

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE THIRD SESSION OF THE FIFTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON NOVEMBER 27, 1995

SESSION 1995—1996

VOLUME 2

HOUSE OF REPRESENTATIVES

Friday, March 08, 1996

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

PAPERS LAID

1. Report of the Auditor General on the accounts of the Committee of the San Fernando Carnegie Free Library for the year ended December 31, 1993. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*].
2. Report of the Auditor General on the accounts of the Committee of San Fernando Carnegie Free Library for the year ended December 31, 1994. (*Hon. R. L. Maharaj*).
3. Report of the Auditor General on the accounts of the Public Utilities Commission for the year ended December 31, 1994. (*Hon. R. L. Maharaj*).
4. Report of the Auditor General on the accounts of the Legal Aid and Advisory Authority for the year ended December 31, 1994. (*Hon. R. L. Maharaj*).
5. Annual Report of the Legal Aid and Advisory Authority for the year ending December 31, 1994. [*The Minister of Social Development (Hon. M. Ramsaran)*].
6. Report of Auditor General on the accounts of the Industrial Development Corporation for the year ended December 31, 1983. (*Hon. R. L. Maharaj*).
7. Report of the Auditor General on the accounts of the Industrial Development Corporation for the year ended December 31, 1987. (*Hon. R. L. Maharaj*).
8. Report of the Auditor General on the accounts of the Industrial Development Corporation for the year ended December 31, 1988. (*Hon. R. L. Maharaj*).

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9. Report of the Auditor General on the accounts of the Committee of the Naparima Bowl Board for the year ended December 31, 1989. (*Hon. R. L. Maharaj*).
10. Report of the Auditor General on the accounts of the Committee of the Naparima Bowl Board for the year ended December 31, 1990. (*Hon. R. L. Maharaj*).
11. Report of the Auditor General on the accounts of the Committee of the Naparima Bowl Board for the year ended December 31, 1991. (*Hon. R. L. Maharaj*).
12. Report of the Auditor General on the accounts of the Committee of the Naparima Bowl Board for the year ended December 31, 1992. (*Hon. R. L. Maharaj*).
13. Report of the Auditor General on the accounts of the Committee of the Naparima Bowl Board for the year ended December 31, 1993. (*Hon. R. L. Maharaj*).

Reports Nos. 1 to 4 and Nos. 6 to 13 to be referred to the Public Accounts Committee.

**INDICTABLE OFFENCES
(PRELIMINARY ENQUIRY) (AMDT.) BILL**

Bill to amend the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, [*The Attorney General*] ; read the first time.

**SUPREME COURT OF JUDICATURE
(AMDT.) (NO. 2) BILL**

Bill to amend the Supreme Court of Judicature Act, Chap. 4:01, brought from the Senate [*The Attorney General*]; read the first time.

**JOINT SELECT COMMITTEE (OMBUDSMAN)
(Appointment of)**

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move the following Motion:

Be it resolved:

That this House appoint the following six Members to sit with an equal number from the Senate as a Joint Select Committee for the purpose of

considering the Seventeenth Report of the Ombudsman of the Republic of Trinidad and Tobago and the functions and duties of the Ombudsman, and to make recommendations for a more effective machinery for the office of the Ombudsman so that Part II of Chapter 6 of the Constitution of the Republic of Trinidad and Tobago can be given effect.

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|-----------------------------|----------------------|
| Hon. Kamla Persad-Bissessar | Mr. Razack Ali |
| Mr. Chandresh Sharma | Mr. Barendra Sinanan |
| Hon. Harry Partap | Mr. Martin Joseph |

Question put and agreed to.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House deal with Motion No. 2 under Private Business, before proceeding with Government Business.

Agreed to.

STANDING ORDERS (AMENDMENT)

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the Motion standing in my name created some discussions between the Opposition and us this afternoon. I did not have time to communicate with you but there is an amendment, and therefore if I can mention the amendment first, by agreement:

“Be It Resolved that the Standing Orders of the House be referred to the Standing Orders Committee for consideration”

So that the words “listed in Appendix A be referred.” will be deleted,

Mr. Speaker, I beg to move the following Motion, as amended, standing in my name:

“Be It Resolved that the Standing Orders of the House be referred to the Standing Orders Committee for consideration.”

Seconded by Hon. K. Persad-Bissessar.

Question proposed.

Question put and agreed to.

Resolved.

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1.40 p.m.

**RENT RESTRICTION (RE-ENACTMENT
AND VALIDATION) ACT**

(Continuation of)

[THIRD DAY]

Order read for resuming adjourned debate on question [February 2, 1996]:

Be it resolved,

That the Rent Restriction Act, Chap. 59:50, shall continue in force for a period of three years commencing 24th February, 1996. [*Hon. J. Humphrey*]

Question again proposed.

Mr. Speaker: Member for Point Fortin, please be reminded that you have 30 minutes.

Dr. Vincent Lasse (*Point Fortin*): Mr. Speaker, I recall that this is the third time I am standing to continue my contribution in the debate on this Motion, but today I find myself in a very awkward situation due to the delay on the part of the Government in getting this matter attended to on time.

Before I go further, Mr. Speaker, I would like to read the Motion in its entirety, make my point, and, of course, seek your guidance at that time on this matter.

"Whereas the Rent Restriction (Re-enactment and Validation) Act, 1991 (No. 36 of 1991) re-enacted the provisions of the Rent Restriction Act, Chap. 59:50, save and except subsection (2) of section 1 which was repealed and replaced therein:

Whereas it is provided by the said subsection (2) of section 1 as replaced, that the said Act shall continue in force until 23rd February, 1993 and may be continued in force for further periods of three years by resolution of Parliament:

And Whereas, by Resolution passed in the House of Representatives on 12th February, 1993 and in the Senate on 16th February, 1993, the said Act was continued in force for a further period of three years until 23rd February, 1996:

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And Whereas the said Act will expire on 23rd February, 1996 and it is expedient that it be continued in force for a further period of three years commencing 24th February, 1996:

Be it resolved: that the Rent Restriction Act, Chap. 59:50, shall continue in force for a period of three years commencing 24th February, 1996.

Mr. Speaker, today is the 8th day of March, and I am called upon to address a matter which should have been concluded on the 23rd day of February. Due to the fact that this Government seems to have misplaced its priorities—that is, not being clear as to governing but seeking to gallery itself—I humbly submit that this Motion which is now before the House was legal and necessary on the last occasion we met, but in my view, is now null, void and of no effect as we assemble here today.

Therefore, Mr. Speaker, whereas I am prepared to utilize my 30 minutes and speak on the matter, I seek your guidance as to where we go from here.

Mr. Speaker: The hon. Member has sought my guidance as to how he should utilize his 30 minutes, or what remains of it, in a debate on an issue. I have heard the hon. Member with respect to the date which is set out in the Motion—a date which has passed—but I suggest, with the greatest deference, that this is a matter of which I could really only take note. There is in progress a debate between both sides of the House and I think that the Member should make his points in the debate then listen to the other side, which may well have a good explanation for the question being raised. I suggest that you utilize the rest of your 30 minutes.

Dr. V. Lasse: Thank you, Mr. Speaker. I do hope that the Attorney General would enlighten me.

Mr. Speaker, before the House adjourned on Friday, February 16, I was indicating to this honourable House how much the PNM government had done between 1992 and 1995 to address the question of shelter, which is relevant to the Motion on hand, and the swelling tide of squatting in Trinidad and Tobago.

We on this side recognize the difference between lip service by the UNC/NAR coalition Government as compared to the positive action taken by the PNM government in providing houses to low-income persons in this country.

1.50 p.m.

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[DR. LASSE]

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Mr. Speaker, under the Public Sector Investment Programme for 1995, the PNM Government had allocated \$123.05 million for housing construction, and I stress, housing construction. We observe that the UNC/NAR coalition Government has cut that allocation by some \$50 million. I wonder whether this Government, being referred to as the Government of vaps, is very serious about housing for the low income families in Trinidad and Tobago.

The Minister of Housing and Settlements has noted, and it is very clear that there is a backlog of 115,000 housing units and that in order to address that question 10,000 housing units were required every year. The PNM government had put in place in 1995, a strategy for the construction of 5,000 housing units per year. We do hope that the Minister of Housing and Settlements would use his good sense and follow that programme in an effort to alleviate the housing shortage in Trinidad and Tobago.

We on this side note with a certain amount of satisfaction that the Government has publicly announced that it will follow the \$30 million housing construction programme established by the PNM government, and also, it would work towards speeding up the \$214 million accelerated housing programme also started by the PNM government.

The PNM government was well on the way to satisfying the housing needs of citizens in Trinidad and Tobago. Construction of housing units had been completed at John John, Cook Street, on which I will speak at length during the course of the debate. Units have been completed at Bon Air Arouca, Charlieville, Buen Venue, La Romain and Strikers Village in Point Fortin. Construction commenced on housing at Diego Martin, La Horquetta and Glencoe. Contracts have been awarded for construction to commence 112 units at Almond Drive in Morvant and 300 units at Aranguez.

I understand that the UNC/NAR coalition Government intends to tamper with some of these projects, and here, I must repeat, that I sympathize with the Minister of Housing and Settlements because I believe his colleagues would not like to see him look good. It was unfortunate the Member said, before assuming the mantle of Minister of Housing and Settlements, that there was no need for a Ministry of Housing and Settlements *per se*. I think by now, having gone into the Ministry of Housing and Settlements and become aware of so many things that have already been set in place for him to do, I hope he would find time to retract that statement at the appropriate time.

Mr. Speaker, the Minister of Housing and Settlements in his contribution tried to weave in his Government concept of national unity into the construction of housing units. He intends to write to Members of Parliament in various areas, of course, to co-operate with him in so doing. I want to caution the Minister of Housing and Settlements in this regard.

National unity *per se*, or the concept of national unity will not build houses. What will build houses is addressing the question and getting down to concrete programmes and proposals, and seeking the proper financing facilities to build houses. The question or the concept of national unity for building houses, in my view, could not work.

I once mentioned that the question of housing must be approached in a comprehensive manner. We saw the NAR Government trying to address the question by giving land to persons and that was a failure. Land by itself did not and would not address the question of housing. What is necessary is that the Government must engage in programmes and also joint-ventures with private concerns in order to construct houses. The Member for St. Augustine in his contribution also made a comparison between the cost of a high-rise housing unit and a flat. As someone whom I believe has some knowledge of architecture, the Minister should never attempt to make such a comparison. There can be no comparison between the cost of a high-rise unit and the cost of a flat.

2.00 p.m.

The Minister also spoke about subsidizing land instead of a completed unit. Here I want to caution against the so called sou sou concept to which the Minister seemed to be going back. What has worked is where the government would construct units and then subsidize its cost. The experiment we began started at Bath Street whereby the high rise units were subsidized and then persons were required to rent them with an option to buy. We believe that is working well.

The Minister also mentioned that he had requested persons to look into the question of low cost housing and about 20 models had been arrived at. I want to put the record straight. I think that was a duplication of work because when I left the Ministry of Housing and Settlements in 1995, there were 16 low cost units which were already established. That was done in conjunction with the IDB Sites and Services Sector Programme. These units ran from \$30,000 to \$90,000. If the Minister had taken a little more time he would have realized that 16 of the so-called units which he had asked persons to work on had already been completed.

Mr. Humphrey: It will now be 36. Add 20 to 16.

Dr. V. Lasse: You would have your time to speak.

Further to this, the NHA had already started looking inhouse at core units. I recommend that the Minister go back to NHA to enquire and he will see that some of the things he is trying to duplicate are already there and working well.

I have some problems with some of the concepts espoused by the Minister of Housing and Settlements. I think this one is dangerous. The Minister said that he would build houses for poor people with a septic tank and a water tank above it. Now, I believe that type of arrangement is far-fetched. I wonder why he singled out building houses for poor people with a septic tank and a water tank above it.

Mr. Humphrey: Do you want it below?

Dr. V. Lasse: I want it apart from.

Is the Member for St. Augustine saying that one can build a substandard house for the poor, but a house which conforms to the regulations for the not so poor and the rich? I want to believe that the Member for St. Augustine has this concept of taking us way back. Whenever he comes here, he speaks about not having sewer treatment plants but having latrines. Pretty soon I would hear him speaking about not having concrete houses but going back to tapia houses. It seems to be something that is running through his mind.

I want to make a point. There are 23 to 24 units which are already completed at Cook Street, John John. The Minister referred to them as twin towers. He said that these units are too good for poor people and those who were burnt out should not receive them. I want to bring this up to date. In the Ministry of Housing and Settlement there is a list of persons who have applied for housing units and there are certain criteria which are attached to the list. Further to this, five families from the burnt out area in John John are now housed in other places. On that list of applicants there are persons from the John John area who are police inspectors, teachers and others who are willing to occupy these units. Therefore, if the Minister wants me to come back to show him how to do it, I would take a day off.

It is very clear that the Minister is confused by the fact that he has met so many completed units. He does not know how to distribute them. The PNM government had spent nights and days working on addressing the housing problems of the citizens of Trinidad and Tobago. We had put in place the

modalities, strategies and plans for the continuation of this. If the Minister is faithful to a pronouncement he made quite recently, where he decided to follow all the programmes which the PNM Government had put in place, he would become the envy of those on the other side.

Mr. Speaker: Hon. Member without wanting to interfere with your presentation, I gently suggest that you get back to the issue of rent restriction. I know that you are dealing with housing, but it seems to be a little off the question.

Dr. V. Lasse: Mr. Speaker, I have always been cautious to walk a straight line. I thought that we are dealing with the question of providing enough housing so we would not have the opportunity to renew the Rent Restriction Act. The gist of my contribution is based on what was said by the Minister and the question that once we provide housing in Trinidad and Tobago, we would not have cause for the Rent Restriction Act to be renewed. I have no choice but to continue to state how much the PNM government had done to address the question of housing and to deal with the question of squatting, so that we can convert squatters into home owners and therefore provide enough houses for the people of Trinidad and Tobago.

2.10 p.m.

Mr. Speaker, we on this side would have no choice but to agree with the Act being renewed, but in so doing, we would like to caution that the Government should do everything in its power to address the question of housing, not only for the poor and the not-so-poor, but for all citizens of our country. Should the Minister continue to follow the plans and programmes put in place by the PNM government, I am sure he will be well on the way to addressing this question.

I thank you.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I rise to deal specifically with the point raised by the hon. Member for Point Fortin to the effect that because February 23, 1996 has passed, questions arise, and from what he has said, this whole process is null and void.

Mr. Speaker, with the greatest respect to the hon. Member, that attitude is one which is really not informed, and is one which a well-known lawlord would describe as arid technicality. In this matter, according to legislation, Parliament is given conditional power that this Act continue in force if it decides, and it is to be continued in force for periods of three years. In this case, the Motion seeking to extend the life of the Act was placed on the Order Paper and the matter debated in

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the Senate on February 13, 1996. The debate started in the House of Representatives on February 2, 1996, was adjourned, and continued on February 16, 1996.

This is not a case where, as in 1991, there was no motion filed before the expiry date and the House was not seized of the matters. In 1991, about nine months had elapsed, the Act had expired and then it became necessary for a bill to be introduced to validate acts which occurred before. *[Interruption]* It is not important to find out who was in government, because in the history of this Act several errors occurred. *[Interruption]*

Hear the hon. Member for San Fernando East: "Do you want retroactivity? Do not come with that because we will not support you." Does he mean that if we come with a bill, he would not support us?

Mr. Manning: Mr. Speaker, as is customary, the hon. Member for Couva South is just adding to the little I have said, with a view to changing completely the meaning of what has been said. This Parliament is advised to completely ignore him.

Hon. R. L. Maharaj: The Member for San Fernando East has spoken about retroactivity. Can he say whether he will support us if we bring a Bill, or does he prefer to stay quiet?

I was trying to inform this House of some matters which I think would benefit Members, when the Member for San Fernando East rudely interrupted. What we have here is not a situation like we had in 1991, but one in which a Motion has been introduced. I would like to put on record that on a proper construction, the expiration of the Act is conditional on Parliament not exercising the power to pass a resolution to extend the operation for a further three years. Therefore, if Parliament wants to extend the period, it can take the necessary steps to have it extended. The expiration provision must be read and construed in the context of the entire law, the intent of which is that the law should not expire as long as Parliament wishes it to continue. But Parliament may only permit three-year continuances by resolution.

The Senate has passed a resolution for the Act to continue in force for three years. The heart of the matter is whether or not Parliament is allowed to say by resolution that the law should continue in force for three-year terms. Sections 23 and 24 of the Interpretation Act of Trinidad and Tobago, if reliance has to be placed upon it, gives the power to Parliament as an authority to operate the

provisions of the Act [*Interruption*] Well, if I am wrong, go to court and try it! Do not say that it is wrong. This is so even if the provisions have not been complied with.

For the records, I would like to quote section 24 of the Interpretation Act.

“Where in a written law a time is prescribed for doing an act or taking a proceeding and power is given to a court, public body, public officer or other authority to extend the time, then the power may be exercised by the Authority notwithstanding the expiration of the time prescribed.”

Mr. Speaker, Parliament is an authority within the meaning of section 24 and is entitled to extend the time for the operation of the rent restriction legislation and, therefore, any objection to this is purely technical.

It is useful to note that the Act did not state that the resolution must be passed before the expiry date. The section is drafted in very wide language. So, the nature of the exercise is in substance and effect—I wonder if Members opposite can behave, Mr. Speaker.

Mr. Speaker: Members of the House, I am sure that we all want to hear what the hon. Minister is saying. One can do him the courtesy of listening to him.

It is a great man who said that one may not agree with what another one says, but one should fight to the finish for his right to say it.

Hon. R. L. Maharaj: I am much obliged, Mr. Speaker.

The nature of the exercise is, in effect, the exercise of the power of Parliament to extend the time for the continued operation of the relevant Act and to pass the appropriate resolution.

For the record, at common law, the doctrine of relation-back is recognized. It is the same principle which allows a judge who tries a case for possession of land several years after the writ has been filed, to grant possession from the date of the writ and to award mesne profits from the time the writ was filed.

2.20 p.m.

The delay in the hearing of the case and the passing of the judgment does not affect the entitlement on the merits. The delay in passing the resolution which was entered in time, does not in any effect, affect the validity of the Motion, and it has to do with the doctrine of relation-back, as recognized by the common law.

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As I said, Mr. Speaker, the situation would have been totally different if the Act had expired and no process was taken for the House to be seized of the matter. This is an instance, however, where that is not the case. No question of retrospective situation arises. As a matter of fact, the Motion was filed way in advance of February 23, 1996. I have taken the trouble to write out certain things I want to say on this question of retrospective effect. A classical case of a Motion having retrospective effect, is where it is brought and passed after the event it seeks to redress, not where it is brought before.

It is our view that there is nothing wrong with the validity of the Motion, and nothing wrong with the Parliament passing the resolution so that the Act would continue to be in force.

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, having listened to the Attorney General, I must confess to you and my colleagues that I am even more concerned and totally unimpressed with his explanation. In fact, Mr. Speaker, my understanding of the situation is that the Bill before this House seeks to have the Parliament take steps to have an existing law continue in force. The Attorney General was at length to quote authorities without naming the sources—I suspect it was his own source—seeking to have us agree that his opinion is fact and should be accepted. The bottom line is, however, that we all understand the calendar—I hope—and the short point is that the Rent Restriction and Validation Act lapsed on February 23, 1996. Between February 23 and now, there are people in occupancy; there are landlords and landladies who are tenants and there was no law covering that relationship.

The Attorney General has sought to try a case and give a judgment in a situation where a landlord has taken action to evict a tenant or a tenant has taken action against the landlord, claiming that there was no law to protect the arrangement. Mr. Speaker, he is judge, jury, prosecutor and executioner! What bothers me, Mr. Speaker, is the level of preparedness with which the Attorney General has come to treat with this point. If we are to believe what he has said, that the matter is obviously and patently clear, requiring no questions by my colleague from Point Fortin and no input from the aide in his office; the Member for Siparia, custodian of enemy property, why did he take the trouble to seek out all those quotations and points of view to seek to convince us that there is no problem? Are we to believe that all that work was done simply in the few moments after my colleague from Point Fortin raised the matter? I put it to you, Mr. Speaker, that the Attorney General is well aware that the Bill has lapsed.

Therefore the Attorney General came prepared, in case it was raised, to seek to hoodwink us with a lot of legal gobbledygook which does not change the fact that the Bill has lapsed. If it is that the Attorney General wants the period covered, what I expected to hear him say is that, at the end of these proceedings steps would be taken to cover that period with some measure of retroactivity. But he is seeking to tell us that is not required. I beg to differ! He also sought to request of the Member for San Fernando East, whether or not we would support a new Bill. That is not a possibility, since the resolution before us sought to have the effect continued. Since the Act has lapsed on February 23, it seems to me to be obvious that what is required is a re-enactment of the situation and we would have no difficulty supporting that. Or, if the Government talks about retroactivity, let them defend that position, but do not come here and seek to tell us that somebody said something and therefore, it did not lapse because it was laid in the Parliament. The logical conclusion of that, Mr. Speaker, is that anytime something is laid in Parliament it comes into effect.

The Attorney General went on to talk about the resolution being passed in the Senate. Mr. Speaker, when is passage in the Senate a completion of the process? The process does not end because it has been passed in the other place. If that is so, what are we doing here talking about it anyway? *[Interruption]* We are not talking about voting against it or voting for it. We are talking about enacting proper laws to cover the interest of the public who have an interest in this matter. This is not a matter of law, it is a matter of simple common-sense. It is true he cannot spell bacchanal, but at least, Mr. Speaker, one can understand that if something lapsed on February 23, 1996 and the Member is asking to have it continue on March 8, 1996, that it has lapsed and it requires a back-up situation. *[Desk thumping]*.

I am supposed to take legal advice—unconditionally—from the Member for Couva South, that it lapsed but it did not lapse, and I can see in documents before that he cannot spell bacchanal. What does that do to my confidence, Mr. Speaker? *[Laughter]* The Attorney General wants to create bacchanal in the housing system where landlords and tenants would have serious problems in that period. In fact, every single tenant who is covered by this Act might be at some risk if the landlords and landladies move quickly enough. In fact, I suspect that he is trying to create legal briefs because he could also end up facing serious legal challenges. All we are saying on this side is, do it right and we will support you. *[Desk thumping]*

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Mr. Speaker, had the Member for Couva South allowed the proper Attorney General to do her work and not push her out of office we would not have been here this evening, with him trying to give us advice that we have to question. *[Desk thumping]* I have absolutely no doubt that had the Member for Siparia been asked to do this assignment we would not have been in this position facing this situation of confusion and conflict of opinions. This is a very straightforward matter! The Government did not move expeditiously enough to have the Act extended and it has lapsed. That is all!

That is not the only thing that bothers me this evening, I am a little concerned about the position of the Government on this matter of housing and the provision of accommodation for the population. The last time I spoke in this House, I think it was to respond to something said by the Member for St. Augustine, I raised the question of the absence of a policy to guide Government's actions.

2.30 p.m.

Mr. Speaker, with your approval I would like to quote an article I read in the *Trinidad Guardian* of Thursday March 07, 1996 which has been attributed to—I notice I just mentioned the words *Trinidad Guardian* and the Member for Couva North started to act up. *[Laughter]* That is another matter. Mr. Speaker, I want to seek your permission to quote an article by Richard Lord in the *Trinidad Guardian* of March 07. The headline is: "Fire victims may not get apartments—Humphrey." It says:

"The \$190,000.00 high-rise apartment buildings at John John, Laventille...

Yesterday, Housing Minister John Humphrey disclosed this when asked if the fire victims would be the ones getting the apartments."

And the Minister goes on to refer to a meeting and said:

"...the entire Laventille and East Port-of-Spain area should be implemented 'to attract the more successful residents of the area who have left (and encourage them) to return.'"

And the Minister goes on to say:

"We have agreed that several of these (housing) projects that are so high-priced have to be looked at, and in the case of John John, rather than down grade the buildings to put a massive subsidy and put poor people in that

building, we are looking at upgrading the general facility so that the building would not find itself out of place.

He said it would be done for the most part through a system of self help in which the Unemployed Relief Programme (URP) and the private sector would have key roles to play.

Humphrey said the Government will try to improve facilities in the area 'thereby enhancing rather than depressing its value.'

Mr. Speaker, much is said in this article, but at the end of the article one is confused as to exactly what the Minister was saying. I hope that in winding-up this evening the Minister would make a very clear statement as to what is the Government's policy with respect to housing poor people through governmental assistance, specifically with respect to housing those people in Port of Spain East.

Having read the article a number of times, I gather from the text that the Minister is saying that those apartments are too expensive, too good for poor people—that is what he is saying—and he has some other arrangement to deal with poor people. However, since we have apartments which are too good for poor people and might only be good enough for the successful poor who have gone away from the area, what he will seek to do with those apartments is to attract those successful people back into the area. The bottom line is, where the apartments are and who might be aspiring to them—these apartments are too good for poor people. Mr. Speaker, I have a very serious problem with that. You see, it must not be taken in isolation.

My colleague from Point Fortin mentioned the Minister's obsession with latrines, and his perception of what kind of housing poor people should live in. Mr. Speaker, in Port of Spain East there were some low-rise units there, pretty ramshackled, where there was a fire which destroyed a section of the area creating open space; open space on the edge of the city, in an area which had been earmarked by the Government of the day for urban renewal programmes. The misfortune took place and the fire cleared the area of the buildings. The PNM Government took the opportunity to maximize after a very long time, "many tonnes of years," the use of that particular parcel of land, but all within the context of a well thought out urban renewal programme which involved a certain amount of slum clearance. In this case the fire destroyed the poor quality units; the Government went in through the NHA and rebuilt a larger number of units than the

number of people displaced by the fire. And that was not accidental, it was a very deliberate policy; 24 units were built.

It meant that one could very comfortably rehouse the people who had occupied that site for as long as one may recall—because some of those persons were occupying that site for many, many years. So one goes back now to rebuild the area, taking into account that this is their home, this is their location, this is their community; not just assisting them to rebuild what was lost in the fire but rebuilding in such a way to take care of their needs and also put the additional units on the market in whatever form the Government chooses. The Government can put them by sale, by lease, or by rental, and of course, affordability; whether it is in the bank, at the NHA or wherever, affordability is a function of the relationship between time and income.

If \$190,000.00 is considered too high, the Government can continue the policy that governments in the country have continued over many, many years—determine what element of subsidy it will give. Having determined the sale price, Government then determines the length of mortgage that will be offered and what facilities can be offered for those who can afford mortgages; and for those who cannot afford mortgages, you talk in terms of what level of rental you can pitch it at, to allow them to access it. But to talk about it in the context of too good for poor people and too good for this, that is to completely misunderstand the national policy.

I am a little surprised that this is causing such difficulty for the Member for St. Augustine because subsidizing public sector housing is nothing new in this country and it is not new to him and his Government at all.

Mr. Speaker, I want to draw to your attention one of the largest retroactive subsidies given to public sector housing in this country, which was given by the NAR Government under the Member for Tobago East in which the Member for St. Augustine had a hand. They went back into the Malabar area and considerably reduced arrangements which were in place, saying that people have been made to pay too much for those houses. The Government re-examined it and took a decision that these people were paying too much for these units—people were there occupying the units and paying. Having entered into the contracting arrangements, the Government saw in its wisdom that these things were too high, and the Government, quite correctly, reviewed the matter and reduced the charges on the people's mortgages. Now, all of a sudden, there are a few single units in

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Laventille and the Minister does not know how to handle it, he has a problem with subsidizing public sector housing.

Mr. Speaker, if you go all over this country from Speyside to Canaan, to Pleasantville, to Point Fortin, to Caroni you will meet a number of communities in this nation which were at one time communities of poor people; many of them were living in gross conditions of destitution; in some cases, barracks and shacks. As a result of governmental intervention through the construction of public sector housing, the lives of those persons have been completely changed by the construction of housing, much of which has been subsidized by the state. So what is the problem now. What is the problem with Cook Street in Laventille, where all of a sudden subsidy is a problem and it is too good for poor people? I am saying the Government does not have a problem with that.

Insofar as a few persons have been displaced by fire, they should get first call on those units. Many of those persons are not destitute or unemployed. Insofar as they have any income at all, the people of this country are made to understand that they have needs to pay for and if they have any kind of income, a small portion of that must be applied to providing their families with housing—you give them rental and you structure the rental to suit their ability to pay.

2.40 p.m.

I am surprised that this comment in the *Trinidad Guardian* is attributed to the Minister from St. Augustine, because he, more than anyone else has been very vocal in and out of the Parliament seeking to champion the cause of persons who are looking for shelter, saying that their requirements are such that special consideration—and by special consideration I mean breaking the law. In his book, breaking the law is a special consideration. Squat! Go on state land! Take what you want! If they break it down, I will come and help you build it back. That has been his philosophy. Provide them with state land with a cost and of course, we say “land, does not a home make,” “land, does not a house make.” He is coming to say he has some apartments up there which arose out of special considerations of hardships, but we are getting the impression that he is having difficulty accommodating those persons who, quite correctly, should have first call on those apartments.

Mr. Speaker, the PNM will have great difficulty in accepting any policy which denies the use of those apartments to the persons who lived on that site for all or most of their lives. If they are prepared to leave the conditions which are set

down, and I mean reasonable conditions which are set down by the state—people expect to have to pay a cost for accommodation—those who can afford mortgages, then they access mortgages and there are state support facilities to help them with those mortgages. Those who do not have the income to afford mortgages then they are facilitated by way of rental. It is only in the face of gross delinquency and negligence that they are then faced with situations of being put out on the streets and so forth, and I am sure that these people would take a great pride in moving from the units in which they live to the ones that were built by the PNM, and they will do all within their power to comply with the conditions set down by the NHA so as to own or lease a property.

I am appealing to the Minister of Housing to rethink this approach and insofar as what is in the *Trinidad Guardian* represents his thinking, I appeal to the Minister to back away from that position, because we of the PNM—there is nothing too good in this country for the poor people as far as we are concerned, nothing. [*Desk thumping*] As long as they are prepared to accept their responsibility in the matter—and in this case, it is mortgage and rental payments—all we are asking the Government to do, is to determine an appropriate level of subsidy and purchase price or an appropriate rental price. I have no doubt that the members of the community of East Port of Spain will access those units and the Minister of Housing and Settlements does not have to go and look for successful people elsewhere to displace those persons in Cook Street.

In the event that this policy as described in the *Trinidad Guardian* is effected, and those persons in East Port of Spain who lived on that site are not afforded the opportunity to live there in the reconstructed units, where are they going to go? Where does the Minister want them to go? Does he want them to go and squat in the Queen's Park Savannah and then defend them up there? Or does he want them to leave Port of Spain and go somewhere on the East Coast in Manzanilla and look for a plot on which to squat? They have to live somewhere, and nobody knows that more than the Member for St. Augustine. So if he is not going to accommodate them on the site on which they were born and grew up, where does he want them to go?

The Member for St. Augustine is a brilliant man but he cannot, as much as he would like to, put his stamp on public sector housing construction in the country. He cannot try to do that on Cook Street, the area does not lend itself to that. He has come up with this brilliant idea of creating world class latrines which will attract tourists and he proposes to build some out in the Trincity area. We await

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that with bated breath. If it is successful, I wish him well, but I do not think such a project can find a place in Cook Street so let us not prevent good sense from prevailing on Cook Street to try and create some kind of environment which is not practical.

This problem that we are seeing here both with the Attorney General's intervention this evening, and the Member for St. Augustine in dealing with rent and rental accommodation, is an inherent problem with this Government, which, by its very existence is a conflict. We had an election here recently, Mr. Speaker, as you would know, *[Laughter]* and there were two sets of fingernails at two sets of throats and that went on throughout the campaign. At the end of the campaign, we got 17, 17, 2 and all of a sudden the fingernails went from scraping to stroking and we are being told now that these two adversaries are suddenly purveyors of national unity.

