It is a matter of engineering and the physical flow of water. One can only get so much water supplied if there is a particular size of pipeline.

If the demand has grown beyond the capacity of the pipeline, there would be water in the first part and not at the end of the pipeline.

Mr. Sudama: Madam Speaker, I pointed out that the capacity size was increased and the main replaced in Esperance Village, 1.5 miles, but we have had no improvement in the supply.

Sen. The Hon. B. Barnes: That is precisely the point I am making. There is really no point in increasing the size of a pipeline at the extremity if the size of the pipeline at the take-off point is not increased.

Mr. Sudama: That is because there is a 12 inch line.

Sen. The Hon. B. Barnes: Good Lord, there is a certain volume of water going into the 12-inch line. If the water was short at the beginning of the exercise, increasing the size of the take-off pipeline to 8 inches in diameter not increasing the volume of water in the 12-inch diameter main which was inadequate to start with. *[Interruption]* That is what we have been saying for years.

6.30 p.m.

Mr. Sudama: Let me ask one question about availability. I had mentioned the issue of Point Lisas drawing off millions of gallons of water, which if there were an alternative supply, that water would have been made available for distribution in the south-west of Trinidad including my constituency. Do you have anything to say about that?

Sen. The Hon. B. Barnes: There is no secret about that. Fundamentally, there are several areas. We must understand what we are talking about. There was a complaint which was given wide prominence in the newspapers from the Arima Turf Club. They were not getting sufficient water from WASA to water the track to make it soft enough for the horses to train. That system was coming off the potable water supply because there was no other supply.

Within the central areas we know that there are people who open the wash pots on the 27-inch diameter potable water main from Caroni/Arena going down to the San Fernando booster, for the purpose of irrigating their fields. WASA took samples and have found residual chlorine. The Member is absolutely right. Since there is no other availability, the temptation remains extremely strong in the height of the dry season for people to take that kind of action, but clearly, this does not help the overall supply situation. While people want potable water on one side, somebody is irrigating a rice field with it somewhere else.

We come to the central point. [*Interruption*] All the concerns have been investigated. If there is a production of 160 million gallons of potable water per day, by that very act, almost 160 million gallons per day of waste water is produced. The Beetham sewerage system and the San Fernando sewerage system need to be refurbished. If WASA could recover about 30 million gallons per day of industrial quality water, you can use that for cooling water and irrigation and remove that demand from the potable water supply and make that 30 million gallons per day of potable water available. The fact of the matter is that we are standing here today and the country does not have that capability to recover industrial quality waste water. We are aware of this.

Funds have been raised for the refurbishment of the sewerage systems in Beetham and San Fernando. Over time, this is where the critical need is.

Madam Speaker: Hon. Minister, you are going a little overboard time wise.

Sen. The Hon. B. Barnes: Yes, Madam Speaker. Over time you can build the system which you require to recover that industrial water. The fact is that WASA cannot do it at the present time.

Thank you.

**Matters for Attention
(Siparia Constituency)**

Madam Speaker: The Member for Siparia.

Mr. Palackdharrysingh: Madam Speaker, can I draw to your attention the fact that my motion concerns the Minister and I am wondering—

Madam Speaker: Which Minister?

Mr. Palackdharrysingh: The Minister of Public Utilities.

Madam Speaker: Does the Ministry of Public Utilities deal with telephones?

Sen. Barnes: No, Madam Speaker.

Madam Speaker: We come to the Member for Siparia. Are you putting your two motions together in one capsule?

Mr. Sahid Hosein (Siparia): No, Madam Speaker.

Madam Speaker: How are you going to limit your time?

Mr. S. Hosein: Madam Speaker, I will limit the contributions.

The first Motion speaks about the refusal of the Ministry of Works and Transport to attend to minor matters under its jurisdiction within the Siparia constituency. I am pained at having to bring such a mundane matter to Parliament and to literally waste Parliament's time. I have had this difficulty over a period of time in trying to get it addressed at the local government level that is at the Highways Division in San Fernando. That has led to no fruitful outcome, nor has bringing it to the Minister's attention by way of resolution.

There is an engineer at San Fernando in the Highways Division who is responsible for most of these matters and who seems to be of the view that the office he holds was created for his personal benefit and not for the delivery of services to members of the public. I must say he has benefited tremendously. In fact a bit of that came out during the debate on the Road Improvement Programme. That much we know. To state my case rather quickly I want to read from correspondences that I have sent out to both the engineer and the Minister.

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The first one is dated September 7, 1994. Madam Speaker you will see how trivial—and this is what pains me—some of these issues are and we should not be talking about them at this time of the day in the Parliament.

This might be his last response.

