

**HOUSE OF REPRESENTATIVES***Friday, March 15, 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 Industrial Development Corporation for the year ended December 31, 1989. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*].
2. Report of the Auditor General on the accounts of the Industrial Development Corporation for the year ended December 31, 1990. (*Hon. R. L. Maharaj*).  
*Report Nos. 1 and 2 referred to the Public Accounts Committee.*
3. The Extradition (United States of America) Order, 1996. (*Hon. R. L. Maharaj*).
4. The Supreme Court (Amdt.) Rules, 1996. (*Hon. R. L. Maharaj*).

**BOND ISSUE TO PUBLIC SERVANTS**

**The Prime Minister (Hon. Basdeo Panday):** Mr. Speaker, I have been authorized by Cabinet to make the following statement:

It has been drawn to the attention of the Cabinet that the President of the Public Services Association has called upon public servants to effectively go on strike on Monday 18 and Tuesday 19 March, 1996, as a mark of protest over what has been termed, “the bond issue”. The facts are as follows:

In keeping its election promise to pay the debt of arrears of salaries due to public servants as a result of the default of the former regime in this regard, the new UNC/NAR Government which came into office on November 6, 1995 allocated in its 1996 Budget, delivered on January 10, 1996 the sum of \$90 million as a first tranche, and immediately thereafter instructed the Chief Personnel Officer to commence negotiations with the Public Services Association and other associations and unions representing public employees.

Several meetings were held and the issues centred around—among other things—the quantification of the debt, the distribution of the sum allocated among the several unions and associations, and whether such payments would be tax free.

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On February 14, 1996 the Prime Minister met with representatives of the National Trade Union Centre (NATUC). During these negotiations the representatives of the Public Services Association raised the question of “members of those unions and associations who had not yet been allowed to access bonds for arrears quantified,” being allowed to do so while the arrears of increments were being quantified. The Prime Minister, as leader of the Government’s team, said that he thought that the proposal appeared to be quite reasonable and that he would take it to his Cabinet for discussion and decision.

On February 23, 1996 Cabinet agreed to the establishment of a Ministerial Committee to monitor the conduct of wage and salary negotiations in the public sector. On the same day Cabinet agreed that the said Ministerial Committee examine the proposal of the PSA to ascertain all the implications and ramifications in light of all the developments that have taken place, since the offer of bonds as a means of settling the public service debt was first introduced. The first meeting of the Ministerial Committee is scheduled for March 20, 1996 by which time the Minister of Public Administration and Information, who is chairman of that Committee, would have returned to the country.

On March 6, 1996 the Prime Minister received a letter from the President of the PSA which read as follows:

“1996: March: 05

The Hon. Prime Minister  
Office of the Prime Minister  
Eric Williams Financial Complex  
Independence Square  
Port of Spain

Sir,

Re: Settlement of Debt to Public Employees

I refer to a meeting between the Executive of the National Trade Union Centre and yourself and the Minister of Public Administration on February 14, at which the captioned matter was discussed.

I refer to your indication to the union leaders that you understood our position that the members of those unions and associations who had not yet

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been allowed to access bonds for arrears already quantified should be allowed to do so while the arrears of increments are being quantified.

You will also recall that you indicated to us your willingness to go in that direction.

However, you indicated that you would need to discuss this with your Ministers and respond to us within three weeks.

Having waited patiently for the response, we now seek your response on this matter, as promised.

In the absence of the Minister of Public Administration through whom you indicated the response would have come, we now seek your Government's response.

Anticipating your very positive response.

Yours faithfully,

/s/ President.”

On March 8, 1996 the Permanent Secretary to the Prime Minister and head of the public service replied to the said letter as follows:

“March 8, 1996

Mr. Clyde Weatherhead  
President  
Public Services Association  
89 Abercromby Street  
Port of Spain

Dear Mr. Weatherhead,

Re: Settlement of Debt to Public Officers

I have been directed by the Honourable Prime Minister to acknowledge receipt of your letter dated March 5, 1996 with regard to your proposal for the issuance of Bonds to employees who have not been able to access this option in respect of arrears already quantified.

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I am to advise that the matter has already received the attention of the Cabinet and has been referred for detailed examination by the Ministerial Committee which has been established to monitor the conduct of wage and salary negotiations in the public sector.

That Committee is scheduled to meet in a little over a week from today following which the Chief Personnel Officer would be provided with further guidelines for the resolution of the matter.

Yours faithfully,

/s/ Permanent Secretary to the  
Prime Minister and Head of the  
Public Service”

In spite of this letter and all that has gone before, the President of the PSA has persisted with his call for a strike and the total shut down of the public service on March 18 and 19. It should be noted that the Cabinet has not rejected the Association’s proposal. In fact, the said proposal is receiving the most serious consideration of the Cabinet, and this is known to the PSA with whom the Chief Personnel Officer has continued to meet. It is unreasonable to expect that a matter so complicated, and one that has engaged the attention of the previous regime for over three years, would, or could, be resolved in less than three weeks. No one can doubt that the new Government has been working at a tremendous pace to rectify the many wrongs committed and perpetrated by the former regime.

The Government is of the view that public servants are reasonable people and now that the facts are known to them, they would come to the inevitable conclusion that the Government has acted as reasonably, and as expeditiously as it possibly could at this time. *[Interruption]*

**1.40 p.m.**

**Mr. Speaker:** Hon. Members, it is a cardinal principle of natural justice that one hears the other side; in Latin it is *audi alteram partem* and it is absolutely unnecessary for me to remind you of that, please. Let us hear the other side. Whether one feels that one is heard *ad nauseam* it is the polite thing to listen. One knows that there is scope for doing lots of things. *[Interruption]* One knows that offends against the Standing Orders.

**Hon. B. Panday:** Mr. Speaker, I am grateful. For the sake of continuity I re-read that part.

No one can doubt that the new Government has been working at a tremendous pace to rectify the many wrongs committed and perpetrated by the former regime. The Government is of the view that public servants are reasonable people and now that the facts are known to them they would come to the inevitable conclusion that the Government has acted as reasonably and expeditiously as it possibly could in this matter. The Government is also of the view that public servants know the law, the terms and conditions of their contract of service, and the Public Service Regulations, and they also know the possible consequences that can flow from breach or breaches of the law, terms and conditions of service and the Public Service Regulations.

Mr. Speaker, as an addendum, I wish to inform this honourable House that only this morning, in response to his request, I spoke to Mr. Errol McLeod, President General of the National Trade Union Centre, NATUC, and informed him of the latest disposition as revealed above. He requested that I meet with representatives of NATUC on Monday next and I have agreed to do so.  
[*Interruption*]

**Mr. Speaker:** Hon. Members, we do have what may be classed a full House but I ask Members to consider that it is a full House with many young people who are watching to see how far we in Parliament conduct ourselves in a manner in which they would like to follow. May I ask Members, please, to have some semblance of order. Thank you.

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

Bill to re-enact the Rent Restriction Act, Chap. 59: 50 and to validate things done thereunder, [*The Minister of Housing and Settlements*]; read the first time.

**JURY (AMDT.) BILL**

Bill to amend the Jury Act, Chap. 6: 53, [*The Attorney General*]; read the first time.

**ARRANGEMENT OF BUSINESS**

**The Attorney General (The Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that Motion Nos. 1—3 under “Government Business” be deferred to a later stage of the proceedings and that the House proceeds with the Bills under “Government Business, Bills Second Reading” at this time.

*Agreed to.*

**SUPREME COURT OF JUDICATURE (AMDT.) BILL**

*Order for second reading read.*

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

That a Bill to amend the Supreme Court of Judicature Act, Chap. 4: 01, be now read a second time.

Mr. Speaker, the Bill before us is a very simple Bill with provisions, but it is seeking parliamentary approval for Government's decision to increase the amount of judges who can sit on the Court of Appeal and on the Supreme Court's Bench and to create three divisions of the Court of Appeal.

This Bill, therefore, is partial fulfilment of the Government's promise to take steps to improve the administration of justice and to reduce the delays which occur in the courts, and in particular, the High Court and the Court of Appeal.

Mr. Speaker, clause 3, section 5 of the Judicature Act, is amended by deleting the word "sixteen" and substituting the word "twenty". Mr. Speaker, sixteen is the maximum number of high court judges who can preside in the High Court. What this Bill attempts to do is to increase the number of judges from 16 to 20 who can preside in the High Court.

The present position is that there is the Chief Justice who can preside as a justice of appeal and there are six justices of appeal, so that clause 4 seeks to get parliamentary approval to increase, from six to nine, the number of justices who can sit in the Court of Appeal.

**1.50 p.m.**

Mr. Speaker, under the existing law, the Court of Appeal can only sit in two divisions and the other part of clause 4 is to permit the Court of Appeal to sit in three divisions. Basically, the Bill, and you will see from the length of it that it is very simple but its effects can have important consequences in relation to the administration of justice.

In the 1996 budget, this administration provided for a new division of the Court of Appeal and for three new posts in the Court of Appeal with the necessary support staff, and that provision was made at a total cost of just over \$1.1 million. This administration also provided in the budget for four new high court judges with the appropriate support staff at a total cost of \$2.4 million. One sees that the new administration decided to provide for these matters and we considered them as matters of urgency.

It is interesting to note that the last administration indicated it had a serious commitment to implement the *Gurley Report* on the administration of justice but did not take steps to implement these recommendations although they remained in office for that period of time and although they expended so much money on other things which, obviously, are questionable at this time.

This Bill, therefore, can demonstrate a genuine commitment on the part of this administration to tackle the question of delays and to improve the management and the administration of justice. This administration recognizes that the problems which confront the administration of justice cannot be dealt with piecemeal but must be dealt with in a holistic manner, and it recognizes and has advocated when in opposition that apart from increasing the amount of judges and the divisions in the Court of Appeal—if those matters alone were seen about that could not have solved the problems confronting the administration of justice. This new administration would like to use this opportunity to say that it is committed to the same principle and it believes that in addition to these measures, there must be measures in respect to judicial reform; law reform; procedural reforms; enhancing legal education; improving the administration of the courts; strengthening the independence of the judiciary, and in effect, making the whole system more accountable.

I do not intend to speak long on this measure. It is a very simple one and depending on the response, we would be able to respond in a particular way in demonstrating again, the inefficiency and incompetence of the PNM administration.

Mr. Speaker, I would like to read from a publication, *Judicial Reform in Latin America and the Caribbean, Proceedings of a World Bank Conference—A World Bank Technical Paper No. 280* and I read from the foreword of that publication in order to demonstrate that what we have been saying in opposition is exactly what the experts have been saying and what has been correct. The position which the last administration took is that if they merely implemented the *Gurley Report*, that would have solved the ills in the administration of justice. What has happened with the PNM administration is that they could not have even implemented a simple report.