That is the inherent conflict, but as we come down to a more microcosmic expression of that, we hear from the Member for St. Augustine that the Government of Trinidad and Tobago does not need among its list of portfolios, a Ministry of Housing, but the Member for Couva North has a contrary point of view, that yes, the Government needs a Ministry of Housing, and what does he do? He appoints the Member for St. Augustine as Minister of Housing and the Member accepts the portfolio and he goes to South and tells the people of San Fernando the country does not need a Ministry of Housing so therefore, I am the Minister of Housing. *[Laughter]* If that is his belief, when it is time to deal with apartments in Cook Street—

Hon. Member: Quiet fellows, quiet!

Dr. K. Rowley: —when it is time to discharge the duties of a Minister of Housing, I am not surprised that the Member for St. Augustine is having some difficulties. He does not believe in Ministers of Housing, he does not believe in housing construction, so we have this conflict in the Cabinet. And by the same token, we have the Member for Couva South who does not believe that an Attorney General should stay in office for more than 90 days, *[Laughter]* so he takes over the post and relegates the officer to custodian of legal property and other clerical duties under the office of the Solicitor General and he calls a press conference to announce it.

Mr. Speaker, the conduct of public business does not only find itself under serious scrutiny because of these conflicts with respect to ministerial

appointments. Insofar as other appointments are made, in a similar, contrary way, the people of this country are having to ask some serious questions. Some of those people in East Port of Spain whom you like to look down on, some of the proudest people in this country whom you like to lump and categorize as “poor people” requiring the pity of the fortunate well-being, and who are at the mercy of decision makers, some of them are not as you describe them. Some of them have shares in National Flour Mills, some of them have a few shares in Plipdeco. Because you see, the PNM Government had put those shares out for public subscription and a lot of people in East Port of Spain, while they have concerns about rent restrictions, while they look to the Government to maintain some reasonable level of rental for them to live in fairly comfortable conditions, some of them have shares in National Flour Mills. Insofar as this concept of conflicting policy across the country, and making appointments to the Board of National Flour Mills they are concerned because the investment they made in National Flour Mills might not pay them any dividends and then they would not be able to pay their rent and they will look to you to find out what to do about rent restriction. Insofar as making appointments, they are concerned because the conflict that we see between the Minister of Housing and Settlements and the rest of the Cabinet and housing policy is symptomatic of this Government’s behaviour. *[Interruption]*

The conflict that we see affecting housing policy is not confined to housing because you would see it in a situation where an individual appointed by this Government to look after the interest of those persons who are concerned about their rentals one day he is fired from a state company, the next day he is bouncing cheques from the state company, the third day the Government appoints him to the Board and the Government is happy with that.

2.50 p.m.

Insofar as people in East Port of Spain are punters at the race track, they want to have confidence in their little bets because some of them go to the pools and place a bet, win and pay their rents. They want to know that the rents are within their earning level. They want to know that when they go to the race track, there is confidence in the whole process.

What does one get? The Government appoints a board with a mandate and within 24 hours of going to the race track, what does the board do? The first action of the board is to reinstate people who have been banned for doping horses. So, now all the punters in East Port of Spain are worried about placing bets on

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horses. Those who could not get their positions reviewed to have their bans removed, as the Government comes into office, it appoints a new Racing Authority with instructions to remove certain persons' bans—that is how it intends to promote racing—and the punters, the rent payers are concerned.

You appoint the board of Plipdeco and there are the same conflicts because poor people have interest in Plipdeco. You appoint a board and put their business and investment in the hand of some quack who has been forming political parties around the country, getting two votes per year. He is put to manage the affairs of Plipdeco. That is how the Government intends to operate and talks about the government of national unity, as if we do not understand what national unity means. I will explain to you, Mr. Speaker, what this Government means by “government of national unity”. It means bringing all the crooks of the country together.

Hon. Member: He has been left out.

Dr. K. Rowley: That is what it means. Insofar as the people have an interest in the maintenance of rent restriction and the Government indicates that rent restriction is a temporary necessary evil, we would always be needing rent restriction if the economy does not grow at the rate or in a fashion to ensure that there is distribution of income down to the lowest level where people who earn, in whatever capacity in the country, will not have to be worried about rent restriction processes.

In this country, the quality of life of all our citizens is heavily influenced by the fortunes in the petrochemical sector. That is why as we talk rent restriction we have to keep our eyes on Petrotrin. As the board in Petrotrin is being appointed, one of the qualifications to be a member of that board is to be guilty of intellectual dishonesty and to be dismissed elsewhere.

What amazes me is that my colleague from Tobago East who has much to say about everything has nothing to say about any of these things but I am sure he does not agree with them. As we talk rent restriction, as we talk about the appointment to boards where people's fortunes will be affected to facilitate the payment of their rents, the Member for Tobago East is keeping a still tongue so as to keep a wise head. *[Desk thumping and laughter]*

Hon. Member: The Member should follow the example.

Dr. K. Rowley: Mr. Speaker, I do not want to take up too much of your time this afternoon but I want to make it quite clear to my Friends on the other side that they are fooling no one. Convenient silence with an option!

Hon. Member: It is a choice.

Dr. K. Rowley: Mr. Speaker, the people of East Port of Spain are carnival oriented too and the Minister of Community Development makes one speech simply to misinform the country about Alfred Aguiton's earnings. Nobody has asked for that information; it was volunteered. But the country wants to know how VIP tickets were handed out for carnival and the Minister is silent, not a word. That is part of the whole system of conflict management.

I advise the Government that in Trinidad and Tobago today, there exists in the bureaucracy a housing policy as placed there by the last government. Nothing is perfect in this life. People are questioning Einstein's theory still. Insofar as that policy exists there, a multi-faceted housing policy to cover all avenues of requirements of housing, the only advice I give to this Government, again, is where there is room for improvement there is full support to improve on it; improve on the programme and come up with new policies if there need be, but seeking to make changes for change sake or seeking to penalize people because they are on the wrong side of the political fence or whatever, is not a position that is in keeping with expressions of national unity and similar platitudes.

Mr. Humphrey: Mr. Speaker, I thank the hon. Member for giving way. Would the hon. Member, on behalf of the PNM, indicate to the national community an appropriate level of subsidy in dollars and cents that could be given to a citizen of Trinidad and Tobago in terms of shelter?

Dr. K. Rowley: There is no fixed dollar value. One examines it on a case by case basis. It all depends on the circumstances of the Exchequer, the beneficiaries and the economic situation at the time. There is no fixed figure. The people who got subsidies in 1970, 1980 and 1992, they did not get the same subsidies. It is examined on a case by case basis. When we went into office and met a partially complete Bath Street project, which we completed, we then examined the numbers and worked out what the sitting Cabinet thought would have been a reasonable subsidy to allow people to have afforded those units and there was no problem. What one has to do now is to look at the final cost of the units and determine. The subsidy does not have to be the same for each category of persons.

3.00 p.m.

You could make a special category for fire victims and give them a higher subsidy, and persons who can afford to pay more and who may want to live at the top level of those units, which are quite attractive, can be charged more and you will find that there are takers for those units. *[Interruption]* You try it and you will see how many takers you get. If you go to any city in the world—London, New York, anywhere—you will find that, even in some of the rundown districts, one of the more fashionable ways of living—especially for young people, unmarried or otherwise—is to find units above store fronts. At street level there are store fronts; above that there are cheaper units, but as you go up where there is a view and get away from the noise, there are in some cases, mews. People will pay to rent at that level and as the community is upgraded—you have quite correctly said that Government intends to continue the policy of upgrading the community—putting in better roads, water, lights and so forth; and as that is done and structures are put in, there is an entire upliftment of the units and some of those same units, especially the penthouse units, will become very, very popular and can be sold or rented at very good numbers to people who require to live there. That is the way we thought it out.

When we thought of building those units, it was not simply to replace units which were burnt by fire. It was meant to put in place a programme where you could have a roll over arrangement. In fact, as the programme began more space could be created for a continuation of the programme by housing a few more persons from next door in that unit. Then you clear the area next door and create another housing area where you can build again, and in that way you can achieve the stated objective, which is urban renewal with the construction of units as you go along.

So there is nothing to fight over. All it requires is to understand the process and cater to the needs of the people and ensure that they recognize that they have a responsibility in their own business and that is, to pay whatever has been agreed upon between themselves and the NHA. That is all we are asking for.

I was a little disappointed to see the text being discussed in terms of whether it is too good for poor people or not good enough. Mr. Speaker, if we look at this logically and without malice we will find that there are many avenues where a comprehensive housing policy exists in Trinidad and Tobago today, which can be carried on by this Government, to be carried on by the next government—which

will be a PNM government—and by the next PNM government, and so on and so on and so on.

Thank you, Mr. Speaker. [*Desk thumping*]

Mrs. Camille Robinson-Regis (*Arouca South*): Mr. Speaker, I would like to make a brief intervention based on what the Attorney General said before this House this afternoon.

The Attorney General read a section of the Interpretation Act where he tried to indicate that Parliament was an authority, as designated by that section of the Act. Parliament is no such authority, as he has tried to make us believe. Indeed, Parliament is the supreme law-making authority in any country. In this country Parliament is the supreme law-making body and it is not an authority as the Attorney General has tried to misrepresent in the House this afternoon.

It is also quite clear that the Government has been negligent on this particular issue. The former, former Attorney General put certain things in place in his office, and in the office of the Ministry of Housing, to ensure that this type of situation did not occur again, because as the Attorney General, the Member for Couva South, stated quite clearly, the last time this happened was in 1991. I do not know if it is symptomatic of coalition governments that they are negligent when it comes to issues concerning people who may be falling under this particular piece of legislation. The last time it happened was in 1991, and when we came into office we also had to ensure that the time did not expire for this piece of legislation to remain operative.

The legislation is very clear on how it operates. Section 1 (2) of the Parent Act with which this Motion seeks to deal, states quite clearly, and I quote:

“This Act shall continue in force until February 23, 1987 and may be continued in force for a further period of three years at a time by resolution of Parliament.”

That is what this Motion seeks to do, to continue the Act in force and, Mr. Speaker, the resolution states quite clearly what will happen if it is not continued in force by February 23, 1996, and I quote:

“And Whereas by resolution passed in the House of Representatives on February 12, 1993 and in the Senate on February 16, 1993, the said Act was continued in force for a further period of three years until February 23, 1996.

And Whereas the said Act will expire—”

and I repeat, Mr. Speaker—

“And Whereas the said Act will expire on February 23, 1996 it is expedient that it be continued in force for a further period of three years commencing February 24, 1996.”

Today, Mr. Speaker, is March 08, 1996. The Act has, as this Motion clearly states, expired. It did expire on February 23, 1996. The Attorney General cannot come to this House and indicate that the Act has not expired. It has expired, Mr. Speaker, and because of the mechanism that had been put in place by the PNM to ensure that this did not happen, it came to Parliament at the correct time and it was dealt with in the Senate at the correct time. It was here at the correct time, but for some strange reason on February 16, the last time that this was debated, Parliament was ended before the Act had been completed.

Dr. Rowley: Prematurely. He go and take the gyurl work.

Mrs. C. Robinson-Regis: There was no Parliament on February 23, as we well know, and this is the next Parliament. Mr. Speaker, if the Members of the Government were interested in the people’s business, they would have ensured that on February 16, the Motion would have been completed and I am saying, Mr. Speaker, that the Government was clearly negligent in this situation and we cannot take lightly what has happened.

Some may say that this appears to be a simple piece of legislation but it is not, because it affects thousands of people in Trinidad and Tobago and the Government cannot be negligent with the people’s business; nor should the Attorney General come to this House and try to pass off the negligence of the Government by simply saying that Parliament is an authority under the Interpretation Act. This is not so, Mr. Speaker. Indeed, we have to be very careful on each occasion that we come to Parliament, because this is the kind of thing that this coalition government will be attempting—to deal very shabbily with the people’s business, the people whom we represent.

Mr. Speaker, I would close at this point but I would like to reiterate that the Government was negligent. They brought the legislation within the time but they preferred, perhaps, because it was Carnival Friday, to make sure that all the VIPs had their passes so that on Carnival Saturday they would be properly seated. Perhaps that is why they finished early rather than dealing with the people’s business.

Mr. Speaker, I thank you. [*Desk thumping*]

3.10 p.m.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, the Member for Arouca South has given a very clear and concise rebuttal to the legal gobbledygook of the Member for Couva South which raised a number of issues.

If my memory serves me right, the original Act was passed by a special majority and if, in fact, the Act has expired and the Motion before the House is improper, then the Act may, in fact, be in jeopardy because it would have to be re-enacted with a special majority. This is something that requires some serious study, and is, perhaps, why my colleague, the Member for Point Fortin, raised the issue at the beginning of this session.

Mr. Speaker, the fact of the matter is that the Government had more important business to deal with. The Attorney General, by admission, confessed that this matter has been debated in this Parliament for almost one month, if not more, and really a matter of this nature should have been dispatched in one day.

There is no reason for the strange adjournments of this Parliament during the debate on this Motion. I understand, on one occasion that one of the reasons was to make a change to the portfolio of Attorney General; the other two occasions I am not certain what the reasons were. As a matter of fact what we have witnessed over the last six weeks is that this Parliament is meeting every two weeks. On three occasions—if my memory serves me correctly—the Parliament has been adjourned for no reason whatsoever, and pieces of legislation are being dragged through the House of Representatives. So that the reason for the difficulty with this legislation is simply the delinquency and negligence of the Government. There is absolutely no doubt about that.

Mr. Speaker, let me address some of the issues raised by the Member for St. Augustine. I try my best to take the Member for St Augustine seriously, but it is very difficult. On most occasions when he speaks in this Parliament he makes very little sense, and I say that with all sincerity. There have been many occasions when he has made outrageous statements which have no basis in fact and he continues to do that sort of thing.

In his contribution he made a number of outrageous statements, but the most outrageous of all was the one that Trinidad and Tobago cannot afford to provide

North American standards for our infrastructure. He was referring to roads, drainage, sewerage disposal and so forth.

What the Member for St. Augustine was in effect saying was that developed countries' standards are too good for the people of Trinidad and Tobago. What he is, in effect, saying is that the people of Trinidad and Tobago should be dragged down to the level of fourth and fifth world status; that they should be brought down to the level of Haiti, Rwanda, Madagascar and those other troubled spots in the world where there is virtually no infrastructure at all, no potable water supply, no proper sewerage disposal systems, no all-weather roads, no proper drainage and so forth.

I would really ask the Member for St. Augustine to get off that track please. The people of Trinidad and Tobago aspire to first world status in everything we do; in our infrastructure, standards of living, in our income levels and everything we do, the people of this country aspire to first world standard; we also aspire to first world standard in government.

I would really ask the Member to get off that track, this fascination that he has with sewerage treatment facilities of the primary level—cesspits, latrines. It reminds me of when I was an engineering student reading about a sewerage disposal method of many years ago called the "night soil" where in some of the less developed countries there was a practice where persons would travel from home to home, collecting the waste on a daily basis and transport it manually to a disposal area. That is the method of night soil.

I certainly hope that is not where the Member for St. Augustine wants to take us; where everybody has a receptacle—I believe the common word for it is a "posy"—and every evening one would fill up this receptacle and leave it outside for somebody to collect and carry off to a waste area. I hope that is not where he wants to take us. The whole thing is really quite ridiculous.

The Member has a little—you know it is said that a little knowledge is a dangerous thing—knowledge of infrastructure development and he spoke at length about sewerage treatment ponds, sedimentation ponds, sludge ponds and so forth without knowing what they really are. There are many different methods that have been employed throughout the world for many years to treat waste water, and a sedimentation or sludge pond is simply one of them.

What I confess is very disappointing about the Member for St. Augustine is that he probably opens a book and sees something, or goes on a trip and hears

something, and comes back to this Parliament and tells us all about it as if it were an invention that was suddenly dreamt up in his mind. On the whole question of sewage treatment there are many types of sewage treatment. The sedimentation pond that he referred to, which he is going to use as a tourist attraction to promote boating in sewage—*[Laughter]* That is what he said, I have my notes here. He is going to promote swimming and boating in sewage. That is what the Member for St. Augustine is going to promote.

The Member for St. Augustine really needs some professional advice. When one has problems with land space one uses mechanical sewerage treatment plants, so that one does not have a vast land area which is what is required for a sewage pond. If the Member would take a few minutes from whatever he is doing and visit the Beetham he would see a sludge pond which has been in operation on the Beetham at the end of the swamp for many years. Perhaps, in his former manifestation he has been aware of its construction, but one cannot apply these techniques that the Member has dreamt up to every situation.

3.20 p.m.

If there is a high water table and an aquifer water supply system where the drinking water is drawn from wells or from rivers, one cannot use a sludge pond or sedimentation pond because there will be pollution of the potable water supply. Mr. Minister of Housing and Settlements get some professional advice. Do not just come into the House and say you have the solution to our problems, build ponds and let people go swimming in sewage. There are all sorts of solutions, it is a solution, and it can be used where the soil conditions are appropriate, where the soil is relatively impermeable so one does not have much capillary flow. It can be used where there is a large land mass but it cannot be used for all situations and it certainly cannot be used on Cook Street in Port of Spain. It cannot be used in that location.

All the developed countries which he keeps crying down, they use all these different techniques. If one goes to England, North America, or Europe one will see different methods of sewage treatment and disposal employed in these countries; mechanical systems, aeration systems, sludge ponds, sedimentation ponds. Each one is designed to suit the peculiar circumstances of the particular housing development and the geographic location of that part of that country. The Member should really get off this cesspit, latrine thing.

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What my hon. Friend from Point Fortin was trying to tell the House is that in terms of development standards, one does not want to have waste water in close proximity to potable water. This is why we cannot support the proposal to have an all-in-one concrete tank with potable water above and sewage below, because there is a problem of contamination. I do not think the Water and Sewerage Authority will approve such a plant. The development standards require a certain distance between the potable water system and the sewerage disposal system in any respectable development. Get some professional advice.

The Member for St. Augustine in his contribution spent exactly one and a half minutes—I timed him—on the Motion. In those one and a half minutes he did not give any rationale to extend the Motion. He spent all his time hugging up the Member for Tobago East—if you would allow me, I would speak about that in a while—saying that the UNC/NAR coalition Government are really one, they always were, they never had any problems. He spoke about squatting, about mobilizing idle resources in the country. What concerned me in his contribution was his attempt to outgrow the boundaries of his portfolio. The hon. Member clearly, is very unhappy with his portfolio.

He started off by saying that the Ministry of Housing and Settlements should not exist. When he was appointed the Minister of Housing and Settlements he repeated that there was no need for a Ministry of Housing and Settlements. In his contribution he made the very startling statement that he was going to relocate the Lands and Surveys Department which is under the Ministry of Agriculture, Land and Marine Resources and the Town and Country Planning Division which is under the Ministry of Planning and Development to the Housing ministry building so these things would all be under his control, as it were.

Clearly, the Minister is unhappy with his portfolio and he wants to expand and create a ministry to his liking. It is very unfortunate that in all of this the Member for Oropouche is further emasculated. I do not know what the Member for Oropouche has done to be so emasculated. Firstly, he was denied the Ministry of Finance and now his colleague from St. Augustine wants to take away the Town and Country Planning Division from him and remove the Land and Surveys Division from the Ministry of Agriculture, Land and Marine Resources. This is why I started off by saying it is very difficult to take the Member for St. Augustine very seriously. I wish he had dealt with the whole concept of rent restriction.

When this Act was enacted approximately 15 or 16 years ago, it was very controversial. There are advantages and disadvantages to the legislation. From the perspective of the tenant the legislation is very beneficial; from the perspective of the landlord it is not, and, ultimately, the tenant ends up receiving inadequate service from his landlord. There are situations in Port of Spain where house owners got caught with this Rent Restriction Act, where tenants are paying \$10.00 per month for a three-bedroom property in Woodbrook, for example. These landlords have the responsibility of paying land and building taxes which could be as much as \$20, 30 per month, WASA rates which could be \$20, \$30, \$40 or \$50 per month. So that on land and building taxes alone, the landlord is already at a loss. This is why this Act was so controversial. There are many instances where tenants pay very nominal rents, landlords have stopped maintaining their properties and have resorted to all sorts of devices to get the tenants out: disconnection of electricity supply, disconnection of the water supply, harassment of the tenants, so that it is a very controversial piece of legislation.

One of the problems with the Act is the lengthy bureaucratic procedures in place for a landlord to get a review of his rent. Many landlords just do not bother. Many of them have abandoned the properties, many have given up valuable assets some of which they may have inherited from their parents as part of a start in their adult life and so forth.

These are some issues I hope the Member for St. Augustine, as long as he is Minister of Housing and Settlements, would look at. There is nothing wrong with the Rent Restriction Act and we on this side are going to support it, but there are a number of issues within the legislation that need to be addressed.

That Act has positive and negative effects on the housing sector. Many people stopped building houses when that Act came into force because they decided that at any time a Government could enact similar legislation with retrospective effect and thereby put their investments in jeopardy. It had a dampening effect on investment in the housing sector for a number of years after it was enacted.

During our time we brought an amendment to the Act so that properties brought after a certain time were not subjected to the Act, and as a result of that measure on our part, there has been an increase in private sector housing development. The PNM's housing policy was not restricted simply to legislative measures with regard to the Rent Restriction Act. As you have heard from our former Minister of Housing and Settlements, the PNM had a comprehensive approach to the housing sector, and to the shelter issue. We were in the process of

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constructing multi-family housing blocks, single family units, we were providing fully serviced lots; there were a number of other programmes which fell somewhere in the middle, such as the private sector/public sector co-operative arrangement, started by the PNM in 1995. There were also three large projects, one which was recently launched by the Member for St. Augustine in the South land and another in the Aranguez area. This was all part of the PNM's comprehensive approach to the housing sector.

I have not seen any cohesive policy coming out of this Government. What there is, is a series of "vaps" and I have to go back to that. My colleague from Diego Martin West illustrated yet another "vaps" when he read from a newspaper article that the Member for St. Augustine was of the view that the houses on Cook Street were too expensive for poor people. It is a "vaps". When one builds public houses, one does so within a framework of a housing policy.

3.30 p.m.

If one is building houses for lower income groups and the cost of housing is a fixed sum—because depending on the level of development the cost of materials can only come down to a certain level—there will be instances where the cost per unit would be beyond the reach of the ordinary man if he has to pay the full price. That is where the concept of subsidy comes in and it must form part of a housing policy.

As my colleague for Diego Martin West mentioned, the former Minister recognized this reduction in the cost of houses in the eastern districts. The government took a policy decision to absorb some of the cost of housing thus making them more affordable. This is precisely what the PNM administration was going to do with those units in Cook Street. We would have subsidized them within a policy framework to make them affordable. As my colleague had indicated, it would have been on a case by case basis. The levels of subsidy would have varied depending on the value of the unit and the person's ability to pay. This is what is necessary, as my colleague for Point Fortin has indicated, in order for us to cease coming to Parliament to debate rent restriction.

The other side speaks about levelling the playing field and letting the market forces work, competition and function, but rent restriction is an inhibition to investment. Any regulation of that type must inhibit and restrict rent particularly in the private sector investment in housing. One would have hoped that at some time in the future, there would have been a sufficient supply of housing, so that

we would not have had to deal with the issue of rent restriction unless landlords reverted to the situation of the late 1970s during the height of the oil boom when some of the rents being charged were ridiculous and bore no relationship to the cost of housing.

All one would expect someone to look for in private sector housing is an appropriate return on one's investment, so that if a unit costs \$100,000, one would expect that the private investor would not be looking for a return of \$400,000. The PNM brought in the Act at that time because rents were getting out of hand. Persons were constructing units at the cost of \$100,000 per unit and were renting them at levels which would have generated an income of about \$400,000 in value. Many persons got caught in the net, and perhaps those who were careless in their personal affairs had tenants paying nominal rent.

As I said, if the Government approaches housing in a holistic and cohesive fashion with professional advice, then perhaps at some time in the future there would be no need to debate the whole question of rent restriction. Rent restriction cannot be separated from housing; housing cannot be separated from construction; and construction cannot be separated from unemployment.

The construction sector is the largest employer in the world. Recently, I was told that the tourism sector is catching up with the construction sector. In Trinidad and Tobago the unemployment rate in the construction sector has been approximately 50 per cent for a number of years. There are about 80,000 workers in that sector and on occasion the average number is about 50,000. There is still significant unemployment in the construction sector. Unless this administration deals properly with the whole question of the construction industry and with stimulating the private sector in housing development and elsewhere, we will continue to have these high levels of unemployment in the construction sector.

However, if we look at the approach of the PNM in the *Review of The Economy 1995* we would see the facts. Page 5 states:

“Within the services sector, hotels and guest houses and construction and quarrying are forecast to register growth rates of 19.5 per cent and 12.8 per cent respectively. The expansion in output in the hotels and guest houses subsector mainly reflects the increase in visitor arrivals to this country, while construction activity was stimulated by the implementation of several major industrial and commercial projects in the energy, government and tourism sectors.”

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One of the aspects of that stimulus of the tourism sector was the performance of my colleague, the hon. Member for Point Fortin who was able to mobilize the housing sector, put it on track, get it moving and put systems in place which were allowed tremendous growth in the housing sector.

I have noticed that when the Member for St. Augustine is not in one of his moods, he recognizes the hard work of his predecessor, the Member for Point Fortin. Recently, I saw something in the newspaper where he congratulated the hon. Member for Point Fortin for the work which he had put down during the period 1992—95. I hope that the Member for St. Augustine would follow the footsteps of the Member for Point Fortin and do some serious meaningful work in the housing sector.

Again, I am asking the Member for St. Augustine to get off his track about bringing us down to the level of the least developed countries in the world. He was involved with a company called Sou Sou Lands which sounded good in theory, but did not work in reality. There are many reasons for this but I am not ascribing blame to anyone. In many of the Sou Sou Lands projects the infrastructure was never fully developed. As a matter of fact, there is a project in Tobago where the roads are not properly paved and the drainage systems are not completed. In many areas in Trinidad the infrastructure was left with earthen drains, gravel roads and other inferior types of infrastructure. That has been the history of the Sou Sou Lands experience. It is necessary to provide a certain level of infrastructure before handing over these properties to people to further enhance and develop them.

This is where I part company with the Member for St. Augustine. He believes that all that is necessary is to provide minimal infrastructure such as dirt roads, earth drains, septic tanks or latrines and that over time the residents of that community would put in all-weather surfaces, asphalt roads, concrete drains and proper sewerage systems. If one looks at all the developments that have started out in that way one would see that they have deteriorated. It is the responsibility of the Government to provide a certain minimal level of infrastructure for the people of this country. The primary responsibility of government is to provide infrastructure to allow people to achieve a certain standard of living.

For this reason I am telling the Member for St. Augustine to get off that track. I hope that the Town and Country Planning Division never falls under him. I also ask him to get off this head of squatting. I have noticed that since the new administration has come into office there is an explosion in highway vending

along the Churchill-Roosevelt Highway, Solomon Hochoy Highway and an explosion of illegal entrances onto public roads and highways. Everything has turned ol' mas'. People are destroying watersheds and environmentally sensitive areas. This is all because of the philosophy of the Member for St. Augustine. It is an unfortunate philosophy.

3.40 p.m.

I remember well, back in 1987, prior to the election of that time, the Member for St. Augustine told people that land is for everybody; that land is a right; that they should go and take it. I remember well the Member almost crying on television in 1987 when the land capture and invasion started; when the pirates broke into finished homes in the Maloney and La Horquetta areas, occupied them and said the Member sent them. I remember him coming on television, tears running down his face, saying, "My brothers and sisters, please obey the law. Please leave the properties." He does not understand that it is the things that he says.

When he said that land is a right and a person can take it if he wants, how does he think that reflects in the mind of someone, especially when a Government Minister was saying it? How does he think that the person who wants to squat on prime lands thinks? He will think that if the Minister says so, he has to be right. The next thing there is this explosion in squatting. I ask him to get off that track because what we will have is a hodge-podge, a higgledy piggledy, clumsy, disoriented, unstructured, ugly and inefficient pattern of development. Our markets will become totally congested. There will be an increase in traffic. There will be problems with road safety. People will entrench themselves in areas.

There is a gentleman right now who has built a structure around a 33 kv transmission line on the Churchill-Roosevelt Highway, just before the Glamour Girl factory. It is one of those huge pylons. I have seen photographs. The line is inside the house. This matter has gone to court and the individual has indicated that it is his right to be there.

It all comes back to the very irresponsible statements made by the Member for St. Augustine. Sometimes I believe he means well and sometimes I do not. But, when he speaks, he gives people ideas and they do all sorts of foolish things.

What we will see in this country is a repeat of what took place in the 1986—1991 period. In 1986, there were 25,000 squatter families in Trinidad and Tobago. This is from 1956—1986. It took 30 years to accumulate 25,000 squatter

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homes. Between 1986 and 1991, that figure went from 25,000 to 50,000. So, in five years, because of the irresponsibility of the Member for St. Augustine, there was an explosion in squatting. It went up 100 per cent in five years, although it had taken 30 years to reach that level prior to that. That is why we need a structured approach. That is why our government had drafted legislation to deal with the whole question of squatter regularization and land tenure.

There is no one on this side who does not want to give the people of this country an opportunity to own some property. That is why Act No. 20 of 1986 gave title to squatters at the nominal rate of 25 cents per square foot. If one works that out, one will see that the previous PNM administration, during the 1981—1986 period had intended to give persons title to land for just over \$1,000. No one can doubt that is not a bargain. Where in the world can one get proper title to land for TT \$1,000?

During the 1991—1995 period, we drafted legislation to deal with a number of issues which had not been dealt with in Act No. 20 of 1986, one of the most important of which was the whole question of environmentally-sensitive areas. While we would regularize squatters in the areas in which they were, there were certain areas which would be declared no-go areas—areas in which squatting would just not be allowed. This is along the highway reserves, in the eco-systems, in environmentally sensitive areas and so forth. If persons were in these areas, they would be relocated to other suitable premises. That was part of our legislation. I had the honour to work with a committee on that legislation and I dare say that it was a comprehensive and cohesive approach to the squatting problem. We did not try to go overboard to make people believe that they could just jump into someone's backyard and squat. We also were not going in the other direction and being oppressive and restricting persons from owning property.

I noticed that during the contribution of the Member for St. Augustine he had some very dismissive and sarcastic remarks about that fine piece of legislation. He said it was all rubbish and that he had just come in and, in three months, he had been able to draft a new Squatter Act. Well, I certainly hope that when that Act is brought to this Parliament, it addresses the two diametrically opposed issues: the fact that we do not want a free-for-all—we do not want people to get away with murder—and we also want to give people an opportunity to own property.

The reason we took so much time is that we had much discussion about how far we should go on this issue; how much freedom we should allow people in terms of regularizing their tenure on lands belonging to the state. I hope that my

hon. Friend, the Member for St. Augustine, will settle down and stop catching a “vaps” every day and making all sorts of outrageous statements in poorly-thought-out contributions, with regard to the way we should go in this country in terms of the housing and construction sector.

I hope that he will leave other people’s portfolios alone. There is a reason why the Ministry of Planning and Development is not in the Ministry of Housing. It is because the planning aspect is divorced from the execution aspect. If one puts an approvals function into an execution agency, then that agency will tend to bend the rules and manipulate the system to achieve its own objectives. That is why planning is always divorced from operational ministries, such as the Ministry of Works and Transport and the Ministry of Housing and Settlements. One needs to step back and have an objective analysis of the planning requirements of this country. The two cannot be put together. I doubt he will get his way anyhow.

In the same vein one cannot put the Lands and Surveys Division in the Ministry of Housing and Settlements. One needs an impartial entity to determine which lands are suitable for housing, which for commercial development and which for industrial and residential purposes. The person executing the project cannot be the one approving the project or determining the policy and global framework. There will be lopsided development with that kind of approach.

I sincerely hope that those agencies are never put in the Ministry of Housing and Settlements, and certainly not with the incumbent Minister. It is not that I have a problem with him; it is just his whole approach. He just does not understand.

3.50 p.m.