"Dear Sir,

I wish to draw to your attention the extreme difficulty I am having in getting senior personnel at your Southern Department Highways to deal with minor complaints. Repeated requests whether oral or in writing are generally met with stony silence and indifference. Attempts at contacting the engineer and other key personnel are at most times futile and even when messages are left these are completely ignored.

After years of trying, a tour of the area was attempted four weeks ago, but was quickly aborted with the promise of his continuation the following week. To date this has not materialized despite repeated requests."

In the letter I told the Minister:

"I am therefore asking your intervention and trust that this will be done expeditiously."

The Minister responded to that letter through his executive secretary on October 19, 1994. The letter states:

"I have been directed by the Minister of Works and Transport the Hon. Colm Imbert to acknowledge receipt of your letter dated September 7 on the above subject (which was the complaint), and to inform you that your complaint is being investigated."

This is routine. Today we heard in an earlier debate about an investigation which is taking place. It raises the question as to who investigates whom. Obviously, this was the same sort of investigation and to this date I have not had a response in terms of what took place after that investigation, or indeed, if there was any measurable success in having the matters addressed. That is why the very important issues which we raised in that earlier debate and the way they are being handled by the ministry is a case of Caesar investigating Caesar.

Another letter dated February 13, 1995 was sent to the engineer. This is a man, who when told about inappropriate action in selecting a successful tenderer by one of his officers said: "So what? The most they could do is fire me." This is the individual I am talking about. What amazes me is that the Minister gets up and

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defends these individuals who are laws unto themselves and hindrances to providing services for members of the public. It makes one wonder about the credibility of the Minister when he gets up, in the face of all the evidence, and continues to defend people like these. They have no place in the public service. I say so categorically.

The letter states:

"Mr. Ramsingh,
Engineer
Highways Division South

Dear Sir.

Once again I am forced to raise the following minor matters for the attention to your department. These matters have been long outstanding and have not been attended to despite repeated requests to both you and your senior officers. These matters are:

(a) construction of a culvert across Seemal Trace."

Previous letters were dated July 18, 1992—we are now talking about 1995—and July 19, 1994. There were three letters on the same issue.

"(b) reconstruction of a block culvert across Clarke Road."

All these matters have to do with relieving flooding in these areas. The letters are dated November 29, 1993, February 9, 1994, July 19, 1994 and of course the latest one I am quoting from. Five letters were written and to date absolutely nothing has been done.

"(c) replacement of broken cylinders across Rochard Road."

The letters are dated September 7, 1992 and September 10, 1993.

"(d) establishment of a slipper drain on the four and a half mile Rochard Road, Penal."

The letters are dated February 4, 1993, September 10, 1993, January 22, 1994 and July 19, 1994.

6.40 p.m.

I shall tell you why I am concerned. The failure to establish this causes water to remain on the road and workmen have to repair the road three and four times a year. If the curb and slipper is constructed, that saving can be utilized in some

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other area of the economy. This has been my major concern with regard to expenditure from the exchequer. Why are they not utilizing funds in the most efficient manner, given the scarcity? Every time the road is destroyed because it becomes waterlogged, they repair it and it goes again; and they do this continuously.

"Establishment of a roadside drain in the vicinity of La Patia Trace, Rochard Road"— letter dated July 19, 1994.

"Reconstruction of the drainage system at Lalbeharry Trace, Debe".

What happens on that road is that every time it rains, because the road is very low and there are people who block certain waterways in the area, the road is flooded and children cannot go to school. It is the major access road to the Barrackpore Junior and Senior Comprehensive Schools.

"Continuation of curb and slipper drains in the vicinity of Ramsabad Trace".

This letter was copied to the Minister.

April 22, 1995. Listen to what I had to write to the Minister, in spite of the fact that he has an establishment in South to deal with these matters.

"Dear Sir,

I would like to seek your intervention in the repair of Clarke Road and Rochard Road, Penal ..."

Despite the fact he made a song and dance today about irresponsibility in asking to repair Rochard Road, he has misled the House and the nation. Only a little section of Rochard Road will be disturbed for new pipes. The rest of the road needs to be repaired.

Of course, on May 9, the Minister's secretary responded by saying that the matter was receiving attention.

I want to advise the Minister that several Members on this side have the same difficulty in relating to that southern department. One will agree, when one looks at the issues, that they are minor and should not keep us back in this House this evening, for, since 1992 I have been writing to get these simple matters attended to. However, because these people have other agendas, they simply refuse to attend to these mundane matters.

I should like to hear what excuse the Minister has on this occasion. In addition to that, I hope he would indicate something positive—that there will be a change

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of attitude; that the department will operate differently in terms of its relationship, not only with Members of Parliament, but also with members of the public.

I thank you.

Madam Speaker: Construction of the access road is in that constituency, would you like him to do that together?

Mr. S. Hosein: I prefer to do it separately, Madam Speaker.