The second paragraph of this publication states:

“The judiciary is responsible for delivering equitable, expeditious, and transparent judicial services to citizens, economic agents, and the state. An effective judiciary—capable of enforcing the rule of law—should be strong

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and independent, consistent in the high quality of its operations, adequate in size, and efficient. It must foster an enabling legal and judicial environment that is conducive to trade, financing and investment. Judicial reform—improvement in the quality and efficiency of the administration of justice—typically involves: rationalizing laws and procedures, improving administration of the courts, enhancing the caliber of legal education and training and of the legal profession generally, strengthening the independence of judges and the impact of judicial rulings on society, providing alternative dispute resolution mechanisms, balancing the economic costs of justice,...

It also stresses the importance of:

“expanding access to justice to the poor. Administration of justice is essentially a service delivered by the state to the community in order to preserve social peace and facilitate economic development through the resolution of disputes.

In Latin America and the Caribbean indicators of inefficient and ineffective administration of justice include lengthy case delays, extensive backlogs of cases, limited access to justice, a lack of transparency and predictability in court decisions, and weak public confidence in the judicial system. Poor judicial sector performance is the product of many deficiencies including:

1. Archaic and cumbersome laws and procedures.
2. A lack of independence of the judiciary.
3. Inadequate administrative capacity of the courts.
4. Deficient case management.
5. A shortage of judges and other resources.
6. Noncompetitive personnel policies and practices.
7. Expenditure control systems that lack transparency.
8. Inadequate legal education and training.
9. Weak sanctions for unethical behavior.
10. A system of court fees that raises cost of access.
11. A lack of alternative dispute resolution mechanisms.”



Mr. Speaker, although we present this Bill to this honourable Parliament, we are conscious that this measure in itself cannot solve the problems confronting the administration of justice and the questions of delays which plague both our civil and criminal jurisdictions in the courts. We recognize that a Government must take other measures in order to deal with that matter. We have shown by our previous utterances and our policies that we recognize that and we are taking steps in order to implement those other matters.

I thank you very much for this opportunity to make this contribution and I beg to move.

*Question proposed.*

**Mrs. Camille Robinson-Regis** (*Arouca South*): Mr. Speaker, I listened to the hon. Attorney General's short contribution with some interest, because I really anticipated that he would have given us an entire thesis on his Government's plans for improving the administrative system with regard to the system of justice in Trinidad and Tobago. As a matter of fact, that belief was born from my examining what the Attorney General had said in 1993 when he moved a Motion on the administration of justice in Trinidad and Tobago.

**2.00 p.m.**

Mr. Speaker, let me quote one of the interesting statements which the Attorney General made at that time in his contribution dated October 29, 1993 in the House of Representatives. He said:

“Madam Speaker, no amount of judges, no amount of courts, no amount of staff will be able to solve the problem that we have unless we improve the machinery for the appointment and elevation of judicial officers.”

I am of the view that this was the Attorney General's opportunity to tell us what his administration would do in these circumstances, but he comes to this honourable House and indicates to us that this, as he puts it, is a simple bill; a bill which could have been done by the previous administration but they did nothing about it.

**Hon. Member:** Shame!

**Mrs. C. Robinson-Regis:** Mr. Speaker, I am sure you will remember that the previous administration set about implementing the *Gurley Report*. It also appointed a team to look at the *Gurley Report* and mechanisms for ensuring that the delays in the system of justice would be eliminated. The PNM administration

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was fully cognizant of the delays in the administration of justice and from the outset of the administration's term of office attempts were made to put systems in place to ensure that delays were something of the past.

Mr. Speaker, allow me to quote from the People's National Movement manifesto for the 1995 elections. This manifesto is separated into two parts; part 1 dealing with things which were done and part 2 dealing with things that were proposed. Of course, part 1 of this manifesto is twice the size of the United National Congress' manifesto of that time. As a matter of fact, I am not even sure that they did, in fact, have a manifesto.

I quote from page 22 of the PNM's manifesto under the heading "The Administration of Justice" where it says:

"1. Implementation of the Gurley Report:

- (a) Computerization of the Courts
- (b) Expansion of computer-based Court recordings
- (c) Introduction of Night Courts
- (d) The Preliminary Enquiries Amendment which provides the basis for speedier hearings
- (e) Increased Courts and judicial officers
- (f) Pilot programme for Community Mediation Centres for young persons."

Mr. Speaker, I am sure you would note particularly (c), "Introduction of night courts" and (f), "Pilot programme for Community Mediation Centres for young persons", which this administration is now touting as their idea, was done by the People's National Movement.

Mr. Speaker, just as an aside, if I may borrow an expression that was used on the last occasion, I can assure you that if the present administration had to start governing, or what they think is governing, from scratch, they would have had nothing to implement, because, clearly, what they are doing is implementing all of the ideas and suggestions for which the People's National Movement had put the foundation in place.

I quote again from the manifesto under the heading "Law and Justice" at page 36 where it is stated quite clearly:

“Further steps will be taken to speed up the administration of justice including expansion of the Night Court system, increasing the number of judges ...”

I repeat:

“...increasing the number of judges and the acceleration of the process of computerization of court records and proceedings. Speedier administration of justice will reduce the extent to which criminal elements can evade their due punishment.”

The Attorney General and Member for Couva South indicated that the 1996 budget provided funding for the increase in the number of judges, and that is so. But may I make the point that the 1995 estimates which formed the 1996 budget already made financial provision for that increase. Consequently, the Minister of Finance stated quite clearly, figures were in place at the Ministry of Finance and he then collated them into a budget. The figures for this were in place at the Ministry of Legal Affairs and they lifted those figures and put them into the 1996 budget and they come here trying to claim that they are the ones who have come up with this idea.

Mr. Speaker, I would like to find out, perhaps when the Attorney General is winding up, if any effort has been made to examine what are the real road blocks in the system which cause the delays in the administration of justice. He cannot come to this honourable House and bring, what he calls, a simple piece of legislation to increase the number of judges and not tell us what his administration sees as the road blocks and what they will do to get rid of the road blocks that exist.

Additionally, the question must be asked: What about the sequencing of events when new judges are put in place? There has been no indication from the hon. Attorney General as to exactly what will take place to ensure that by bringing more judges on the Bench that this will deal effectively, or in any way at all, with the reduction in the delays that now exist.

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

Mr. Speaker, the Government must not use this situation as an excuse for not dealing with crime. On the twelve o'clock news today all, or most, of the news items were dealing with crime. The Government has talked about its twelve-point crime plan, but the Government has not come to the Parliament, or the nation, with regard to what is its programme for dealing with crime and this Bill cannot be seen as it is now in its piecemeal way as one of the major planks for dealing

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with crime. What we are asking for is a comprehensive plan dealing with the administration of justice and with crime alleviation.

**Mr. Maharaj:** Where was the PNM plan?

**Mrs. C. Robinson-Regis:** As the UNC in their campaign stated, their main plank during their campaign was the issue of crime, yet they have not come to this Parliament or, indeed, to the nation, to tell us what are their plans and projections for dealing with crime.

**Mr. Manning:** They have no plan.

**Mrs. C. Robinson-Regis:** What we are getting from this administration, Mr. Speaker, are words such as, “there has been a breakthrough”; “we are making headway”; “an arrest is imminent”; “the FBI is investigating”. All we are getting from this administration is talk, talk, talk and more talk and no action. [*Desk thumping*]

Mr. Speaker, witnesses are still dying; assassinations are occurring with regard to drug-related issues; there are still armed robberies. The way they spoke on the platform, we would have thought that at least we would have given them a week—at least at the end of a week crime would have been a thing of the past. If not completely eliminated, at least, it would have fallen, the way they spoke on the platform.

**Mr. Panday:** Why so long?

**Mrs. C. Robinson-Regis:** Mr. Speaker, the entire view of this Government is really to mislead the public. Their intention is to mislead the public and, as a consequence of that, several of them cannot now look the public in the eye; and clearly, the Member for Caroni East is exhibiting that he is having a difficulty looking at the public [*Laughter*] or perhaps his difficulty, why he is wearing those thick shades, may be looking into the “Rising Sun”. He may be having difficulty doing that, Mr. Speaker. [*Laughter*]

Mr. Speaker, the question must be asked: on what really is this Government concentrating? They had said when they were on this side that the Government must come with comprehensive legislation, no piecemeal legislation, and this is definitely a situation where they are coming to this Parliament with piecemeal legislation, Mr. Speaker.

Mr. Speaker, let me show you clearly what I mean by “piecemeal”. The Bills on the Order Paper from 1 to 6—

1. A Bill entitled “An Act to amend the Supreme Court of Judicature Act, Chap. 4: 01” (by the Attorney General)
2. A (Second) Bill entitled, “An Act to amend the Supreme Court of Judicature Act, Chap. 4: 01” (by the Attorney General)
3. A Bill entitled, “An Act to amend the Indictable Offences (Preliminary Enquiry) Act, Chap. 12: 01” (by the Attorney General)
4. A Bill entitled “An Act to amend the Habeas Corpus Act, Chap. 8: 01” (by the Attorney General)
5. A Bill entitled, “An Act to amend the Evidence Act, Chap. 7: 02” (by the Attorney General); and
6. —

(The Attorney General has given somebody else a chance to talk in Parliament)  
*[Laughter]*

A Bill entitled “An Act to confer certain privileges and immunities on the Commonwealth Development Corporation” (by the Minister of Foreign Affairs).

And, Mr. Speaker, on the Supplemental Order Paper,

“The Jury (Amdt.) Bill, 1996”—

**Miss Nicholson:** Most important.

**Mrs. C. Robinson-Regis:**—(by the Attorney General). The Attorney General is, as we all know, the “main man” in the administration, and consequently he would dominate the parliamentary sittings.

**Mr. Manning:** Not sittings only.

**Mrs. C. Robinson-Regis:** But the problem still exists: what is the comprehensive plan of this Government to deal with the administration of justice? On what are they really concentrating? What have we seen in the last few days?

**Mr. Maharaj:** She should be the leader!

**Mrs. C. Robinson-Regis:** Setting up an authority to deal with complaints of the press. *[Interruption]*

**Mr. Speaker:** I have absolutely no doubt that you want to hear the person that you refer to as the leader. Please continue.

**Mrs. C. Robinson-Regis:** Yes, Mr. Speaker, I repeat: on what are they concentrating? Setting up an authority to deal with complaints on the press. They apparently are concentrating on curbing the ability of the press to monitor their activities, Mr. Speaker, and I am not saying this in a vacuum. I am saying this based on a document that I read recently. As a matter of fact it was the speech of the hon. Attorney General during the Motion on the Administration of Justice. If you would bear with me I would locate it.