The Member for St. Augustine also has not treated with this issue in the proper manner. If one looks at the PNM’s record over the period 1956 to 1986 and one counts the number of houses that were constructed, it amounts to at least 40,000. The Diamond Vale estate alone is comprised of 2,000 houses; River Estate 400; in the Eastern districts there are perhaps 15,000 units. If one looks at what the PNM was able to achieve in the housing sector from its inception in 1956 to 1986, one would see that the PNM was able to provide at least 40,000 housing units for the people of this country. That is the crux of the matter.

They could spin around and say that the policy is no good and one would end up as my colleague from Tobago West—spend five years and not build a single house. The objective of the Minister of Housing is to build houses not to talk and

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talk in a circle about new approaches and achieve nothing. If my hon. Friend from St. Augustine does the same thing he will spin around for the next three years and not build a single house. The People's National Movement did not do that. They got to work and built houses. One may complain about the houses themselves; one might not like the designs; the materials may not be appropriate; one might not agree with the price but the fact is that the houses are there.

If one is driving East from Port of Spain and one looks at the landscape in Morvant, Laventille and so forth, there are thousands of units all built by the PNM because they were not fooling around. They recognized how important housing was. In Point Lisas and San Fernando hundreds of units were built. Look at the units which have been constructed in Pleasantville. The developments were quite simple, on inception they were not sophisticated, but over time, especially the older developments—if one goes up to Maloney one will see a number of persons who moved into those units 10 years ago have expanded their properties, enhanced, modified and some of the original units are almost unrecognizable. If one goes down to Diamond Vale it is difficult to find the original starter home units, there may be about 20 or 30 of them left.

I want to come back to this whole question of starter homes because another brain wave of the Member for St. Augustine is the starter homes, but starter homes were introduced to this country by the People's National Movement. [*Desk thumping*] Mr. Speaker, you, as a former member will be aware of that. Look at Diamond Vale or River Estate, those were starter homes. Especially in River Estate, the residents were given the four unplastered walls; two bedrooms, one bathroom and a kitchen, yet I have to come to this Parliament in 1996, 20 years later and hear my colleague from St. Augustine expounding his new theory of starter homes. In 1962, 30-odd years ago, the PNM built starter homes in Diamond Vale and 20 years ago they were built in River Estate.

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

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

Question put and agreed to.

Mr. C. Imbert: I thank hon. Members, including the Member for Caroni East, my good Friend for extending my speaking time.

The point I am making is why should there be rent restriction at all? If the Government provided rental units, rent will be fixed. The whole issue of rent

restriction should be based on the landlord achieving a reasonable return on his investment. If one wants to restrict rent this is the direction one should go. One cannot ask a member of the private sector who puts hard earned cash into a housing development to absorb a loss, that is patently unfair. No businessman is going to enter into that kind of investment if he suspects at the end of the day his investment is going to be in jeopardy. Why is there the need for rent restriction? The need for rent restriction, as I have said, is to deal with those few landlords who want to effect obscene profits and exploit people, but they are in the minority.

Again, there is the whole question of demand and supply in the marketplace. One hopes that eventually the supply will reach the point where the rents are determined by an acceptable return on the investment. This brings us back to public sector housing. One of the ways to deal with rent restriction is to generate public sector units to accelerate a programme of public sector housing. If there is a sufficient supply of public sector housing at affordable subsidized prices—we must subsidize, otherwise it does not make any sense—then the competitiveness of the marketplace will come into play with private sector housing. People would then have a choice, whether to rent a house from the public sector or from the private sector.

In England, Mr. Speaker, a number of people live quite comfortably in massive housing projects. All the cities in England contain within their boundaries, many public sector housing projects. As a matter of fact, the United Kingdom was one of the world's leaders in the provision of public sector housing—I am talking about outside the Soviet Bloc, what was formerly the free world.

The whole intention of the Government in those days when those units were built was to give people the opportunity to avail themselves of affordable housing, to a certain level of comfort. Many of those apartments in England are quite comfortable. As a matter of fact, when I was studying in England I had occasion to stay with friends in a housing development in the Moss Side area in Manchester and it was quite acceptable and the rents were very affordable. In fact, many students occupied those apartments and one knows that students are not persons with any high levels of income.

I would ask my Friend from St. Augustine to get off that head he is on and to try and do something good for the people. This whole issue about apartments

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being too expensive for poor people and we must lower our development standard—get off that, please. It is a responsibility of the Government, as far as I am concerned, to provide affordable housing for the sector of the population that cannot afford the competition in the marketplace. It is my opinion that it is also the responsibility of the Government to provide a certain standard of housing.

4.00 p.m.

Mr. Speaker, it is interesting that the champions of the underclass, the champions of socialism and so forth, are now babbling in *sotto voce*, is that welfare? One has to be consistent; one cannot jump from welfarism to capitalism just because one won an election. One's policy must be consistent. You cannot come into an election talking about the virtues of state socialism and so forth, and as soon as you win, the houses in John John are too good for poor people. The Government cannot do that; it has to be consistent. Every aspect of housing has to be placed in an orderly framework. One must recognize that it is the duty of a government to provide infrastructure for the population: provide them with roads; with a potable water supply with electricity; with housing; with health care; and with education. These are all basics that a population expects from a Government. There are good people in that ministry, if the Minister would only listen to them he would settle down and get himself on track and start doing something good for the people of this country.

Mr. Speaker, I hope that with these brief words —*[Interruption]*

Mr. Humphrey: You have 25 more minutes.

Mr. C. Imbert: I could speak for the rest of the period but we have other speakers and I think it is necessary for me to give them the opportunity. I hope on the next occasion when we come to this Parliament to debate an issue of this nature the Minister is prepared; that he deals with the functional issues of the legislation; that he deals with the philosophy behind the legislation, and he gives this Parliament reasons why we should extend the Rent Restriction Act.

As I said, he spoke for one and a half minutes and at no time did he say why the Rent Restriction Act should be extended. He did not give us an up-to-date status of the housing stock in this country; no analysis whatsoever of rentals in the housing sector; no analysis whatsoever of what is happening with the bureaucracy in the rent restriction system; the problems that landlords have in dealing with a review of their rentals. Nothing. He simply rambled on and on about—*[Interruption]* He spoke about how much he loves the NAR—it is right here—the

UNC's view is the NAR view; that the approach of the UNC is the approach of the NAR, and they are all compatible.

He spoke about national unity, and that the Members for Tobago East and Tobago West are his best friends. Really, when one comes into this Parliament, as was rightly pointed out in a little document that you sent to all of us—let me just read a little extract. I am not going into details, but the essence of what the person was saying here was that the persons in this House should be serious and the writer castigated both sides of the House, the Members of the Opposition and the Members of the Government. Mr. Speaker, I accept that from time to time Members in this Parliament are not serious in their contributions.

The point is, that an observer from North America has come and said that we behave like school boys in this Parliament; that we continually taunt each other across the floor and we should get serious. This is why today I have sought to address serious issues and I have not delved into a lot of the foolishness raised by the Member for St. Augustine. I could have had a field day dealing with the foolishness raised by the Member for St. Augustine. Absolute foolishness; I mean, a number of inaccurate statements have been made, misrepresentations, outrageous recommendations and so forth. I could have spoken for 75 minutes just on his state of mind, but I have decided not to do so.

Mr. Speaker, I shall take your note very seriously and I am asking the Member for St. Augustine to get serious about his portfolio; stop catching "vaps" every day; stop trying to enlarge his portfolio; stop trying to grab land as a squatter; study carefully what his predecessor has done—because he did a lot of good work—and just follow what the Member for Point Fortin was doing and he may have a chance of being a successful Minister of Housing.

I thank you, Mr. Speaker:

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, so far I have listened to much of this debate. In fact, as I use the word "debate" I question whether it is anything of a debate. You will observe that most of the contributions have come from this side. In fact, all of the useful contributions have come from this side. [*Desk thumping*] I am entirely certain that members of the public who have visited us here today must be concerned about what passes for a debate. But we have assured them outside and inside of this House that we on this side would continue to conduct the business of Parliament in the dignified way, in the traditions of the PNM. Notwithstanding all that we have seen from the other side,

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we will take this debate as seriously as it ought to be taken. The content of our contributions is testimony to that, Mr. Speaker.

On the procedural issue about whether the legislation has lapsed and whether another procedure should be adopted, I urge the Government to make good sense of this. This is a serious matter. There are very grave implications for what we are debating here today. As the Member for Arouca South pointed out in her contribution, thousands of persons could be and would certainly be affected by what is, for the Member for Couva South, a plaything—something that he could just hodge-podge—he could just fudge and get over with because he feels so. This is the nation's business and this is the Parliament of Trinidad and Tobago. What is happening before us, Mr. Speaker, has implications for sections 4 and 5 of the Constitution of Trinidad and Tobago. There is the possibility of a lot of litigation in the years ahead, arising out of what is transpiring here today. If this legislation is not properly re-enacted we could see the workings of some injustices in the months and years ahead.

4.10 p.m

We can see circumstances where landlords may abuse their positions, afflict injustices on their tenants and two and three years down the road when their tenants proceed through the courts, they would discover that this legislation has not been properly reenacted and it is a bar to their achieving justice. They will enjoy no redress.

I am sure, Mr. Speaker, this is not what the Government intends and I would hope that in the words of a previous Prime Minister of this country they would “Let good sense prevail.” [*Desk thumping*]

Insofar as the substantive elements of this debate are concerned, I recognize and Members of this House must, that this bears in on a very crucial aspect of our existence, it has to do with housing and more directly in some cases, homelessness. This is not just an important matter, it is crucial and I speak with an acute sense of the importance of it. I speak with the greatest concern for many of our elderly citizens; young persons, perhaps just married; many of our young men and women whose parents believe, as is often the case, that they have come to an age where they should leave the family home and make it on their own. Before I proceed and in the light of some of the gratuitous and careless advice and statements that we have heard from the other side, I want to advise the young persons of this nation who would certainly pay attention to this debate, that all

that is being said here must not be taken to mean that the Government or authorities hold the full responsibility for providing houses, there is still the element of individual responsibility and whatever the Government does, be it this one or previous ones—and previous ones have done much—there are still young people of our society who hold the responsibility to see what they can do for themselves.

I urge the young people of the nation, therefore, to continue to work hard, where you are not working hard, do so, save your money. If you are the beneficiary of some house, or you are living in a house that your grandmother or aunt or grandfather would have provided at great sacrifice for you, take care of it, spend a little bit of your time and your money to repair it. Times are hard and you will need it again, particularly when we are faced with a Government that has no policy on housing, particularly when the records of this country would show that a previous Government between the years 1986 and 1991 constructed, or in fact has the unenviable record that not a single house was constructed during that period by that Government.

Mr. Speaker, the Motion before this House is to extend the life of an existing Act, and as I say that, I question myself, is the Rent Restriction Act, Chap. 59:50 still existing? Behind this, it is really the life of the Rent Assessment Boards that we wish to extend since they are established under the said Act. These Boards play a rather important role, particularly when clearly there is still a very high need for rental accommodation in Trinidad and Tobago. These Boards, among other things, hear and determine applications for rent reviews, both by landlords and tenants. They determine standard rents.

When the hon. Member for Point Fortin, the Minister of Housing and Settlements as he then was, under the previous administration moved a similar Motion for an extension of the life of the Rent Restriction Act in 1993, he did the right and necessary thing. He gave clear, precise and concise reasons for his Motion. A well thought-out housing policy was also espoused at that time, the *Hansard* record would show. He argued then that as long as there was a great need for rental accommodation, there was a correspondingly clear need for the institutions that we know as the Rent Assessment Boards.

The mover of the Motion on this occasion offered no such reasons, he could not bear to hear himself sound foolish. He could not be heard to espouse the same views the former Minister espoused when he justified the need for an extension in 1993 simply because the Member for St. Augustine and the present Minister was

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vociferous in his criticisms at that time. So to come in this debate and offer the same reasons would obviously sound foolish and that explains why he rambled on about all manner of things that had precious little to do with the Motion before this honourable House. “Vaps”, Mr. Speaker, pure and simple “vaps.”

This coalition Government is about haphazardness and “vaps”. We have seen it time and time again, this is yet another example. The citizens of our country must by now be able to see a stark difference between the previous administration and the confusion that surrounds and engages the present administration. What you are seeing is the difference between a true alternative world class Government with a caring vision, demonstrated by a sound track record as compared to the whimsical and haphazard approach taken by this Government in many aspects of its governing in a short three or four months—and I need not share any examples with the national community, they have seen, heard and felt for themselves. But just in the event that some may not be aware permit me to highlight but one or two.

The disorganization and confusion of this patchwork coalition Government is amazing, I say patchwork because that is what it is, patchwork and yet it speaks about some Government of national unity. I ask myself, as I ponder on the question of one of the young students who were here today, whether this Government ever properly thought out any concept of national unity before it came to the electorate in 1995, or whether it is merely a question of political survival. I challenge this Government to produce any document that attempts to justify the need for a Government of national unity in Trinidad and Tobago. It has never been thought out. I am sure that this Government is not even clear in what it means by national unity. They are learning as they proceed and misleading people as they proceed.

4.20 p.m.

They have foisted themselves upon an unsuspecting electorate in Trinidad and Tobago, but we cannot even blame the people of Trinidad and Tobago, they did not create it, they voted 17:17:2. It was the minds and hearts of two of the leading misleaders that concocted and foisted themselves as a yoke upon the neck of the people of this country, but God shall set them free. [*Desk thumping and laughter*]

Mr. Speaker, today when we seek to extend the life of the Rent Restriction Act it is quite clear that this is to be done because there is still a great need for rental accommodation in Trinidad and Tobago, given also that the previous

administration in an attempt to reduce this high need for rental accommodation embarked upon a comprehensive house construction programme. This programme was informed by a task force report on housing laid before this House on November 13, 1992—planning, organization, all evident in what was done.

In addition to this programme of construction of housing units, a squatter regularization programme was also put in place. Both these efforts operated in tandem to resolve some of the problems of housing and homelessness in our nation. In the main, this programme was aimed at, and to a large extent achieved the laudable objective of the construction of some 5000 units per year for 10 years.

Our administration, the People's National Movement, targeted the building of 50,000 homes over a period of 10 years. The previous administration placed such a high priority on the question of housing that we allocated \$30 million to housing development under the National Housing Authority and some \$214 million was earmarked for an accelerated housing programme.

Under the Public Sector Investment Programme (PSIP), \$123.5 million was allocated for housing. The UNC/NAR patchwork coalition arrangement cut this allocation by almost 50 per cent. They cut it by \$50 million; from \$123.5 million to \$73.5 million. Questions must be asked. Are they serious about people's lives as they claim up and down the country? Are they serious about housing? Are they serious about homelessness? When one takes into account the recent statements of the Member for St. Augustine, that the units that were constructed in Laventille as part of an urban redevelopment programme is too good for the little people who live there, one must ask: Are they really serious? I think not, but the national community will be the jury on this.

Mr. Speaker, this administration comes to this House to ask for an extension of this legislation though I suspect, in light of what has been discussed, an extension will not be enough. The Act may have lapsed; a matter which we have addressed and will continue to address.

Hon. Member: Expired.

Mr. F. Hinds: Yes. This Government comes to this House and asks for an extension of an expired piece of legislation. This implies, however, a recognition that there is need for rent restriction, yet, the Government has, as I have demonstrated a moment ago, drastically cut back on the allocation for housing development in Trinidad and Tobago, which the previous administration had well

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thought out, shaped and pursued. At this rate, it seems quite clear to me, and any person of good sound commonsense, that we will be here time and again to ask for further extensions.

Mr. Speaker, the most pressing example of the haphazardness and heartlessness of this coalition patchwork arrangement that has been foisted upon us is not its cutting back on the allocation for the Library Complex, though that is very bad. It is not the cutting back of some \$23 million to \$25 million for the URP which is having all kinds of adverse implications across the country for the persons who expected employment there, and that is horrible. The worst and most pressing example of the callousness, heartlessness and thoughtlessness of that coalition arrangement is its decision to cut the allocation for the housing development programme that was initiated in my constituency on the Lady Young Road in Morvant.

Towards the end of last year, I was present when the hon. Member for Point Fortin and Minister of Housing and Settlements, as he then was, turned the sod for that project and announced proudly that the contract had already been properly awarded.

I was present when he assured hundreds of my constituents who had gathered there that the programme was on and that they could look forward to improved housing as a consequence. Now, “vaps”, all that with the stroke of a pen is gone. What heartlessness! Talking about national unity, but no consultation with the people of the community; no respect; no dignity accorded to me as the Member of Parliament for the area, just “vaps”, they wrote it off with the stroke of a pen.

Now, the lady who sells juice by Juman who was expecting to do some increased business as the project got going, is disappointed. The fat lady who sells the accra, bake and saltfish is disappointed, too. All the people in the constituency who were looking forward to an opportunity to earn an honest income to feed themselves and their families—expectant—are sadly disappointed. They come to me in their 10s and in some cases 100s over a period of time and ask: “Mr. Hinds, what is the position with this?” What can I tell them? “Vaps”, “vaps”, by a coalition government, but it shall pay in due course.

Mr. Sudama: Is the Member threatening the Government?

Mr. Speaker: Hon. Members, the sitting of the House is suspended for half of an hour.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. F. Hinds: Mr. Speaker, I was saying, before we took the short adjournment, that the decision by this Government to so drastically cut the allocations for housing development across the nation, is insensitive and heartless. It is so for the man or woman who is desperately trying to get a place to rest his/her head; a place to call his own to care for his family. This Government cut back on a solid and well thought out housing development programme when there is a clear and pressing need.

My constituency is Laventille East/Morvant and in terms of housing some of my constituents are, arguably, the most needy anywhere in the country. Some will say that the PNM has done nothing for the people of my constituency but the people of my constituency know that is wrong. They are being underestimated by this Government who feel that they could fool them with vague platitudes and nice-sounding words and talk about unity. But I have reminded my constituents about the use of the word *congosa*. They understand the meaning of that word.

If people want to underestimate them and offer them small insignificant bribes and want to invite some of my constituents—who I am told, have been asked to pay \$10—to join some organization in order to get work, and then the collectors of the money disappear, as has happened, it will all form part of the collective memory of my constituents, and they will deal with that organization in due course—sooner or later—and I expect sooner rather than later, Mr. Speaker. So I tell my constituents, and I say across the nation, remember the word *congosa*. Some people have used that word, and the meaning of it, to great advantage. Take a leaf out of that book and be as *congosa* as you can be. Give them the work and they will work, but when the time comes they know where to invest their vote, as they have done resoundingly in Laventille East with 11,000 and will continue.

Mr. Speaker, my constituents have asked me to bring this matter to the attention of the Minister responsible for housing through this honourable House. My constituents are entirely disappointed. They know that a lot of time and money have been spent clearing and preparing that project site. They can see as they walk, ride and drive by each day that the roadways have already been properly laid out. They know only too well that the experience across the country has been that, once a site is prepared to that degree and it is abandoned, and in this case, for no obviously good reason, it encourages once again the problem of squatting.

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My constituents understand full well that the previous administration invested time and money to clear a very beautiful site. Any time we drive by, Mr. Speaker, we can see the Lady Young Road in the area of Juman's business, or what used to be Juman's, and we foresee that it will become, yet again, a haven for squatters. As was said by the Member for Point Fortin, reiterated by the Member for Diego Martin East, between 1956 and 1986 squatting was, indeed, a problem but certainly not at the level that it has become!

Since that time, Mr. Speaker, in particular during 1986 to 1991, the records will show that the squatting population moved from 5,000—7,000 households to some 50,000 households. When you consider that there is an average of about four to five persons per household, you are talking about a squatting population of anything in the vicinity of 200,000 persons across the country—all because of a non policy on housing—some Sou Sou Land policy which is now being put to this country again in another disguise.

Well, disguise is something that I am beginning to become rather accustomed to from the other side, Mr. Speaker, but it is my duty as the representative for Laventille East/Morvant, and as a proud Member of this Opposition, to remove the mask whenever it appears, and let the nation see the hideousness that is behind it. That failed policy of 1986 to 1991—in which the present Minister of Housing was the key architect and the main player—gave rise to that serious problem of squatting. That policy was then, and will continue to be, a signal failure. As I have indicated earlier, not a single house was constructed under the NHA during that period.

5.10 p.m.

Mr. Speaker, because the electorate of this country has been conned and duped, and many persons were foolish enough to take their eyes off the truth and the reality, we are now on this side and our sound, well-thought-out housing programme is now on hold. Notwithstanding that, we invite and encourage the Government to take note of what we have done. We have a track record of success and if the Government, and in particular the Minister with responsibility for housing, would take note much good can be done with a little benefit to the Government, but of great benefit to the people across Trinidad and Tobago.

When I speak of track record I can speak of that Ramdial Mahabir Development, again in my constituency, the Morvant area. We could see the beautiful edifice standing proudly in Cook Street, John John overlooking the

Tokyo Pan Theatre which a few days ago, the Minister of Housing and Settlements thought was too good for the people of that area. What an insult. I think the comment was that it looks like it was some posh settlement from Westmoorings. I do not want to attribute that to the Minister since I am uncertain, but it would not surprise me if he would have said such a thing.

Mr. Speaker, look at the Strikers Village Development in Point Fortin; the Buen Venue project in La Romain, which only recently he proudly stood by and pretended that it was his. All these were done by the previous administration on the basis of sound, well-thought-out policies by a united force on this side and not any patchwork as exists on the other side. Thankfully, it would not be long. Thankfully, it cannot be long. I am a firm believer that anything that is founded on lies, untruth and trickery could never last. This is not a matter of politics. This is a matter of truth, God's truth. It cannot last.

Mr. Speaker, listen to the words of the hon. Minister of Housing and Settlements, the Member for St. Augustine in the 1993 debate:

"Madam Speaker, if there were adequate shelter, we would not need to restrict rent or restrict anything, really. If there were adequate shelter and everybody was adequately sheltered and there was a dynamic in the provision of continuing shelter for those who need it—because the school-leavers become mature, they become adults, they form new family units and the population expands, so, obviously, we have to continuously provide shelter for our people—there would be no need for restricting things such as rent."

Sound and beautiful words, but today, when given an opportunity, ugly in practice. These are the very people who have slashed and cut the allocations for housing across the country and, in particular, as I have demonstrated, in Laventille East/Morvant, where there are some of the most needy persons in terms of housing accommodation.

Mr. Speaker, I would like the Minister to tell this House, as at this stage in my parliamentary operations and my political career, I have begun to become a bit weary. I recall in a previous debate in this House only recently on the important question of Tobago, when I stood here representing my constituency, and asked relevant and pertinent questions of the Member for Tobago East only to see him stand and go from corner to corner of the world talking all sorts of things and he never answered a single question. I felt insulted; my constituents are right if they feel insulted and the national community must feel insulted.

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This is a House of debate. Ministers are accountable to Parliament and the people of the country, when we ask questions, at least we expect answers, if only as a matter of courtesy. I hope this is existent on the other side.

Mr. Speaker, in my naiveté and my inexperience, I try once again and I ask the Minister of Housing and Settlements: Is the failed policy of the Sou Sou Lands concept going to be with us again? If so, why did he not say so in the budget debate? If not, what is the Government's policy on housing? These are simple questions to which I expect and look forward to answers. The nation awaits them.

Mr. Speaker, one can reasonably argue that the failings of the regime of 1986—1991 should not be attributed to the present Government. Perhaps not, but in a short three months we have witnessed in this country a series, in fact, a comedy of errors—I have begun to lose faith—from one issue to the other and I can feel the anxiety building up in the society. People are wondering. I wonder when one considers all the folly that we have seen, but time would tell.

This Government has a very depressing record to date and all the glamorous public relations that it practices has been to nought. The honeymoon is truly over; people are not going to be fooled and misled. They are asking questions and they must be told, and they would be told, the right answers.

My constituents have suffered directly as a result of this Government's lack of vision and non-policy on housing. Though I support the Motion—if it is possible because we have argued, and correctly and properly so—in my view, the Act has already lapsed, but it is not too late. If, perchance, we decide not to support this Motion it would be for very good reasons. We in this House are law makers. We are politicians, we represent three parties, perhaps four because there is an NAR Tobago and an NAR Trinidad.

Mr. Speaker, most of all and most importantly, we are lawmakers and if we refuse to support this Motion as lawmakers, we can rest in the confidence that it is done with the best of reasons. We cannot afford to pass bad laws. We cannot afford to oversee inefficiency that leads to bad lawmaking. We cannot tolerate that. My system would repel it and the nation's being and system would also repel it. If we do not support this Motion, it would be because it did not observe the proper procedure and is illegal, perhaps, and we must reject it on that basis.

One cannot extend that which does not exist. That is an impossibility. It has lapsed and before we can treat with it, it must come again. Not all of us are

lawyers. There are a number of lawyers; some of high, average and some of other repute; some claim high repute undeservedly and others are attributed with high repute, again very undeservedly, but time would tell.

Mr. Speaker, I do not think in view of what we have submitted that it is possible to support this Motion. We have argued that it has lapsed and the Government needs to rethink the position and to come again; they have an opportunity.

Mr. Speaker, with these thoughts, I thank you.

5.20 p.m.

Mr. Hedwidge Bereaux (*La Brea*): Mr. Speaker, I wish to make a short intervention in this debate on the Motion:

“Be It Resolved that the Rent Restriction Act, Chap. 59:50 shall continue in force for a period of three years commencing February 24, 1996.”

The Rent Restriction Act is to restrict the rents of certain premises and the right to recover possession of such premises.

To date, a number of speakers before me have dwelt upon the fact that this Motion seeks to extend the application of legislation which has already lapsed, in fact, is annulled. Although I did not intend originally to deal with this matter, it has come up and we need to deal with it. I know that the learned Attorney General has purported to advance arguments with particular reference to writs for possession of land where the ability of the judge to grant mesne profits from the date of the filing of the writ. With all respect to the hon. Attorney General, the purported legal luminary, I would like to point out that in instances like that the payment of mesne profits usually arise as a result of an actual claim made. I would have thought that if we were seeking to do something like this, the Motion would have taken cognizance of the fact that the legislation had lapsed. Law is a question of precedence and the learned Attorney General sought to use precedence.

I would just like to refer to Act No. 36 of 1991 in which a similar circumstance operated. Although the facts of the matter were a bit different, in that apparently the Act had lapsed for a substantial length of time—the Member for Tobago East led that Government and the Member for Tobago West with all the respect that I have for her, was the Minister in the Ministry of Housing and Settlements—what is notable in respect of this particular Act when the

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Government sought to validate it, and I want to read the validation section of Act No. 36 of 1991:

“AN ACT to re-enact the Rent Restriction Act, Chap. 59:50 to validate things done thereunder, and to amend the Rent Restriction (Dwelling Houses) Act 1981.

4. All Acts and things done or purported to be done in exercise of powers conferred under the Act are deemed to have been lawfully and validly done.”

notwithstanding that the Act ceased to have effect on February 24, 1990.

Any lawyer knows that courts go down in different directions from time to time on either side and that any piece of legislation, any legal writing is open to alternative interpretations. I ask this honourable House here today, having regard to the nature of this Act, having regard to the peculiar circumstances of the persons whom this Act is intended to benefit—this Act is usually set to benefit persons in the lower income level, persons who occupy dwelling houses at low rents, persons who have been sitting tenants for years, most of them are aged and infirm—are we saying here as a Parliament, that based on legal interpretation which is suspect at best, and incorrect at worst, that we are prepared, sitting as a Parliament, to pass the Act and take the chance that unscrupulous or maybe persons who believe, perhaps with good reason, that there is no rent restriction ordinance in place would then tend to raise their rents?

We must remember that the Rent Restriction Boards will not be in place, that the persons who are likely to raise their rents and who are likely to seek eviction would be the persons who could best afford to hire the lawyers and access the courts. The persons who would come under the gun and who would be under the brunt of that attack would be the persons less capable of dealing with the legal circumstances which could well emanate from such action. I understand what the learned Attorney General and the Member for Couva North were just cross-talking about. They are saying, if we as the PNM vote against this, they will go out and tell the population we voted against it. That we have indicated to them that, what they are trying to do was annulled and we are saying to them also, do the proper thing. We agree that we will participate in doing what is correct but that they have to show the national community that they are prepared to do what is correct, because they cannot escape by saying we did not offer to support them.

Mr. Speaker, I will tell you what has happened. This should never have arisen. We have seen a Government that is playing *l'ecole biche*, plain and simple; they

did not come to Parliament because they have a wafer-thin majority and they keep being concerned that they may come a day and run the risk of being defeated. I recognize that on several occasions when they were not able to hold Parliament, it was because a minister or ministers have had to travel abroad.

When a Government refuses to behave in a manner that is upstanding and in a manner that is up-front and with some integrity, one runs into these problems. I will explain. We recognize that the business of the country must go on. If the Government has to carry out the business of the country and it becomes necessary for a minister of Government to travel, there are conventions in Parliaments of the Commonwealth that handle matters like that and it is for the Government to do the proper thing, approach the Opposition and together the Government and the Opposition approach the Speaker and a sort of *modus vivendi* will then be put in place. But no! I will tell you why. They recognize that when they were on this side they refused to co-operate and they are painting us with the same brush that they used to paint themselves. But that is not true. We are prepared as an Opposition and as a loyal and responsible Opposition, to deal with matters which concern the business of this country and to deal with them responsibly.

5.30 p.m.

The Government is most irresponsible in the manner in which it is behaving because we have not given it the opportunity to show that we intend to do anything differently. In my humble opinion as an attorney-at-law, I believe that this Motion, if passed in its present form, will be a nullity. The precedent has been set in 1991.

It can hold no water and it makes no sense telling me that it was passed in the Senate. If the method of passing motions was only in the Senate, that is what would have happened. There is a method of doing it and if not followed there will be a problem. We must not permit the arrogance of the Attorney General who purports to be the best lawyer in the world. The best lawyer makes mistakes. We all make mistakes and we will make many mistakes. He has made many before and he will make many more. That is the nature of human beings.

We have business to do in this country and we will do it. I want to be on record as saying that I perceive and expect a number of persons will be disadvantaged unless this legislation is re-enacted. *[Interruption]* Based on the Standing Orders I will not impute improper motives to any Member of this honourable House. We need to have this entire legislation re-enacted and the

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proper validation clauses included. I am on record as saying that the Opposition has said that it is prepared to support the Government if it does the correct and legal thing. We know this Act is required having regard to the housing situation in this country.

I know what they are afraid of. They are afraid because this Act requires a special majority to re-enact it. I am not threatening them the way the Member for Oropouche and the Member for Couva North used to do us. We are responsible.

From time to time, the statements of the Member for St. Augustine and Minister of Housing and Settlements display some form of empathy for people regarding housing. I can find myself being sympathetic to some of the things he would like to do, excluding his latrine, with regard to the desire to have as many persons as possible housed.

Miss Nicholson: So he cares.

Mr. H. Béréau: I care too and we all care. I do not believe that if any of us did not care we would have been here. This is a very poorly paying job. Do not start that.

I believe there is a common thread running through and one can get the feeling that he wants to do something. As misguided as his methods may be, his motives appear to be good. One tends to identify with them.

I take this opportunity to quote a relevant portion from his contribution. It states:

“Members on this side would have preferred to come to Parliament on this occasion to announce that there would have been no need to continue rent restriction. Unfortunately, the critical shortage of housing units in the society continues. Past and present governments have found it very difficult to come to grips with this nagging problem of the disability to direct the national energies and resources in order to satisfy the shelter needs of all our citizens. If there were not such a critical shortage, then we could safely remove the rent restrictions and enable the market place to resolve its problems.”

This is why I am saying that we must get it right as a Parliament. We must run no risk with this legislation.

He continued:

“. . . the market delivers for those who can afford. The state does not need to intervene to any great extent in the market-place for those in the society who can afford to pay the prevailing price of land and house construction.

There are 100,000 families in Trinidad and Tobago who are poorly sheltered, . . .”