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, as I have said before, I am very, very disappointed on more and more occasions now by the contributions of the Member for Siparia. Before I respond to his specific points, I should like to read into the record some correspondence from community groups in the Clarke Road/Penal area, of which the first is from the Blue Birds Sports & Cultural Club, to the Ministry of Works and Transport, signed by about eight officers of that club.

"Rochard Road,
Penal

26th October, 1994.

Civil Engineer I,
Roads Supervisor,
Works Supervisor,
Ministry of Works,
St. Patrick.

Dear Sir,

The above mentioned Cultural and Sports Club wishes to recognize and thank you and your department for the excellent work done on Rochard Road, Clarke Road and Penal Rock Roads recently ...

We also wish to thank your work Gang for the extra support they have rendered to us by clearing the drains and road repairs around the 3 — 3 1/2 mm Rochard Road where we recently concluded our annual yagna.

We look forward to your continuous maintenance, repairs and co-operation in the future.

MAY THE BLESSINGS OF THE LORD SHIVA BE WITH YOU."

We have another one.

Matters for Attention (Siparia Constituency)
[HON. C. IMBERT]

Friday, May 19, 1995

DESERT STORM SPORTS CLUB

Old Clarke Road Junction,
3 3/4 mm Rochard Road,
Penal.

20th October, 1994.

The Road Supervisor,
Ministry of Works,
St. Patrick,
Siparia.

Dear Sir/Madam,

The above mentioned Club wishes to thank your Department for the good road work carried out recently on the Rochard, Clarke and surrounding roads. We understand the delayed (sic) was due to the fault of W.A.S.A. We look forward to continuous maintenance, repairs and co-operation in the future.

Yours respectfully,

(sgd.) Narindra Ramsubhag
Secretary"

It is really unfortunate when Members of Parliament use their cover of parliamentary privilege to make all sorts of allegations about people that they are not brave enough to make outside this Parliament. As I said before, where irregularities exist, they will be dealt with. It is really unfortunate for someone who does not have a shred of evidence to just tarnish people's names without compunction.

According to the information given to me, the District Engineer held discussions with the Member for Siparia during the third quarter of 1994 and made a visit to Clarke Road with him. The Road Supervisor is in constant contact with the Member for Siparia and deals with complaints on a regular basis. As a matter of fact, staff in the district are truly surprised that the Member for Siparia could claim that he has difficulty in contacting senior personnel.

There is a record of work done on Penal Rock Road, S.S. Erin Road, Clarke Road, Morne Diablo, Penal Quinam Road, Rochard Road, Scotts Road. It is truly unfortunate that the Member claims that he is not getting co-operation from the senior staff. We have investigated this matter and my information is that the staff treat the MP for Siparia with all courtesy and respect due to him as a Member of Parliament and that they regularly attend to matters that he raises with them.

What I believe is the problem is that the Member for Siparia would like every matter raised within the district dealt with immediately. There are Members on the Government side who have been making representation to the Ministry of Works and Transport for years about matters in their own constituency and because of lack of resources and funding we have been unable to deal with them up to the present time. As I said, I have been informed that the Member for Siparia is treated with courtesy and respect by the senior staff of the Ministry of Works in that particular district, and as far as I am aware the allegations are simply not true.

**Gros Michel Beach
(Construction of Access Road)**

Mr. Sahid Hosein (*Siparia*): Madam Speaker, this Motion has to do with the construction of an access road.

Mr. Valley: I hope you have your facts right this time.

Mr. S. Hosein: Who me? That is a disgrace for an explanation. If I were he, I would be ashamed as a Minister to give that response. The very club that wrote the letter the road there has a big pothole for about 100 yards so that a vehicle cannot pass. I challenge him to visit the area. He is talking nonsense. His credibility is under serious question. *[Interruption]*

Madam Speaker: Please carry on with the business at hand.

Mr. S. Hosein: Construction of an access road to the Gros Michel Beach, Penal Rock Road.

Madam Speaker: I wonder if you represent the same constituency in the same country. Please let some harmony and love prevail.

Mr. Haniff: There cannot be, Madam Speaker, when there is irresponsibility on that side. I have invited him for three years and he has not come to see the suffering down there. *[Interruption]* He is the cause, not money.

6.50 p.m.

Mr. S. Hosein: Construction of an access road to the Gros Michel Beach, Penal Rock Road.

I have not seen the beach myself; it is not accessible. One has to go through bushes, and what not, to get there.

Gros Michel Beach
[MR. HOSEIN]

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I have been informed by hikers and people who have gone there, that it is one of the most beautiful beaches and that it is in a most pristine condition. What the residents in the area are asking, is that Government construct approximately two miles of roadway from the end of what is known as Bunsee Trace to this beach. What is already in place, since farmers have holdings in that area, is a hard mud track which they use during the dry season to access the area. In fact, I have also been told that if one gets on a wheel tractor one can go to the beach during the dry season. It is an extremely beautiful beach.