**Miss Nicholson:** You should mark your things.

**Mrs. C. Robinson-Regis:** I marked it and now I cannot find it. Mr. Speaker, I will return to that particular quotation shortly.

**Mr. Sudama:** Well advised from San Fernando East in marking.  
*[Interruption]*

**Mrs. C. Robinson-Regis:** Mr. Speaker, what is clear is that it is of utmost importance to ensure—given the fact that this administration does not appear to want public scrutiny of what they are doing—that we on this side and in the country that is Trinidad and Tobago, must ensure that this administration, which claimed that they are interested in open government, which claimed that they are interested in transparency, is not allowed to profess one thing and do another.

## **2.20 p.m.**

The question that keeps bothering me is: what is this Government attempting to hide by its attack on the media? Does it have a difficulty with accountability? In many instances the media is one of the first organs of the democracy which helps the general public to deal with accountability of any government. The questions need to be asked. Is it that the Government does not want to tell the public that the Prime Minister's residence is under massive renovations? Is it trying to hide that? Is it that the Government has a difficulty in letting the country know its true relationship with the Jamaat Al Muslimeen? Is it that the Government does not want the country to know that there has been a change in the name of the Arrival Day holiday to Indian Arrival Day?

**Miss Nicholson:** What is wrong with that?

**Mrs. C. Robinson-Regis:** Nobody has said that something is wrong with that. I am asking whether the Government which professed transparency has a difficulty with letting the public know exactly what it is doing. Is it that it has a difficulty and consequently is attempting to deal in its own way with the media, so that certain aspects of the Government's behaviour would not come out for public scrutiny?

We on this side have no difficulty with the Bill but with an administration that comes to this House in this cavalier manner which does not suggest any decision to deal with issues in a comprehensive way. That administration must come to the House and state their comprehensive suggestions or plans to deal with delays in the administration of justice, and furthermore, its comprehensive plan to deal with crime in our society.

Thank you.

**The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar):** Mr. Speaker, I am sure you will allow me to compliment the hon. Member for Arouca South. It is very clear from where new leadership of the PNM is coming. I also thank the hon. Member for Arouca South for supporting this Bill which, as the hon. Attorney General indicated, is a very simple one. There are only four clauses with simple wording and very short, but yet would have far reaching effects in terms of the administration of justice in this country.

When the Member for Arouca South asked that we give a comprehensive plan with respect to how we would deal with improving the system of delays in this country, let me say that this is the cornerstone and it starts with an increase in the number of judges and divisions sitting in the Court of Appeal. If the Members on that side would take the time to cast their minds back, they would see the nightmarish conditions in terms of the delays and backlog in the system of justice which this administration met when it came into office on November 6.

When they asked for a comprehensive plan and said that in their manifesto they had set out all the things to deal with it, we on this side always have to ask, all these things which they said they had done, could have done, would have done and wanted to do, why did they not do them when they had the chance to do so, when they were in government? It begs the question. The problems were there and the Members said that they recognized them, but yet they failed to take this simple measure of bringing a four-clause amendment to the Supreme Court of Judicature Act which is the Bill before the House. Instead, the time was spent in

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taking us to Timbuctoo, Honolulu and all over the world, diversions and red herrings rather than dealing with the problem.

We have always maintained that the cornerstone of any democracy must be, and is, the rule of law. It must be that order, the rule of law and principle must prevail if our democracy is to survive. If we are serious about that, then every person who comes into contact with the justice system should have the confidence that whether he or she is the accused or witness in criminal matters, the plaintiff or defendant in civil proceedings, his or her matter would be heard and a decision reached within a reasonable time, so that their lives would not be blighted by years of wasted court attendances and the impoverishment which is brought upon them because of the delays which deny them compensation to which they may be entitled.

This Government was elected on its promise to deal with crime and criminals as the Member for Arouca South so ably stated. This Government was also elected on its promise to give assistance in tackling the delays in the criminal and civil courts and at every level to deal with the huge backlog of unresolved cases whether in the Magistrates' Courts, the High Court or Court of Appeal. The failure of the previous government—in their lengthy periods of office since the 1970s—to stem the huge increase in the backlog of criminal cases represents, in my respectful view, what is only a heartless denial of the reality of human suffering which they have caused to individuals who have waited for years to gain justice and receive financial redress in the courts of this land.

One example which I can refer to would be enough to trigger, in our memories, the endless and countless other cases of hardship and suffering which we have read about in the press over the past years, and particularly so, during the period when those on the other side were in government. In the *Trinidad Guardian* dated Sunday April 17, 1994, "waiting 19 years for justice". The paper described how three men were charged for crimes of shop breaking and using a firearm dated from 1975. The preliminary enquiry in the Magistrate's Court took from August 15, 1977 to October 19, 1979, a period of more than two years. The matter was listed for hearing at the Assizes on June 2, 1982, some 2½ years later. It was adjourned to July 20, 1987. A matter from 1977 was adjourned to July 20, 1987.

### **2.30 p.m.**

For reasons unknown it was not listed again until 1994. In response to the defendant's motion to have the proceedings dismissed, the State Prosecutor



indicated that the victim, the identifying witness and other witnesses had died or were incapacitated and, in the circumstances, the prosecution could not go on.

The *Guardian* report states that in their motion to have the prosecution dismissed, heard by Justice Lennox Deyalsingh, the three defendants contended that during the period of time the case had been hanging over their heads, their health had deteriorated, they suffered from stress, depression, worry and prolonged prosecution.

Case 2 might be a contender for the *Guinness Book of Records*. Again, this case was reported at page 23 of the *Guardian* dated August 5, 1994, in a story entitled "Man Freed After Matter called 38 times in court." A man charged with damaging six telephones in Port of Spain in September 1991 had the case dismissed because the police prosecutor had failed to serve the prosecution witness properly. This is after the case had been adjourned 38 times in the court.

Mr. Speaker, thousands of our citizens in Trinidad and Tobago are in this position and it is because of the failure of the PNM administration, whilst recognizing the backlog and the delays, to take the kind of action that this Government is now taking by having this Bill before the House. This Government intends to give everyone the chance to live their lives peacefully and productively, having done their time, if they have to do so. If it is a non-criminal dispute, it must be dealt with expeditiously. We can highlight the problem when we look at figures for cases in the High Court. I will look at the magistrates' figures in a moment.

Over the years it is evident that there has been a steady increase in the number of cases filed and listed, and a relatively small clear-up rate with no corresponding increase in the number of judges or courts to deal with that increase in cases.

In the High Court, Civil Division:

1988—1989, 10,622 cases were listed and 5,982, only 56 per cent, were determined.

1989—1990, 15,553 cases were listed and only 5,462, or a mere 35 per cent, were determined.

1994—1995, 18,468 cases were listed, and only 5,319, or 29 per cent of them, were determined.

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This means, cumulatively, that 71 per cent of cases listed for trial were not determined and were added to the backlog. So, with the new cases, and the cases from the previous years, the figures are staggering.

In the Criminal Division, the figures show a similar frightening upward spiral:

1990—1991, 585 criminal cases were listed and 334, or 57 per cent, were dealt with.

1991—1992, 46 per cent, or 249 of the 546 cases listed were determined.

1994—1995, 243, only 36 per cent of the listed cases were determined.

The implications in relation to the system sinking into ever-growing numbers of unheard cases could hardly bear thinking about and I say this when we look at what is happening in the Magistrates' Courts because it is the same pattern of figures spiraling upwards with no increases in the number of personnel, that is to say, the number of judges and magistrates to deal with the problem.

When we look at the steps taken by the former government to fight against what can only be described as a suffocation of the justice system, we can look at what Mr. Keith Sobion, the then Attorney General said to this House on May 15, 1992, when he used statistics dealing with the delays in the judicial system to illustrate his theme: Justice delayed is justice denied.

In support of that theme, he quoted figures for the period October 1990—July, 1991 for the Civil Division of the High Court. He stated that in the Civil Division, 3,093 were listed, and of these, 1,331, 43 per cent, were determined. This left 1,762 outstanding. However, during the same legal year a further 3,792 new cases were filed and this, together with the backlog rolled forward from the previous years, would be added to the 57 per cent of listed matters which were not dealt with in that year.

Now with matrimonial cases the situation was just as bad. He spoke about 3,974 cases and only 1,636, 45 per cent of the total, being determined. In addition, a further 1,003 cases were filed, adding a new burden to the already swamped list. The then Attorney General did not give comprehensive figures for the criminal matters in the High Court, but evidently he felt that the simple fact of a backlog of 13,084 cases committed for trial at Assizes, some of them from Magistrates' Courts hearings as far back as 1983, were sufficiently convincing for him to conclude, and I quote from what he said:

“For too long now we have talked. For too long now we have discussed. For too long now we have held symposia and conferences. For too long now we have had letters to the editor and editorials by the editor.

Madam Speaker, what I propose to do is to alert the national community, through this House to a state of affairs which demands the highest priority on the national agenda ... the fact is, we can no longer pay lip service to the problem. We must act, and we must act swiftly.”

That was what the then Attorney General said in 1992. Later in his speech, he said:

“I may have painted a dismal picture, but that is not even the whole canvas. The fact is that the situation is truly bad. My investigations have shown that there is no area of the delivery aspect of the system of justice which is free from the horror of delay.”

And he announced:

“Cabinet has agreed as an immediate and urgent action plan to activate a team charged with responsibility to provide solutions for immediate implementation to deal with the problem of delays. I do not expect immediate results, but I expect and hope for solutions which would, in the course of the next few years, redress a situation which, left any longer, would be totally out of hand and perhaps be then irreversible.”

Those were his words in 1992 and they are now history. The deliberations of the team that was then set up, that is the Gurley team, reported in July 1992, almost 3 ½ years before the General Elections of November, 1995, and among their recommendations were:

The creation of a further division of the Court of Appeal.

The creation of one more puisne high court judge.

The creation of more magistrates' posts to add to the existing 31.

Changes in legislation, particularly that to do with procedure which added to delays in the Civil and Criminal Courts.

Filling vacant posts in the Ministry of Legal Affairs, particularly in the DPP's office, the Solicitor General's Office, the Forensic Science Centre.

The creation of the post of Systems Administration.

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The introduction of computer aided recording and transcription.

The construction of several Magistrates' Courts in different parts of Trinidad and one in Tobago; a new high court in Arima and refurbishment of others.

The setting up of a family court and review of the Family Court Bill, which was in draft.

These were the recommendations in July, 1992 from the *Gurley Report*. That report was duly presented to Government. Subsequently, that Government refused to allow debate on it in this House. The former Attorney General said, and I quote again:

“What we are concerned with is implementing as quickly as possible, those measures which are non-controversial and which can be implemented as quickly as possible so that some immediate relief can be brought to the system ...”