When he was completed outlining the policy of his party he said that he recognized in hindsight that this is a coalition of two parties. The strategy is very close if not identical to the strategy which was attempted in 1986. After that, he ran up against his problem which is money. Therein lies his misconception as to the coalition to which he belongs. It is not a coalition of two parties, but the UNC, the NAR and lurking somewhere else is the cabal of financial adventurers as my Friend and Member for Naparima would say. I mean the coalition of financial adventurers who have captured and have captive the finances of the Government. I may be biased but I do not want to be. Therefore, I take my cue from the *Trinidad Guardian* dated Wednesday, March 6, 1996. Page 1 states:

“No work for Mervyn Dymally

Former Congressman upset at rejection

He said he could not find ‘words angry enough’ to express his feelings at Kuei Tung’s rejection of his services. He described Kuei Tung as ‘that person who would not be able to shine my shoes politically.

How could someone who bought his way into the party talk about me?”

I will explain how I came to quote that. I am saying that the finances and financial control of the Government is under the control of the financial adventurers. There is an ideological conflict existing between persons like the Members for St. Augustine, Tobago East, Tobago West and others and these financial adventurers. I am going to prove the point on the question of housing.

5.40 p.m.

Here we have the Minister of Housing saying that we need more housing; he is saying that it is money he does not have. He says it a lot and I believe him, but in the 1996 budget, under the heading, “Removal of Tax Credit on Bonds”:

“The tax credit granted to individuals and companies in respect of interest payments on Bonds issued by the Trinidad and Tobago Mortgage Finance Company Limited under Section 48J of the Income Tax Act will also be removed with respect to Bonds issued on or after January 1, 1996.”

Herein lies the conflict. Left to the Member for Couva North, the Member for St. Augustine and the other Members on that side, I do not believe that they will

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ever seek to do anything which will reduce the ability of a company like Trinidad and Tobago Mortgage Finance Company to get money to lend. I want to elaborate on this situation because it is a serious problem.

The 1994 budget proposals provided a facility which enabled investors, in addition to obtaining the interest, paid free of tax, on bonds from Trinidad and Tobago Mortgage Finance Company, to receive a tax credit equivalent to 50 per cent of the interest earned on such bonds in any one year. So it was an attractive investment and one created by a government that saw the need for a company to be able to give low-interest loans to low and middle-income persons.

What is the mission statement of Trinidad and Tobago Mortgage Finance Company Limited? The mission of the company is:

“The provision of mortgage financing facilities and other related services to lower/middle-income housing in an efficient, expeditious, courteous and cost-effective manner.”

By virtue of that the company raised, in 1994, \$25 million. It was able to borrow that money at 6.75 per cent interest. In 1995, it raised \$55 million. It was able to borrow that money at 6.5 per cent interest, the reason being that in addition to the interest, there was the uplift as in the oil industry in respect of 50 per cent. So, they had the interest and they had the uplift which translated to just under 10 per cent interest. They were able, by virtue of a Government subsidy, to lend money.

Let me deal with the rate of interest at which TTMF lends. The rate was 8 per cent once the selling price was \$150,000 or lower. That is a developed country-styled price. If the selling price was between \$151,000 and \$200,000, one paid 8.5 per cent interest. *[Interruption]* What did the Member say?

Miss Nicholson: I would like the Member for La Brea to remind Members of what the NAR did—6.5 per cent.

Mr. H. Bereaux: Do not try to get me off on a tangent! I will deal with that in due course.

If the selling price was between \$201,000 and \$250,000, the rate was 9 per cent. I have checked. Based on that, in 1995, 77 loans were granted at 8 per cent, totalling almost \$9 million; 151 loans were granted at 8.5 per cent, totalling over \$23 million; and 141 loans were granted totalling \$26 million at 9 per cent, a total of 369 loans totalling \$58 million. But what has happened as a result, Mr.

Speaker, is that today Trinidad and Tobago Mortgage Finance Company Limited cannot raise money under 10 per cent on the open market, so the 8 and 9 per cent loans that lower income persons got as a result of that, have disappeared. The 8.5 per cent loan has disappeared because they now have to borrow money at higher than 10 per cent. I do not know, but I am certain that no Member on that side could feel happy with a situation like this, unless there is a sinister motive which I do not know.

We are in situation in which one of the best performing companies under the state enterprise sector has been put in a position where its loan portfolio will be diminished. The Member for Tobago West pointed out what her government did. I was involved in that housing programme and the 6.5 per cent she was talking about was an IDB loan. What the Member did not say was that TTMF lent at 8 per cent.

I want to list for the information of this Parliament, the areas where this company has been able to foster development. I speak of Diamond Vale Estate, River Estate, Lange Park, Santa Rosa Heights, Arima, D'Abadie Development and the original Westmoorings houses. Here we have a situation where the Minister of Housing and Development recognizes that there is a dire need for funding in houses and another Minister in the same government of disparate interest does something else to sabotage the housing thrust of this country.

Mr. Speaker, I want to say that housing is everybody's business. I empathize with the Minister of Housing. We want better housing, but no government that is not unified; no government where there are people going in one or the other direction; no government where the ideology is causing problems, could ever properly address the housing situation in this country. That is why we are stuck in a time warp, dealing continually with the Rent Restriction Ordinance, and we will be in even greater problem today, unless good sense, statesmanship and love of country prevails, and a willingness to understand that what we do here should matter to both sides in terms of how it affects the finances of the population.

5.50 p.m.

None of us live in rent restricted houses. Some of us may own some but we do not live in them, so it would not hurt us. *[Interruption]* I own many and when I see you near to some of them I hide from you because you were hugging Balroop and dancing on a table in Jenny's Wok. *[Laughter]* Mr. Speaker, as I was saying before I was rudely interrupted—*[Interruption]* No, I hide from him so he would not try to hug me. *[Laughter]* Notwithstanding the divisions that we may have

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across the floor, I believe that we have to look at this whole issue properly and do what is best for Trinidad and Tobago.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, in seeking to appreciate the need for rent restriction, it is necessary to recognize that one of the reasons for its existence was, and still is, the protection of tenants from unscrupulous landlords. Having said that, it is necessary to refer—as previous speakers have done in this debate—to whether what we are doing here today is, in fact, a nullity. It is questionable whether the legislation has lapsed. We have listened to the learned Attorney General and I beg to differ from his view.

The very reason for the legislation is in question. Assuming that the legislation has lapsed, there is nothing that prevents a landlord from increasing his rent to whatever he chooses. He can increase that rent at his whim and fancy. If the tenant fails to pay that rent he can then go to court and get that tenant evicted for non-payment of the rent.

In appreciating the need for rent restriction we have to realize that it is simply for the protection of those in our society who cannot afford to pay a higher rent than the rest of us. There are situations where tenants and landlords could go to the courts to have, what is called, the standard rent fixed. The tenant was further protected, in that, if the landlord wanted the tenant to vacate his property, the law provided for him to find similar accommodation, of a similar type, similar locality and at a similar rent. The basic reason for this legislation is really the protection of tenants.

There are situations where tenants, by and large, are protected, but there are, in fact, unscrupulous landlords who would take advantage of people who are desperate for accommodation. In such circumstances, the accommodation is really sub-standard, because there are tenants who cannot afford the advice of lawyers and those who cannot afford legal representation in order to protect their rights. Both the Government and the private sector have not really met the challenges of the housing need of this society. Over the years we have had the Government building houses to which we sometimes refer as the planning housing scheme. These houses were really for the benefit of the small man. It is no longer attractive for the private landlord to build houses to rent because the return on his investment is not attractive. He can take that money and safely put it in a fixed deposit in the bank and get a proper return.

In the 1970s and early 1980s, because of the rise in the price of oil the Government of the day could have afforded to build massive houses; we have examples in Maloney, San Fernando West and Embacadare. I think that was the last time the Government really embarked on building houses on that scale. Subsequent to that we had houses being built but not in that amount. Even then some of the tenants were unable to afford the rent. We are therefore left with the situation as to who would build houses for sale or rent for the less fortunate in this society.

It is left only to the Government to do that, Mr. Speaker. If the Government does not build houses we will have squatters. We already have in this country—when I say this country I am referring to Trinidad and Tobago but I am not sure whether people squat in Tobago—a high incidence of squatters and street dwellers. Only recently I brought to the attention of the relevant Minister a situation in San Fernando where there are street dwellers. Vagrants have been terrorizing the students at the Convent in San Fernando by throwing filth over the wall at them. It is, indeed, a very serious situation.

Recent measures introduced by the PNM Government in the Income Tax Act 1995, encouraged the building of houses. That Act provided an incentive for the building of houses where the developer would get, what is called, the bridging finance or the interest to the tune of \$24,000 off and the rent from those dwellings would be tax free. This had the added effect of creating numerous jobs in the construction industry. We have seen this Government shying away—for the time being, I hope—from construction. In the 1995 Income Tax Act there is a provision whereby entrepreneurs could build houses and so provide construction work.

I note that the hon. Minister of Finance indicated in his budget presentation that he would be reviewing this piece of legislation. I hope, and I am appealing to him, that in such review he would seek, not to replace this incentive but to add to it. In other words, the Minister of Finance can give further incentives to private developers to build dwelling houses. *[Interruption]* Yes, with concessions to the developer so that the less fortunate in our society can benefit from housing.

6.00 p.m.

Mr. Speaker, we note that the hon. Minister of Housing, the Member for St. Augustine has a preference for building what is called a "core" house. In doing that, if that is his plan or intention, I wish that he would take into consideration the fact that we do not want to create any more "shanty towns" in this country. So

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that if he is going to build core houses and have the owners or tenants add to it, in such cases we must have community centres; we must have police stations; we must have control. In other words, building a core house is all well and good but there must be some plan. One cannot have people adding willy-nilly to a house, it is made for a shanty town if you do not have rules and regulations. The Minister of Housing went to visit the plaza on the highway at Bamboo Village and I want to read now from the *Trinidad Guardian* of February 16. The headline states:

"Bamboo villagers to get house, land—

Villagers in Bamboo Settlement No. 3 have been offered a \$50,000 house and a lot of land behind the Grand Bazaar..."

It goes on to say:

"...Housing Minister John Humphrey...The offer is a good one...He talks about the contractor being able to build a house in two months...about the house having two bedrooms, toilet, bathroom and kitchen, with running water and electricity...all for \$50,000."

Perhaps, Mr. Speaker, if Hafeez Karamath Construction Company can build such a house for \$50,000, I am sure others in the industry could do likewise. Perhaps the hon. Minister can explore this. If it is true, as stated in this article, that one can get a house of this quality for \$50,000, then it is worth exploring. Mr. Speaker, we must remember that the market we are playing to here, in terms of housing, is for those members of our society, who perhaps, can afford up to \$500.00 per month. Therefore, the Government has to do as much as it can to encourage the building of homes that would allow citizens to afford them.

Mr. Speaker, we note that the amount of money voted to the hon. Minister has been halved by almost \$50 million. We also know that in accessing money from international agencies, there are conditions attached to those loans. We also know that the Minister may have difficulty with some of those conditions.

I want to read from the *Medium Term Policy Framework Plan 1996-1998* laid in this House earlier this year. On page 25 under "Housing" states:

"Over the medium term, Government will implement a comprehensive approach to housing. This will entail the continued provision of fully serviced lots; construction of core houses and rental apartments, community facilities on housing estates; subsidized mortgage and construction financing; technical advice on owner-construction dwelling units; rationalization of those agencies

associated with the housing sector; and the regularisation of squatter communities on designated sites."

This policy statement is very commendable but the question previous to now, and now, is whether the objective as stated in that statement can be fulfilled within a reasonable time, and whether there is money to achieve it?

Mr. Speaker, I would like now to quote some excerpts from the hon. Minister's presentation in 1993 when a similar piece of legislation was before this House. Perhaps what the Minister said then is going to come back to haunt him. I quote:

"Madam Speaker, here we are, year after year, at least every three years extending the life of this legislation. What I want to suggest to this House is that by doing that we are admitting the failure of the management of our own resources. You cannot provide adequate shelter for our people. In fact, by admitting that we cannot do it, by extending the life of this legislation for a further three years, when that three years is expired we will meet and as a routine, extend it for another three years because we are not coming to grips with the proper management of the resources of this society in providing for the basic needs of our people."

I am sure this part will interest and tickle some of the Members on the other side. It states:

"The electorate has no other alternative but to go to the elections and vote for people to send to the Parliament as their representatives with the hope that when we assemble here, we would use our better judgment in the interests of those who send us to find solutions to the problems that they face. That is the purpose of our being here."

So therefore it is now left to the Government to fulfil all that they have said before in contributing to this debate.

I wish further to quote the hon. Minister. He continues.

"Unfortunately we have to recognize that there is inadequate shelter and that is why we come here as a ritual...the people have put us here with the anticipation that we will put our collective intelligence together and use the opportunity of parliamentary debates to find solutions to their problems.

What I would like to do on this occasion, Madam Speaker, is to try to encourage this debate to take the direction of seeking to find a solution to the shortage of shelter."

Rent Restriction (Continuation of)
[MR. SINANAN]

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Mr. Speaker, the hon. Minister in his contribution in this debate has not really provided us with any solutions or thoughts on how we are going to achieve the objectives as he had espoused in 1993.

I further quote.

"If I have a client who insists that we maximize local input and minimize imports, I could sit down and identify the locally sourced resources and try to design the building to achieve that.

I can assure you, Madam Speaker, that in Trinidad and Tobago today we have resources that have come out of development, investment and industrialization that can be used for satisfying the sheltering needs. I can assure you also that the vast majority of the input, of the provision of basic housing for the people of this country, can be locally sourced with a very small component of import content...

The Government says it has no money and yet, out there, the physical resources required for the provision of shelter, especially low cost housing, exist in abundance. There is no shortage of resources."

6.10 p.m.

Mr. Speaker, all these words spoken by the hon. Minister and he now has to deliver; private enterprise is not in a position to do it. In fact, nobody will invest money in a programme of low cost housing because there are no profits to be derived, and there is no such thing as a low cost house in terms of producing it. I have just referred to an article where it speaks of building a house for \$50,000. There is no such thing, but there is a need for cheap accommodation because so many of our citizens are not earning adequate income to support that price being charged.

Mr. Speaker, I honestly believe that the hon. Minister means well. From his words as spoken in the 1993 debates, I have taken him to mean that he is genuine in what he is saying and I, as well as the entire country, am waiting to see whether he can fulfill all those noble objectives about which he spoke in 1993. The hon. Minister is an architect by profession, and architects have ideas. In the case of the hon. Minister, some of his ideas are good and in this regard I would think that one of his good ideas was building a highway from San Fernando to Mayaro. Some of his ideas are bad.

Hon. Member: Like latrines.

Mr. B. Sinanan: Yes. Water and effluent side by side, I think that is a bad idea. A mad idea was when he spoke about the trinity dollar and latrines and sewer plants as tourist attractions. Yet, I think that the hon. Minister will have his opportunity to produce for this country a great idea, such an idea that will allow the Government to build sufficient houses to accommodate those of our less fortunate citizens.

I find no difficulty in supporting this Motion. As I said before, I am wondering whether we are debating a piece of legislation that has lapsed. As one learned person in the profession would say, "do not buy a case"; this is probably giving those unscrupulous landlords an opportunity to buy a case. If we increase rents and it is held by the courts that this legislation has lapsed, we are putting poor people through expenses that are not necessary. We have alluded to the fact that we would support the legislation if the Attorney General would do what he knows that he should do.

In supporting this piece of legislation, I want to wish the hon. Minister of Housing and Settlements well. I am holding him to his words as stated in his contribution in 1993, and at the end of the term of office of the Government, whether sooner or later—

Mr. Panday: Later.

Mr. B. Sinanan: If it is later, then your responsibilities are even more onerous.

Thank you.

Mr. Kenneth Valley(*Diego Martin Central*): Mr. Speaker, the basic issue that has arisen in this debate is the question of the validity of what we are doing here today, whether in fact, even at this time, we can extend the existing legislation or whether there is need for a new Bill.

We on this side have expressed the fear that in fact, we might be legislating bad law today. The Attorney General, who is the legal adviser to the Government and, to some extent to the Parliament, has advised that we can, in fact, extend the existing legislation. I want to put my Friend from Couva South on notice that we would be holding him accountable if, in passing this legislation today, if in extending the Rent Restriction Act, we were to cause one person to be disadvantaged; we would be holding the Attorney General responsible and that is clear.

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A while ago the Attorney General made the point that he would be able to intervene, therefore I want the Minister to undertake to have the Attorney General intervene, should a landlord go to court deeming this legislation a nullity. Going further, the point has been made today that what we need to do, is to deal with the overall shortage of housing in Trinidad and Tobago. My Friend from San Fernando West and my colleague from La Brea, made the point that we need to put systems in place to ensure that we can deal with the housing shortage, and that is more important today when we see the construction activity of the Government being reduced.

As a fact, the last government planned to use the construction sector in the short term to stimulate employment to allow the time necessary for the manufacturing, agriculture, and other sectors to provide those permanent jobs as we go into the next century, so that the plan was clear. It was to depend on construction activity up to the year 2000 to provide jobs for our people, knowing full well that the construction sector in any economy accounts for one in seven jobs. The economists among us will know that construction activity is a main indicator of economic activity in a country.

I am endorsing the views expressed by my two colleague that the Minister of Housing and Settlements ought to be in consultation with his colleague, the Minister of Finance and to the extent possible, to reintroduce the tax incentives provided through the Trinidad and Tobago Mortgage and Finance Company, but to go further and develop other creative ways to provide funding for the public sector to engage in housing construction.

Secondly, I think there is an urgent need to move forward with the Squatter Regularization Programme. We have been talking about that for too long. Just before the dissolution of the last Parliament, a Bill was introduced with respect to squatter regularization. I understand that the new Minister of Housing and Settlements intends to have a new Bill drafted, and knowing what I know about the length of time it takes to draft legislation, I can see, that we are, in fact, delaying the Squatter Regularization Programme by a further period of at least two years. If you can give me the assurance today that you will be working or moving on squatter regularization in 1996, then I am going to be extremely comfortable.

Not only in my constituency, but throughout this country, there are squatters and they have been hearing talk and talk about squatter regularization and I am

saying that it is time that we start working on the programme because when we do that we would be removing a major constraint with respect to housing.

6.20 p.m.

Also, Mr. Speaker, as I am on it—and this is really to local government—I think we need at this time to continue an initiative which was started way back in 1993 at local government with respect to private developments. There are a number of private housing developments in this country which have not been handed over to the local government bodies. What happens is that in those developments there is need for services which the state cannot provide or is constrained in providing because of the fact that they are still private developments and not under the ambit of the state.

In 1993, we started an exercise in local government to put a system in place for the orderly transfer of those developments to the local government bodies. There are a number of them. There are ineffective sewer systems. There are some with road problems, some with street lighting problems and some with water problems and I am saying that we need to look at that whole area.

Mr. Speaker, the housing sector in any economy is a major one and it is really the responsibility of all of us to do what we can do get that sector moving. We are talking today about the free movement of skills. We are in Trinidad providing for what we call the export platform. I am very pleased to hear that my successor, the Minister of Trade & Industry and Minister of Consumer Affairs, has been able to pilot that model agreement which we started to negotiate, bilateral trade through Caricom, at the last meeting. That model agreement will provide for more export opportunities for Trinidad and Tobago manufacturers. We expect that skills would be attracted to Trinidad and Tobago in these sectors and if we are providing for more people in Trinidad and Tobago, given our shortage of housing stock, it behoves us to deal with that problem today.

I made the point that when we were in Hong Kong on a very important visit—and there are a number of gains to come from that initiative if only this Government would follow up on the initiative which was started. Hong Kong is one-fifth the size of Trinidad but there is five times our population. *[Interruption]* I am saying one-fifth the size of Trinidad—not Trinidad and Tobago—but five times the population of Trinidad and Tobago. Obviously, our population of 1.3 million is small and if we want to have the economic growth that we talk about

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we need to put programmes in place to hold the population. If we are doing that, obviously, we have to provide the infrastructure, the housing, that is required.

Mr. Speaker, we would provide critical support—support with reservation—for this legislation. As I said, our preference is a new Bill. We believe that is what is required. If you bring the Bill we would support it. If you bring it next week, we would support it at that time. We believe that it must be done properly. If you believe that there is no problem with this legislation, then we would support it because we believe, on balance, we need to protect the people, but if for any reason, there is a boomerang, like Acker, we hold you responsible.

I thank you.

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, we have heard five hours of talk and within that time we have not heard a single positive proposal that can go towards helping to alleviate the problems of shelter.

Mr. Manning: We said to come with a new bill. That is a positive suggestion.

Hon. J. Humphrey: Mr. Speaker, most of the Members on that side alluded to a problem which they call my pet problem and I want to put on record the dimension of the problem.

There are 150 sewage disposal plants in the country and 50 of them are working. When a plant does not work, what happens is that raw sewage is pumped into the rivers, streams and drains of the country and there are 100 plants doing that today. And they are concerned with the environment and the ecology!

The Member for Diego Martin East purports to be a qualified engineer and he told me during the teabreak that he is teaching postgraduate engineering students. He was there for four years as Minister of Works and Transport advising the previous government and here we inherited a situation where the nation cannot dispose of its own waste, properly. We are doing something about it.

Mr. Speaker, may I refer to a part of our Constitution which I think has eluded all of them. In chapter 1, Part I, section 4, under “Rights Enshrined”, one such right is and I quote:

“(d) the right of the individual to equality of treatment from any public authority in the exercise of any functions.”

Given that as a right, how should a government treat citizens with something like a housing subsidy? Should it recognize the principle that all citizens are entitled to equal treatment and that if you are going to give a subsidy to one you should give it to all others? Should it do that? If it is going to operate on that basis, what level of subsidy should be given?

Quite rightly, they have recognized that the estimated need for housing units at the present time is 115,000. Mr. Speaker, the aim is to provide 10,000 units a year until the need is satisfied. If we continue to build high cost accommodation as was started in one or two projects that I have inherited—

6.30 p.m.

Mr. Imbert: Where land is not available.

Hon. J. Humphrey:—and one that they have made a lot of mention of is the one in John John. [*Interruption*] Mr. Speaker without taking the cost of land into consideration, those units have cost \$190,000 each. The other one that they mentioned was Ramdial Mahabir Lands, where the units have cost in excess of \$300,000 each.

Mr. Imbert: Not true. Shame!

Hon. J. Humphrey: In excess of \$300,000 each, not including the cost of infrastructure and the value of the land.

Mr. Imbert: You should be ashamed of yourself. That is not true!

Hon. J. Humphrey: We need to provide 10,000 for the year. Ten thousand houses at a cost of \$190,000 per unit would require \$1.9 billion in this year’s budget.

Mr. Speaker, if we pursue that line we are going to exhaust the allocations in no time at all, and we are going to satisfy, perhaps, one hundred families.

Mr. Imbert: That is not true.

Hon. J. Humphrey: But we need to provide for 10,000, so what must the Government do? For example, noise was made by the Member for Laventille East/Morvant about a project in his constituency being halted for the time being.

Mr. Imbert: You mean stopped!

Hon. J. Humphrey: The units there, without the cost of land and infrastructure, are estimated to cost \$170,000 each.

Mrs. Robinson-Regis: So?

Hon. J. Humphrey: I want to ask the Member for Laventille East/Morvant to take it over. We will give him the land—give it to him. Do not pay a cent for the land. Mobilize your constituents and raise \$170,000 for each unit and distribute it to your people.

Mr. Imbert: That is the Government's responsibility.

Hon. J. Humphrey: Go ahead and do it! The fact is, Mr. Speaker, we cannot treat a few preferentially and deny the rest of the society of the service. That is the fact. Let us do a little calculation.*[Mr. Hinds rose]* Are you going to accept my challenge?

Mr. Hinds: I propose to treat seriously this offer, the proposal made by the Member for St. Augustine, but I wonder if he is serious?

Hon. J. Humphrey: Absolutely, because the Government does not have the funds! If he can rally the funds and provide shelter at a cost per unit of \$170,000. All the plans are completed. The site is ready to take the buildings and, Mr. Speaker, I am sure I can persuade my Cabinet colleagues to release the site to the residents of his constituency; to rally the funds, put up the accommodation and distribute that accommodation on whatever terms they can negotiate. *[Interruption]* But let me tell you the terms. When that government was there, they offered accommodation at \$500 per month rent and they talked about a rental/purchase. Calculate \$500 a month, Mr. Speaker, with the lowest rate of interest at eight per cent on a unit that costs \$190,000, and see what you get. I will tell you what you get.

The interest alone for each year is \$15,200. But the \$500 a month returns \$6,000 and that is a rental/purchase. Mr. Speaker, I want them to show me how it can be done. If there was no interest charged and you paid \$500 a month, the agency would collect \$6,000 and it would take over 30 years to recoup the investment, but that is if you do not consider something called inflation. Mr. Speaker, you cannot borrow funds anywhere free of interest.

Mr. Imbert: Would the Member give way?

Mr. Sudama: If you promise to ask a sensible question.

Mr. Imbert: I thank the Member for giving way. You are not correct. The purchase price is not \$170,000. There is a significant subsidy. Subtract the subsidy, then do your calculation.

Hon. J. Humphrey: Mr. Speaker, I asked them earlier to tell me what subsidy they recommended.

Mr. Sudama: What is the subsidy?

Hon. J. Humphrey: I want to ask him, big engineer that he is—

Mr. Panday: Small engineer.

Hon. J. Humphrey: Work out the level of subsidy—

Mr. Imbert: You work it out.

Hon. J. Humphrey: —work it out and pass it to me and let me implement it.

Mr. Imbert: No free advice. You have to pay for that.

Hon. J. Humphrey: Because if you discount it by \$100,000 and you sell them for \$90,000 you are still out of reach.

Mr. Imbert: That is not true.

Hon. J. Humphrey: Work it out.

Dr. Lasse: You are just creating problems for yourself.

Hon. J. Humphrey: Mr. Speaker, I recently had a meeting with the regional representative of an organization that is working in several countries, building houses “with” the poor, not “for” the poor. Assisting the poor to help themselves in the construction of houses. It is an organization called “Habitat for Humanity” A former President of the United States has associated himself with that organization and in the last ten years they have built over 40,000 houses in some 46 countries. We had a long meeting and the representative agreed with me that the only way to help little people get started with their homes is to have a fund of money that can be loaned to them interest free. It is the only way. I had a lengthy meeting with the IDB representatives who visited a couple of weeks ago, Mr. Speaker, and I sought to persuade them that the IDB should adopt the principle of interest free loans in small increments to little poor people to get started with their shelter.

Mr. Manning: What did they say about that?

Hon. J. Humphrey: In no uncertain terms I was told that they had taken a policy decision that interest will not be subsidized.

Mr. Imbert: What about capital?

Hon. J. Humphrey: Well, I am seeking to communicate with President Carter—

Mr. Imbert: Clinton?

Hon. J. Humphrey:—to ask him to use his good office and seek to persuade the Board of the IDB in Washington to change that policy and enable little people to access funds—not large amounts—interest free; because the experience of “Habitat for Humanity” in 46 countries is that the little people service their debts and the funds roll over and continue to achieve increases in shelter accommodation. It is working. Mr. Speaker, I am trying to access that.

Dr. Lasse: You could not build a house.

Hon. J. Humphrey: I have asked the Minister of Finance to consider the principle of accessing some of our own money interest free, and I proposed to him that we could, perhaps, access part of the statutory reserves fund, the primary part of which is interest free. That is a fund, Mr. Speaker, that is there. It is large and it could be made available if the Governor of the Central Bank believes that it is in the interest of the economy to make it available. But it is a fund that could be accessed interest free and would continue to roll over and it could enable little people to get started with their housing arrangements.

Mr. Manning: Does the Member for Tobago East agree with that?

Hon. J. Humphrey: It is an idea that is thrown out for consideration. Mr. Speaker, we have a fundamental problem. Every time we accelerate economic activity what happens is we increase the demand for imports of goods and services. It is a fundamental problem.

Mr. Imbert: You gone back to this Trinity dollars thing?

Mr. Manning: There is no such thing as a free lunch.

Hon. J. Humphrey: Mr. Speaker, we heard the Member for La Brea talk about the mortgage finance institutions, suggesting that we give encouragement

for those institutions to attract funds to channel into housing. I could not agree more.

Mr. Imbert: So why take it away?

Hon. J. Humphrey: But let me give you the history. When under the NAR government a programme was instituted to encourage the commercial banks to get into mortgage lending by giving a tax incentive, 14 institutions applied and were granted “preferred lending” status by the Government. Out of 14, Mr. Speaker, we are left today with four. The others have dropped out of the programme and the commercial banks are not interested in sourcing funds to lend for mortgage finance, even for the middle class who can afford to pay the terms, far less the poor who cannot afford.

6.40 p.m.

Mr. Speaker, the Chairman of the National Housing Authority wears two caps. One of his caps is that he heads a company in this country called Gtech Corporation Trinidad Limited, which manages the national lottery and designs the games for the National Lottery Control Board. The Chairman of the National Housing Authority, under that cap, is presently looking at the possibility—and of course he would have to get the support of the Government—of designing a game to access funds for housing for the poor. He is actively looking at that right now. We are, in fact, grappling with the problem of delivery of shelter.

The Member for Diego Martin Central expressed regret that the squatter regularization legislation has not yet been passed by Parliament, but we do have a regularization bill that is enacted into law. It was passed on the eve of the 1986 election and was found not to be workable. It could never be brought into effect because its provisions were unworkable.

When the PNM was in government they drew up a bill and presented it to Parliament, but that bill lapsed because Parliament went out of existence. *[Interruption]* They put it out of existence. It went out of existence as a result of the calling of the elections.

Mr. Speaker, I am very happy to advise the Member for Diego Martin Central that a bill has, in fact, been drawn up and it does not at all relate to the one that they had drafted. *[Interruption]* By next week it would be before the Cabinet, so the Attorney General's Department can look at the draft and plan to bring it to

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Parliament for early passage. I am delighted that Members opposite have given advanced notice that they are going to support it.

Mr. Valley: Mr. Speaker, I thank the hon. Minister for giving way. I just want to ask whether the Chief Parliamentary Counsel had anything to do with the drafting of that bill?

Hon. J. Humphrey: Mr. Speaker, all I can say is that the hon. Attorney General had a lot to do with it. It is being drafted with great competence and he made a proposal—it is a pity the Opposition did not know about it in those days—which enables us now to expedite the drafting of legislation competently and satisfactorily.

Mr. Valley: Mr. Speaker, I am sorry to be taking up the time of the hon. Member, and I thank him for giving way. Can the hon. Minister tell us of the proposal made by the hon. Attorney General?

Hon. Members: No.

Hon. J. Humphrey: Mr. Speaker, all I can say is that it was a brilliant proposal which has worked beautifully. That is all I can say.

Mr. Valley: Mr. Speaker, in the interest of transparency, I am really asking the Member to inform the Parliament.

Hon. J. Humphrey: Mr. Speaker, it would not be long before the hon. Member sees the results. In fact, when we present it I am sure Cabinet would give us permission to give him the history of how it was developed.

Mr. Valley: Mr. Speaker—

Mr. Speaker: Hon. Members, I think we are getting a bit restless. The thing is, as you all know, a Member can rise when another Member is on his legs for two reasons; either to ask him kindly to give way—he does not have to—or on a point of order. The Member for Diego Martin Central is not rising on a point of order and he is not asking for the Member to give way.

Mr. Valley: I did, Mr. Speaker.

Mr. Speaker: If he did not give way you cannot be addressing me.

Hon. Members, can we perhaps be a little less restless?

Hon. J. Humphrey: Mr. Speaker, the hon. Attorney General indicated that even though the time has passed when the extension of the life of the Rent

Restriction Act should have been done, the law enables institutions, in fact, to extend time. He quoted into the records, and I think it should be requoted so that Members could listen and digest it a little more carefully, and see whether they do not, in fact, agree with the hon. Attorney General. It is section 24 of the Interpretation Act, Chap. 3:01—

"Where in a written law a time is prescribed for doing an act or taking a proceeding and power is given to a court, public body, public officer or other authority to extend the time, then the power may be exercised by the authority notwithstanding the expiration of the time prescribed."