There are several mud volcanoes in the area and my own view is that if a road is constructed, certainly it would attract a certain amount of local tourism and development of the area. Additionally, there is a quarry in the area which the Ministry of Agriculture, Land and Marine Resources uses in the dry season to source material, a quarry of similar type material that is obtained at the San Fernando Hill.

I am pursuing this Motion because it is extremely important that we open up the area as a recreational area. One understands, of course, the need for additional recreational areas, what it does to the people in the area and so forth. Very briefly I am asking—whether one uses the URP or the Ministry's resources or whatever—that this road be constructed. As I have said, several benefits would be derived from accessing the mud volcanoes and the quarry, which is very important in that area, not only in the dry season but also in the rainy season, and at the same time accessing the beach.

Thank you, Madam Speaker.

The Minister of Works and Transport and Ministry of Local Government (Hon. Colm Imbert): Madam Speaker, when this Motion came to the Ministry we had some difficulty in determining the exact location of the beach in question. My understanding is that there is a road off the Penal Rock Road called Bunsee Trace which is partially paved along its length, and then it goes into a dirt track. Even the Member has told us that he has not visited the beach so that it is clear the access to the beach is not truly developed.

I should like to inform the Member that there are many ways of getting this access road developed. If more precise information can be given as to its exact location, we could see whether it can make the criteria as an agricultural access road, for example, and then it could be rehabilitated under the IDB Rural Access Roads and Bridges Programme, if it meets the economic rate of return. If not, we can see whether it can be done through the relevant local government corporation, through an allocation in the development programme, perhaps, in 1996.

Gros Michel Beach

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I am therefore asking the Member for Siparia to please provide some more precise information on the road, indicating exactly what level of development is needed on it, whether there is need for us to bring it up to a fully paved road and so forth. The ministry will examine it and determine what can be done for the Member in that area. We have no difficulty in examining it and if we can help, we will.

Mr. Hosein: Madam Speaker, this is why I brought it to the attention of the Parliament and the Minister. I was hoping that he would use the resources at his disposal to decide which would be the best way to go, in terms of type of road and so forth, because the ministry has all types of resources.

Madam Speaker: The Minister is asking you to identify the road.

Mr. Hosein: I have identified the road. I have mentioned the benefits in terms of access to the quarry. Having given that information—maybe the Member was not listening, he can then determine through the use of his ministry's personnel—engineers and so forth—

Madam Speaker: Hon. Members, I advise that now that the Minister has given this undertaking you could meet with those advisers. The Minister has given his undertaking and if you follow it up you might get somewhere with that.

Mr. Hosein: Thank you, Madam Speaker.

Garbage Dump and Toxic Chemicals (Navet Cushe)

Mr. Krish Jurai (Nariva): Madam Speaker, my Motion deals with fire, smoke and toxic chemicals from the Navet Cushe garbage dump which is seriously affecting the lives of villagers in that area. That threat must be viewed against the background of that area not having rainfall for the past three or four months. As a matter of fact, I think there was rainfall sometime in November last year and as a result the area is very dry and parched and fire has been burning in this dump for the last two months or so.

We hear occasional explosions coming from chemicals which are dumped, by a well-known oil company, in the garbage dump which is covered. The fire has been burning continuously at the underground level but at night it flares up and smoke engulfs the entire area.

Within the recent past the regional corporation has been trying to some extent to smother the fire but they do this using very crude methods, by using sticks and

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so on to subdue the fire. They have tried using sand to some extent, but as I said, the area is large. It is an underground fire; they may cover the top but eventually the fire which is burning underneath would flare up and the smoke affects the villagers of the area.

At night when the area is calm the smoke engulfs the entire area and toxic fumes affect the villagers, children in particular, and they end up with itching and watery or red eyes. It is difficult for people to sleep at night because of the obnoxious smell which comes from the fumes. This is affecting the entire Cushe area. Adults who have asthmatic conditions are also suffering and they have great difficulty breathing.

There is a simple answer in that if—

Madam Speaker: That is the point I was waiting to hear. *[Interruption]*

Mr. K. Jurai: Yes, Madam Speaker, but I have to tell you the problems first. *[Laughter]*

In addition, this smoke is having a major effect on the agricultural produce in the area because the smoke destroys the people's crops, food and so on. As I have said so many times in this House, in addition to the present fire, the stench from the garbage dump affects funeral services at the Cushe Cemetery and the fire and smoke have added further agony to the people who have services there.

7.00 p.m.

The ideal solution is to have this garbage dump relocated. As a matter of fact, funds to the tune of \$300,000 from the Ministry of Finance have already been allocated. But for some reason I do not know, the Minister of Local Government is reluctant to relocate this garbage dump. The okay has been given for the new site by the Ministry of Health, WASA, and also by the Forestry Division. If this dump is relocated, it would eventually prevent further fires in the area.