**2.40 p.m.**

Those were his words in December 1992, having received the report in July 1992, and refusing to debate it in this House.

Mr. Speaker, it is interesting to note the words of the former Attorney General of that administration. In the context of the World Bank Report on the judicial sector, which was quoted today by the hon. Attorney General, the former Government, in 1995, while paying lip service to action, completely failed to recognize the importance of the problem, and more importantly, failed to give priority to the problem in terms of finance and initiatives which were required. By bringing this Bill before the House, this Government—within three months of coming into office—has taken steps to address that issue.

The hon. Member for Arouca South spoke about “talk and more talk”. It seems to me that they were talking from 1992—1995 and they are still talking. They never took the step to put the measures, as recommended by the *Gurley Report*, in place.

Almost a year later, in speaking against the same Motion brought by the Member for Couva South, which was referred to by the Member for Arouca South—and remember he spoke in 1992 and said, “we must give immediate relief”—Mr. Sobion, the former Attorney General had this to say about the slow rate of implementation of the *Gurley Report*.

On October 29, 1993 in this House the former Attorney General said:

“...it is one thing to establish a team to make recommendations, but it is a completely different thing to take steps, in a responsible way, to implement those recommendations. That is what the Government is doing.”

In spite of establishing a team within the Attorney General’s office to carry forward the programme for implementing the Gurley recommendations, remarkably, little progress was made. Defending the former government’s performance, the former Minister of Public Administration, the hon. Member for Port of Spain North/St. Ann’s West said in this House on July 18, 1994, just a few days after the Westmoorings murders:

“Within the Attorney General’s Office there is an implementation team, working to this implementation schedule for the recommendations which came out of the *Gurley Report*. It is not that the report was introduced, received and thrown around, the report is actively being implemented by a team specially put together focusing on the matter of the management of the justice system in our society.”

Mr. Speaker, this was said two years after the *Gurley Report* was delivered to the former Government. Talk, Mr. Speaker. Talk and more talk over the past few years by that administration.

The complete lack of progress in implementing that aspect—which this Bill before the House deals with—of the Gurley recommendations, even until November 6, in my respectful view, is surely an indication of the contempt with which ordinary people were treated by the last Government. They placed the justice system and the administration of justice at the lowest of priorities, even whilst recognizing that there was a problem. When they were advised by international agencies in July 1995 that their allocation of funds to the administration of justice, and in particular, the infrastructure of buildings and matters of personnel, was well below the average in the region, the former Government found itself too busy—playing hide and seek with the former Speaker, creating a personalized state of emergency—to get on with the real business of the executive, that is, good governance and the maintenance of order and prosperity.

To be more specific, Mr. Speaker, in May 1995, a team from the World Bank came to Trinidad and Tobago at the invitation of the then Government to advise on aspects of public sector reform, including the judicial sector. They sent their

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report to the then Government, together with a letter dated July 7, 1995 addressed to Sen. The Hon. Gordon Draper, Minister of Public Administration. In their letter, they said:

“...the attached Report...outlines a number of recommendations over a wide range of areas of the judicial sector to address the overarching problem of court delay.”

They concluded in their final paragraph by saying:

“In any event, we would welcome the opportunity to discuss the report with (your) representatives...to gain your reactions and agree on a possible strategy for reform and ways in which the Bank could assist in its financing and implementation.”

In the introduction of the World Bank Report of July 1995, entitled *Trinidad and Tobago Judicial Sector Report*—again, referred to by this hon. Attorney General—the writer refers to the commissioning of the *Gurley Report* and points out that:

“...over the subsequent three years, only a small number of recommendations have been implemented despite strong support particularly from members of the judiciary and considering the fact that many of the recommendations required no additional funding.”

Mr. Speaker, those were the words from the World Bank Report in July 1995. It continues:

“Given the rapid growth in the pace of litigation over the past 20 years, coupled with the fact that the number of authorized judgeships has stayed virtually unchanged, a shortage of judges has also contributed to the backlog in both the High Court and the Court of Appeal.

...at least one more division is needed at the Court of Appeal while some additional judges are needed for the High Court.”

The recommendations of the *Gurley Report*, were, in effect, supported by the World Bank Report in 1995. That report continues at paragraph 13:

“Total funding for the Judiciary still represents only 0.55% of the budget, or well below the 2-3% targeted norm (often as a per cent of GDP) for the Latin American Region.”

Having heard so much about that report and its importance for the administration of justice in this country, and having heard the Member for Arouca South say that they had taken steps to deal with the problem, the question is: What did that Government really do in response to the World Bank Report? It is my respectful view that they did absolutely nothing after that World Bank Report.

In fact, it appears that they did not even bother to respond to the letter sent by the World Bank. One month after the general elections, the World Bank wrote again, on December 7, 1995 to Sen. The Hon. Wade Mark, Minister for Public Administration and Information, and it was quite clear that they had no response from the previous Government to their letter of five months before. They said words to the effect, that having sent the report in July, they were still waiting to hear how we would like to proceed with the recommendations in the report and the offer made in the letter of July 7.

Mr. Speaker, it will become quite clear that this Government really means business in terms of getting rid of court delays and crime. When, in her contribution, the Member for Arouca South stated that the figures allocated for the increases in the Judiciary and the Magistracy were as a result of the estimates that the former administration had put in, I beg to differ. In December 1995—and every Cabinet Member here will attest to that fact—in my capacity as Attorney General, I took a special note to Cabinet to have approved an increase in the number of judges for the creation of a new division of the Court of Appeal, and for the increase of 12 members in the Magistracy. There were no draft figures, no estimates from the former administration with respect to an increased allocation for the Judiciary. *[Interruption]*

Mr. Speaker, if I may use this opportunity to let the Member for Diego Martin East know that whilst I am very grateful, in a way, for his kind concern about my jobs—every day he wants to tell me about my various jobs, the ones that I have lost and the ones in which I would stand to gain—let me ask him, through you, to concern himself about his job because I am very happy with what I am doing on this side of the House. *[Desk thumping]* If he needs a job, Mr. Speaker, perhaps he can speak with us on this side. *[Interruption]*

I have indicated to this House that despite what the former Government said over the period of years with respect to dealing with the problem of delays, their non-response for assistance from the World Bank, their allocation of funds to the Office of the Attorney General and the Ministry of Legal Affairs—*[Interruption]*

**2.50 p.m.**

**Mr. Speaker:** Hon. Members, one more time it is necessary to ask that those of us who want to hear are in a position to hear. The hon. Member knows that while I am speaking that is not a kind thing to do. Hon. Members, I simply ask that we lift the ball game, please.

**Hon. K. Persad-Bissessar:** Mr. Speaker, despite what the former government said with respect to implementing the *Gurley Report* recommendations dealing with delays in the system of justice, their attitude and non-response to offers of assistance; their low allocation of funds to the office of the Attorney General in the Ministry of Legal Affairs show that in terms of their actions they cared very little about the delivery of justice and the protection of citizens of this country.

Mr. Speaker, the condition in which we found the Magistrates' Courts when we came into office was an equally nightmarish situation in terms of physical infrastructure and the backlog of cases. If one looks at the figures for the period 1982 to 1985, the numbers of criminal cases filed in all the Magistrates' Courts in Trinidad and Tobago have increased from 70,450 in 1982 to 92,025 in 1995. That is an increase of approximately 40 per cent.

One also has to look at how the cases were disposed of each year; in 1982, 38,160 or 54 per cent of the cases filed were determined. This left 46 per cent of the year's cases outstanding to be brought forward into 1983 together with outstanding cases to the years prior to 1982. This is how the backlog accumulates if the court is only determining just over half of the cases filed in each year. If one looks at annual figures, the rate of cases determined is a percentage of cases filed each year, increased during the 1980s to as high as 89 per cent in 1986 when 66,704 cases were determined and 74,634 were filed. Thereafter, the rate of disposal of cases is a percentage of new ones filed at the time, so by 1991 only 64 per cent of the cases filed in the Magistrates' Courts—that is of a total of 75,185 cases filed—only 64 per cent were determined. In the years 1992, 1993 and 1994 when the previous government was in power, the figure showed rates of 54, 55 and 56 per cent determined, respectfully.

Mr. Speaker, I refer to an article in the *Sunday Express* of September 11, 1994 entitled, "Cops want to cut court red tape"—so one could understand the accumulating backlog of cases that could never be dealt with unless dramatic steps are taken. Data accumulated by the police showed that there was a backlog of 91,627 cases in Nipdec House Courts alone in 1993. During that year 71 persons were committed to stand trial at assizes after full committal proceedings,



and in addition, there were 1,942 convictions in cases tried at the summary and 18,737 cases were dismissed.

This meant that a total of 20,750 cases were dealt with. The backlog at that date therefore represents about 4½ years of work without any new cases being filed. These figures were produced by police officers who were then asking the then Attorney General to do something about the administration of the case load so that they did not repeatedly spend up to 10 hours a week at Magistrates' Courts throughout the land in cases which they know will be adjourned.

In the same article reference is made to the Westmoorings and the Chandra Naraynsingh murders, after which the then Prime Minister took over as Minister of National Security, and made the announcement in July that there would be a new Court of Appeal, a new Magistrates' Court and a new High Court in Arima. Mr. Speaker, up to this date those are yet to be forthcoming.

Mr. Speaker, that is what we found coming into office on November 06, a stupendous backlog of cases. This administration took steps immediately, as I said, to go to Cabinet to approve funds for increasing the number of High Court judges; creating a new division of the Court of Appeal and, therefore, increasing the number of Court of Appeal Judges and increasing the number in the magistracy by 12. That is not all that happened and I am sure the hon. Attorney General, in his reply, would give some indication of some of the measures that would be undertaken by this administration to deal with the administration of justice as a whole. Moneys were allocated in the budget to deal with refurbishment of courts, the building of other courts and several other projects to deal with delays and improving the administration of justice.

Mr. Speaker, with these words, I stand in full support of the Bill that is before this House and I commend it to the hon. Members.

I thank you.

**Mr. Gordon Draper** (*Port of Spain North/St. Ann's West*): Mr. Speaker, I stand here this afternoon in a sea of contradictions, because we face a Government that talks here about justice in an environment of intimidation and "badjohnism"—[*Desk thumping*]. They talk about justice in an environment where newspaper editors cannot escape their wrath and their attempts to have them fired by this Government; where managers and owners of newspapers cannot; where

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public servants are intimidated; where state enterprises' CEOs are intimidated. That is the environment in which we find ourselves, Mr. Speaker. [*Desk thumping*]

Mr. Speaker, we speak too, at a time when the Government talks about reform, but they do that also through an environment of contradiction. It is an environment of “ad hocism” [*Interruption*] The Member does not know that word?—Mr. Speaker, one would have thought that someone who was sitting in the Attorney General's seat would know that terminology.