Now, if we were to read that and instead of "other authority" say "Parliament" then we would know that the Member was absolutely correct, and our experience has taught us that Parliament does have the authority to extend the time. Members on that side were arguing that this has lapsed, it is a nullity and we should therefore shelve it and come again. That is not necessary. In fact, by the time we pass this Motion today, and the majority on that side have indicated that they are going to support it—but even without their support we have enough on this side to pass it—if their fears are valid, all we have to do is to come back and validate what we have done. It is as simple as that.

Mr. Manning: Would the Minister give way?

Hon. Members: No.

Hon. J. Humphrey: Yes, let us hear what he has to say.

Mr. Manning: Mr. Speaker, I thank the hon. Member for St. Augustine for giving way. What he is talking about is precisely what we are trying to avoid; retroactive validation of legislation that offends sections 4 and 5 of the Constitution. That is the point we have been making all the time. We are just asking that the Government lets good sense prevail and come, as expeditiously as possible, with proper legislation. The retroactivity is a track with which we would not agree. We do not like it. Just bring the law let us pass it quickly.

Hon. J. Humphrey: Mr. Speaker, since nobody has anything more to say on this Motion, I beg to move.

Question put and agreed to.

Resolved:

Rent Restriction (Continuation of)
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That the Rent Restriction Act, Chap. 59:50, shall continue in force for a period of three years commencing 24th February, 1996.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Maharaj): Mr. Speaker, I beg to move that Motions Nos. 2, 3 and 4 on the Order Paper be deferred to a later stage in the proceedings, and that the House proceed to deal with Bill No. 1 under "Bills Second Reading" at this time.

Agreed to.

6.50 p.m.

**MUNICIPAL COUNCILS 1996 ELECTIONS
(SPECIAL PROVISIONS) BILL**

Order for second reading read.

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, I beg to move,

That a Bill to make special provisions for the publication and revision of the list of electors qualified to be electors in the Municipal Councils Elections of 1996 be now read a second time.

Mr. Speaker, the objective of this Bill is to make special provisions for the purposes of the 1996 Municipal Councils Elections as follows:

Clause 3 would make provisions for the preparation and posting of an updated list of qualified electors and prescribe that it shall be the preliminary list of electors for the 1996 Municipal Councils Elections.

Clause 4 would provide for the application of certain electoral registration rules in the Registration Rules Chap. 2:01, for the purposes of the 1996 Municipal Councils elections.

Clause 5 would provide that a revised list prepared pursuant to the Act for which this is the Bill would be deemed to be a revised list of electors for the purposes of the Elections Rules, Chap. 2:01

Clause 6 would provide that in the event of inconsistencies with other written law, other than the Constitution, the Act for which this is the Bill would prevail.

Clause 7 would give the legislation limited duration without prejudice to anything lawfully done under it.

Mr. Speaker, this Government being responsible and resolutely committed to upholding the law and the Constitution, came to this honourable House in December 1995 with a Bill to extend the life of municipal councils which was duly passed in both Houses of this national assembly effective December 29, 1995. The consequent Act, No. 36 of 1995, which amended the Municipal Corporations Act 1990, extended by six months the period within which local government elections must be held. That is to say, local government elections are constitutionally due by June 27, 1996.

The *Hansard* records would indicate that the reasons advanced by the Government for extending by six months the period within which local government elections are constitutionally due, were largely administrative in nature.

Firstly, the holding of parliamentary elections on November 6, 1995 effectively set the stage for the postponement of local government elections which were constitutionally due no later than December 27, 1995. The unpreparedness of the administrative machinery of the Elections and Boundaries Commission to respond effectively and efficiently within such a short time-frame was germane.

Secondly, we were informed by the Elections and Boundaries Commission that it was without a supply of the electoral ink into which an elector could immerse his or her finger before such elector is allowed to insert the ballot into the ballot box, in accordance with Rule 46 of the Elections and Boundary Rules.

Thirdly, we also took cognizance of the problems experienced by electors in the exercise of their franchise during the November 1995 general election.

The promoting and upholding of the principles of local democracy and decentralization, were given active consideration in our decision to introduce this Bill at this opportune time. We are convinced that democracy and decentralization are intrinsically bound up with the creation of every opportunity for citizens to exercise their franchise unencumbered by the institutional bureaucratic anomalies. We are, therefore, committed to ensuring that the administrative problems experienced by the Elections and Boundaries Commission during the November 6, 1995 general election are eliminated and do not re-emerge in the upcoming local government elections, as far as is humanly practicable.

The purpose of the period of electoral registration is to facilitate prospective voters to register and/or to regularize their registration status, hence the publication of a preliminary list of electors for revision and a subsequent publication of a revised list of electors as provided for in Registration Rules 51—62.

In preparation for the 1995 local government elections a period of electoral registration was proclaimed. The actual nine-day resignation was held during the period August 3—11, 1995 after which no further registration was conducted until after December 11, 1995 when, by presidential proclamation, the period of electoral registration was terminated. With local government election now scheduled for not later than June 27, 1996 it is essential that provisions be made for the publication and revision of the list of electors for the said electors and that prospective voters be given a further opportunity to register and/or to regularize their registration status to ensure that their names appear correctly on the electoral list.

In view of the foregoing events and the fact that the Act makes no provision for the proclamation of a second period of electoral registration, when the elections for which the first period of electoral registration was conducted does not take place as was statutorily due, in this regard, it has become necessary and urgent for the enactment of legislation similar to the provisions contained in section: 2—5 and 7—8 inclusive of the Municipal Councils Elections (Special Provisions) Act, 7 of 1992, in order to pave the way for the preparation and conduct of the Municipal Councils Election of 1996.

Mr. Speaker, we are particularly concerned with the recurring claim on the part of some citizens that they were denied the right to exercise their franchise during an election. In the case of local government elections this, to some extent, reduces the level of participation and involvement in the local democratic process, to the extent that voter turnout is an indicator of people's participation and involvement in the politics and the government of the country.

Moreover, the basic level of empowerment of citizens in communities is the right to choose freely those whom they wish to represent them and are best able to transform their needs and demands into tangible benefits.

If some citizens are being denied the right to exercise their franchise then this runs counter to our democratic tradition and no stone shall be left unturned in our quest for equality, justice and freedom for all.

7.00 p.m.

However, we will not support prejudicial claims which are designed to tarnish individual or institutional reputation. For example, after the November 6, 1996 general elections it was reported in the media that about 55,000 persons were denied their rights to vote due largely to the removal of their names from the revised list of electors. This claim was refuted and the true nature of the situation was clarified in the *Report Of The Elections and Boundaries Commission On The Parliamentary Elections held on Monday November 6, 1995*. Page 8 states;

- “16 By the beginning of 1994 the official list of qualified electors disclosed that there were still 55,000 persons thereon who still had not taken or supplied their photographs to complete their registration update. It was decided, at that stage that a special plan be devised to seek them out.
- 17 Accordingly, a campaign termed ‘Project 55,000’ was launched for this purpose. After a vigorous campaign some 22,718 persons completed their registration update by taking their photographs but at the end of the campaign there remained 32,282 of them who had failed again to take their photographs or supply them. This failure however, did not affect their status as qualified and registered electors. In fact, they as well as those who took their photographs, remained at all material times on the revised list as qualified electors and fully entitled to exercise their franchise.”

One ought not only to commend the Elections and Boundaries Commission for this initiative, but one can also draw the conclusion that every citizen has a duty to ensure that he/she is properly registered as a qualified voter and must become aware of the basic requirements for the exercise of his/her franchise during an election.

In this context it is important to note that during a period of electoral registration the date of a proclamation is under section 30 (1) of the Representation of the People Act and termination on the date specified in the proclamation is issued by the provisions under section 30 (3) and the Registration Rules. Section 51 Part III states:

- “(a) no person shall be registered under Part I;
- (b) no registration shall be objected to except as provided in this Part;

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- (c) no alteration shall be made in any register as the result of the change in residence or change of name of any registered person in the electoral district to which the Proclamation relates except as provided in this Part.”

It is my sincerest hope that the time frame allowed after the ascension of this Act would allow the Elections and Boundaries Commission to prepare and post an updated and revised list of qualified electors for the 1996 municipal councils elections. Significantly, all citizens who are qualified to vote should also take all the necessary steps to ensure that they are eligible to vote.

One of our central concerns with respect to electoral administration is the number of persons who are known to be dead, but whose names appear on the register of qualified electors upon issue of such register. In addition, problems associated with change of address and migration are also noted.

In the case of the former, we recommend closer collaboration and liaison between the Registrar of Births and Deaths and the Elections and Boundaries Commission. A particular suggestion is that quarterly or yearly returns of death should be submitted to the Commission.

With respect to change of address, a mechanism which provides for a change of address to be reported to the Post Master General who would then liaise with the Commission can be explored.

Finally, I wish to urge the media to continue to support the efforts of the Elections and Boundaries Commission in its registration exercise and other initiatives to organize and conduct efficiently and effectively the upcoming municipal councils elections. The non-government organizations can also play their part in ensuring that their members and citizens are properly registered.

In closing, I wish to reiterate that the prime objective of the Bill is to make special provisions for the publication and revision of the list of electors qualified to be electors in the municipal councils elections of 1996.

I beg to move.

Question proposed.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, it is often a pity when one comes in this Parliament and hears contributions which are not up to the required standard. It is unfortunate that the Member for Pointe-a-Pierre does not prepare his presentations so that there can be meaningful debate. He has well

qualified staff in the Ministry and professional advice available to him clearly, the hon. Member could give us a proper and meaningful contribution. This is the second time the hon. Member has spoken and unfortunately, again, the text which was prepared for him is really inadequate.

When one sees a Bill of this nature coming from an administration with a legal adviser such as the Member for Couva South, immediately there are suspicions. This Act refers to the revision of the list of electors and knowing the propensities of the Member for Couva South, one wonders what is really the intent. We on this side did some considerable research to determine whether there was any sinister intent in the legislation, or whether this was a precursor to gerrymandering of electoral boundaries, interference with the independent commission, the Representation of the People Act and the electoral list.

We have to be serious when we are dealing with the Member for Couva South. I am happy to report that on examination it appears that this Bill is in order. There is nothing sinister about it and nothing in the Bill which can be abused by the Member for Couva South. In the last elections there were many complaints from voters and one hopes that the Government will assist the Elections and Boundaries Commission with the proper resources to address the complaints which arose in the last general elections. The Commission itself has referred to some of these matters.

7.10 p.m.

The Minister, in his very brief introduction, spoke about a complaint that 55,000 persons were removed from the electoral list, and the rebuttal by the Commission that this was not true. The fact is that there were problems, and I quote sections 19 and 20 of the *Report of the Elections and Boundaries Commission on the Parliamentary Elections held on Monday, 6th November, 1995*:

“19. 1,622 polling stations were established in 1,173 polling divisions for the taking of the poll. The usual irritations and delays were experienced by electors at a few of them, but there was substantially the offspring of understandable human shortcomings ...

20. This conclusion is particularly relevant to the situation which developed in polling stations 1465(1) and 1465(2) in the constituency of St. Joseph. Press reports indicated that inordinate delays in the processing of electors had led to

congestions at these stations and manifestations of irritation, short temper and incivility.”

A better description for the Member for St. Joseph I could not find, Mr. Speaker—Irritation, short temper and incivility.

The fact is that many persons were not able to vote. In my own constituency, I had to deal with a number of instances throughout that day where persons were unable to vote. As a matter of fact, there was an instance when a person presented himself to me with a valid EBC identification card, issued within the last two or three years, and when we telephoned the Elections and Boundaries office, it took us three hours to check the *bona fides* of the card. The answer we got was that the person’s name had not appeared on the master file in the computer. There were a number of persons with that problem who were not allowed to vote because, under the rules, if their names were not on the list, they were disqualified from voting. I hope that the Government would make resources available to the Elections and Boundaries Commission so that matters of that nature can be dealt with.

There was also the situation where persons who were in possession of the old black and white ID cards were not allowed to vote. The fact is that the Commission had publicized this matter and had indicated that beyond a certain date persons who had not updated their registration would not be permitted to vote. However, the number of persons who turned up with the black and white ID cards and as a result were disqualified from voting, led to the conclusion that the information programme was inadequate. There were a number of persons who genuinely believed that, as in 1991, they would have been allowed to vote with the old ID card, by presenting a passport or some form of identification, and who were quite disappointed to discover that they were not allowed to vote.

Another matter that affected voters was the cleaning up of the list which took place. This is referred to by the EBC in this report on the parliamentary elections. A number of persons were removed from the list for one reason or another and, human error being what it is, a number of persons were deleted from the list and were not allowed to vote. Again, a number of persons who voted in 1991, with all their documents in order—valid ID cards and so forth—simply were not listed on the official EBC list.

We, of course, had another type of complaint and that is about the importation of voters; about 1,000 voters from Oropouche who did not live in San Fernando West being registered there. These were persons who lived on the boundary. It is

quite easy to do that. If there is a main road which is a boundary between two constituencies, as is the case between Oropouche and San Fernando West, it is quite easy for persons to change their registration and still be listed as living on that particular main road.

One has to be very careful. *[Interruption]* I am not saying that that happened. I am simply saying that there were allegations that in a number of constituencies, particularly marginal seats, such as San Fernando West, Tunapuna, St. Joseph and Barataria, that persons who did not live there were registered there to vote. The only way the EBC can deal with this matter is to have adequate human resources to check individually whether these persons are in fact living at the addresses they claim.

When a person registers with the EBC, an EBC officer is supposed to check whether that person is in fact living in the location he claims. It is very easy for someone to say that he lives on Seventh Street in Barataria when he in fact lives in Chaguanas or Couva South. If the Commission does not have adequate human resources, it cannot check out these things comprehensively. This is why allegations of gerrymandering and political interference from political parties arise. This is why people say that they see many people voting and they do not know them; they do not live in the constituency and they do not know where they have come from. That is why the allegations, such as the one I have mentioned with regard to San Fernando West, Barataria, Tunapuna, and in particular St. Joseph, arose. In St. Joseph, there were numerous allegations of new people, whom we cannot now find, suddenly appearing on the voters' list. *[Interruption]* These are the allegations. I do not know if they are correct. This is what leads to suspicion and mistrust, but I have absolute faith in the independence of the Elections and Boundaries Commission.

Under the past PNM administrations, I am satisfied that no attempt was ever made to influence the Elections and Boundaries Commission; no attempt was ever made to coerce any member of that independent Commission; no attempt was ever made to persuade a member of that Commission to do something wrong. I cannot say that I have that confidence in this Government. I cannot say that at some time in the future members of the EBC will not be under threats of intimidation from that administration. I cannot say that I have that confidence. I hope, if that event ever comes to pass—heaven forbid!—that the members of the EBC are able to resist any unethical pressures that may be put to bear on them.

7.20 p.m.

These are very serious matters, Mr. Speaker. If the PNM administration had interfered with the EBC, we might have been on that side and they on this, but we did not. We believe that there are certain fundamental organizations and institutions in this country with which one must not interfere; such as the Judiciary, the Elections and Boundaries Commission and other arms of the state. When one starts to tamper with these institutions, that is the beginning of the end of a democratic form of government.

One of the first actions of the Member for Tobago East, on assuming office in 1987, was to challenge the actions of the President. He tried to overturn the legitimate actions of the President in appointing members to the Service Commission, a highly undemocratic and anti-democratic action and he lost the case. These are the things that give rise to concern. The PNM administration has never gone to court and challenged the actions of the President. *[Interruption]*

Mr. Speaker: Hon. Members, please, it is becoming difficult for us to hear.

Mr. C. Imbert: I thank you, Mr. Speaker.

There is a saying, "He who is without sin, cast the first stone," the Member for Tobago East likes to pelt boulders without checking his records first. We have not tried to bring any undue pressure on the independent institutions in the country. Whatever we did has been done within the ambit of the Constitution. We respect the Constitution, this is why I am dealing with this issue in the manner that I am. There is a fear among a large section of this population that this administration is testing the population to see how far it can go, that is why the Member for Couva North attacked the media in the manner that he did. He is testing the population, that is why one sees strange people in VIP boxes. He is testing the population, that is why career officers in state enterprises suddenly awakened one morning and—

Mr. R. L. Maharaj: Mr. Speaker, on a point of order. We are dealing with a Municipal Corporations Bill—

Mr. Speaker: Would the hon. Minister indicate the relevant section of the Standing Orders that he is claiming, is being infringed?

Mr. R. L. Maharaj: Mr. Speaker, Standing Order 36(1).

Mr. Speaker: Standing Order 36(1) reads as follows:

“Subject to the provisions of Standing Order No. 12 (Adjournment—Definite Matter of Urgent Public Importance), debate upon any motion, Bill or

amendment shall be relevant to such motion, Bill or amendment, and a Member shall confine his observations to the subject under discussion.”

Is it that one?

Mr. Maharaj: Yes, Sir.

Mr. Speaker: I rule that the Member could continue.

Mr. C. Imbert: Thank you, Speaker, I am glad that you recognize that the whole question of elections strikes at the very heart of our democratic institutions, and there is very little that can be irrelevant to a debate about elections.

The fact of the matter is that there is a section of the population that has legitimate concerns. The present administration is testing the population to see how far it can go. I regret that I have to repeat myself: that is why the Member for Couva North, the hon. Prime Minister attacked the media, that is why we see strange people in the VIP boxes and that is why people are concerned about this Bill. When this Bill was laid people came to me and asked what was going on: “Is this an attempt by the UNC Government to tamper with our electoral system? Is this yet another attack on our democracy?” People have genuine and legitimate fears about this administration.

When one comes out of the recent history of an election, where there were all sorts of allegations from Members on the other side—I remember a photograph of the Member for St. Joseph at a gate somewhere carrying on about not being allowed in the polling station, and there were other matters where persons were being accused of canvassing inside polling stations and police had to be called out. Mr. Speaker, these things happen in an election. But there were genuine concerns in this last election, and I daresay, having participated in two general elections so far, the incidence of irregularities that were brought to my attention in 1995 were more than in 1991.

It may be that in 1991 there was an equal amount of problems but they were not brought to my attention. But in 1991, as in 1995, I spent the day of the general election visiting every polling station in my constituency to see for myself—as I am allowed to by right as a candidate—whether there were any irregularities taking place. I did not determine any irregularities, all I had were complaints from persons who said they were not permitted to vote. In 1991, as in 1995, we were able to assist many people in determining their legitimacy in terms of their ability to vote or not.

However, I daresay, in 1995, there were some matters that cropped up which I had not seen in 1991, matters which I described to you of persons living in my constituency who had, what appeared to be, a legitimate Identification Card with a legitimate ID number and who were not allowed to vote. When we called the Elections and Boundaries Commission, however, we were told that the ID numbers were not valid; either the person had a card that was somewhat irregular or there was an error in the master file at the EBC. This happened throughout Trinidad and Tobago. There were complaints about persons not being allowed to vote, this is why I have to return to the fears and concerns of citizens of this country.

There is a dangerous trend—which emerged with the ascension to office of Members on the other side; with the removal of the Member for Siparia from the Attorney General's office and with the ascension of the Member for Couva South—which appears to be an attempt to intimidate, suppress, and frighten the citizens of this country. This is what people have told me. One only has to read the editorials in the daily newspapers. People are worried, concerned and they are wondering what is going on.

7.30 p.m.

Things are happening that are not giving people the sense of security that they deserve, when one sees the cavalier action of certain members of the Government, the statements made that persons would be dealt with in a certain manner because they have behaved in a certain way. As a matter of fact, this week we saw in a newspaper article that a certain Minister alleged that a person at a state enterprise was biased to the PNM and as a result he had to be removed—clear cut statement—the person did not mince any words. No proof, no evidence.

When one examines the facts one sees that they do not support the accusation. One even sees correspondence coming from the official advertising agency for the UNC thanking the particular state enterprise for its unbiased and impartial treatment and so forth, supporting documentation, yet a Minister of Government can get up and drop a broadside on a person in a state enterprise and put out inaccurate information to justify political victimization. This is what concerns me and this is why I made the point.

I hope that the Members of the Elections and Boundaries Commission have the strength to resist any attempts at coercion and intimidation because of one of

the "beauties" of Trinidad and Tobago—it is here in this document. I read now from Page IX, paragraph 25, which says:

"It is fitting to assert in this Report that all changes in government since the Country's accession to nationhood as a democracy under the Rule of Law, have to the great credit and glory of its people, taken place peacefully, honourably and respectfully. It was against such a background that in 1986 the Peoples National Movement led by former Prime Minister George Chambers handed over to the National Alliance for Reconstruction; that in 1991 the National Alliance for Reconstruction led by former Prime Minister A.N.R. Robinson handed over to the Peoples National Movement; and that in 1995 the People's National Movement handed over to the United National Congress."

The document goes on to say—*[Interruption]* Mr. Speaker, I am having difficulty because of a certain contribution coming from the Member for Tobago West; she is a good Friend of mine so I would ask her, through you, to let us talk about it afterwards. Thank you.

Mr. Speaker, paragraph 26 says:

"This established record of regular, systematic and orderly elections followed by irenic transfers of power from one party to another is no mean achievement, for a young nation with a colonial past such as ours. It is a record in which its people should take immense pride and, in the Commission's view, it will add considerably to the Country's glory and status among nations, if its citizens were to honour this achievement not only with gratitude but also the due exercise..."

Mr. Speaker, this is the relevance. Where is the Member for Couva South? If the Member would only read the EBC reports he would understand the relevance of my contribution. The quote continues:

"...of eternal vigilance to guard its sanctity against the predatory onslaught of rash and over-ambitious adventurers."

Mr. Speaker, I could not have put it better myself—"Eternal vigilance to guard its sanctity against the predatory onslaught of rash and over-ambitious adventurers." Mr. Speaker, what is the Commission saying in this report? In a subtle way, there is a danger that, if over-ambitious persons seek to interfere with our electoral system—*[Interruption]* Mr. Speaker, the Member for Tobago East has an obsession with the client of the Member for Couva South—every time I talk about

electoral process and democracy he has to talk about being shot by the client of the Member for Couva South.

Mr. Speaker, our democracy is going to fall apart if an over-ambitious adventurer—I wonder if anybody on that side fits that description—seeks to tamper with the EBC. This country has a proud record of stability because no person has ever sought to abuse any power he may have to interfere with the electoral process. Nobody has ever done that. Despite all the things that have been said about Trinidad and Tobago; despite all the things that have been said by Members of this honourable House, in particular, the Member for Couva North, who went on a television programme called "Inside Edition" and spoke about policemen in Trinidad and Tobago being in the pay of drug dealers and murdering people for drug dealers—the outside world still believes that Trinidad and Tobago is a stable democratic sovereign state.

It is ironic that the Members on the other side, before they were in Government thought nothing of bad-mouthing this country, saying all kinds of things that would give the impression that this was a "banana" republic; that there was no Rule of Law in Trinidad and Tobago; that we did not have elected governments selected by popular vote under free and fair elections. I remember the Member for Couva South sending out a document about the secret government in Trinidad and Tobago. What government could be more secret than the UNC Government? The Member for Couva South was passed a note and was asked about the appearance of a certain gentleman in the VIP box and his response was, "Why do you not do some investigative journalism instead of engaging in bacchanal." This is the individual who, prior to his election as a Minister, was ranting and raving about the secret government and dictatorship of drug dealers taking over Trinidad, wild-west and so forth.

So that I want to sound a note of caution, and I hope nobody on the other side is harbouring any intentions about interfering with the EBC; I do not believe so at this point in time, but I could be wrong. I speak for myself only. There are other persons who do not hold my view—there are other persons who believe that this administration will stop at nothing to retain power.

7.40 p.m.

We heard the hon. Member for Couva North talk about being in office until the year 2015 and we all know that is an impossibility if we have free and fair

elections. When people hear these things and they see Bills like this appear they begin to get suspicious.

I would tell the hon. Minister of Local Government that the whole question of holding municipal corporations elections, is for the purpose of setting up municipal councils under the control of one or the other political party and that again, strikes at the heart of our democracy. I do not know who is advising him, but he is the second Minister of Local Government who has opted to attempt to interfere with elected representatives of the people who do not belong to his party and that strikes at the very heart of our democracy and the heart of our electoral system. The first Minister of Local Government who did such a thing was under the administration of the Member for Tobago East.

There were at least two Ministers of Decentralization—that is what they were called at that time—under the administration of the Member for Tobago East and one of them interfered with the functioning of local government corporations. As a matter of fact, there was a lot of trouble in one of the corporations in the eastern districts where there was a problem with the chairman and there was a vote of no confidence. At that time the UNC and the NAR were at war and the Members such as the Members for Couva North, St. Augustine, and Oropouche had been chased out of the NAR and as a result, the then Minister opted not to deal with the matter. There was a lot of trouble in that particular corporation.

Under the PNM administration, there were two Ministers of Local Government and neither of these Ministers, in any way, sought to interfere with the functioning of councils, whether controlled by the People's National Movement, or councils controlled by the United National Congress. Any UNC chairman or mayor can attest to that fact. What we sought to do as PNM Local Government Ministers, was to allow these Opposition-controlled councils to discharge their responsibilities to the electorate and allow them the mandate that they were given by the electorate.

I have been advised that the present Minister of Local Government does not see things that way and he believes that he can give instructions to PNM chairmen of corporations about work programmes/projects, and that he can determine the location of projects, the expenditure in corporations controlled by the People's National Movement. That is an attack on democracy, and I believe the Minister of Local Government is not properly advised. It is not advisable for a Minister of Local Government under the present system, to seek to tell an elected corporation how to spend its money, once that corporation is acting within the law. I do not

think it is proper for a Minister of Local Government to call up a PNM chairman and tell him to put a project here, and you will put a project there because it is a UNC area and you will not put a project there or there; and you will spend money here, and you will do what I say, and your work programmes must be approved by me. That is a fact, Mr. Speaker, he can deny it if he wishes. In at least one corporation, the Minister of Local Government has been dictating to the PNM chairman as to where projects should be located and how the council should be run and has determined that he and he alone will approve the work programme.

This former Minister of Local Government, Mr. Speaker, did not at any time resort to those types of coercing tactics. Any UNC chairman could attest to the fact—Couva/Tabaquite/Talparo, Chaguanas, Penal/Debe—that once the estimates were approved I saw my role as facilitatory. I did not call up the chairman of the Couva/Tabaquite/Talparo Corporation and say that three of your members have crossed the floor and now belong to the PNM ; I do not like how you are allocating resources; spend some money in these areas because these people belong to the PNM ; I did no such thing. I left it to the councils to run their own affairs and one finds that is the proper way to do things. That is what democracy is all about, that is what electoral politics is all about.

Once a government or a council has been elected to serve, no Minister should interfere with the running of that corporation to the extent that he would seek to dictate the allocation of resources and projects and demand that certain areas which he determines to be UNC areas are to be given priority over areas which he determines to be PNM , especially a PNM-controlled corporation.

So I ask him to please stop that. This is the kind of thing that undermines citizens' confidence in the Government, this is the kind of thing that leads to the suspicion that the Members on the other side intend to establish a dictatorship and an autocratic state in Trinidad and Tobago.

I would have also hoped, that in his presentation, the Minister of Local Government would have given us some indication of what has taken place in his Ministry since he has taken office, but he neglected to do so. On the last occasion when the Minister came to this Parliament to extend the life of the councils, again, we were treated to a dissertation on his imagination of the things he found in the Ministry, but nothing positive. Again, we see a Bill that has been on the Order Paper for two weeks and yet this Parliament is treated with contempt, scant regard is shown to this Parliament. The Minister just comes here and reads the explanatory note; reads a prepared statement; reads from the Elections and

Boundaries Commission report; makes no analysis of the philosophical underpinnings of this Bill; makes no analysis of the system of electoral politics in Trinidad and Tobago; makes no analysis of the system of electoral registration in Trinidad and Tobago; offers no recommendations to improve the system of registration in Trinidad and Tobago; says nothing about the Government's—

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

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

Question put and agreed to.

7.50 p.m.

PROCEDURAL MOTION

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House continue to sit until the conclusion of the items under "Government Business" on the Order Paper.

Mr. Valley: Mr. Speaker, which Standing Order is the Member using?

Hon. R. L. Maharaj: Mr. Speaker, I thought the Member would have been very familiar. It is Standing Order 10 (11).

Mr. Valley: Mr. Speaker, if you would permit, normally the House sits until 8.00 o'clock. We have been here for the whole day.

Mr. Speaker: I will simply point out to you that the procedure under Standing Order 10 does not permit a debate on it.

Question put.

The House divided: Ayes: 19 Noes: 15

Ayes:

Maharaj, Hon. R.L.

Panday, Hon. B.

Robinson, Hon. A.N.R

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Procedural Motion

Friday, March 08, 1996

Nicholson, Hon. P.

Rafeeq, Hon. Dr. H.

Assam, Hon. M.

Khan, Dr. F.

Singh, Hon. G.

Nanan, Hon. Dr. A.

Partap, Hon. H.

Mohammed, Hon. Dr. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, R.

Persad-Bissessar, Hon. K.

Noes

Valley, K

Manning, P.

Draper, G.

Imbert, C.

Lasse, Dr. V.

Robinson-Regis, Mrs. C.

Narine, J.

Hart, E.

James, Mrs. E.

Griffith, Dr. R.

Bereaux, H.

Sinanan, B.

Boynes, R.

Procedural Motion

Friday, March 08, 1996

Hinds, F.

Williams, E.

Question agreed to.

MUNICIPAL COUNCILS 1996 ELECTIONS (SPECIAL PROVISIONS) BILL

Mr. Speaker: Would the Member for Diego Martin East continue, please.

Mr. C. Imbert: Mr. Speaker, it is unfortunate that the Government has decided to take the course of action which it just took. It illustrates the point I was making—another one of the antidemocratic, dictatorial, autocratic actions of the Members on the other side. Dangerous actions! It is clear that this is a brain wave of the Member for Couva South. Because he is clearly annoyed at the contributions of Members on this side, he has decided to exact his peevishness and irritation by seeking to impose what he believes to be punishment on the Members on this side.

When the debate on the Rent Restriction Motion was completed, the Member for Couva South rose and indicated to this House that we would deal with Bill No. 1. Now, because he is in a fit of temper, he has decided to go through with a number of bills on the Order Paper. Is this democracy, Mr. Speaker? I wonder how many more manifestations of this behaviour we would see. I believe it is quite improper, as it was in the debate on the Appropriation Bill when no one on the other side rose, forced the Opposition to speak throughout the night, when there were very few people in the public gallery; as there is now. The members of the press are here but they are not prepared to be in this Parliament until 6.00 o'clock tomorrow morning.

Mr. Robinson: That is filibustering, stick to the subject.

Mr. C. Imbert: Mr. Speaker, this is the subject. The subject is the antidemocratic tendencies of the Government and we have just seen another antidemocratic action of the Government.

If one examines the Order Paper, it states:

1. A Bill entitled, “An Act to make special provision for the publication and revision of the list of electors qualified to be electors in the Municipal Councils elections of 1996”.
2. A Bill entitled, “An Act to amend the Habeas Corpus Act, Chap. 8:01”.

3. A Bill entitled, “An Act to confer certain privileges and immunities on the Commonwealth Development Corporation”.
4. A Bill entitled, “An Act to amend the Evidence Act, Chap. 7:02”.

There are matters on the Supplemental Order Paper. These are serious matters and it is quite improper of the Government to come at 7.50 p.m. and announce that we are going right through on all the matters on the Order Paper. I am now satisfied that they will interfere with the Elections and Boundaries Commission. After the action of the Member for Couva South, I am now satisfied that he will, if he can, interfere with the independent Election and Boundaries Commission because he has demonstrated to me that he is prepared to stop at nothing to subvert the democratic traditions of this Parliament and of Trinidad and Tobago.

Mr. Speaker: May I simply remind the hon. Member that there are Standing Orders which deal with imputations of a certain type against hon. Members and to indicate that he is coming dangerously close to them.

Mr. H. Bereaux rose.

The Member is still on his legs. Did he give way?

8.00 p.m.

Mr. Bereaux: Mr. Speaker, all I was saying is that we are going to be here, obviously, for a long time and maybe you could indicate when we will be having dinner. *[Laughter]*

Mr. Assam: You came here for your health?

Mr. Robinson: You can go out and have your dinner and come back.