To reinforce what I am saying, let me read a small article which was reported in the *T&T Mirror* on Friday, May 12, 1995. It says:

“Corbeaux and smoke are all over Cushe”.

I am surprised that the Members on the other side are not laughing. It is headlined: “Where to put that nuisance dump?”

The article states:

“After the Ministry of Finance allocated some \$.3 million for relocation of the Cushe garbage dump, the local regional corporation has taken a decision to halt the project.

People's National Movement members in the PNM-led Rio Claro Corporation claim they are 'not really overruling the decision of the Ministry of Finance.

What we are trying to do is to ensure that the money is not wasted.'

Chairman Arnim Mohammed told the corporation that 'villagers, where the new dump is to be sited, have plans to file an injunction.'

'If we go ahead with the project and they file an injunction we could end up wasting \$300,000.00.' Mohammed said.

The new site chosen is inside Basil Trace..."

Madam Speaker, Basil Trace is miles away from the nearest village. I think that is the ideal location. I think the corporation, and perhaps the Minister of Local Government to some extent, is dilly-dallying because as I said the approval has already been given to the relocation of this dump. May I continue:

"The Cushe dump has been a source of many problems for villagers over the past few years.

It is located next to the village cemetery and is in close vicinity to homes.

Corbeaux bringing dead bodies to fight over and eat in the villagers' homes—on roofs, gallery, yard—is a common sight.

Children have been attacked by the corbeaux in the recent past.

The area has suffered a major ecological disaster because of a fire which started in the dump and has continued burning, causing heavy smoke over homes, and destruction of crops."

Madam Speaker, I think that sums it up. As I said, the answer to the problem is that if they cannot control the fire at the present time, perhaps, the answer would be to relocate the dump. I again urge the Minister, because I have been raising this question about the removal of this dump since I entered this Parliament more than 3 years ago, and to date there has been no response. Once

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again I am appealing to the Minister to endeavour to do his best and have this dump relocated.

Thank you, Madam Speaker.

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Madam Speaker, the Member for Nariva has raised a legitimate complaint, much to my surprise. The Navet Cushe landfill facility, for the benefit of Members, is located in the ward of Charuma in Rio Claro and is the only refuse disposal site within the jurisdiction of the Mayaro/Rio Claro Regional Corporation. It is a fact that a fire broke out on the dump in March, actually the information I have indicates that the fire broke out on March 16, 1995.

The origin of the fire has not been determined. It is not clear whether it was started by persons in the area who have been clamouring for some time to get the dump resited—Madam Speaker, one would think that the Member wants to hear the contribution—or whether it was in some way related to bush fires in the surrounding areas. However, the Mayaro/Rio Claro Corporation has taken several measures with a view to extinguishing the fire and reducing the attendant smoke.

Some of these measures are as follows: bringing the fire under control and applying 7,000 gallons of water to the dump for several days per week; using a sandfill approach; using yellow quarry overburden to fill in some of the burning areas. In addition, the corporation has a 1,000-gallon water tender on standby, close to the site, to minimize the rekindling of the fire on the dump. There is also an initiative to put in armed security at the dump to prevent the recurrence of any malicious fires.

At present, the Corporation has reported that there is no actual fire at the dump nor flame. The unpleasant side effects that were associated with the fire have been largely eradicated by the measures I have outlined. Lives of the residents in the area are not at all threatened at this point. However, it is a fact that there is a smouldering subsurface and therefore there is still some smoke in the area.

It is hoped and expected that with continual application of further landfill and water by the end of this month the smoke problem would be totally eradicated. Thereafter, one hopes that the presence of armed security at the dump site would prevent the recurrence of any malicious fires.

Thank you, Madam Speaker.

Telephone Service (Caroni Central)

Friday, May 19, 1995

**Telephone Service
(Caroni Central)**

Mr. Raymond Palackdharrysingh (*Caroni Central*): Madam Speaker, the issue that I am going to raise this evening is one that I have raised in this House on several occasions. But if there needs to be one more unit in this recurring decimal, I think I have got to make it because of the lack of credibility on the Government side.

In 1992, during the tenure of office of the late Minister of Public Utilities, Morris Marshall, he visited my constituency and committed himself to providing telephones in the areas of Caparo, Carlsen Field, Flanagin Town and some of the surrounding areas. In 1993, again I wrote the late Minister and he indicated that TSTT would be handling the matter, and he referred the matter to TSTT and its Chief Executive Officer indicated that work would be done in 1994. On September 09, 1994, I raised a Motion on the Adjournment here in the House and on the same day the hon. Member for Diego Martin Central indicated that the same information I had he also had; and that the provision of telephone services in my constituency was still scheduled for 1995. That is in Caroni Central.