Mr. Speaker, we talk about reform in an environment where there is no clear vision. Indeed, as one sees, the Attorney General himself was misleading this Parliament last week Friday as we have before us a Bill, as I understand it, to re-enact a rent restriction ordinance which we were so glibly told last week that there was no problem and no need for it. That is the nature of the environment in which we now come to talk about reform, in this case of the legal system, but also without a vision. [*Desk thumping*]

As I listened to the Member for Siparia, we also find the contradiction of those in Government who do not understand the process of government and the process of relating to government and international agencies. These are the contradictions that we find this afternoon, and I shall have to deal with them as I go through my own contribution.

Both the mover of the Bill and the Member for Siparia talked to us about the Bill that they claim is simple. Mr. Speaker, one cannot talk about a bill being simple when it is located in a complexed organizational milieu. One has to understand the ramifications of that Bill and the interdependence of varying aspects of the organization within which that Bill is being located. There was nothing in those two contributions this afternoon that suggest that there is even an understanding of that complexed organizational system.

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

Indeed, the Member for Siparia talked to us about the *Gurley Report*—I have a copy here. When one looks at that Report, it in fact recognizes the interdependence of a whole range of systems within the judicial system and the organization of the courts and so forth in our land. As we looked at this we talked—[*Interruption*] we will come to that if you have some patience. One thing about reform and change, Mr. Speaker, is that one must have patience—[*Laughter*]and one must learn to listen.

If one looks at this report, it walks us through recommendations dealing with the Supreme Court, but in there itself, it talks about varying elements of organization within that court. It talks about judicial staffing, organization of information systems, it talks about organization of staff who will support the judicial staff and we have heard nothing about some of these critical support systems for the increased judges in the legislation that we are debating here this afternoon. It talks about computerization, but then it goes on also to talk about legislative recommendations. It talks too about a range of recommendations relating to procedures, and similarly, it goes through the interdependence of the organization with regard to the magistracy, looking at infrastructure; legislative; staffing; administrative and so forth.

In other words, it was a recognition that we cannot tamper with one element of the system unless we understand and at the same time put in place mechanisms to change other parts of that system. The Member for Siparia would say to us that they are starting with the increase in the number of judges, and that that formed the cornerstone. One locates a cornerstone within a foundation and locates that within a clear understanding of the building that one is putting up. It does not fall from the sky and be located somewhere out in nothingness. Therefore, one would expect that if we are to talk about cornerstones, we must also talk about the building and the vision we have for that building. It is not merely a question of a cornerstone and, therefore, one would have hoped that either the mover of the Motion, or the Member for Siparia would have given us some sense of the vision which the Government has, ultimately, for the organization of the Supreme Court, the organization within the context of overall reforms.

I return to some of the elements in the *Gurley Report* to point to these inter-connections and to ask and, in a sense, to hope that as this debate proceeds that we will get some idea of where this Government intends to proceed with regard to the rest of the building.

The *Gurley Report* spoke to us about the importance of moving in the Supreme Court, as in the magistracy, to developing a closed department for the Supreme Court. It is one thing to increase the number of judges, but they will require a system, a structure, a set of support around them to enable them to function effectively and efficiently. That would include the Computer Aided Transcription system, but it will also include the administrative, the people-support to ensure that the paper is done right and all other varying transactions are carried out appropriately.

One of the things which bedeviled some elements of the reform in the Supreme Court itself, emanated from the fact, that the nature of the public service is one where people who may be trained in very specialized areas may find themselves transferred, because of the system of seniority, to other places where the very skills which they have may not be effectively utilized. In computerizing the Supreme Court, one found situations where Clerks 1 were given very specialized skills in running the court's computer system, but because they were Clerks 1 they were therefore eligible to be promoted to Clerks II in the Ministry of Agriculture or the Ministry of Housing and Settlements. The effect of that, was that the court system would have lost a well-trained, highly skilled member of staff who will go off to another ministry and find that the skills which they have taken to that ministry are no longer needed because they are put in a different kind of situation.

It is for that reason that a significant amount of the work that this PNM administration was doing in Government was work-g geared to changing elements of the operation of the Service Commissions Department, of changing elements of how the personnel function itself in the public service was carried on. It is coming out of that kind of thinking that one would find the *Gurley Report* mirroring it, and talking about closing the department. What would a closed department do?

The closed department would clearly recognize that there are specialized functions which could be identified in a place like the Supreme Court or the Magistracy, would recognize that there are specialized areas of training that could be provided for persons either within the existing system, or who could be brought into the system once we identify the skill requirements. More than that, it recognized that because of the specialized nature of that work, one would ideally need to establish a career path within the department so that persons would not need to be transferred out of that department to get promotion, and that is one of the support systems and structures that we were working towards.

Again, we do not just identify that and parachute it into a ministry or department. If we are to talk about developing, in this case, a closed system for the Magistracy and Supreme Court, we are talking about changing some of the fundamental elements of relationship and hiring between government ministries and the Public Service Commission and indeed also the office of the Chief Personnel Officer and the Personnel Department. That kind of approach too, Mr.

Speaker, requires thorough job analysis, thorough determination of classification for those persons, a clarity of a new organization structure.

One element of that new system and structure was a move—as was in fact started and introduced into line ministries—to human resource departments which was included in the office of the Minister of Legal Affairs. I trust that she understands how to use that department which the PNM administration put into her office, because it would be a critical element in providing support for what, in her contribution, she claims to be interested in, to advance the process of justice and the administration of the system in the courts. We need to understand how those things work, and how they connect one to the other. It is for that reason that the *Gurley Report* pointed in that direction; it is for that reason that the PNM administration was working towards, not only in that ministry but in others, doing those things, moving to a closed department which therefore would have ensured the human resource support within the court system for the new judges who we have put in.

Mr. Speaker, one of the things that this PNM administration took over from the administration before us, was the Computer Aided Transcription (CAT) project which was bedeviled with all kinds of problems. Among those problems was the speed with which we would be able to train CAT Reporters.

### **3.10 p.m.**

I think we ought to recognize that that was one critical element in the whole process of the administration of justice. The PNM government moved to provide a mechanism, through the Central Tenders Board, which would have allowed a contract to have been awarded for the fast-track training of persons in that technology. It was cleaning up a system which we met which was not providing reporters fast enough for the system which we have. We saw as a move to provide a better and faster preparation of skills, the contracting out of that and we moved to so do as one element of living up to the recommendations of the *Gurley Report* and our whole vision of improving technology in the Supreme Court.

It is in that same vein that as we continued our overall process of reform that we began discussions with the World Bank and identified a number of possible areas where the Bank could have provided assistance to the Government of Trinidad and Tobago in speeding up reform across the public service.

One needs to understand the workings of the World Bank and the stages through which the Bank goes before a project gets to the board for final approval

and funding. Those stages involve a series of visits of missions of the Bank to, in this case, our country Trinidad and Tobago. We had indeed received and discussed with more than one mission which focused on the judicial system and reform in that system. But, what happens when those missions come? The missions come and invariably they spend a very limited period of time in the country, three or four days, and therefore it is a relatively fast-paced operation.

At times, before the missions leave, they leave with the Government a first draft of an *aide-mémoire*, the intent being that that would form the basis for face-to-face discussion between government officials and the officials from the World Bank. Where time permits, those discussions take place before the team leaves. It provides an opportunity for the Government and its officials to make an input into the *aide-mémoire* and the proposals which the mission would ultimately make to the World Bank. But it is always recognized that that draft is a draft, that it is subject to ongoing dialogue before any conclusion is arrived at.

The series of steps also recognizes that between one mission and another, which very often would take place over a period of months—and, as I said, there will be many of those while the project is fine-tuned on its way to the bank's board—dialogue will keep taking place so that by the time the next mission comes there will be a better clarity on both sides about what is required.

It is in that context that one needs to see the July document from the World Bank. It was done without the normal face-to-face discussions which take place at times between missions and governments and it was done as a guiding document which would have been the subject of dialogue before another mission came here. We need to understand that the reason for the World Bank mission being here in the first place was because the PNM government had put judicial reform at the top of its priority list and identified that as one of the priority areas for World Bank funding for reform in Trinidad and Tobago.

We need to understand that the July submission was but one element in a chain of submissions which would have been made by World Bank missions to this Government and which would have been the subject of discussion and debate. What took place was not long treaties in response to it but telephone conversations clarifying nuances, arguing and discussing issues. That is the nature of the relationship between missions which come from the World Bank and governments before the final documentation is arrived at and goes to the board.

Very often in these preparatory documents mission members may put in elements of conditionality which will create difficulty for the Government and, therefore, what we do is provide a forum in which there can be debate and discussion and a consensus arrived at. One does not necessarily arrive at that consensus through a long series of memos and letter writing but through face-to-face dialogue and discussion, particularly recognizing that missions were still to come and therefore we were in the process of finalizing a document which would not in any event have reached the World Bank board until some time in 1996. That was the timetable that was there, and we need to understand that process.

Therefore, one cannot sit in the seat of government and pretend to run the affairs of this country if one does not understand the operations of international financing agencies; one would muzzle this country and put us into all kinds of difficulties.

The Member for Siparia suggested that because there was a July document and nothing seemed to happen, the Government did not know where it was going and what was happening. The July document was there precisely because we had put that reform high on our priority list and had set a relationship in train with the World Bank to ensure that funding would have been available for the reform efforts. One must understand that.

Mr. Speaker, we need to understand that while the Government may come with what appears to be a simple bill, there are relationships and inter-connections which we must also put on the table.

Indeed, when one listens to the contribution of the Member for Siparia that there were some discussions relating to police operation and crime and so forth, one needs to understand that in the police service itself—in the words of the Attorney General; I do not know if he understands what it means—one thereto needs a holistic approach to reform; reform which would include legal, administrative, management and resources; a mix of things which had been taken on by the PNM administration as we sought to link reform in the police service to our concerns with crime in our country and the management of the justice system.

### **3.20 p.m.**

Mr. Speaker, I have not heard from any of the submissions coming from the other side about any visions of reform in the police service. Is it that they believe that there is no need for reforms within the police service? Is it that they believe

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that providing resources without understanding how we manage those resources will lead to the achievement of some objectives?

**Mr. Imbert:** Yes, they believe that.

**Mr. G. Draper:** But, Mr. Speaker, as I listen to people on the streets, as I read the newspapers, it is clear to me that this country continues to live in a state of siege.