Mr. Narine: Four years he could not laugh. He can laugh now.

Mr. Speaker: I am prepared to put the hon. Member’s mind at ease. I am advised that that is likely to be in the next half hour.

Mr. C. Imbert: The point I was making is that a democracy survives on the strength of its institutions. In a democracy where persons are elected by the ballot in free and fair elections, there must be confidence and all I was simply saying, Mr. Speaker, is that I no longer have that confidence in the Government, because the Government has demonstrated to me that it is prepared to stop at nothing to undermine the democratic tradition in this Parliament and in this country. One can see what would happen if such an eventuality—I sincerely hope that my fears are not realised, Mr. Speaker. I sincerely hope that it never comes to pass that any

Government in independent Trinidad and Tobago seeks to interfere with the Elections and Boundaries Commission.

I want to give an illustration of what could happen if it did. I am not saying—I am taking your guidance, Mr. Speaker—I am not saying they are going to do it; I am just demonstrating what could happen if they did it. What could happen, Mr. Speaker, if the Government interfered with the EBC, intimidated the members of the Elections and Boundaries Commission which would result in a change of electoral boundaries in a certain way to give a certain advantage to a political party and thereby give them an advantage in an election. Quite possible. It can be done if people are unscrupulous, or if persons are intimidated, it can happen. Let us hope it never happens.

What can happen, Mr. Speaker, if employees of the Elections and Boundaries Commission are intimidated or coerced to breach certain ethical practices and standards and to be less than honest in their dealings with voters? This can result in entire changes in electoral results. What can happen if the procedures are not followed, Mr. Speaker, if ballot boxes are interfered with, and so forth? These are things we hear about in other countries. As a matter of fact, the Commission refers to it in its report. It has indicated in its report that we had free and fair elections. It has indicated that to date, in Trinidad and Tobago, there have been no instances of persons seeking to capture polling booths and so forth, as has happened in other countries. At paragraph 24 the Commission states:

“As in 1991, this election was free of any untoward incident to mar its commencement, progress and conclusion. The maladies...”

and the Commission refers to them—

“of coercion, violence and what has been described as “booth capturing” in other countries were completely absent everywhere. As a result, it is fair to conclude and to state with confidence that the electors in the exercise of their franchise, produced a result which... could not be challenged as fraudulent or bogus.”

This is what has happened in independent Trinidad and Tobago in all previous elections. Notwithstanding what Members on the other side may wish to say, this is what has happened. But I no longer have the confidence that this will happen in the future or that people will not be put under pressure.

Let us go back now to the matter I raised with the hon. Minister of Local Government. The whole process of elections results in the election of councils;

Municipal Councils 1996 Elections Bill
[MR. IMBERT]

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the whole process of local government is to give persons in local areas the ability to elect representatives of their choice. There can be a situation where one party will hold a majority in the House of Representatives and thereby form the Government, but in municipal areas as is the case now in Port of Spain, Arima, Point Fortin, San Fernando, Sangre Grande, and so on, while the UNC plus the DAC formed the Government, the PNM controls these municipal corporations, and that is how it should be. Because the people have spoken in these areas

They have determined that they wish the PNM to manage the affairs at the local government level in Diego Martin, Port of Spain, San Juan/Laventille, Tunapuna/Piarco, Sangre Grande, Siparia, San Fernando and Point Fortin. The people have decided that they want the PNM to manage their affairs at the local government level in these corporations. Therefore, I think it is highly improper for any Minister to try to interfere with the electoral process; to try to dictate to a PNM council how they should allocate resources, how they should manage their affairs; and dictate to corporations where they should spend money; and indicate that unless they spend money in the UNC areas that he has selected, they will get no funds. This is all taking place, Mr. Speaker. *[Interruption]* The Minister can deny it if he wishes, but these are the facts.

This is the first sign of a creeping dictatorship, when a government interferes with duly constituted electoral bodies and tries to interfere with duly elected legislative bodies which are not represented by their party. The first sign of a creeping dictatorship.

Mr. Singh: Hypothesis.

Mr. C. Imbert: This is no hypothesis, Mr. Speaker, this is fact. As I said, the decision by the Government to railroad this Parliament into dealing with five Bills over the next several hours, without any preparation, without any indication, any prior notice, without allowing persons the proper time to do research and prepare, is another example of the creeping dictatorship. The fact that the Government is now going to railroad—using its parliamentary majority—a number of bills through the Parliament, important bills, where there will be little opportunity for the public to come and hear what their elected representatives have to say, is another example of creeping dictatorship.

8.10 p.m.

That is why I said, Mr. Speaker, although I accept your guidance, that I have lost confidence in this administration. I have lost confidence in the Members on

the other side to adhere to the democratic traditions and principles by which this country has been run for the last 40 years. I hope the Government would come to its senses and let good sense prevail because they would have a rude awakening. They would realize that this autocratic, dictatorial style in which they want to run this country is not going to go down well with the electorate. This sneaky, underhand manner in which this Government intends to manipulate this Parliament is not going to go down well with the country and they would get a rude awakening from the country sooner rather than later.

Thank you, Mr. Speaker.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, it must be an affront to anyone's dignity for anyone in the PNM, especially the hon. Member for Diego Martin East, to talk about autocratic and dictatorial tendencies and sneaky and underhand behaviour, and to indicate that the electorate would speak against this Government because of those alleged actions.

Mr. Panday: The electorate has spoken.

Hon. R. L. Maharaj: The electorate in this country has spoken against the autocratic PNM government which was riddled with nepotism and corruption. It has spoken against a dictatorial prime minister and a PNM government. It has spoken against a sneaky prime minister and sneaky ministers, and this Member for Diego Martin East has come to this House to try to camouflage to the population that the PNM is clean.

Mr. Speaker, I could understand the anxiety of the Member for San Fernando East and I could understand his impatience. I know that he is an expert motor car transferer, and I could understand his fears, but what I do not understand is how he could sit there and allow the Member for Diego Martin East to talk about this Government interfering with and undermining the independence of service commissions. The Member for San Fernando East knows that the Member for Diego Martin East is not talking the truth. He knows that under his administration he interfered with the independence of service commissions and he tried to abolish them. He tried to put pressure upon them to give certain decisions and when they would not yield to him, he tried to get rid of them and abolish service commissions.

Is there any greater dictator than that?

Mr. Panday: You may disagree with me but do not challenge my authority.

Hon. R. L. Maharaj: Mr. Speaker, he decided that he would not go to court as the first resort to get rid of the Commissioner of Police and made all sort of libellous and defamatory statements against the Commissioner of Police. He tried to undermine the police service in order to get his own way as he wanted someone else to be put in the place of that commissioner so that he could manipulate and control. He reads the *Bible*—he has it in his briefcase—so he knows what the Member for Diego Martin East was saying was a total untruth.

Mr. Robinson: A born again deceiver.

Hon. R. L. Maharaj: Yes, he is a born again deceiver. I like that.

Mr. Speaker, the Member for San Fernando East wanted to get rid of the Chairman of the Police Service Commission, Mr. Kenneth Lalla. He could not control the Chairman of the Police Service Commission. He tried to use his office as Prime Minister to get rid of the Chairman of the Police Service Commission. He could not get his way. He wanted to pre-determine decisions of the Police Service Commission and this Opposition is now talking about interfering with the independence of service commissions?

Mr. Speaker, he did not only interfere with the Police Service Commission, but the Public Service Commission and the Teachers Service Commission. The service commissions are the bodies which, in effect, insulate the politicians from members of the service. That is the safeguard in the Constitution, to prevent political interference and manipulation. This Papa Doc, Papa Manning, the Member for San Fernando East, "father of the nation", wanted to change the whole concept of our democracy into a dictatorship. He wanted to institutionalize a dictatorship; and now he sits there, knowing that the Member for Diego Martin East was not speaking the truth and trying to mislead this House and he compounded the falsity and condoned it. He sat there and did not instruct the Member to talk the truth.

Mr. Panday: He cannot, he is not the leader.

Hon. R. L. Maharaj: As a matter of fact, I wonder if he has actually given up his leadership already. I do not know how long he is going to be Leader of the Opposition.

Mr. Speaker, in response to the Member for Diego Martin East that the then government did nothing to undermine or interfere with the independence of service commissions and in particular, the Elections and Boundaries Commission, I want to put into the records of this House, contents of a document coming from

the Chairman of the Elections and Boundaries Commission about the activities of the PNM government—the then Prime Minister and Attorney General—trying to subvert and interfere with the independence of the Chairman of the Elections and Boundaries Commission.

Mr. Speaker, interference with the independence of a commission can be direct or indirect. Indirect interference is worse than direct interference. Subversion and putting pressure upon the Chairman of an independent commission to do one's bidding is even worse. I cannot find any interference greater than that. An interference can take various forms.

The Chairman of the Elections and Boundaries Commission, Sir Isaac Hyatali, was asked by the PNM government to head a commission of enquiry into the St. Ann's Hospital disaster in 1992. It is now a matter of record that the chairman and his commissioners sat, did a full and faithful enquiry and presented a report which was not favourable to the Government.

Mr. Valley: Mr. Speaker, if the hon. Member would give way. I just want to ask whether the Member would lay the documents from which he is quoting on the table?

Hon. R. L. Maharaj: I have not given way.

Mr. Valley: You changed your mind.

Hon. R. L. Maharaj: Are you my mind?

8.20 p.m.

Mr. Speaker, it is now a matter of record that the Commission made very adverse findings against the Government in respect of the handling of the situation. What happened is that the Chairman and the Commissioners wanted to get their remuneration for the work they did. The enquiry lasted a very long time—over a year. The report consisted of about 308 pages. The Chairman of the Elections and Boundaries Commission who was, in effect, taken from the Commission and asked by the then government to head this enquiry and its commissioners wanted to get their remuneration. The then Prime Minister and the then Attorney General knew of the plight and injustice that was being done to the Chairman of the Elections and Boundaries Commission and despite promises to have it done did not pay them, and refused to pay them.

The then Prime Minister of the PNM administration wanted the Chairman of the Elections and Boundaries Commission to kowtow to him, and to compromise

his duties. He was subverting the independence of the Chairman of the Elections and Boundaries Commission and undermining the independence of the Chairman and the members of the Commission.

I want to make reference to a letter dated September 8, 1993 so that the public, the record and the future generation of Trinidad and Tobago, the Caribbean, the Commonwealth and the world would know what “papa” Manning, the hon. Member for San Fernando East was like.

Some six months after the submission of the report, the Chairman of the Elections and Boundaries Commission wrote to the former Prime Minister, the Member for San Fernando East setting out facts and arguments in support of a case for the payment of the remuneration to the commissioners as provided under section 14 of the Act.

No reply was given to the Chairman of the Elections and Boundaries Commission to that letter. That is the contempt with which the then Prime Minister treated the Chairman of the Elections and Boundaries Commission after he took him from his duties, and because of his independence in those functions, put him as head of this commission.

On December 5, 1993 the Attorney General under the PNM administration mentioned to the Chairman of the Elections and Boundaries Commission, at a social function at police headquarters, that the Member for San Fernando East requested him to meet and discuss with the Chairman the amount of the claim of all the commissioners. Imagine the Member for San Fernando East—and what he was doing to the Chairman of the Elections and Boundaries Commission.

The Attorney General did not contact the Chairman of the Elections and Boundaries Commission and by letter dated January 17, 1994 the Chairman of the Elections and Boundaries reminded the then Attorney General of his unfulfilled promise to meet with him and refreshed his memory on the quality and the quantity of work done by the commissioners and told him of their deep concern over the lack of response to their application under section 14 of the Act. The Prime Minister of the day was undermining the legislation, undermining the wishes of Parliament, undermining the independence of the Chairman of the Elections and Boundaries Commission.

Look at the quality of the then Prime Minister.

On January 25, 1994—the Prime Minister, I assume would have instructed his Attorney General—the Attorney General requested the Chairman of the Elections

and Boundaries Commission by telephone to submit to him a requisition in writing.

They had already made a claim in writing, and now he was requesting him to make a requisition in writing, humiliating the Chairman of the Elections and Boundaries Commission. It reminds me of what he did to Morris Marshall; he sent a policeman to his home and asked him to give a response the next day by a certain time on the water problems and how to solve the water problems in Trinidad and Tobago. What humiliation!

It reminds me of what the Member tried to do to the Member for Naparima; it reminds me of what he did to the Speaker of the House of Representatives; it reminds me how he created a state of emergency.

Mr. Speaker: Hon. Members the sitting is suspended for 45 minutes.

8.27 p.m.: *Sitting suspended.*

9.15 p.m.: *Sitting resumed.*

Hon. R. L. Maharaj: Mr. Speaker, before we took the break I was reminding the hon. Member for San Fernando East about Mr. Morris Marshall. I am sure that whilst he was having his dinner, he saw the face of Morris Marshall staring at him in his face. I am sure that he remembered how he made him cry and asked him to submit a plan within 48 hours to solve all the water problems in Trinidad and Tobago.

That is in reference to the dictatorial tendencies of the Member for San Fernando East. It is strange that that side of the House is talking about dictatorial tendencies when on the left of the Member for San Fernando East, one of his deputy political leaders has distanced himself from him on the basis of his dictatorial tendencies. Another deputy political leader, Mr. Augustus Ramrekersingh has also distanced himself and resigned because of the dictatorial tendencies of the Member for San Fernando East. The previous Minister of Finance, Mr. Wendell Mottley, deputy political leader, decided to distance himself from him because of his dictatorial tendencies.

Mr. Hinds: Mr. Speaker, on a point of order.

Mr. Speaker: Under what Standing Order?

Mr. Hinds: Mr. Speaker, Standing Order No. 36 (1) which I would like to paraphrase if you would.

Mr. Speaker: Standing Order No. 36 (1) indicates that a Member shall confine his observations to the subject matter under discussion. Is that what you are dealing with? Is there anything other than that complaint about the Member who is on his legs?

Mr. Hinds: He is not confining himself to the subject matter under discussion.

Mr. Speaker: I will rule. That is not a point of order in that he is entitled to reply to certain things that were said.

Hon. R. L. Maharaj: Mr. Speaker, I know how it hurts the Member for Laventille East/Morvant.

They are talking about dictatorial tendencies when the political leader of the party they represent is afraid to face a convention of the party membership in order to determine whether he is the political leader. They get up on that side and talk about democracy and dictatorial tendencies. Look how they can sit there and support an anti-democratic leader who is not prepared to face the convention of the party. It shows the kind of remarks which come from the other side. They are not committed to what they say. They know that what they are saying is not true but they are only saying it to try to hoodwink the population. How can they talk about dictatorial tendencies?

Some of the people who have distanced themselves from the party and the political leader are Mrs. Muriel Donawa Mc Davidson, stalwart of the PNM who was not prepared to take on the dictatorial tendency of the Member for San Fernando East; the Member for Naparima and then Member for San Fernando West; and Mr. Brian Kuei Tung the Minister of Finance on this side. It is because the PNM condones these dictatorial tendencies that people have left and come on this side, and would leave that side and come on this side. I have noticed that even the Member for Diego Martin East is trying to distance himself from the Member for San Fernando East, all because of his dictatorial tendencies. After the Member for Diego Martin West spoke, he left. If one pays attention to his attendance in this House one would see his actions. He distances himself from the Member for San Fernando East.

The next aspect dealt with by the Member for Diego Martin East was when he read through what was on the Order Paper. He said that he could not understand why the Government was so anxious to debate those matters and suggested it was the reaction of the Government to the Opposition's criticism in the debate on the

previous matter. When one looks at what we are talking about, one would see that it is legislation for local government elections. I ask aloud: Why is the Opposition trying to frustrate this Government's action in order to have local elections within the specified time? Why is the Opposition trying to filibuster and would spend five hours to debate a motion which they agreed to and try to frustrate the Government's programme in order to put local elections as a reality before the end of June 1996?

9.25 p.m.

I know why. They are afraid to face local government elections. This Government is interested in having the local government elections before the end of June, 1996, and we would not allow the Opposition to filibuster and prolong debates to frustrate our legislative agenda.

Mr. Speaker, when one looks at the Order Paper, one sees that there are pieces of legislation dealing with the fighting of crime and the drug trade and we wonder why the Opposition does not want to have these measures debated quickly to give the Government the necessary tools to deal with these issues. There is a bill to deal with the law of *habeas corpus*, to prevent the misuse and abuse of the court process, whether it is extradition or any criminal matter. We also have legislation to amend the Evidence Act and the Supreme Court of Judicature Act. I wonder why the Opposition wants to frustrate us in having those pieces of legislation passed.

Mr. Speaker: Hon Members, I find it necessary, politely, to remind you once more that you make it extremely difficult, not only for me to listen to the Member who is supposed to be addressing me, but also for the *Hansard* reporters to take down everything that is said in this Chamber. The asides that come from Members are also recorded and Members know this.

Hon. R. L. Maharaj: Mr. Speaker, I am much obliged.

There is an amendment to the Indictable Offences (Preliminary Enquiry) Act, all in an effort to deal with the question of crime and the drug trade. I would have thought that a responsible Opposition would have tried to save parliamentary time, instead of spending five hours saying the same thing over and over. That is why we did not respond. They were saying nothing over and over. Mr. Speaker, they tried to get us to adjourn the Parliament so they could go home, but we have decided to get through with our legislative agenda to have the tools to fight crime and the drug trade.

When the Member for San Fernando East was sitting on this side of the House as Prime Minister of Trinidad and Tobago and there was a request for an investigation into the circumstances surrounding the sale of his car to a well-known person in Trinidad and Tobago, he resisted the enquiry. I can now understand, having regard to his action.

I do not want to say what role the PNM had in certain matters in Trinidad and Tobago. *[Interruption]* The Member is familiar with writing notes. Did he not write a note which remained on the desk?

Mr. Speaker, I want to continue to show how the Member for San Fernando East, as Prime Minister, and his Attorney General, undermined the office of the Chairman of the Elections and Boundaries Commission. I had reached the point where the Chairman of the Elections and Boundaries Commission had spoken to the Attorney General and the Attorney General had asked him to send a requisition in writing. That was the humiliation. That requisition went on January 31, 1994 and neither the Attorney General nor the Prime Minister replied.

On July 21, 1994, six months later, the Chairman met and discussed with the Member for San Fernando East, the then Prime Minister, matters relating to the Elections and Boundaries Commission, and at the end of the discussion, the Chairman of the Elections and Boundaries Commission raised with the then Prime Minister the outstanding question of remuneration for the Chairman of the Elections and Boundaries Commission and the other Commissioners. The then Prime Minister stated in reply—I have a letter signed by the Chairman of the Elections and Boundaries Commission *[Interruption]* The Member cannot tell me how to do my *[Inaudible]*

Mr. Valley: Mr. Speaker, if the Member is quoting from those letters I am asking that they should be laid on the table here.

Hon. R. L. Maharaj: The Member cannot stand while I stand.

The Member for San Fernando East, the then Prime Minister, in response to the Chairman of the Elections and Boundaries Commission told him that he had seen the requisition and promised to have the matter settled soon. It was not settled and by letter dated November 23, 1994, some four months later, the Chairman of the Elections and Boundaries Commission wrote to the Member for San Fernando East, the then Prime Minister, complaining that the matter had remained outstanding, and pleaded for his intervention in resolving the matter. That is the way he treated the Chairman of the Elections and Boundaries

Commission and all that time he knew that that was the Chairman to preside over the general elections in 1994, 1995 or 1996. He was undermining, humiliating and subverting the Elections and Boundaries Commission and the functions and duties of the Chairman of that Commission.

Mr. Speaker, the Chairman of the Elections and Boundaries Commission told the then Prime Minister that if he felt that the amount was too much, they were prepared to consider, in the interest of having the matter settled, a reduction in the quantum. The then Prime Minister did not even reply to that letter. That is the contempt which he has for the Chairman of the Commission and he sits there and has the brass to look at us. *[Interruption]* This is a serious matter and the Member for San Fernando East is making it a joke.

Mr. Manning: I am not making it a joke. I am making you a joke.

Mr. R. L. Maharaj: By letter dated March 30, 1995, a further four months, the Chairman of the Elections and Boundaries Commission wrote the then Prime Minister and complained that he was sorely aggrieved over the manner in which he had been treated and pleaded again for a settlement of the matter. *[Interruption]* The Member for Diego Martin Central can read all of Acker's contracts, though.

Mr. Speaker, no reply was made to the letter. Since then, there has been no communication at all from the then Prime Minister and his Attorney General.

9.35 p.m.

How could anyone on that side talk about subverting the independence of the service commissions or interfering with the independence of the Elections and Boundaries Commission?

That was not all, Mr. Speaker, the Member for San Fernando East is very familiar with the letter and I do not think he needs to be reminded. If the Member for Diego Martin Central is still talking to the Member for San Fernando East—I know he is supporting the Member for Diego Martin East—he can ask him for a copy of the letters.

The Member for Diego Martin East spoke about interference of the freedom of the press and he referred to the incident between the Member for Couva North and the *Guardian* newspaper. This, again, Mr. Speaker, shows the hypocrisy of the Opposition, the Member for San Fernando East and the Member for Diego Martin East. Whilst the Member for San Fernando East was Prime Minister he had secret

meetings with individual editors of the newspapers. He told the nation that he was having these individual meetings.

Mr. Manning: How can it be secret if he told the nation? You are going good! *[Laughter]*.

Hon. R. L. Maharaj: He did not invite other editors, and he made it quite clear that he was not going to invite the editors of the *Mirror* and of the *Bomb* newspapers. On the eve of the Pointe-a-Pierre by-elections, whilst we were in this Chamber debating the Drug Bill, we asked for the machinery to be put in place so there could be accountability for the implementation of the drug legislation. The Member for San Fernando East told us that the editorial for the *Trinidad Guardian* was already written and we would read it the next day. He sat here and told us that he had written the editorial of the *Trinidad Guardian*. He said, Mr. Madeira came to see him in this Chamber and he had had a private meeting with him.

Mr. Speaker, Members on that side cannot talk about interference of the freedom of the press. As a matter of fact, it was the Member for Diego Martin East who prevented a reporter from the *Express* newspaper from attending a press conference at his official office. The Opposition really cannot say, with any conviction, that the PNM is committed in anyway to democracy or to the freedoms—particularly the freedom of the press—as enshrined in the Constitution of Trinidad and Tobago.

The Member for Diego Martin East said that this Government promised open government and that it was not transparent. Why is it not transparent, Mr. Speaker? Because a journalist passed a note and a response was given to him to do some investigative journalism. Because of that the Government is not open, transparent and is not committed to the freedom of the press. How stupid!

It was the PNM administration which, when the Opposition and the population asked for facts surrounding the sale of BWIA: How many people, Government Minister or otherwise, or their agents, were given commissions? It was the PNM Government which said that was a private matter.

Mr. Valley: Mr Speaker, on a point of order, those documents are in the library of this Parliament.

Hon. R. L. Maharaj: Which documents? The commission documents?

Mr. Valley: Which commission documents? The information with respect to the BWIA transaction.

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

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

Question put and agreed to.

Hon. R. L. Maharaj: Mr. Speaker, I thank hon. Members for giving me the extra time.

When the Opposition asked for transparency in the BWIA transaction and predicted what would happen—as has happened—the government of the day said that it was not a matter for the public, it was a private matter for the Government, Mr. Acker and BWIA. The country wanted to know whether there was a realistic price, whether commissions were paid and whether public officials were involved in receiving commissions. There were comments made by members of the public for a thorough investigation to be done to see whether any minister or anyone collected a commission. The government of the day even resisted the setting up of a parliamentary committee or the laying of the documents in the House.

Mr. Valley: Mr. Speaker, that is not correct, two copies of the documents are in the parliamentary library.

Mr. Speaker: The hon. Member has just made a statement, but he knows that this is not permitted under the rules.

Hon. R. L. Maharaj: Mr. Speaker, we are not talking about the contract or the documents, we are talking about all the preliminary discussions, and who paid who commission. That is what the population wanted! The hon. Member for Diego Martin Central spoke about a “boomerang” with Acker. Who did they do boomerang on? “Ackervalley”?

The same thing happened with respect to the National Fisheries Company. The population wanted to know; the Opposition wanted to know but the Government resisted transparency. Mr. Speaker, they were not committed to open government, they were committed to secret government but they now come to this House to talk about transparency. It is well known that a secret government breeds corruption.

9.45 p.m.

This Government is prepared to make all information, past and present available to the people of Trinidad and Tobago. This Government, whether it

happened in Canada; whether it happened in New York; whether it happened in Germany; whether it happened in Trinidad and Tobago; wherever it happened this Government is committed to making all information available to the people of Trinidad and Tobago, and if the Opposition wants documents to be laid in the Parliament they would get documents to be laid in the Parliament.

Mr. Speaker, the Member for Diego Martin East talked about manipulation of the legislative bodies; he talked about creeping dictatorship; and talked about the Unemployment Relief Programme. It is known that he, as Minister, presided over an Unemployment Relief Programme which was riddled with corruption and nepotism. [*Desk thumping*] There was total unfairness, total inequality and, in effect, he cannot sit here because he cannot face some of the music that would come as a result of those years in the Unemployment Relief Programme.

I do not understand how the Member for Diego Martin East could get up in this House and pontificate about morality, integrity and honesty. When the Member for Diego Martin East became a Minister he was an expert in gold and jewellery and it was that Member, as Minister of Works, who presided over a road programme which was clearly corrupt. The facts show that he knew people who were involved in corruption and he did nothing about it.

So Mr. Speaker, those on that side cannot talk about democracy; cannot talk about integrity; cannot talk about honesty in Government, they are disqualified from talking about that. They have no track record for that. As a matter of fact, because they do not have a track record of that they are sitting in Opposition today because the people considered that they have misused and abused their powers.

Mr. Speaker, with this short intervention I would like to say that the Opposition is really not responsible, it is an obstructionist Opposition, it is trying to filibuster, to frustrate our legislative agenda, but we want to tell them that we are going to go ahead with our legislative agenda and they would not stop us in our fight against the drug trade and crime.

Thank you very much, Mr. Speaker.

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, I thank hon. Members for this opportunity to make a very brief intervention. In this debate that is designed to make special provision for the publication and revision of the list of electors qualified to be electors in the municipal councils election of 1996, Mr. Speaker, may I say straightaway, that while the matter before us is very straightforward, not complicated at all, I take this opportunity to reiterate for yet another time that I believe that all of this was entirely unnecessary and would

have been unnecessary had it not been for the fact that the Government has acted in a very strange way in relation to the local government elections—I would say a word on that in a few minutes.

Mr. Speaker, may I say that the contribution of the hon. Member for Couva South is one of the worst that I have heard from him in this honourable House. When I took my seat in this Parliament in 1971, I was the beneficiary of a piece of advice from my predecessor in office, Mr. Gerard Montano. His advice to me was that when speaking in Parliament, if you have something to say, you get up, you speak up and you shut up. Because of that advice I am in a position, this evening, to extend the congratulations to the hon. Member for Pointe-a-Pierre and the Minister who moved the second reading of this Bill in this honourable House—whatever we may say about his presentation—and I would come to that in a minute. He followed what was considered a fundamental rule in Parliament, that if you have something to say, you get up, speak up and you shut up and one does not expose the Parliament to the vituperations, vacuous as they were, that came from the hon. Member for Couva South.

Parliament is a place for debate and discussion. It is talk. That is what Parliament is all about. The parliamentary system that we operate in Trinidad and Tobago is a system that assumes that a debate takes place, that is to say, points are raised on one side and counterpoints are raised on the other; that is to say the points are either refuted in one way or, a different side of the story is put forward. So that by this interchange of views on both sides of the Parliament, those listening in the national community will be in a position to come to some kind of conclusion as to where the truth lies, what is fact and what is not.

Recent developments in this Parliament suggest to me, and I am sure the developments would suggest to anybody who is dispassionate and committed to the parliamentary system of democracy, that whenever a government behaves in a manner to suggest that it will make a presentation, it will allow the Opposition to have four to seven Members speak and then it will close the debate, such actions constitute a subversion of the system of democracy that we are practising in Trinidad and Tobago. Under normal circumstances it is easy for Members opposite to say—*[Interruption]* Mr. Speaker, I have heard all of that long before they came and I would hear it long after they have gone. It is easy to say that. That is the argument being used by those on the other side when they have nothing to say. We have seen it before when they were unable to deal with the issues raised in the Parliament, and when they—for one reason or another—preferred to hide and not to participate and engage those on the opposite side in the cut and thrust

that is a fundamental in the proper discharge of the functions of this honourable House.

9.55 p.m.

You see, Mr. Speaker, they are being socialized into the workings of this Parliament in a way that will not redound to their credit. I do not wish them to go away with the view that that is the proper way to conduct a Parliament. You are to get up and defend your position.

I want to compliment the hon. Member for Pointe-a-Pierre, the Minister of Local Government who moved the second reading of this Bill this evening, in respect of the expeditious and forthright way in which he made his presentation. However, while it is true that the Standing Orders of this Parliament allow a Member to read a contribution—and under normal circumstances, that position of the Standing Orders is permitted when a Member is new to the Parliament; the Member will take advantage of that particular provision as he seeks to find his feet in the Parliament and to get accustomed to the working of the parliamentary system to be able to engage in proper debate as he prepares for it—in the case of the hon. Minister, it is not his maiden contribution. The regret that I have, is that I am getting the impression that Members on the other side see that particular provision in the Standing Orders as a mechanism to get away from properly engaging in a debate.

When a Member reads a speech or contribution, Mr. Speaker, he ignores what has gone before, what others have had to say and more than that, he does not get involved in the cut-and-thrust that we consider to be critical to the proper functioning of this Parliament. While I do not wish to appear to be lecturing the hon. Member for Pointe-a-Pierre, may I suggest to him, that he will be making a more significant contribution to the development of our parliamentary institution if he makes a greater effort at an extemporaneous contribution in participating in the deliberations of this honourable House.

That is one side of the story. The other side of the story is the content of that contribution. I would like to remind hon. Members—I have said it in this honourable House before, and I wish to reiterate it—before this Prime Minister called elections, he held discussions with the Chairman of the Elections and Boundaries Commission. I want to make the point for a second time, that, not only was he assured that the Elections and Boundaries Commission was ready for

holding a parliamentary election, but that it was also ready for holding the local government elections.

I want to make the point again—I make it for the benefit of those on that side—that the leaders who have responsibility for the conduct of our affairs at this time, must understand that their word is not something that we must take at face value, we must question it. I will go further to say that had we won the general elections of 1995 and formed the Government, the local government elections would have been held on December 18, 1995. That is the point. Again, I can only take that position, having been assured by the Elections and Boundaries Commission that all was in place and they were ready, willing and able to hold that election.

Mr. Speaker, I take it one step further. There were two members of the administration of the Commission who had been seconded to duties in South Africa, one was the Chief Elections Officer and the other was the Deputy Chief Elections Officer. So prepared was the Elections and Boundaries Commission, that it was found necessary to recall only the Deputy Chief Elections Officer to Trinidad and Tobago in pursuance of either the general elections or the local government elections which were sure to follow immediately had the PNM been in office. All this talk now, therefore, from the Minister of Local Government that the Commission was not ready, may I say to you, Sir, the Commission never said it was not ready. It never said that, and that is what the Minister has put in his contribution. The Commission never said that. The letter was read in this Parliament before. It talks about electoral ink or some such thing.

I am not casting any aspersion on the Commission, I am merely saying that the contribution of the hon. Member was inaccurate to the extent that he made a case to this Parliament that suggested that the Elections and Boundaries Commission was unprepared for reasons other than electoral ink. May I say, that I have always taken the electoral ink argument with a grain of salt, but if that is the view that was put over, then so be it.

It is important that Members on both sides of this House and members of the national community understand clearly the point that is being made at this time, and that is to say, that notwithstanding the fact that assurances were given to the Prime Minister of the day, that the Elections and Boundaries Commission would have been able to conduct the local government elections, we are hearing from the hon. Minister, quite apart from the issue of electoral ink, that the Commission was

unprepared, as a consequence of which the local government elections had to be postponed.