On July 7, 1994 I again asked question No. 93 in the House and the Minister of Trade and Industry and Minister in the Ministry of Finance, the hon. Member for Diego Martin Central, indicated that TSTT had advised that the telephone services would not be available in the communities of Caparo, Flanagin Town, Carlsen Field, Pepper Village and Gran Couva in 1995, but these would be available in 1996.

The concern I have is that there seems to be a systematic postponement of the Minister's answer, so it goes from one year to the other. The first issue that I have is: How can the Government prove itself credible when every time you ask a question you get a postponement, not recognizing that it had made a commitment the year before and so it goes on.

Secondly, I should like to find out what really is the true position with TSTT in terms of decision making? Who makes the decisions? Does the Government have any sort of clout in TSTT? Clearly, this issue has now become a political football, for it would seem to me that the Government, particularly, the Member for Diego Martin Central is playing politics with the people in Caroni Central.

7.10 p.m.

This seems to be a promising Government. While Ministers could come to this House with all sorts of cellular phones, my residents cannot even have what is

Telephone Service (Caroni Central)
[MR. PALACKDHARRYSINGH]

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called a booth. I want to know for sure whether this Government is committed to providing telephone services.

Mr. Imbert: Yes.

Mr. R. Palackdharrysingh: Let them be very straightforward and say when, because I am concerned about this problem. I have shown you the trend from 1992—1996 and I am fearful that when 1996 comes they would say, some other day.

Thank you, Madam Speaker.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Madam Speaker, I remember it was either very late last year or early this year that I dealt with a similar Motion on the Order Paper. I want to inform the Member that TSTT is a majority-owned state company 49 per cent of TSTT is held by a foreign company. TSTT was divested way back in 1989. The Government's position is that such companies must be able to run their own affairs. There is a board, there is management and they have to make economic decisions; and I remember from the last occasion they informed that these areas are on schedule for telephone service in 1996. That has not changed.

If we were to ask the company to provide service earlier, it means that the Government may have to subsidize the cost. If they are saying it is uneconomic or, indeed, if they are saying they will put the service in earlier, it means that Government may have to bear that additional cost.

I should like to inform the hon. Member that these Motions on the Adjournment are really under one and one. I am making the point, that the Government does not consider telephone service to be on the same basis as water or electricity—

Mr. Sudama: You are not providing water either. It is on the same basis, but that is only our constituents.

Hon. K. Valley: We do not believe that Government ought to be subsidizing telephone services; and more than that, I would argue that this is the business of the company. I have a corporate responsibility representing the Corporation Sole That is the bottom line responsibility with respect to profitability and so forth. But I want that company to make economic decisions, and I do not know whether the Government can really be held responsible for the scheduling of telephone services.

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If, for example, any other private enterprise—unless we say that it is a critical service—and I made the distinction with water and electricity, but that is not the case with the telephone service. But the bottom line is that the information from the company which I am passing on is that these areas are still on schedule for 1996.

I thank you.

Mr. Palackdharrysingh: Madam Speaker, that is the same point I am making. Why could the Minister not have been upfront two or three years ago and say these things? Now that I have raised the matter he has brought it now; and we see a different picture—and it is in terms of credibility.

Hon. K. Valley: Madam Speaker, I thought that we should put it in that perspective, simply because the Member seemed to be laying the blame on the Government. On the previous occasion, one thought that he was simply looking for information, so, acting as a conduit, we got information from TSTT and passed it on to the Member. On this occasion, however, he attempted to be laying blame at the doorstep of the Government.

Mr. Palackdharrysingh: What happen to this man, boy?

Hon. K. Valley: And I thought given that, one ought to provide a perspective.

Mr. S. Panday: But you are the majority shareholder!

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.16 p.m.

WRITTEN ANSWER TO QUESTION

Status of Legislative Matters

The following question was asked by Mr. Ramesh Maharaj (Couva South) earlier in the proceedings:

128. Could the Attorney General and Minister of Legal Affairs state:

- (a) The names of the legislative matters which have not been proclaimed and/or which have not have assented to and/or which have not become operative?

- (b) In respect of each legislative matter, what steps, if any, has the Government taken since it got into office for the Acts to be proclaimed and/or assented to and/or for them to have effect?
- (c) Whether the Government intends to repeal any of these Acts and, if so, give the names of the Acts?