**Mr. Imbert:** Paralysis.

**Mr. G. Draper:** The newspaper headlines scream at us almost every day about murders. Mr. Speaker, the country continues to be engulfed by this sea of crime that they promised us would be no more, once they took office. They failed to understand, Mr. Speaker, the interconnectedness of things and reforms which need to be done to achieve an objective. At times when one listens to some of their words, one may be lulled into a belief that they really understand and that they are really objective, but Mr. Speaker, it is as though, when one really looks at their behaviour, they are prepared to genuflect at the altar of objectivity and go off and really cavort with the gods of subjectivity. *[Desk thumping]*

**Mr. Panday:** That means absolutely nothing.

**Hon. Member:** No wonder public service reform did not get anywhere.

**Mr. Manning:** None of you all will understand.

**Mr. G. Draper:** Mr. Speaker, that is no way to manage or run a country and they cannot come to us, therefore, with Bills which really have far-reaching consequences without clearly demonstrating to the national community that they understand the interlocking nature and interaction between this and other parts of the reform; and we need to understand that. So that—*[Interruption]*

**Mr. Imbert:** Pam you lie.

**Mr. G. Draper:** Mr. Speaker, I am hearing some words coming from the Member for Tobago West, words which I have heard before.

**Miss Nicholson:** You heard me?

**Mr. G. Draper:** Yes, I heard it

**Miss Nicholson:** It is the truth.



**Mr. G. Draper:** Mr. Speaker, in the Book of Matthew, there is a parable which talks about a farmer sowing seeds; it talks about seeds falling on stony ground—

**Miss Nicholson:** You!

**Mr. G. Draper:** It talks about seeds falling in a body of thorns—

**Miss Nicholson:** You!

**Mr. G. Draper:** And it talks about seeds falling on fertile ground.

**Mr. Manning:** Which one is she? *[Laughter]*

**Miss Nicholson:** Fertile. *[Laughter]*

**Mr. G. Draper:** You see, Mr. Speaker, consultants are in the position of that farmer. Very often as a consultant you throw your seeds on stony ground; and I, as a consultant, have had that experience. Within the PNM I have found fertile ground—*[Desk thumping]* I will merely end, Mr. Speaker, by saying that I trust that my Friend from Tobago West understands the bed of thorns in which she now finds herself and will extricate herself. *[Laughter]*

**Miss Nicholson:** I will make it fertile. Wicked fellow. Dishonest.

**Mr. G. Draper:** But, you see, just to return to the matter before us, Mr. Speaker, and I am going to close shortly, we are clear on this side that there needs to be reform in our judicial system. We are clear that there is a range of reforms that needs to be engaged in; and that those reforms will take time. We are clear and we have clear conscience that our PNM administration proceeded to introduce those reforms in a manner calculated ultimately to bring about harmony, peace and a well-working judicial system in this case. We are clear about that. *[Interruption]* We do not have that same vision and that clarity of thought and purpose coming from the other side. We trust that it will come shortly.

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

**Mr. Panday:** You speak so much better from that side!

**Mr. Speaker:** Hon. Members, I would simply like to advise members of the public in the public gallery that whatever they see the hon. Members doing by applauding, they are not permitted to do it. It is not right. They cannot do it, *(indicating public gallery)* but they can. *(Indicating hon. Members)*. But please, you must restrain yourself while you are strangers in this House.

**The Minister of Trade & Industry and Minister of Consumer Affairs (Hon. M. Assam):** Mr. Speaker, as I listened to the peroration of the hon. Member for Port of Spain—

**Hon. Member:** Verbal diarrhoea.

**Hon. M. Assam:** —in quoting from Matthew, one of the synoptic gospels, I thought perhaps he should be reminded of another part of that gospel which says that not everybody who says “Lord, Lord” will enter into the kingdom.

**Mr. Manning:** What part of the gospel does that come from? And it goes on to say: “... but he who does the will of my Father ...”

**Hon. M. Assam:** Mr. Speaker, what I find to be quite disturbing about certain Members on the other side, particularly the Member for Port of Spain North/St. Ann’s West, who tends to give the impression that he is omniscient; that he is learned in so many different disciplines; and whenever he rises to speak in this honourable Chamber, he tends to lecture to people on this side; he attempts to talk down to people on this side [*Interruption*] telling the hon. Member for Siparia, the Minister of Legal Affairs that she does not understand how the Ministry of Legal Affairs works. Nobody understands public administration; nobody understands public sector reform; nobody knows the important work that he has done and the previous administration in the reform of the police service; nobody knows how much money they spent to reform the judicial system and the Computer Aided Transcription system—

**Hon Member:** —which does not work.

**Hon. M. Assam:** Nobody appreciates all these things. But when this Government attempts to introduce reform, although we are accused of being very loquacious by the hon. Member for Arouca South—

**Mr. Manning:** We are not impressed, you know.

**Hon. M. Assam:** —when we attempt to implement serious policies that will bring about important and meaningful changes and results in the judicial system with a view to ensuring that the system of administration is, in fact, properly lubricated and that law and order could be restored—

**Mr. Manning:** He cannot lubricate anything.

**Hon. M. Assam:** —we are accused of all kinds of things, including attempting to implement the policies of the past administration. But the Member

for Port of Spain North/St. Ann's West started off his contribution with a tirade, Mr. Speaker. I am really always surprised that Members opposite can stand behind their tables or sit in their chairs and accuse this Government of the things that they have been so grossly guilty of, during their period in office.

**Hon. Member:** Dymally wants back his money!

**Hon. M. Assam:** Mr. Speaker, he speaks about editors and managers of newspapers being intimidated by this Government; and this was par for the course for the Member for Diego Martin East. To repeat, he threw out a young lady from his office from a television station forbidding her to come into his office because he claimed that she was a spy. The former Prime Minister himself admitted that he used to bring newspaper reporters and editors into his office; and we do not even know the purpose for which he undertook this exercise, whether it was for private intimidation or otherwise. We do not know. But he has admitted bringing them into the hallowed sanctum of the Prime Minister's office.

**Mrs. Robinson-Regis:** He has a hallowed sanctum?

**3.30 p.m.**

He claims that CEOs of state enterprises have been fired. I remember that on December 17, 1991 the day after the PNM had won the general elections of December 16, 1991, high commissioners and ambassadors who were appointed by the former regime were fired by fax in the most ignominious fashion and were given 30 days to vacate their residences. If one believes that this was an act of spite, the same Prime Minister proceeded to fire by fax the Honorary Consul, someone who was not paid but who dipped into his pocket and established an office at his own expense in Hong Kong. When one lives in a glass house one must not throw stones.

He claimed that this administration is intimidating public servants. What an amazing accusation when the said former Prime Minister intimidated the Commissioner of Police for a period of three years. He used every machination in order to get rid of him, and attempted at the last moment to offer some kind of sweetener by making him a special advisor with an additional \$500 per month and a couple perks. During that administration's term of office there were continuous attacks on the independent service commissions with the Chairman of the Public Service Commission being singled out for the most vicious attacks. They speak about intimidating the public service!

He spoke about *ad hocism* with respect to the policies of this Government. I would like to find out from the Member for Port of Spain North/St. Ann's West whether he regards during the truncated administration of that last government of three years 11 months and a few days, that there was a Minister of National Security who was removed and made a Minister in the Ministry of National Security; the Prime Minister became the Minister of National Security; he removed himself and appointed the same Minister in the Ministry of National Security who was formerly the Minister of National Security back to the post of Minister of National Security. That was done in an attempt to give that ministry a certain image and aura, that if the Prime Minister headed it, *ipso facto* with the wave of a wand—like putting somebody in the baptismal font, that when holy water is thrown on them original sin would be erased—he thought that by becoming Minister of National Security as Prime Minister he would have eradicated crime from the face of Trinidad and Tobago.

More than that, during those three years 11 months and a few days, do you know how many ministers served in the Ministry of Public Utilities? There was Mr. Marshall followed by Mr. Barnes; the Prime Minister, followed by Mr. Maraj and Mr. Barnes. It was like a charade, musical chairs, in and out the dusty blue bell. They talk about *ad hocism*? During that time fundamental policies with respect to the restructuring of energy and giving this country an energy and gas policy were totally ignored. Fundamental policies with respect to the restructuring of the utilities so that we could have had reliable services were ignored.

The Public Utilities Commission, a most important commission for the regulation of the public utilities of this country was destroyed under that administration. They destroyed the Management Development Centre and the Export Development Corporation. The Member for Port of Spain North/St. Ann's West said that we do not understand the workings of international financial agencies. He knows. He is a banker, a financier, and a financial analyst. I do not know what he is because he has changed his stripes so often during his short life, but he claims to understand this. Notwithstanding that, the EDC was claimed by the World Bank as one of the premier institutions which had been established by an NAR Government.

They destroyed the Tourism Development Authority and the Industrial Development Corporation. They put in place a transition kind of committee which eventually led to the creation of TIDCO which they failed to operationalize and which was in limbo for the longest while. That is the kind of government that

was talking about policies, programmes and implementations and had an understanding of international financial agencies. It is such that today, because of the delays, lack of implementation and vacillation, this Government is having difficulty in getting the funds which it should have had a long time ago to proceed with the development process of this country to create jobs, increase and improve the quality of life of our citizenry. That is the administration that is responsible for it. The national community should know about it.

I am not a lawyer but an ordinary layman. I joined this debate because I have come to realize that increasingly, in Trinidad and Tobago, we are becoming a litigious society and that so many things that were hitherto ignored have now become justiciable before the courts of this land. As a consequence of this, it is important for us to address the system of justice and legal administration in the society. We are not only talking about civil and criminal law but also the total body of law whether it is administrative or otherwise in the country.

We have to start at the beginning and not put the cart before the horse. I support this Bill because it is important to have more judges, to increase the number of courts and to unclog the court system. This administration has a wider vision and a more holistic understanding of what is required in this society. We feel that crime has to be tackled from four dimensions. The first dimension is the preventative dimension almost analogous to the health system where emphasis would be placed on the preventative rather than the curative in order to avoid long-term and expensive costs of health care. The preventative system was ignored by that administration when they were in power.

We must remember as the Minister of Sport and Youth Affairs said in her contribution in the budget debate, that about 50 per cent of the young women between the ages of 16—25 years are out of jobs and about 35—40 per cent of the young men between the ages of 16—25 years are unemployed. Unemployment is one of the cancers in the society.

The other areas we have to look at in terms of preventative action is providing outlets for recreation, sport and culture, for employment and completely reforming the educational system in order to ensure that the academic system on which we have placed so much emphasis has a new orientation on skills and technology, so that we can then fit into the international, global and technological revolution which is taking place in the world, if Trinidad and Tobago is to become a major player.

**3.40 p.m.**

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That is the kind of orientation that this Government intends to pursue to deal, at the first level, with one of the dimensions of the crime problem—to attack it from the standpoint of the young people of this country: to motivate them, to orient them, to educate them, to guide and counsel them, to provide them with the basis for becoming good and healthy citizens, making contributions as people who are in charge of themselves and people with self-worth and self-esteem.