I do not know from where he got it. It may well be that he has been following the advice of his leaders and has merely been articulating what was said to him by them. When that was raised in this Parliament earlier, it was the first indication that I, and the other Members on this side of this honourable House had that Members of the opposite side were prepared to do whatever they considered appropriate, whether or not it conforms to the law, whether it conforms to the principle, or whether or not it offended the fundamental rights and freedoms. It was the first indication I had of this.

Mr. Speaker, you will agree therefore, and understand that I was not surprised in the least when, as a consequence of that fact, the hon. Prime Minister disagreed with an article written in the *Trinidad Guardian* that not only did he call for a boycott of the newspaper, not only did he seek to have Jones P. Madeira, the journalist involved fired—

Mr. Panday: Bun de *Guardian* man! Bun de *Guardian*!

Mr. P. Manning: —but he called him a racist, and that has been a pattern of the Member for Couva North for some time.

10.05 p.m.

That was the second indication. Whether the press under the Constitution of Trinidad and Tobago has a right to freedom, it makes no difference to the hon. Member for Couva North. What matters is the expediency of the actions that he has taken or contemplates. In his view, the end justifies the means. I raise it in the context of the initial moves on the Elections and Boundaries Commission. What is important about that is that the company involved transacts other business with the state. It is involved in a conglomerate and therefore the newspaper business is only one aspect of what it does. The company involved depends on the state for permission to conduct a number of functions in Trinidad and Tobago which require state regulation.

The fact is that the Government can—and in fact Jones P. Madeira came dangerously close to being fired—put pressure on the conglomerate in another area to achieve its objective in the area of controlling the press, which it cannot for obvious reasons do overtly because of the hue and cry which will result from that and the obvious implications. Even so, the hue and cry was not enough to prevent the hon. Prime Minister from moving as overtly as he did on the *Trinidad*

Guardian and Jones P. Madeira. I was watching to see what would happen in all of this because I know the conglomerate just built a shopping centre at the corner of the Churchill Roosevelt and Uriah Butler Highways and there are certain decisions relating to access and egress from that facility that require governmental decisions.

I do not know if Members opposite believe that by being a Member of that Government they are participating in a tea party. It is not a tea party. In the event that they are not aware, their leaders are people who believe that the end justifies the means and will use whatever methods they consider appropriate to achieve their ends, whether those ends conform with law, principle or constitution.

Mr. Assam: That is an imputation.

Mr. P. Manning: Mr. Speaker, may I suggest to the hon. Member for St. Joseph that it is not becoming to sit and grumble. He is not a grumbler. If he has a point of view he could get up and make it. I would give way. Like some little school girl. Sorry.

Mr. Assam: I expect something better than that from a former Prime Minister.

Mr. P. Manning: Mr. Speaker, the only reason that they have not gone after *Time Magazine* is because they cannot. The Elections and Boundaries Commission, independent as it is under the Constitution, did not prevent them from doing things in a way that raises doubts in my mind since I know what the facts are. Whether they want to accept the facts or not, I am putting them into the records because I know exactly what I am speaking about. The importance of the independence of the Elections and Boundaries Commission under the Constitution is not enough to prevent them from playing their games with it.

Mr. Speaker, when one looks at the article in the *Times Magazine*, it uses language that was imported wholesale from a contribution of the hon. Member for Couva South and Attorney General on the occasion of his swearing in to the exalted office displacing my Friend from Siparia and relegating her to the custodian of properties. Even that has a bag in it. The hon. Minister is custodian of any property which comes under the Solicitor General, who comes under the Attorney General and not the Minister of Legal Affairs. That is for the benefit of Members who do not know it. If they believe that those actions are restricted to the Member for Siparia only, if they run afoul of the Members for Couva North

and South, they could expect no better treatment than that meted out to the hon. Member for Siparia.

The Member for Couva South in his contribution this evening spoke about the fact that we were trying to frustrate the parliamentary agenda of the Government; an agenda which includes, as he puts it, legislation to fight crime and the drug trade. He suggested that we were seeking to frustrate the Government's parliamentary agenda because we had an interest in preventing the passage of legislation to deal with crime and the drug trade.

The hon. Member for Couva South accused those of us on this side of participating in the parliamentary process in such a way as to frustrate the passage of the Government's agenda which includes legislation on crime and drugs. It could not come from a nicer fellow.

I notice that recently the hon. Prime Minister and the hon. Attorney General were very worthy aides in the matter. They signed a treaty with the visiting Secretary of State of the United States between Trinidad and Tobago and the United States. It is an extradition treaty. He was the one who raised the question of crime and drugs. That treaty was initiated by the government that preceded this one; the government that I had the pleasure of heading in 1991—1995.

Mr. Speaker, we had been pursuing an agenda with the United States of America and, indeed, you would recall that following the summit in Miami in December 1994, Trinidad and Tobago had put squarely on the agenda, an improvement in the relations with the United States to such an extent that we would have qualified for Nafta entry. At that time, while Trinidad and Tobago was moving in the right direction we were no where close to assuming the status by which we could have qualified for entry into Nafta. It is a credit to the previous government that we had put a programme in place that by the end of 1995 we were put at the top of the ladder. *[Interruption]*. They can say what they want. The Member would have his chance to speak.

As part of that programme we held discussions with the Government of the United States and agreed to pursue expeditiously the three agreements that were the subject of signature during the recent visit of the United States Secretary of State. When the draft documents came to us, we set a team together.

Hon. Member: You did nothing about it.

Mr. Maharaj: You did not send it in October.

Mr. P. Manning: Mr. Speaker, they can say what they want; they sound like voices crying in the wilderness. You could run but you cannot hide, as you would find out.

We put a team together to study the documents and the intention was to send that team to the United States—I think it was in mid October or November—but because of the elections we did not pursue it. The elections were called on November 06, 1995.

Hon. Member: The elections called themselves.

Mr. P. Manning: No, I called the elections. Do you understand the point he is trying to make, Mr. Speaker? No point! We did not think that it was appropriate for the team to go to the United States, but had we gotten back into Government we would have proceeded expeditiously.

10.15 p.m.

The three agreements that have been signed by the government ought to be the subject of parliamentary scrutiny. What I fear is that, while we agree in principle—I know what the law is—with the three agreements, Mr. Speaker, the exact nature of what was negotiated by the Government of Trinidad and Tobago is something that this Parliament ought to see and the people of Trinidad and Tobago ought to know about. *[Interruption]* Lay it in Parliament, that is all I want. Lay it, we want to see it. I am not asking for anything else. *[Interruption]* One has to be laid, it is three we are talking about. We want three. You understand, Mr. Speaker?

I am saying that yet we may experience poetic justice. It will be interesting indeed, if among the early persons to be considered under one of those treaties are Members of this honourable House.

Mr. Assam: One are members of this honourable House? He cannot even speak English. *[Interruption]*

Mr. P. Manning: May I remind both honourable gentlemen, Mr. Speaker, that as Prime Minister I was Chairman of the National Security Council. I just want both of them to know that. *[Interruption]* I know who. Are you a member of the National Security Council? If you are not, my advice is to keep quiet. You just do not know. Just take it from me please, you are getting friendly advice.

Mr. Robinson: I know about you, you know.

Mr. P. Manning: What do you know, Sir? *[Interruption]*

Mr. Speaker, I notice the hon. Member for Couva South, every now and then, raises this question of Mr. Morris Marshall. Mr. Speaker, the letter that I wrote in my capacity as Prime Minister to the then Minister of Public Utilities in the context of water, was a letter that asked for a plan—some approach to deal with this matter. But the approach must take into account the fact that we were short of funds. What they do not know, Mr. Speaker, is that I called in Mr. Marshall and discussed with him the reply to the letter. I just thought I should put that in the parliamentary record. *[Interruption]* It was not one day, or one week. Ah, they moved from one day to one week. Guess again. I thought you said it was one day. Now you say it is one week. Just now, if I stay long enough, it is going to be one month. They do not know what to say, Mr. Speaker. Through you, Mr. Speaker.

Mr. Speaker, the Commission of Enquiry into the St. Ann's disaster. The hon. Attorney General will have us believe that the Chairman of the Elections and Boundaries Commission was appointed to head a Commission of Enquiry in that capacity. He was not. And may I remind the hon. Attorney General and Members of this House that the position of Chairman of the Elections and Boundaries Commission is a full-time, paid position of the state. In other words, the Chairman of the Commission is in the full-time employ of the state, for which he is appropriately remunerated. It is important that we take that into account and that we know that.

When the Commission of Enquiry came up, as well as the need to have somebody of calibre and stature head it, Sir Isaac Hyatali was asked to head it, not in his capacity as Chairman of the Elections and Boundaries Commission, but as a citizen of Trinidad and Tobago, who had the stature, and in whom the population had the confidence. Somebody whose word, together with the words of his fellow commissioners, would be readily accepted by the national community. That was the idea behind it.

Mrs. Persad-Bissessar: Why did you not pay him then?

Mr. P. Manning: May I remind hon. Members, Mr. Speaker, and particularly the hon. Member for Couva South, of the provisions of the laws of Trinidad and Tobago. There is a law, Chap. 19:01 governing commissions of enquiry, the Commissions of Enquiry Act, Chap. 19:01, and clause 14 of that Act reads as follows:

“Commissioners appointed under this Act shall not be entitled to any remuneration—”

I repeat for the benefit of hon. Members, Mr. Speaker [*Interruption*] Would you please give me a chance? I want to repeat for the benefit of hon. Members:

“Commissioners appointed under this Act shall not be entitled to any remuneration, unless such remuneration is specially voted by Parliament—”

Parliament had not voted any special remuneration for that Act. It does not mean that Parliament could not have done it. Parliament could have and, indeed, would have done it.

“unless such remuneration is specially voted by Parliament, beyond the actual expenses incurred in holding the enquiry, but the President may direct what remuneration, if any, shall be paid to the secretary, and to any other person employed in or about any such commission, and may direct payment of any other expenses attendant upon the carrying out of any such commission or upon any proceedings for any penalty under this Act. Such sums, so directed to be paid, shall be paid out of moneys provided by Parliament.”

Some Members on the other side, and even Members on our side, Mr. Speaker, may not be aware of the provisions of this Act. Therefore, whenever a commission of enquiry is set up, Mr. Speaker, it is expected that the conduct of that enquiry is governed by the law under which that enquiry is adopted, the Commissions of Enquiry Act.

A problem, however, has arisen in that in the past, substantial sums of money have been paid by successive governments to commissioners to sit on commissions of enquiry. But since it is not governed by law and the quantum that is paid is not governed by law in a specific sense, a question always arises, Mr. Speaker, as to what is fair and equitable and what is not.

I do not wish to bring the Chairman of the Elections and Boundaries Commission or the Chairman of the Commission of Enquiry into the St. Ann’s disaster into public discussion in this Parliament. I am trying to deal with the issue rather than the individual, Mr. Speaker. I am saying that in the instant case of the St. Ann’s Commission of Enquiry, when the question was raised, the Chairman was asked to submit figures because, notwithstanding the existence of the law, the Prime Minister at the time was aware that, since other commissioners had been paid sums over and above what was called for in this Act, persons who

subsequently sit on a commission of enquiry could go before a court and argue inequality of treatment, and successfully so. That is why the Chairman was asked to submit figures. It was not games—it was against that background.

10.25 p.m.

The difficulty arose in the quantum that was raised. *[Interruption]* Yes, that is what I am saying. They are not entitled, but notwithstanding that others had been paid. *[Interruption]* That is what I am saying. I asked him to do that because others had been paid substantial sums and therefore, he was in a position to argue in a court of law that he was being treated inequitably. If the hon. Member cannot understand it, he cannot understand it. No confusion at all. Some of us can understand and some cannot. If we fall in the group of people who can understand, then we cannot be blamed. If the Member falls in the group of people who do not understand, he cannot blame us either.

Mr. Speaker, contrary to the view that was being advanced by the hon. Member for Couva South, that there may have been some motive that was sinister in the fact that we had not settled our liabilities to the Chairman of the St. Ann's Commission of Enquiry, I want to point out to you and hon. Members of this House that nothing could be further from the truth.

Mr. Robinson: That is what one calls subterfuge.

Mr. P. Manning: Mr. Speaker, I was accused by the hon. Member for Couva South of having secret meetings with the editors of newspapers. He said they were secret meetings, yet he knows. *[Interruption]* But what makes the meetings secret?

Mr. Speaker, the issue was the basis of an editorial in the newspaper that the prime minister at the time had been meeting with editors of newspapers. It was not done secretly; we were doing that on a constant basis.

Mr. Speaker, all I would say, is that if the Government feels it was a clandestine action, may I advise—*[Interruption]* No, such an approach is very common in a properly functioning democracy. It happened in the United States of America, it and the United Kingdom and it happened in Trinidad and Tobago under my regime. We talked to them. The reason was that there were many things, the background of which is important to newspaper editors, which under normal circumstances one would not make public in that way. So, we called them in so they would have an opportunity to question at closer quarters and get a better understanding of government's thinking with respect to some of the actions and

decisions it took. We assure you that it was nothing secret or sinister. We did not hold meetings on the Brian Lara Promenade, but everybody knew that those meetings were being held. *[Interruption]* The gym is the best legacy I could have left for my Friend, the Member for Couva North.

I also want to advise my Friends opposite that I have not written any editorials in the newspapers. I do not have time for that. Not only do I not have time for that, but I do not have the writing skills that are required to write editorials in newspapers. It is not for me. I am a geologist by training.

Mr. Sudama: You have no skills whatsoever.

Mr. P. Manning: At least I have a wife.

Mr. Sudama: I am not sure that you display any skills there.

Mr. P. Manning: Mr. Speaker, I think I have cleared the air enough on the issues that have been raised. I merely want to reiterate what I said at the beginning of my contribution, that the assertion of the hon. Member for Pointe-a-Pierre is not correct. I reiterate that the Elections and Boundaries Commission had assured the government of the day of its readiness to proceed, and on that basis it was our intention to call the local government elections on December 18. The Bill that is before us at this time would not have been necessary had the Government been honest, straightforward and forthright to the Parliament and the people of Trinidad and Tobago.

The red herring that was pulled by the hon. Member for Couva South in respect of the Commission of Enquiry into the St. Ann's disaster was nothing more than a red herring. He was entirely incorrect in his assertion that pressure was being put on the Chairman of the Election and Boundaries Commission. I reiterate that Sir Isaac Hyatali was not asked to head the Commission of Enquiry into the St. Ann's disaster in his capacity as Chairman of the Elections and Boundaries Commission. At no time has the government that I headed sought to interfere with the Elections and Boundaries Commission and, indeed, the PNM has never sought to interfere with the independent Elections and Boundaries Commission over the 40-year period of its life.

Thank you, Mr. Speaker.

The Minister of Planning and Development (Hon. Trevor Sudama): Mr. Speaker, it has been a long time since the House has had the pleasure of hearing my voice, and at 10.30 tonight, I think that pleasure has come.

As I listened to the Member for San Fernando East, I could not help but think of a man who is suffering from deep political “tabanca”. As he went through his contribution, the Member for San Fernando East forgot that he is no longer in the Government of Trinidad and Tobago and that he is no longer Prime Minister of this country. He continues to tell this House that if they had won the election they would have pursued with treaties; if they had won the elections they would have held local government elections on December 18; if they had won the elections they would have done so many things. Truly a man suffering from a “tabanca” from which it would be very difficult for him to relieve himself.

Mr. Speaker, the Member started off by stating what he has done in this House, and so very often expressing his lack of familiarity with the truth. Let me first of all dispute the point and bring into question his creditability that before he held elections on November 6, 1995 he held discussions with the Elections and Boundaries Commission and it was indicated to him that they were in a state of readiness for the election. This is what he said.

Mr. Speaker, may I quote what the *Report of the Elections and Boundaries Commission on the Parliamentary Elections held on Monday, 6th November, 1995* had to say at paragraph 6:

"In its Report of February 14, 1992, the Commission complained that the period of 28 days allocated to it for the organization and conduct of the 1991 general election proved to be 'unmercifully exacting' since it subjected its employees to long sustained and gruelling hours of toil to accomplish their task. Moreover, the Commission expressed the hope that such an imposition might be avoided in future elections."

Therefore, with a 28-day period of notice, the Commission was not ready in 1991 to be in a state of readiness to properly conduct an elections in 1991.

It goes on to say in paragraph 7:

"That hope however, was not realised in the last election since the period allowed for its organisation and conduct was 30 days, which included four weekends and a public holiday. This increase by two days was clearly de minimis and had the effect of repeating the exacting imposition of 1991."

This is the report of the Election and Boundaries Commission. They were not in a state of readiness to conduct the elections of 1995.

10.35 p.m.

Therefore, when the Member for San Fernando East told the House that he had discussions with the Elections and Boundaries Commission and that they indicated to him that they were ready for the elections of 1995, he was not telling the truth to this House. He is a stranger to the truth, and we cannot accept his word in this House. This is what he said here in black and white. If they had indicated to him that they were ready to hold an election then paragraph 7 would not have appeared in this report of the Elections and Boundaries Commission. I do not want to call him by a cruder name, but we have had the experience of his forked tongue in this House for a very long time. Therefore, we can place no credibility on his word.

He went on to complain about this Government not engaging in debate. There is no debate and because there is a perceived lack of debate in this House by him, that somehow we are subverting the system of democracy in Trinidad and Tobago. I want to deal with this question of subverting democracy and the role of the Member for San Fernando East in that deliberate subversion of democracy.

The Member for San Fernando East's record for the last four years has shown that he tried to subvert the Public Service Commission; he tried to subvert the Police Service Commission and undermine the police function in Trinidad and Tobago; and he tried to get rid of the Commissioner of Police. Is that subversion of democracy or is that the upholding and propagation of democracy? He was not satisfied with trying to undermine an independent service commission in this country. The thing went to his head.

The *Guardian*, of Manning states:

“Manning: We need to get rid of the Opposition.”

This is the Prime Minister of Trinidad and Tobago, the guardian and upholder of democracy saying publicly to the country, they must get rid of the Opposition, they must have autocratic and dictatorship state in Trinidad and Tobago because the Opposition somehow was preventing him from achieving his autocratic rule.

It further states:

“Political Leader of the ruling PNM Prime Minister Patrick Manning yesterday called on party members to get rid of the Opposition.”

What hypocrisy. Then he talks about the cut-and-thrust of debates. How can one cut and thrust a vacuum? They said nothing. One cannot cut “nothing” and you cannot thrust into a vacuum and this is the contribution that has come from the

other side. The Member talked about thrust and debate and that they wanted to have a vibrant Parliament.

I was here during the last four years in this Parliament when the Member for Diego Martin Central was the Leader of Government Business. The Member for Diego Martin Central wanted to discontinue this House at the earliest opportunity. He wanted to adjourn because he wanted to go home. There was no question of having a debate in this House. He wanted to go home to his wife, he tells me. This was whether his wife wanted him to come home or not. When the then Speaker sent him home for six months he went to court to get an order to come back here. They wanted debate. But for the last four years it was no cut and thrust. They wanted to get away from here as quickly as possible. This Parliament was a humbug to the Member for San Fernando East and the Member for Diego Martin Central, and all the others who were here. Today, they want to uphold democracy in the Parliament of Trinidad and Tobago, and are saying that we want to subvert the democratic system. Therefore, when the Member for San Fernando East says that if the PNM had won the elections on November 6, 1995 there would have been local government elections on December 18, 1995, whom he thinks he is fooling? When one looks at the record of the PNM, and I want to put their record in perspective, the old PNM and the new PNM, because, today, the old PNM is in an advisory capacity to the new PNM. It is one PNM. The new has emerged from the old.

Let me quote the record of the old PNM out of the womb from which this new PNM came and their commitment to parliamentary democracy, their commitment to the principle that people ought to exercise their franchise on the legitimate occasions as given in the Constitution and the law.

The PNM was beaten in the federal elections of 1958 by six seats to four seats. Subsequent to that, in the local government elections of 1959, they were beaten, thoroughly trashed in the local government elections. Do you know when the general elections of 1961 came up, it was no longer ballot box, it was voting machine? The Member for Tobago East had opposed the introduction of voting machines.

I will tell this House about the subversion of democratic process and the principle. Here was a country with an electorate of 300,000 in 1961; they wanted to bring voting machines to count 300,000 votes.

In the United Kingdom an electorate of 30 million use the ballot box. In France, Germany and in India with an electorate of 300 million, they use the ballot box but they wanted voting machines. For what purpose, except to undermine the electoral and democratic process in Trinidad and Tobago. This is the record of the PNM. They talk now about upholding democracy in this country.

After the 1961 general elections and the big uproar about voting machines, the PNM never held a local government elections for nine years. The next local government elections were held in 1968. These are the great upholders of parliamentary democracy and the rule of law and the democratic process. *[Interruption]*. That is why the Member left. By not holding local government elections, which were legally due, deprived the people of their democratic rights.

10.45 p.m.

Mr. Speaker: Members once more I need to appeal for order.

Hon. T. Sudama: Mr. Speaker, I am putting this whole question in perspective. After they lost the local government elections in 1959, for nine years no local government elections were held in this country until 1968, thereby depriving the citizens of the right to express their choice of representatives through election. At the next election in Trinidad which was due in 1971 and because of the agitation against the voting machines, there was a no-vote campaign which was ably led by the Member for Tobago East. All of us participated. This was in order to restore the franchise of the people of Trinidad and Tobago which was taken away from them through the manipulation of the voting machines.

In 1971, after that historic battle to force onto the world the consciousness that elections in Trinidad and Tobago were subject to rigging and that the voting machine was not a fair system, Parliament still proceeded to have local government elections. After the Opposition boycotted the elections of 1971, the PNM won 36 out of 36 seats and this country became an unabashed one-party state. Despite that they continued to hold local government elections in 1971 knowing that the population had rejected that method of voting through the voting machine because they were a government of only 28 per cent of the electorate in 1971. They had no mandate, credibility or authority to rule in 1971.

They held on to office as is their custom. They did not have any local government elections from 1971—1977. These are the upholders of the rule of law and democratic process. They denied the people the right to vote to choose

their representatives. Now they talk about this Government subverting democracy! Their record as a PNM government is dismal. It cannot stand scrutiny. They talk about manipulation and interfering with the franchise and opportunity to vote.

When the PNM lost the local government elections in 1983; the next election was due in August 1986, but it never held any local government elections. I wonder whether that was a subversion of the democracy when they did not hold a legally required local government elections at the time when it was due. It took the NAR government to hold local government elections in 1987 to restore people's right at that level, so their representatives could have gone there to express their wishes.

The Member for Diego Martin East said that the Member for Pointe-a-Pierre was interfering with the running of local government bodies and those in Port of Spain, San Fernando, Arima and Point Fortin had supported and voted for the PNM. We are debating giving those people in the local government bodies who have now changed their minds, a chance to express their new wishes to vote for the UNC/NAR coalition in the forthcoming local government elections. We are giving them an opportunity through a proper system of registration to express their new wishes to have representatives from this side not only at the parliamentary level but also at the local government level. We are trying to facilitate this through the passage of this Bill.

If any group or party is committed to the democratic principle in this country, we have fought long and hard in opposition to uphold the democratic rights of the people of Trinidad and Tobago. Now that we are the Government we are committed to upholding those rights. This Bill before us is merely to give the people the opportunity to be properly registered for the local government elections and to put the Elections and Boundaries Commission on a proper footing so that they would do their registration in time to hold this election which must be held by June 26, 1996. We are committed to this.

I want to raise a few points emanating from the speech of the Member for San Fernando East. Let me advert to the question of the sense of urgency with which he said his government was pursuing an agenda with the United States to control the drug trade; a very conscientious agenda was being pursued with the United States. He speaks without credibility. While he was telling the population that he was pursuing an international agenda to control the drug trade, he sold his car to someone who is alleged to have been a kingpin in the drug trade. My information is that this very person who is now the subject of a charge before the courts used

to be a frequent visitor at his home in Marabella. He used to go with him to drink at Pinos. I have done a lot of work and investigation. I speak with all this investigative research behind me.

Mr. Manning: I thank the hon. Member for Oropouche for giving way. For the purposes of the record, no drug dealer that I know of, or no known drug dealer has ever been a visitor to my home, nor have I been to Pinos with them. The information of the hon. Member for Oropouche is entirely incorrect, as he is accustomed.

10.55 p.m.

Hon. T. Sudama: Mr. President, I entirely accept the explanation of the Member for San Fernando East. He was not aware, as he is not aware of so many things. He was not aware that the person who came to his home and to whom his car was sold was in the drug trade. He then cordial relations with this person who is before the courts today charged with the crime of murder. He said he was not aware and I sympathize with him. In those instances, he may have been out of his senses not to be aware of that association.

When that information is known by the United States authorities, do you believe, Mr. Speaker, that the United States authorities will feel that the former Prime Minister and the PNM government were at all very zealous of pursuing the control of the drug trade in Trinidad and Tobago? If a person is hobknobbing with persons involved in the drug trade, how can he then tell anybody that he is fighting the drug lords of Trinidad and Tobago? That is his problem. He claims not to know what is happening to him. He claims not to know his associations. He claims not to know anything and yet he benefits from this association. He has no credibility.

This must be to the consternation of everybody here. He says that he had very cordial dealings with Morris Marshall. In fact, before he wrote a public letter to him, he called Morris Marshall privately and spoke to him. This is very strange to me. If he called his colleague privately and spoke to him, what is the necessity of going public and giving him an ultimatum? I believe that the Member for San Fernando East is stranger to the truth. We cannot sit here and accept that he spoke to Morris Marshall privately before writing him publicly and humiliating him. This is what he tries to make us believe. It is of the same Morris Marshall that he said, if he questions his authority, he has a problem with it. He is the great dictator; the omniscient one. When one questions his authority, he has a problem with that.

This is the man who speaks about democracy. Democracy is about the conflict of alternative views. People have the right to express an alternative view. People have the right to question his authority if his authority represents a view which is not correct. But no, one must not question the lord and master! I have a problem with that.

We have heard much about the attempted subversion on this side of the parliamentary process, the democratic process, the system of government that we operate. I want to remind this House that when there was a hue and cry about alleged corruption in the award of the Pride Project for the Airports Authority, in order to save face, the Member for San Fernando East set up a one-man Commission of Enquiry. Mr. Justice Collymore was given the task of enquiring into the circumstances leading to that contract. Mr. Justice Collymore delivered a report to the Member for San Fernando East. The Member for San Fernando East did not like the contents of the report, referred it back to him to amend him so that he could make public a report which was palatable to him and his government and put them in a proper light. And he is talking about subversion of democracy?

The Member said that his face is made out of brass. He has the effrontery to talk about this Government attempting to subvert democracy when he has that kind of record. He wants to control everything. His dictatorial mentality is so obvious to the whole population. That is why he lost the last election.

When he went off on commissions of enquiry and the legal aspects of holding such enquiries, he sounded so much like a bush lawyer. Someone who knows not of what he speaks. If he does not know about law, he should leave it alone. If he does not know about geology, he should not give advice to put an LNG plant on the Pitch Lake. *[Interruption]* What kind of advice did he proffer there? He was the one who was insisting that they put an LNG plant on the Pitch Lake in La Brea, based, presumably, on his geological knowledge or lack of it.

For a government which was so close to the press barons of this country; a government which has been as ring on finger with the press that has controlled the television station in this country; that has denied the then Opposition their right to equal access to the electronic media; for a Government that has been in collaboration with the *Trinidad Guardian* and the *Express* newspapers to write editorials denigrating the Opposition, to subvert and manipulate the press in this country to come here to talk about this Government wanting to suppress the press, carries no weight, has no substance and is fooling no one.

11.05 p.m.

I want to make a point about the Member's knowledge of the Grand Bazaar and what went on there with respect to approvals which were given, or ought to have been given for that project. How did the Member know the status of that project? He is in very close association and collaboration with the owners of that project. Of course they had been their backers before the 1995 general elections, and presumably they would continue to be their financial backers in this post elections period.

It is very curious, Mr. Speaker, because the question of approvals for the Grand Bazaar is within the knowledge of the Government and departments of the Government. How is it that the Member for San Fernando East has intimate knowledge of what is going on there? Knowledge to which, even I, am not privy. We have to confront the relationship between that conglomerate and the Member for San Fernando East and the People's National Movement. That close relationship and the terms and conditions on which they were allowed to do that project will come out in the fore in due course, Mr. Speaker.

We are committed to upholding the rule of the law in this country. Wherever we feel satisfied that there is a violation of that law, we intend to uphold the integrity of the law and of the Government of Trinidad and Tobago in pursuing legal requirements as we see fit. I want to make that abundantly clear to the Member for San Fernando East.

This very crucial election is going to be a test case for the people of Trinidad and Tobago. This Government is doing its best to change course, to change the orientation of Government to give a new direction and vision of what is possible to the people of Trinidad and Tobago. We want a free and fair election and as they say in Jamaica: "An election free from fear."

In order to have a free and fair election our elections machinery must be put on a proper footing, our registration system must be properly organized and all things must be in place. The elections machinery must be well oiled, and properly put in gear so that when we hold this crucial local government elections, sometime before June, 1996, there will be a decisive result, and nobody—not even the Elections and Boundaries Commission—will be in a position to complain that he did not have adequate notice so as to prepare himself. Mr. Speaker, this local government election will be a watershed in the politics of this country and having successfully organized, and convincingly won the local

government elections, we will see the demise of the PNM, under the leadership of the Member for San Fernando East. Mr. Speaker, they will never be able to recover from that demise simply because they would have been a party that had no relevance to the politics of Trinidad and Tobago in the 1990s and on to the 21st Century.

We want to put paid to their existence in the 1996 local government elections. In order to do so, we want all our peoples properly registered in order to exercise their mandate and franchise. They must do so in a way that would leave no doubt in the minds of the PNM members, including the back-bench boys, whom I know are very honest and upright people. When they realize that this PNM has no future and that the Member for San Fernando East is a lost cause—he is a blight of the highest order—they will make the decision to join in the forward march for the political development of Trinidad and Tobago; for the peace, progress and harmony which they will never achieve under the rule of the PNM.

Mr. Speaker, that is the vision we have for Trinidad and Tobago as we go forward with this crucial local government elections where we will see—once and for all—that forward march which this UNC/NAR Government has engaged upon.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, I enter this debate at this time to bring the debate back to the Municipal Corporations Bill before the House. Before getting into my substantive contribution, I would respond to some comments made by my Friend from Couva South.

This is one copy of the package that was filed in the Parliament with respect to the BWIA transaction; there were two copies filed. The documents are the BWIA International Airways Limited (1995) Bill, the certificate of the incorporation of a company, the description of rights privileges and preference shares, the form of international investors commitment and so forth. *[Interruption]* We laid on the table a report with respect to that transaction and we filed two copies of the documents in the parliamentary library. As I said, those documents are available at the library for members, as well as reporters: Any reporter who wants to know what the facts are, can do the research rather than guess and have inaccuracies in his report.

The Member spoke also about whether commissions were paid and so forth. Whenever we do any transactions there is one clause that one would always find in our agreements and it is the clause that deals exactly with that. Section 4(8) of the Agreement says:

“Financial Advisors and Brokers

Except for the accountants, contemplated by Article III hereof, no investment banker, broker, finder, attorney, pension advisor or actuary, or any other professional is entitled to any financial advisory, brokerage or finder’s fee, or other similar payment from New BWIA in connection with any of the transactions contemplated by Article I hereof or the vesting of the Transferred Assets and the Transferred Liabilities pursuant to the BWIA Act, nor will the Final Closing Date Balance Sheets reflect any liability with respect to any such fee or similar payment thereof.”

11.15 p.m.

Mr. Speaker, one of the comments that we heard circulating while we were discussing this transaction is the fact that, perhaps, Mr. Acker may order airplanes from his friends and so forth, and we wanted to protect against his getting kick-backs from any such transaction. Section 9.12 of the agreement says:

"Absence of Certain Practices. New BWIA will not enter into any transaction pursuant to which any of the Investors will receive any gift or other benefit of more than nominal value from any customer, supplier, creditor or any other person with whom New BWIA conducts business or who is or may be in a position to assist or hinder New BWIA or assist New BWIA in connection with any proposed transaction involving New BWIA."