The information requested is as follows:

(A) LEGISLATIVE MEASURES PASSED IN PARLIAMENT BUT NOT PROCLAIMED	(B) STEPS TAKEN TO HAVE THE ACTS PROCLAIMED	(C) WHETHER ACT WOULD BE REPEALED
<p>1. The Bahamas and Leeward Islands Light Dues Ordinance, 1934, Chap. 8 No. 7</p>		
<p>2. The Workmen's Compensation Act, 1960 Chap. 88:06 (Only Part IV) (Occupational Diseases) and Part V (Compulsory Insurance) unproclaimed</p>	<p>A Standing tripartite Committee comprising Government, Employers and Labour was appointed to carry out a comprehensive review of labour legislation including the Workmen's Compensation Act. At present this Committee is reviewing the Retrenchment and Severance Benefit Act and will review the Workmen's Compensation Act at a later date.</p>	<p>The Government does not intend to proclaim this Ordinance.</p>

(A) LEGISLATIVE MEASURES PASSED IN PARLIAMENT BUT NOT PROCLAIMED	(B) STEPS TAKEN TO HAVE THE ACTS PROCLAIMED	(C) WHETHER ACT WOULD BE REPEALED
<p>3. The Investment Disputes Awards (Enforcement) Act, 1968</p>	<p>This Act was enacted to give domestic legal effect in Trinidad and Tobago to the Convention on the Settlement of Investment Disputes between States and Nationals of other States. That Convention establishes an International Centre for the Settlement of Investment Disputes (ICSID) which provides facilities for conciliation or arbitration of investment disputes between contracting States and foreign firms or corporations, their subsidiaries, branches etc. The government has recently taken a decision to proclaim this Act and to identify persons who will be nominated to serve on the Panel of Conciliators and Arbitrators of the ICSID.</p>	

(A) LEGISLATIVE MEASURES PASSED IN PARLIAMENT BUT NOT PROCLAIMED	(B) STEPS TAKEN TO HAVE THE ACTS PROCLAIMED	(C) WHETHER ACT WOULD BE REPEALED
<p>4. The Plant Protection Act, 1975</p> <p>5. The Motor Vehicles and Road Traffic (Amendment) (No. 4) Act, 1978 (Sections 3 and 4 unproclaimed)</p>	<p>Cabinet agreed in June 1994, to the undertaking of a triennial inspection of private motor vehicles and motor cycles at private garages. However, it was agreed that this Act be amended to limit such inspection initially to vehicles ten years old and over. The proposed amendment would also give the appropriate Minister the power to vary the age of the vehicles to be inspected as well as the period of inspection. The implementation of this decision is at present receiving the attention of the Ministry of Works and Transport. The relevant sections of the Act will be proclaimed as soon as the inspection of vehicles can commence.</p>	<p>Government intends to repeal this Act. A new Plant Protection Bill is at present being prepared for introduction in Parliament.</p>

(A) LEGISLATIVE MEASURES PASSED IN PARLIAMENT BUT NOT PROCLAIMED	(B) STEPS TAKEN TO HAVE THE ACTS PROCLAIMED	(C) WHETHER ACT WOULD BE REPEALED
<p>6. The Landlord and Tenant Act, 1981</p> <p>7. The Land Law and Conveyancing Act, 1981</p> <p>8. The Trustee Act, 1981</p> <p>9. The Limitation Act, 1981</p> <p>10. The Condominiums Act, 1981</p> <p>11. The Land Registration Act, 1981</p> <p>12. The Succession Act, 1981</p>	<p>These Acts constitute an integrated package of property law reforms. With the support of the Inter-American Development Bank the Government has embarked on a programme with the objective of improving the legislative framework in respect of land tenure, creating a new land registry and modernizing the Registrar General's Department, the Department of the Director of Surveys and the Lands Administration Division of the Ministry of Agriculture, Land and Marine Resources. This property law package will be modified or replaced as considered appropriate in order to ensure consistency.</p>	
<p>13. The Publications (Legal Deposit) Act, 1985</p>	<p>A Bill to establish a National Library Information System has been prepared with a view to providing an integrated</p>	

(A) LEGISLATIVE MEASURES PASSED IN PARLIAMENT BUT NOT PROCLAIMED	(B) STEPS TAKEN TO HAVE THE ACTS PROCLAIMED	(C) WHETHER ACT WOULD BE REPEALED
<p>14. The Customs A.T.A. (Admission Temporaire/Temporary Admission) Carnet System Act, 1986</p>	<p>library and information services. This Bill, on which consultation is at present being held, will affect the provisions of the Publications (Legal Deposit) Act, 1985, especially section designation, by the appropriate Minister, of libraries as legal depositories. Steps will be taken to proclaim this Act when the Bill is enacted.</p> <p>Section 8 of this Act requires the provision of security for import duties. However, efforts to have an appropriate body to be guarantor for the payment of duties and taxes in the event that the goods are not re-exported have been futile. The legislation can come into effect when a guarantor is obtained.</p>	