The second dimension of the whole approach would be how we deal with apprehending people who violate the law. We have to attack the entire question of police service reform. It is not only the question of 100 vehicles which are important, there is the question of increased personnel, upgrading of skills, more police stations and police posts, more forensic training, and greater awareness on the part of the citizenry by community watches and so forth. We have to look at a total approach in terms of dealing with crime and the apprehension of criminals. We must also have a system whereby, when crime is committed, the criminals must be swiftly apprehended and brought to justice. Unless a society feels that it has a police service that can apprehend criminals when the law is violated, they will lose confidence in the justice system. That is the other dimension that this Government will and has begun to attack.

The third dimension is what we are talking about today—increasing the number of courts and judges. The very thing that the Member for Arouca South has criticized is what this Government is attempting to ensure, and that is, that the law is in no way prostituted and that any perceived loopholes are not taken advantage of. This is why we have today, not only an amendment to the Supreme Court of Judicature Act, but an amendment to the Jury Act, the Evidence Act and the Habeas Corpus Act, and why we have just signed three treaties, for which the Opposition is claiming victory. But that is okay. The victory is not for either side. The victory is for the people of Trinidad and Tobago. They can claim it if they wish.

When we combine all these initiatives and efforts, Mr. Speaker, we see the seriousness of this Government in terms of fulfilling its election and manifesto promises with respect to a concerted effort to attack crime in this society.

It is all well and good for Members opposite to say that it is only talk or that we are implementing their policies, but the results are clear. The people of this country will ultimately benefit from the measures that we introduce in this Parliament. We are committed to a democratic society. We are committed to a free society. We are committed to a society where people can walk the streets

without fear, and we are committed to a society in which every human being will be treated equally under the law.

There is a fourth dimension, and that is the rehabilitative dimension. This Opposition was in Government for 33 years, 11 months and a few days. *[Interruption]* Does the Member want me to do what he cannot do? There was much talk about prison reform. I remember a former Anglican bishop of this country, the distinguished Rev. Clive Abdullah being part of that commission. A former minister in that government, Mr. Desmond Cartey, was part of it. There was so much talk, so many commissions, so many reports, and the reform of the prison system has not moved one inch.

Unfortunately, one of the more dynamic Commissioners of Prisons, Mr. Michael Hercules, met a tragic death. I believe that man would have done something because he had embarked on some serious initiatives while he was Commissioner. That side has done precious little in 33 years, 11 months and a few days with respect to the rehabilitative side of the penal code of the justice system. And they sit there unashamedly and criticize this Government which has assumed office less than four months. In fact, today is four months. We were sworn into office on November 15, and today is March 15. They have the temerity and the audacity to criticize this Government. Within this short space of four months, this Government has demonstrated a capacity for understanding the issues and the solutions that confront the people of this country.

I thought that the Member for Port of Spain North/St. Ann's West came very close to being very critical of the Chief Justice of this country. In an attempt to score points, one must be very careful in making statements. He also talked about the CAT system which they say they introduced. The Member says that he understands the international financial system—he understands banking and finance. I wonder if he understands cost benefit analysis. After having spent millions of dollars on the CAT system, let him tell this country what the PNM administration has received for it. Let this expert in reform and public administration, this great lecturer, tell this Parliament and by extension the national community, what benefits he has derived from the millions of dollars he has expended on the CAT system. Do you want me to give way? If you are decent enough I will do it.

**Mr. Hinds:** This is no defence for the hon. Member for Port of Spain North/St. Ann's East, he is quite capable of putting up a strong defence for

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himself, but I venture to suggest that all he did was to attempt to salvage an NAR project, and I think he did tremendously well in doing so.

**Hon. M. Assam:** Mr. Speaker, this administration has absolutely no quarrel with developing career paths within the magistracy and the supreme court system. This Government will not and has not interfered with the careers of any public servant, whether it is in the Magistracy, the Judiciary or any other department, unlike the previous administration, which sought to do it in the most naked and vulgar manner.

The Member for Arouca South in one of her opening statements said that on the 12.00 noon news, the news items were all about crime, and the Member for Port of Spain North/St. Ann's West reinforced the statement of the Member for Arouca South.

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

I drew it to the attention of the Member for Tunapuna last week Friday in a report in the *Newsday*. Mr. Speaker, he smiles because he knows it is the truth. He is a decent fellow too. I do not know how he agrees with the nefariousness of the Members on the other side. They said that there were more murders and crimes in the first two and a half months in 1995 than in 1996. Yet, Mr. Speaker, they are suggesting to the national community that the incidence of crime in this country has risen because we have a new government. Why must Members on the other side come here and distort the objective facts?

The Member spoke of cavorting to the gods of subjectivity. He does not even know how to express himself with a proper metaphor. Mixed metaphors are bad English! Mr. Speaker, I trained the Member in the Arawak Literary and Debating Club in Arima, but unfortunately, he was not a good student. *[Laughter]* Mr. Speaker, the Member must not engage in mixed metaphors, that is poor English. The Member for Diego Martin East laughs because he knows what I am saying to be correct. *[Laughter]* The Member has a capacity for propaganda and erroneous statements, but there is something charming about his mischief, nevertheless. *[Laughter]*

I want to assert in this House this afternoon that the measure introduced by the hon. Attorney General will, in fact, bring positive results. I want to assert that the increase in the number of courts, High Court judges and Appeal Court judges would redound to the benefit of the citizens of this country; it would improve the system of administration of justice and it would lead to a society where people would begin to respect the system of the administration of justice in this country.



They would no longer feel that, “justice delayed is justice denied,” because this is precisely what happens today. Someone may have to—whether it is in a civil or a criminal matter—wait eight to 12 years before his matter which is to be determined by a judge or magistrate comes up on the list, by which time people have died, witnesses have gone away, people have forgotten, policemen have resigned and all sorts of intervening and supervening circumstances now add to a total destruction of the system of justice. As a consequence of this people lose faith and cynicism creeps into the whole system.

This is a marvellous and commendable Bill, Mr. Speaker, and the UNC/NAR Government should be highly complimented by the Opposition and by the national community, for fulfilling a manifesto promise in its prosecution of crime and other related matters in this society.

I thank you very much.

**Mr. Barendra Sinanan** (*San Fernando West*): Mr. Speaker, after that recess I will now go back to the Bill before us which is entitled an Act to amend the Supreme Court of Judicature Act, Chap 4: 01.

The hon. Attorney General and Member for Couva South and the hon. Member for Siparia both referred to this Bill as a simple piece of legislation. When one looks at it, Mr. Speaker, it is, in fact, a simple piece of legislation in that it provides for the increase of judges in both the High Court and Appeal Court and also for an additional division in the Court of Appeal. To that extent, it is, in fact, a simple piece of legislation. However, reform of the system of justice is not that simple. Previous speakers have referred to the *Gurley Report* and I wish to commend the team who put forward this report. It is an excellent report and it can form the basis for reform in the judicial system.

I wish to quote from page 1 of that report under the rubric, ‘Terms of Reference’. This team was appointed, as you know, by the previous PNM regime. It states:

“The Team appointed by Cabinet has been given the following terms of reference:

To analyse recommendations for improvement to the existent system of justice in Civil and Criminal areas (including the holding of inquests) and to advise on systems to reduce existing delays for immediate implementation.

The team was required to submit its report and recommendations to Cabinet within four (4) weeks.”

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The team met on several occasions with persons concerned with the administration of justice and they produced their report. I quote from page 5 of that report:

“If there is to be any meaningful and significant improvement in the quality of the administration of justice, it will be necessary for several things to be done including *inter alia*...”

I will go through what their recommendations were and commend it, in whole, to the Government.

“(1) increase the judicial establishment, which includes Judges, Masters, Magistrates and Registrars;”

Today we have a Bill before us that seeks to increase the number of judges.

- “(2) commission additional court buildings;
- (3) substantially revise our management systems to include the use and benefit of modern information management systems and technology, and in particular to develop systems to improve case flow management;
- (4) introduce specialised training and human resource management;
- (5) seriously examine our approach to the practice of law, so as to eradicate the root causes of the slow pace of the practice of law and the administration of justice;
- (6) undertake a general review of the Rules of Court to deal with and facilitate the expeditious determination of civil matters;
- (7) enact such legislation as may be necessary to deal with the above.”

I am sure the hon. Attorney General would have read this report in detail. All the Government would have had to do—as they have accused us of not doing—is to implement most of the recommendations contained therein. We do not need foreign consultants to tell us how to run our judicial system.

I am happy to state that some of the recommendations in this *Gurley Report* have indeed, been implemented. I am sure the hon. Member for Siparia would know that within the last two or three years we have seen a very great improvement in the determination of cases in the High Court. Legislation came in where, if a case was not prosecuted within a year, it was struck off the list.

There has, in fact, been a great improvement—certainly in the civil aspect—in the High Court.

In my contribution on this Bill I want to touch, not so much on the system of justice as it pertains in the High Court in the civil or criminal division, but moreso, with respect to the system of justice as it pertains to the Magistrates' Court.

The hon. Member for Siparia referred to the amount of cases filed in the Magistrates' Court. It is here in the Magistrates' Court that ordinary, poor people seek justice. It is here the majority of our citizens seek the assistance of the courts to find justice. In the San Fernando Magistrates' Court, for example, there is a situation where one court deals with road traffic, petty civil and domestic violence.

**4.00 p.m.**

All these things need to be reformed. The Magistrates' Court deals with domestic violence, traffic, petty civil, inquests, narcotics, private matters, maintenance and custody. Mr. Speaker, to improve on the system of justice is not a simple matter, it is a very complex matter, and I commend to the Attorney General the recommendations of the *Gurley Report* because it does contain a fair amount of worthwhile recommendations to help improve the system of justice.

The hon. Attorney General, prior to his being appointed a Cabinet Minister, was a champion of human rights. There are situations in this country where the very rights of prisoners are at stake; there are situations where the transport system in the police service does not work; there are occasions when prisoners are alleged to have paid prison officers to be transported to court so that their cases can be heard. This is what I would have hoped the Attorney General would come today and indicate to us. What is the Government doing to facilitate a better system of justice in this country? It is all well and good to stand up and quote statistics and the ills that beset the judiciary, but what we need are recommendations and solutions to the problem. It makes no sense coming here every Friday and just espousing what went on before. They must be progressive; look at solutions.

Mr. Speaker, in the Magistrates' Courts throughout the country most of the buildings are in a dilapidated condition. *[Interruption]* It is not a question of who is responsible, that is history. We would like to hear and the country would like to hear what the Government intends to do about it.