Mr. Speaker, those are common clauses in most of our agreements. In Fertrin's agreement—*[Interruption]* You are a criminal lawyer—so you are clean. It is a covenant and I would expect the criminal law—but he would not know, that is civil law. The effect of that is, there are certain consequences which flow if one is in breach of a covenanted law.

More than that, I think the Member spoke about National Fisheries and so forth. Those members who were here in the last Parliament would remember that the government laid this document in the Parliament. It is called "Public Participation in Industrial and Commercial Activities Revisited." In this document we included the summary of every divestment transaction which was completed to date. After that, as a divestment was completed the report was laid on the Table. More than that, before any divestment was done we came to the Parliament and outlined exactly what we were doing. In this 1996 document called "National Fisheries", as mentioned and if the Member wants he can very well review the situation, we dealt with this whole situation—*[Interruption]*

[Mr. Deputy Speaker in the Chair]

Mr. K. Valley: Mr. Deputy Speaker, I am making the point that this document is available; it was laid in the Parliament and it might be of some benefit for the new Members of the House to review it. It provides an insight concerning the last government's policy with respect to divestment. I simply wanted to put that in the record.

As I said, I want to join the debate to talk about the Bill which is before us, the purpose of which is to prepare for the local government elections. Of course, what it means is that by June we are looking to have new corporations in place. As a previous Minister of Local Government I want to appeal to my Friend and colleague, the Member for Pointe-a-Pierre, the new Minister of Local Government to continue with the reform which was started in local government in 1992 and which continued with my successor the former Minister of Works and Transport.

I am saying that, because I am a bit worried about some of the information coming out from the corporation; I think my colleague mentioned some of it. I understand that after we passed the Bill in this Parliament which appointed the advisory committees, there was a letter coming from the ministry advising these councillors, members of the advisory committee, that they were to advise the Minister rather than the mayors and chairmen of the councils. Members would know that between elections the mayors and chairmen remain in office; they run the corporations and the intent of the legislation of December was that these advisory committees were to advise the mayors and chairmen. In other words, leaving the mayors to run their affairs, using the advisors to advise the mayors. So when I hear that the Minister is asking these advisory committees to report to him and send their programme of work to him and so on, I have a difficulty *[Interruption]* We are moving and I thought that we would all agree—*[Interruption]*

Mr. Panday: You must know what is going on.

Mr. K. Valley: If it is for information that is one thing; if it is to do the work of the mayors and chairmen of the corporations, that is something quite different. I thought we would all agree that we were moving to a high degree of devolution, accountability and responsibility with respect to local government. In doing that, we had put in place a system of management audit in 1992 *[Interruption]* What I am asking is that we continue with the reform process in local government because I am convinced that we need to use that system in local government to build communities.

What we are really talking about in local government is democracy at the local level; moving from the village councils and the interaction with the local government bodies; giving the people at the local level a higher degree of decision-making power and authority, but having an accountability system in place. To my mind it makes no sense to talk about the fact that there was some eight or ten years between elections if, in fact, local government remains the inefficient system that I met in 1992. That is the reality.

In 1992 the government at the time was clear on where we wanted to take local government. We said, quite simply we wanted to use the system of local government to build communities in partnership with the government; and that we wanted to devolve more decision-making power and authority to the local government bodies; and that we wanted the local government bodies to determine their priorities, rather than those priorities being determined at the ministry. We saw those bodies, perhaps, getting some general direction from the central government, but going out and doing their thing, moving to a system of revenue collection. I know as a fact up to the time of the elections those bye-laws were still not in place. I am saying that we need to move those bodies to start earning revenues, and get them to activate the business communities.

11.25 p.m.

If we do not do that, we would continue spending \$500 million a year in the local government system and it is going to be money going down the drain. We know as a fact, that the work practices in local government are terrible. Let us make no bones about it. While I was in local government, I got myself into all kinds of difficulties with the union, but if I am back there tomorrow, I will do the same thing. It makes no sense to pay employees money to work two and two and a half hours per day, and that is what happens at local government. As a fact, we have to increase the productivity of the workers in local government.

We were also trying to get the local government bodies to work with the central government to undertake a comprehensive review of funding arrangements for the local government bodies, because that is another bugbear. If when an appropriation is made one is unsure whether the sum would be released or not—a similar situation as in the case of Tobago—we need to have a clear system for funding from the central government. If central government says that it is going to give “x” to local government, then obviously, that local government body ought to, other things being equal, be able to expect that. So that there can be a higher level of planning at the level of the local government bodies.

Municipal Councils 1996 Elections Bill
[MR. VALLEY]

Friday, March 08, 1996

We were looking at improving the operational efficiency within the system, moving to computerization—and as a fact, I think all the corporations now have computers. So they can now keep better records and do their accounts in a timely fashion and we would not have the situation as in 1992, when we were looking at hiring an accountant to bring the accounts of the San Fernando Borough Council, or the Chaguanas Borough Council up to date. I am saying that if we are not serious about the system of local government, then we need to scrap the system, but if we are going to keep the system of local government, then we have to put certain things in place. There is a structure that was laid, and all the Minister has to do is to follow that track and continue the reform which was started, ensuring that they are accountable for funds given, holding them responsible, but giving them a higher level of autonomy. Of course, the time is late and I think a word to the wise is sufficient.

Thank you, Mr. Deputy Speaker.

Mr. Hedwige Bereaux (*La Brea*): Mr. Deputy Speaker, I rise to make a short intervention on this Bill to make special provisions for the publication and revision of the list of electors qualified to be electors in the Municipal Councils Elections of 1996, better known as the Municipal Councils 1996 Elections (Special Provisions) Bill. Before I do so, Mr. Deputy Speaker, I want to make—*[Interruption]*

[Mr. Speaker in the Chair]

Mr. H. Bereaux: As I was saying, Mr. Speaker, I rise to make a short intervention on this Bill, the Municipal Councils 1996 Elections (Special Provisions) Bill. Before I do so, I want to take the opportunity to make some brief observations—I do not want to lecture anyone, but I believe that there needs to be.

I have listened to the Member for Couva South and I cannot believe the venom I was hearing from him, that he was really serious about it. When I consider what has happened here tonight, I still believe there has to be a better and more orderly way of carrying out—when I say orderly, I mean the manner in which we could make our contributions to Government, that is the legislative agenda going through without having this playboy type of strategy of trying to pull one over on the other. It is not going to get us anywhere. I believe that some sort of strategy for dealing with the business of this House needs to be put together in such a way that we can make the necessary contribution.

I could recall on a previous occasion in 1992, I think, when we first came into this House, that a question arose as to the conduct of the 1991 general elections,

and the very Member for Couva South, made several contributions. I have not read them so I do not want to purport to repeat him verbatim because I cannot do it. Again, I could remember responding that we needed to be careful in how we dealt with the Elections and Boundaries Commission. For whatever reason—and I could understand as a good lawyer, the way in which he tried to use the letter from the Chairman of the Elections and Boundaries Commission as Chairman of the Commission to the St. Ann’s Hospital enquiry. I want to tell him that I do not believe. I was listening to it—and you might say I am on this side and I may have a bias; be that as it may, when I heard that, I am concerned now. I have not discussed this with any of my colleagues, but I am concerned that maybe—and if I did not know the Chairman of the Elections and Boundaries Commission from his judicial background, I would be worried about bias. Not because I think the gentleman would inherently be biased, but because, when I hear a man asking for his money, and the way in which it was put over by the hon. Member, it gives me some fear and concern.

I have just said those preliminary points because I am a bit surprised that we are here today trying, having passed some time ago, an Act to amend the Municipal Corporations Act, No. 21 of 1990, to amend and pass a Municipal Councils 1996 Elections (Special Provisions) Bill.

You see, I recall on another occasion, to wit: on June 24, 1992, we went through a similar exercise and we had the Municipal Corporations (Amdt.) Bill 1992 and the Municipal Councils Elections (Special Provisions) Bill 1992, and what I am concerned about is that on that occasion, the Member for Couva North, and now Prime Minister, at that time he was Leader of the Opposition, took serious objection to the constitutionality of the parent legislation, if I recall clearly. I am going to read some portions of his speech shortly to indicate what I am saying. The matter was put in court, a civil matter was taken and the firm of solicitors Alexander Jeremie and Company, Attorneys-at-Law of St. Vincent Street, Port of Spain and it says:

“Trinidad and Tobago. In the High Court of Justice, sub registry, San Fernando. High Court Action No. S1131 of 1992. In the matter of the Constitution of Trinidad and Tobago, being the second schedule to the Act, No. 4 of 1976; and, In the matter of the Municipal Corporations Act, No. 21 of 1990; and, In the matter of the Municipal Corporations Amendment Bill, 1992, on the Municipal Councils’ 1992 Elections Special Provisions Bill; and, In the matter of an application by Frankie Mohammed for redress under

section 14 of the Constitution of Trinidad and Tobago for contraventions in relation to him by the legislative arm of the State in enacting Act No. 21 of 1990, and in proceeding to enact bills mentioned hereinabove between Frankie Mohammed, Applicant, and the Attorney General of Trinidad and Tobago, Respondent.”

11.35 p.m.

This particular constitutional action was brought in 1992. There was a claim that the 1990 Act, the principal Act in this instance, was unconstitutional and, accordingly, could not be amended. I want to quote parts of the speech of the hon. Member for Couva North, the hon. Prime Minister. He said:

“What we are afraid of is to engage in an illegality and an unconstitutional Act. To say that we are afraid is not really the word; it is that we have too much respect for the Constitution to violate and rape her in the manner which you propose. That is the issue, really.

In this matter, the relief being sought is a declaration that the executive arm of the state—in deciding to introduce the Municipal Corporations (Amdt.) Bill, 1992, and the Municipal Councils’ Elections (Special Provisions) Bill without having consultation with the major interest groups in the country, the Opposition parties and the country generally—is unconstitutional and illegal.”

The point is, here we are today putting special election provisions to deal with the same Act. The claim was that Act No. 21 of 1990 was unconstitutional. It was amended and they claimed that the amendment was unconstitutional. Without having dealt with anything, the same Members, now sitting on the other side, have amended the Act, too. They have amended the same nullity. I am just reminding them about it.

Mr. Speaker, if the Government tells me today that it does not think that the Act is a nullity any more and it is now satisfied that it was wrong then, fine I would have no problem, but I must remind them about it because they may have forgotten. *[Interruption]* No, no do not worry. The Member could try all he wants but I would not permit him to forget what he said.

Mr. Panday: Those are good speeches.

Mr. H. Bereaux: That is why I am reading parts of the speeches. It is the same Act which sometime ago you amended again without raising any constitutional problems. At that time, you claimed that the original Act

contravened sections 4 and 5 of the Constitution and therefore it should have been passed in a particular way. You castigated in the worst way the former government of the Member for Tobago East.

Additionally, the Member claimed several things and I want to read into the records the various points that he made during that time. He said:

“An amendment of the principal Act, the Municipal Corporations Act 1990, necessarily involves the question of whether the principal Act is constitutional as the Parliament cannot lawfully amend an unconstitutional Act.”

I am asking the Member now. There were some amendments which were carried out some months ago, has the Government’s position changed? The Member said:

“The legislation is not reasonably justifiable in a society which has proper respect for the rights and freedoms of the individuals in that the number of regions and their jurisdictions were arbitrarily fixed without proper regard for uniformity of the number of electors in each region ...”

This is part of the Member’s speech.

Mrs. Persad-Bissessar: Mr. Chairman, the Member mentioned a High Court Action. Would he be kind enough to tell us what was the decision of that High Court Action?

Mr. H. Breaux: Mr. Speaker, since the question of the High Court Action was brought into this Parliament and since the learned Attorney General is in fact the guardian of the Constitution and the advisor to this House and to the Government, maybe he should tell us. All I am trying to do is to remind the hon. Member for Couva North. He said:

“The legislation is not reasonably justifiable in a society which has proper respect for the rights and freedoms of the individuals in that the number of regions and their jurisdictions were arbitrarily fixed without proper regard for uniformity of the number of electors in each region, the principles of true decentralization and devolution of power.”

11.45 p.m.

Has that changed? If it has, I expect he will tell me, because at that time when he was sitting here he took all these points, and today he has completely changed around.

Mr. Maharaj: You must correct them.

Mr. H. Béréaux: In my view it was wrong. Unfortunately, the Member for Siparia—you were not here at that time—the Member for Siparia was sitting where I am sitting now. *[Interruption]* The other point he made—Please, please. I understand it is a bit unpleasant to have to raise these matters in this way, but I wanted to keep it nice and friendly, so if there is a problem and you ask me nicely I would drop it.

Mr. Maharaj: No, please do not.

Mr. H. Béréaux: Okay, thank you. The Municipal Corporations Act No. 21 of 1990 constitutes an alteration of sections 4 and 5 of the Constitution of Trinidad and Tobago, in that it makes provision for a particular case or class of case and is inconsistent with sections 4 and 5 of the Constitution. *[Interruption]* That is what you said then, and you have now changed. You have moved around, then you quoted a decision of the High Court and a number of things.

I have made these points, Mr. Speaker—and I had intended to go deeper into it—to bring something to the fore. No Government and no Member of Parliament should have one statement for this side of the House and another one for that side. Unfortunately, I do not believe that that argument was contrived by the Member for Couva North. I do believe, like today, in the other Bill which we dealt with, he was misled by another Member, then his Chief Whip, so it has come back to haunt him.

Mr. Panday: Let it haunt him on this side.

Mr. H. Béréaux: So I believe that all the statements that were made purported to say that the principal Act, No. 21 of 1990, and consequently the special provisions—*[Interruption]* They were both done together. You do not have the experience of having been in the House at that time. Both amendments were done together and that is why I could bring them together. The amendment to the principal Act and the amendment to the Municipal Councils Elections (Special Provisions), both were said by the Member for Couva North to be unconstitutional.

So we are faced with a situation where it was unconstitutional then and he is espousing them now without changing a comma. It means that he has changed. *[Interruption]* The point I am making, Mr. Speaker, is that the Member for Couva North owes this House an explanation.

Thank you, Sir.

Mr. Roger Boynes (*Toco/Manzanilla*): Mr. Speaker, as I rise to make my contribution at ten minutes to twelve this Friday night, I thank you for giving me the opportunity to do so. But if I may simply indicate to this honourable House that, as a young parliamentarian, I find that keeping us here till ten minutes to twelve and the contributions that I have heard from the Members for Couva South and Oropouche, which deal with the fact that we are suffering from a “political tabanca”. Mr. Speaker, I have heard contributions which dealt with the fact that the Chairman of the Elections and Boundaries Commission was wearing another hat as the Chairman of the St. Ann’s Disaster Team. I have listened to the Member for Couva South trying to draw the analogy that that commissioner, because of the fact that there was a dispute as to his payments while acting as commissioner for that particular enquiry, that itself was trying to frustrate him while he was acting as Chairman of the Elections and Boundaries Commission, even though that is a salaried position.

Really, Mr. Speaker, as a young parliamentarian, I thought I came here this evening to deal with a Bill to make special provisions for the publication and revision of the list of electors qualified to be electors in the municipal councils elections of 1996. I rise here, not to keep Members longer than is absolutely necessary, but to let everyone know that we have to stick to this particular Bill. This is what we are here for.

Mr. Panday: Try telling your own side that.

Mr. R. Boynes: First of all, I must compliment the Member for Pointe-a-Pierre for his short contribution.

Miss Nicholson: Short and to the point.

Mr. R. Boynes: But he was to the point in the sense that what we are here for, Mr. Speaker, is to deal specifically with the machinery to ensure that proper registration would take place for the upcoming local elections. Although, the Member read through his speech, as a young Member like myself, not adhering to section 33, subsection (6) of the Standing Orders which says that unless you get leave of this honourable House you are not entitled to read. Needless to say, Mr. Speaker, I am here to deal specifically with what is before the House.

Mr. Speaker, the Member for Oropouche spoke about all sorts of things. He went all over and talked about subverting the democratic process. I am humbly suggesting that all these games being played up until five minutes to twelve this

evening are in fact subverting the democratic process. *[Interruption]* The Member wants me to talk about the Bill. I will.

Mr. Speaker, with respect to the contribution made by the Member for Pointe-a-Pierre. He mentioned closer collaboration and liaison between the Registrar of Births and Deaths and the Elections and Boundaries Commission. A particular suggestion was that quarterly or yearly returns of deaths should be submitted to the Commission. Mr. Speaker, I am humbly suggesting that, in the Government's effort to improve the registration exercise and the machinery of the Elections and Boundaries Commission, more resources should be placed in that particular direction. A special department could be set up to deal with this particular exercise and not simply saying that there should be liaison between births and deaths and the Elections and Boundaries Commission. Set up a department which will actually carry on that particular exercise, Mr. Speaker.

11.55 p.m.

Mr. Speaker, a mechanism which provides for a change of address to be reported to the Postmaster General who would then liaise with the Elections and Boundaries Commission can be explored. With respect to the change of address which causes bus loads of people having to be taken from one particular electoral boundary to the next, I am suggesting that in order to deal with this particular problem—we are not here to explore but rather we are here to solve and deal specifically with the problem—we again have to utilize more resources and put a team in place in order to deal effectively with this exercise because it is a problem. Several Members would no doubt appreciate that after the last general elections, there have been queries with respect to persons moving from one electoral district to vote. That is a problem which needs to be dealt with.

The Member for Pointe-a-Pierre then urged the media to continue to support the efforts of the Elections and Boundaries Commission in its registration exercise. I am again suggesting that resources be utilized to set up a team. Before the 1996 general elections, when the Elections and Boundaries Commission was doing its registration exercise in Toco/Manzanilla, I paid money to have it advertised to the people on a loudspeaker, begging them to register to vote; not to vote for any particular political party, but begging all and sundry to register because it was their democratic and constitutional right to vote and in order to do so one must be registered.

A team must be set up at the Elections and Boundaries Commission under the umbrella of public relations to deal specifically with ensuring that they advertise and reach the people so that more and more persons would register. I am simply making these suggestions in the best interest of democracy in Trinidad and Tobago.

During the election campaign, the Member for Couva South went to Sangre Grande and told the people that if they have to vote for the PNM it is best they do not vote.

Miss Nicholson: So, what happen for that?

Mr. R. Boynes: The Member for Couva South is a constitutional lawyer and one should understand and appreciate that it is the right of every citizen in Trinidad and Tobago to vote.

Hon. Members: Or not to vote.

Mr. R. Boynes: Mr. Speaker, I wish to draw the attention of Members on the other side to South Africa. When apartheid came crumbling down an 80-year-old woman lined up for three days with tears in her eyes just so she could get an opportunity to exercise her constitutional right to vote. So much so that I am suggesting that rather than come here and play games, the Government should utilize the resources and put certain mechanisms in place at the Elections and Boundaries Commission to ensure that we get this clicking and focus on getting persons registered in order to vote.

I am suggesting that once this is accomplished we would be in a position to ensure that the local elections are duly conducted in a proper democratic manner and that proper councils throughout Trinidad and Tobago would be set up in order to carry on the business of Government from the municipal perspective. As we all know the Municipal Corporations Act is the delivery arm of governance.

Mr. Speaker, we do not have to come here and talk about speeches that sound good but are not sound; speeches that bring people to their feet rather than bring people to their senses. We need to be very serious about Government's business because the municipal corporations are very important in this country. For instance, at the Sangre Grande Regional Corporation we use novel approaches to get many things done in Sangre Grande. We were able to get the businessmen's organization in Sangre Grande to work with us on several projects.

With respect to the seabridge passage project, we at the corporation were able to use the feasibility study which was put together by the NAR administration—I

compliment Members of that administration for that. For those of you who do not understand what that is about, it is widening the road from Toco to Sangre Grande so that one would be able to get from here to San Fernando in a flash. It is also setting up a ferry service from Toco to Tobago because the people of Toco and Tobago are inextricably linked.

We are in the process of updating those figures because we have found finances from abroad to deal with that. The Sangre Grande Regional Corporation found finances from abroad to deal with that and we have been instructed to update the figures from 1990—1995, and I hope and pray that with the proper machinery in place, the calling of local elections and a duly elected body, a council in the Sangre Grande Regional Corporation, would now update it to the 1996 figures so we can embark upon this major project.

Dr. Mohammed: Mr. Speaker, I would like to ask the hon. Member for Toco/Manzanilla why the last regime did not give Mr. Lloyd Best the permission to revalue the figures and have the project going?

Mr. R. Boynes: Mr. Speaker, I have had several consultations with Mr. Lloyd Best on those figures and he had put forward a certain fee, but we were not in a position to pay that particular fee, and we were able to get it at a much cheaper price.

Mr. Speaker, I am simply suggesting that with respect to the Bill before us, again I have to commend the Member for Pointe-a-Pierre for suggesting ways and means of improving the system. I hope that he can take into consideration some of the suggestions that were just made by my good self, because we on this side are firmly for democracy. We are not here to play games, we are here to carry on the business of the people of Trinidad and Tobago.

Thank you, Mr. Speaker.

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, I would not put myself in the category of the hon. Member for Toco/Manzanilla in the sense that he terms himself as "a young parliamentarian". I would say I am a not so young parliamentarian. Here it is that the self-termed "young parliamentarian" who terms himself as "good self" stands up in the Parliament and makes allegations about games being played on this side of the House. When he rose to speak he said that we have kept him here at ten to twelve and we are playing games.

12.05 a.m.

I ask, when the Member for Diego Martin East utilized more than an hour's time, was he playing games? When it was the Member for San Fernando East who also utilized more than an hour of the Parliament's time, was he not also playing games, if this is what is called playing games? When it was the Member for Diego Martin Central who used the Parliament's time, was he not also playing games?

Mr. Speaker, the Member for Diego Martin East was the hon. Member who opened all these issues and opened what one would call a Pandora's box. That is why this side of the House engaged in issues which were raised by the Members on the other side. They did not deal with the Bill and, in fact, the Member himself did not deal with the Bill.

We on this side were most flabbergasted when the hon. Member for San Fernando East, a former Prime Minister, stood in this House and said, first of all, after the work done by the former Attorney General to fast track the treaties that were signed last week with the Americans that he did not pursue the American treaties expeditiously last October because the elections were called. He stood and said he did not call the local government elections when they were constitutionally due because elections were called. He did not pay the Hyatali Commission with respect to the inquest re, the St. Ann's enquiry because elections were called. This is a former Prime Minister. I want to know if these elections stood up by themselves and called themselves, or if it is that the Member who called the election. They are blaming everything on the calling of the elections which they themselves called.

When the Member for La Brea spoke about venom from the Member for Couva South surely, the venom must have come from the other side of the House when we listened for hours to the Members for Diego Martin East, Diego Martin Central, and San Fernando East. The Member spoke about a playboy attitude, that it is only when this side says the things that are true, the things that they have done, the corruption they have engaged in, the dictatorial attitudes of the Member for San Fernando East, that is what the Member for Couva South spoke about. They got up and said it was "playboyism" and "venomism". They did not say it was "playboyism" when the Member for Diego Martin East spoke for 75 minutes, and did not deal with one aspect of the Bill. That is not being a playboy.

Mr. Speaker, just a very brief word. When geologists want to quote the law, they must be very careful because a little learning is a dangerous matter. When the Member for San Fernando East spoke, we were talking about not paying the

Hyatali Commission and when we asked why he did not pay the Commission he brought out a law book and referred to chap. 19:01 which deals with the Commissions of Enquiry Act. He said they did not pay them because the section says:

“14. Commissioners appointed under this Act shall not be entitled to any remuneration...”

He stops there in an attempt with the greatest respect to him, to mislead this House. The section clearly states :

“...unless such remuneration is specially voted by Parliament...”

Fine, but he stopped at the word, “Parliament”. He said he could not pay because they had to come back to the Parliament. That is what he said. But the section

continues. It says and I repeat the first part because for it to make sense, one has to read the whole section 14:

“Commissioners appointed under this Act shall not be entitled to any remuneration unless such remuneration is specially voted by Parliament, beyond the actual expenses incurred in holding the enquiry, but the President may direct what remuneration, if any, shall be paid to the secretary, and to any other person employed [*Interruption*] in or about any such commission—

Mr. Speaker: Please, please, there really should be no interruption of the hon. Member who is speaking. If one feels that the Member has said something that she should not say, I think that we still have a few Members on the side who have not yet spoken and who could join issue.

Hon. K. Persad Bissessar: “...shall be paid to the secretary, and to any other person employed in or about any such commission, and may direct payment of any other expenses attendant upon the carrying out of any such commission, or upon any proceedings for any penalty under this Act. Such sums, so directed to be paid, shall be paid out of moneys provided by Parliament.”

The hon. Member gave the impression to this House, with the greatest of respect to him, that he did not pay the commission because he had to come back to Parliament in order to get those moneys. If it is that the section says that the President can do that, surely he knows who the President refers to in respect of this.

When the Member for La Brea quoted a high court action and referred to words spoken by the hon. Prime Minister then in Opposition, the hon. Prime Minister reminded us, and I would like to remind the other side that the hon. Prime Minister made great speeches then and he still makes great speeches. That is what the *Hansard* shows.

When the Member quoted the high court action he did not tell the House what happened to the high court action, he did not go any further with respect to that, and he quoted with respect to Act 21 of 1990, but the Bill that is before this House deals with, and as the Minister of Local Government pointed out, and makes provisions for purposes of the 1996 elections. In this Bill, I do not see where the Member for La Brea is dealing with Act 21 of 1990. This Bill is separate from that and, therefore, whatever he was saying about the high court action has nothing to do with Act 21 of 1990. This has to do with registration of electors.

The hon. Member for Diego Martin Central, whilst we are very happy that he read out the list of documents relating to the BWIA deal, the point is clearly not what is there but what is excluded from that package of documents that they have placed in the Parliament library. These documents that are available will not help us to determine the prices that the assets were sold for, whether those were fair prices; they will not help us to determine the financial transactions which surrounded the choice of preferred purchasers. To say that one has a bundle of documents and to read the list of the documents, with the greatest of respect, is not enough. It is the documents that have been excluded from that bundle of documents.

Finally, I speak in support of this Bill before this House so that we can allow the provisions to be put in place for registration of the electors.

I thank you very much.

12.15 a.m.

Mrs. Camille Robinson-Regis (*Arouca South*): Mr. Speaker, I do not know if the Member for Couva North is going to speak because I have risen. I am glad to see that I can make you rise. [*Laughter*] You want to rise too? [*Laughter*]

I rise merely to make a brief intervention to point out that based on what the Member for Siparia has said, that no Member of Parliament should mislead the Parliament, then she should not mislead the House. Unfortunately at this time it is not possible to get a copy of the *Hansard* of what the Member for San Fernando

East said. I would like to state quite clearly that the Member for San Fernando East read into the *Hansard* record the entire section 14 of the Commission of Enquiry Act. It is patently dishonest of the Member for Siparia to state that the entire section was not read. As a matter of fact she read a particular section and said that was all that was said. When we insisted that was not so, she went on to read a section and stopped at Parliament and then said this is what was said. Clearly, the Member was trying to mislead this House and we will not sit here and allow that to happen.

I make the point that if the Member for Siparia had nothing to say on the Bill before the House she should not have risen to speak. In addition to that she made the point that the case which was quoted by the Member for La Brea was irrelevant to the issue before the House this morning. That again is not so. At the time when the case was brought to the attention of the House this same type of legislation was being debated, and as a consequence of that, based on the same issues the Member for La Brea also raised that case in this House on this occasion.

We have insisted that we are not against the Bill which is before the House. Indeed we agree that such a Bill is necessary in order to ensure that persons who have attained the age of 18 are not disenfranchised because a preliminary list cannot be published within the time set for the next local government elections. We are of the belief that nobody should be disenfranchised. We are here to support the Bill but we cannot support any Member who attempts to mislead the House. As a consequence of this I felt that it was incumbent on me to set the record straight.

Thank you.

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, the Bill before us is simply an Act to make special provision for the publication and revision of the list of electors qualified to be electors in the municipal councils elections 1996.

I cannot understand the ramblings of the Members on the other side, especially the mutterings coming from the Member for Diego Martin East. The PNM was in power when we conducted the election in 1995 and all the problems associated with that election were because of their interference with the operations of the Elections and Boundaries Commission. I wish to point out to this honourable House that under the management of the Member for Diego Martin Central and the Member for Diego Martin East, the Ministry of Local

Government was starved of funds. All their plans for what should have been done in the Ministry were subdued because they did not provide the funds to make that Ministry function properly and provide the necessary services for the people of this country.

In 1993, the allocation to that Ministry was drastically reduced. That led to a reduction in the goods and services of the local government bodies thereby affecting the delivery of goods and services to the people. It also led to the reduction in the number of working days from 10 days to eight days to six days. They should not come here to tell me how to run my Ministry. That is boldfacedness, brassfacedness and pure madness! *[Desk thumping]*

I am no lawyer but I wish to draw reference to the statement made by the Member for La Brea and to suggest that the legislation in 1992 was made under different circumstances, in that municipal corporations were coming into being which led to the change of certain boundaries. Those were different circumstances under which that piece of legislation was introduced. *[Interruption]* Mr. Speaker, they want me to speak without reading, so I am doing that.

I wish to make a comment in response to what the Member for Diego Martin Central said with regard to the interference with the councils. I wish to put on record that the advisory councils are there to advise. I am there to ensure that in this period resources will be properly allocated and accounted for. This draws me to make this point. I have the project at the Monte Cristo Park in Sangre Grande under investigation. Moneys were spent on that park for development without approval from the Ministry of Local Government. I have been trying to get down to the bottom of that issue and I am being misled by the council. One must be careful when saying that I should not interfere. I am there to look after the people's money and I will scrutinize when I see it fit to do so. At present, because of the action taken there I have had to spend a lot of time and resources to send personnel there to investigate and advise me on what is happening.

12.25 a.m.

Mr. Speaker, coming out of that issue is much controversy. The businessmen are saying that they had put money into the project; the Council is saying that the project is costing \$300,000 and the contractor is saying that it will cost over \$500,000. Who am I to believe? Mr. Valley was correct in saying that I should have proper auditing taking place, but I wish to point out that under the tenure of the Member for Diego Martin East, auditing functions ceased in the Ministry, and everything went in disarray.

Municipal Councils 1996 Elections Bill
[HON. D. SINGH]

Friday, March 08, 1996

I thank you.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 7 ordered to stand part of the Bill.

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

House resumed.

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

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now adjourn to Friday, March 15, 1996, at 1.30 p.m.

May I indicate that we shall do, in this order, the Supreme Court of Judicature (Amdt.) Bill, the Indictable Offences (Preliminary Enquiry) (Amdt.) Bill and the Habeas Corpus (Amdt.) Bill.

Mr. Valley: Mr. Speaker, just for good order, a custom was developed in the Parliament that when Motions on the Adjournment are not taking at a sitting because of the time, they are automatically deferred to the next sitting of the Parliament.

Mr. Speaker: We will take them now.

Mr. Valley: You are about to take them now! Fine, I thought they could not be taken after 8.00 p.m.

Hon. R. L. Maharaj: Mr. Speaker, according to the Standing Orders, they cannot be taken after 8.00 p.m.

Mr. Valley: That is what I thought, Mr. Speaker. That is the interpretation. It is after 11.00 p.m.

12.35 a.m.

Hon. R. L. Maharaj: In my respectful view, Motions on the Adjournment cannot be taken after 8.15 p.m. *[Interruption]* Mr. Speaker, I do not agree with

that. However, if that is your ruling, and the practice has been that it is not taken—

Mr. Speaker: There is no problem if Members would like to have it taken at some other time.

Mr. Valley: We agree that it would be taken next week.

Mr. Speaker: Well that is different. But just for the sake of the record. There are different interpretations. When one talks about 8.15 p.m., that simply refers to circumstances where there is a normal adjournment at 8.00 p.m. However, where a Member moves that the business of the House continue, it is my view that the Motion for the Adjournment will then follow the normal course and when a Member asks for the adjournment, that is the time to deal with that which should have been dealt with earlier.

Mr. Valley: I am so guided, Mr. Speaker.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 12.38 a.m.