(A) LEGISLATIVE MEASURES PASSED IN PARLIAMENT BUT NOT PROCLAIMED	(B) STEPS TAKEN TO HAVE THE ACTS PROCLAIMED	(C) WHETHER ACT WOULD BE REPEALED
<p>15. The Municipal Corporations Act, 1990</p> <p>The Parts that are not yet proclaimed are those sections and schedules falling under or relating to:</p> <ul style="list-style-type: none"> - Part III which deals with Municipal Police Force - Part V which deals with House Rates - Part VII which deals with Streets and Buildings <p>in so far as they apply to the several new municipal corporations established under section 4 of the Act.</p>	<p>Section 1(2) of the Municipal Corporations Act No. 1 of 1990 allowed various sections of the said Act to come into operation on such time as the President appoints.</p> <p>By Legal Notice No. 129 of 1991 the following portions of the Act came into operation:</p> <p>(i) All the sections that relate to the City of Port of Spain, San Fernando, Arima and Point Fortin.</p> <p>(ii) All the sections of the Act other than section 207, and Parts III, and V, VII, as they relate to the Regional Corporations and the Borough of Chaguanas.</p> <p>By Legal Notice No. 129 of 1993, section 207 of the Municipal Corporations Act was proclaimed to</p>	

(A) LEGISLATIVE MEASURES PASSED IN PARLIAMENT BUT NOT PROCLAIMED	(B) STEPS TAKEN TO HAVE THE ACTS PROCLAIMED	(C) WHETHER ACT WOULD BE REPEALED
	<p>apply to the Regional Corporations and the Borough of Chaguanas.</p> <p>The following parts of the Municipal Corporations Act 21 of 1990 are still to be proclaimed:</p> <ul style="list-style-type: none"> (i) Part III dealing with the Municipal Police (ii) Part V, section which deals with House Rates (iii) Part VII, section which deals with Streets and Buildings <p>It is felt that it might be unwise to proclaim these parts and sections until they can be effectively implemented. The problem with the implementation is that the relevant sections require the necessary human resources viz, Police Officers, City/Town Assessors, and Engineers the last being very difficult to acquire.</p>	

(A) LEGISLATIVE MEASURES PASSED IN PARLIAMENT BUT NOT PROCLAIMED	(B) STEPS TAKEN TO HAVE THE ACTS PROCLAIMED	(C) WHETHER ACT WOULD BE REPEALED
<p>16. The National Trust of Trinidad and Tobago Act, 1991</p> <p>17. The Telecommunications Act, 1991</p>	<p>There are some 72 suggested amendments to the Municipal Corporations Act 21 of 1990 as a result of the Cabinet appointed Supervisory Committee's report. Suggestions are still being solicited for possible amendments to the said Act.</p> <p>The Government is at present reviewing the provisions of this Act. As part of the review process several consultations have been held on the Act and recommendations are at present being considered. On completion of this exercise and the enactment of such amendments as may be necessary the Trust will be made operational.</p> <p>The Government wished to review the provisions of this Act. Accordingly, this Act was the subject of review by a</p>	

(A) LEGISLATIVE MEASURES PASSED IN PARLIAMENT BUT NOT PROCLAIMED	(B) STEPS TAKEN TO HAVE THE ACTS PROCLAIMED	(C) WHETHER ACT WOULD BE REPEALED
<p>18. The Anti-Dumping and Countervailing Duties Act, 1992</p>	<p>firm of consultants and a task force appointed by the Government. Recommendations for amendment to this Act were made by both the consultants and the task force. These recommendations are now being considered by Cabinet. It is expected that Parliament will soon be approached to consider amendments to this Act.</p> <p>In June 1994 a consultancy was commissioned with the objective of reviewing this Act and assisting in the establishment of an Anti-Dumping Unit. One of the principal recommendations of that consultancy was an amendment of this Act to ensure conformity with the 1994 GATT Anti-Dumping and Subsidies Code. A Bill amending this Act has been</p>	

(A) LEGISLATIVE MEASURES PASSED IN PARLIAMENT BUT NOT PROCLAIMED	(B) STEPS TAKEN TO HAVE THE ACTS PROCLAIMED	(C) WHETHER ACT WOULD BE REPEALED
19. The Police Complaints Authority Act (No. 17 of 1993)	<p>prepared and is at present being reviewed by the Legislation Review Committee, a Sub committee of Cabinet.</p> <p>The Government is at present taking steps to secure accommodation and provide staffing for the Police Complaints Authority with a view to having this Act proclaimed.</p>	
20. The Venture Capital Act (No. 2 of 1994)	<p>Steps are being taken to finalize the Regulations which are to accompany the Venture Capital Act, after which the Act will be proclaimed.</p>	
21. The Land Acquisition Act (No. 28 of 1994)	<p>Subsidiary legislation is at present being formulated with a view to having this Act proclaimed.</p>	
22. The Constitution (Amendment) Act (No. 30 of 1994)		<p>This Act has a defect which would necessitate its repeal and replacement. The Bill for the repeal and replacement is now before Parliament.</p>