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In terms of training, the Member for Port of Spain North/St. Ann's West referred to training. In the Magistrates' Court one needs training; one needs more competent police prosecutors; one needs more state counsels. Very often in the Magistrates' Court when a defence lawyer makes a point in law, the police prosecutor has to ask for an adjournment so that state counsel can reply. All that leads to a delay in justice.

Mr. Speaker, there is a situation in the Magistrates' Court where there are part-heard matters; where a magistrate may be transferred from San Fernando to Port of Spain, and the matter before him was part heard. He then has to fix a date to come back to San Fernando to hear that matter. Invariably, that time may be just one hour. Some of these part-heard matters in the Magistrates' Court have been there for approximately six to ten years. So what we want to hear from the Government—as I said, it is no good to state that the PNM Government did not do it—we want as a country to know what the UNC Government is doing about it.

In the campaign before the general elections the UNC was very vocal on the platform on its commitment to solving crime—and I deliberately say the UNC Government now because there is a body of opinion in this country that thinks that perhaps the NAR element of the Government is not really part of the Government. People are referring to the hon. Member for Tobago East as the Foreign Minister Extraordinaire, in the sense that, perhaps, he may be seeing things that he does not agree with, and he is not even counselling his colleagues in the UNC, hence he is being termed Foreign Minister Extraordinaire.

Mr. Speaker, in the High Court, adjournments are now being reduced, simply because, as I said before, in the last two or three years, the judges of the High Court have—from directions by both the previous and present Chief Justices—perhaps read the *Gurley Report* and are taking the report seriously and taking steps to improve the system of justice.

My appeal to the Government today is to do something with respect to the Magistrates' Courts where the majority of our citizens go to seek justice. As I said earlier, the UNC Government came into power and people voted for the UNC based perhaps on their campaign promise to address the crime situation. If one were to look at the *Trinidad Guardian* of Monday, March 11, 1996, it states:

"Yachtee 69, raped and murdered."

The *Trinidad Guardian* of Wednesday, March 01, 1996 says:

"Bandits leave trail of terror."

And in the *Daily Express* of Tuesday, March 12, 1996 it says:

"Taxi-driver shot dead."

Earlier this week we had an alleged Canadian drug dealer shot dead. Yes, I agree that the Government has only been in power for four months, but if one had listened—and the country did listen to their statements on the campaign trail about crime—one does not feel comfortable that the present Government is tackling the crime situation. Perhaps the present Government is more pre-occupied with other matters.

Mr. Speaker, in societies all over the world and indeed, in our own society, there are freedoms and institutions seemingly being tampered with. I hope for the sake of this country that one of the bastions of our democracy, the judiciary, will remain free, fair and independent.

In closing, I just want to indicate to the hon. Attorney General, on today's Order Paper there are several bills dealing with the administration of justice, they are matters that were there before his taking up office as Attorney General. I wish that he would address the crime situation in this country because it is, indeed, getting out of hand. In the instant Bill before us I have much pleasure in supporting it.

I thank you.

**4.10 p.m.**

**The Minister of Planning and Development (Hon. Trevor Sudama):** Mr. Speaker, the Member for San Fernando West is a well-meaning man, and as he spoke, I discerned a man who is in the wrong place. Being well-meaning, he ought not to be among the rank and file of the PNM. I know he has a concern about the judicial system in Trinidad and Tobago, he is a practising lawyer himself, but I want to tell him that that concern could better be realized if he were a Member on this side, because we have the resources in order to make him actualize his concerns and solve them. I know his predicament, I know his dilemma, and I am asking him in the interest of the country to do the right thing.

The Member was correct as well, when he contradicted the Member for Port of Spain North/St. Ann's West, who is so keen on having more and more consultancies and more and more consultants, being one himself. When he told him in no uncertain terms that this country needs no more consultancies, we have had the consultancies in the judicial system and it is now time for action.

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*[Interruption]* It is all right to have local consultants so that the Member for Port of Spain North/St. Ann's West could get work. That is all right, but one does not want foreign consultants.

I want to assure the Member for San Fernando West that we are dealing with the problem of improving the judicial system as far as the Magistrates' Courts are concerned. I know he has a special and particular concern with that, and it is a valid concern, but it is one which he should have expressed to the Members on his side, his party, who were there in Government for 34 long years. That concern should have been addressed by them when the resources were available.

I will tell you what this Government proposes to do. We are not saying that merely by building magistrates' courts the problems would be addressed. There are other issues that have to be addressed but the problems are to be taken and addressed with the priorities that are established. We are going to establish four new magistrates' courts and they will be in Tunapuna, Chaguaramas, Tobago and Diego Martin. Mr. Speaker, do you see how I am not discriminating against my Friend from Diego Martin West? A magistrates' court will be established in Diego Martin to deal with the problems in his own constituency. We have made provisions for the refurbishment of several magistrates' courts in 1996 and in the succeeding years. This is a Government of action, not one of inertia and old talk where one engages in study after study and nothing gets done as nothing had been done for the last four years.

Mr. Speaker, I have to come to the Member for Port of Spain North/St. Ann's West's contribution, and his understanding of the international lending agencies and so forth. I will deal with that in a little while. I just want to say in response to the Member for San Fernando West that not only are we looking at the problem as it relates to the magistracy and its operations, but we are also looking at the problem as it relates to the High Courts which will be reconstructed in phase II of the project which we have in mind, where there will be a three-floor building housing three high courts and one family court. We have put that in our budgetary provisions, it is hoped that this facility will be completed by the end of 1998 and therefore, we would have additional resources in order to deal with the problems in the judicial system.

[MR. DEPUTY SPEAKER *in the Chair*]

The Member for San Fernando East, just before the last general elections, was boasting and asking the supporters what they were worried about, his Government would be here for the next 20 years. In a few short weeks after that

boast, look where he is now, and he will be there for the next 20 years because that is his rightful place, provided that the Member for Diego Martin West does not have his way and remove him as political leader of that party in which quest, of course, he has the support of the Member for Diego Martin East. So that there is one vacancy in the PNM candidacy in the next general elections which will be Diego Martin East who is not going back.

Mr. Deputy Speaker, let me say a few words on the contribution of the Member for Port of Spain North/St. Ann's West who had the effrontery to come here and talk about our lack of commitment to justice in Trinidad and Tobago. I want to tell the Member that this Government will never hang a person whose matter is currently before the Court of Appeal, that is not our notion of justice in Trinidad and Tobago. It is such contempt for the judiciary of this land. That matter was being heard before the Court of Appeal and lo and behold, this PNM administration hanged someone. It is such a travesty of justice and they come here to talk about commitment to justice. This nefarious, wicked PNM regime under the leadership of the Member for San Fernando East, merely doing this for political purposes in order to satisfy an emotive response from the population to do something about crime in Trinidad and Tobago. His notion was to hang someone whose matter was being addressed before the Court of Appeal. I will refer him to the statement of the current Chief Justice who said that it was a day of shame for the judicial system in Trinidad and Tobago.

There is the other fallacy, we need to have a balance between buildings and what goes on in the judicial system. We are not saying on this side that by merely constructing buildings and appointing judges that we will deal with the problem facing the Judiciary, but I want to refer to the record of that regime.

When we were awash with oil money in those days, their notion of improving and enhancing the Judiciary was to construct a nice sophisticated building—the Hall of Justice. The Hall of Justice was supposed to cost \$97 million, it ended up under a PNM regime costing \$197 million when, in fact the moneys could have been used to construct a functional building to do the same job and save money in order to construct additional high courts and additional magistrates' courts to deal with the problem of lack of resources in the judicial system. That is the way they spent money. Criminal profligacy, as I said in the past, on the part of this regime. That is the way they spent money.

Mr. Deputy Speaker, while they had a cost overrun of \$100 million on one building—and of course, that was not by accident because many people benefited,

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[HON. T. SUDAMA]

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including consultants and others; the corruption was rife. In no other system would such a matter go without being accounted for, a \$100 million cost overrun.

**4.20 p.m.**

It has been found that the Hall of Justice is not conducive for the operation of judges and there is much difficulty in there. Today, there is a system where judges, I understand, still have to write notes in longhand; they cannot even get assistance with the note-writing, something as simple as that, in order that they would be able to deliver judgments in time. It is still not there despite the billions of dollars which have passed through under the authority of that regime. This is the kind of government that comes here to talk about justice and how to facilitate justice in Trinidad and Tobago.

**Mr. Valley:** Every time it has been the same speech for 20 years.

**Hon. T. Sudama:** I have to attack the PNM government. I have to attack its inefficiency, its corruption. Does the Member want to go home? *[Interruption]*. We would give him permission to go home.

*[Mr. Deputy Speaker rose.]*

**Hon. T. Sudama:** You said it with gestures, Mr. Deputy Speaker, which was very nice.

We have another problem with the way they operated the system of government. We had the Member for Port of Spain North/St. Ann's West talking about public sector reform which includes reform of the judicial system. He said that one cannot do things too fast, one has to study things. One has to have patience. After a first study is done, one has to do another study, then revisit the matter and then negotiate with the consultants, foreign or local. When all that is done, then one comes up with a plan of action. One can see inbuilt in the Member's mind, the inertia of the PNM.

The Member for Port of Spain North/St. Ann's West has been a Minister of Government with responsibility for public sector reform and no iota of reform has taken place in any area of the public sector of Trinidad and Tobago, but he comes here to talk about reform and how one must put things in place.

[MR. SPEAKER *in the Chair*]

Mr. Speaker, he further went on to state that he was a consultant to the PNM and his consultancy fell on fertile ground. You know, he was a consultant to the



Member for San Fernando East and they lost the elections in 1995 after the Member for San Fernando East listened to the advice of the Member for Port of Spain North/St. Ann's West.

**Mr. Manning:** What is the point?

**Hon. T. Sudama:** Mr. Speaker, there is a saying in the Bible which states: "By their fruits ye shall know them". By the fruits coming from the Member for Port of Spain North/St. Ann's West one would understand; totally infertile and incapable of fertility.

This Government is committed, as I said, to making provisions for enhancing the judicial system in Trinidad and Tobago and in order for us to demonstrate our commitment, in 1996, despite the financial constraint, we have increased the allocation for the Ministry of Legal Affairs to \$39.43 million; an increase of \$6.3 million or 19 per cent more than the allocation in 1995 by the previous government. We meet our commitment. We do not talk by guess; we do not talk *ad hoc*; we do not talk *vaille que vaille*. When we say we are going to do something, we act upon it, and that will be the style of this Government.

In addition to the construction of courts and the provision of more staff, more judges and magistrates, we are also committed to providing the support staff to make the judicial system more effective.

Then there was this scandal of the PNM regime which had been in power for 34 years getting up here and talking about only in the last month or two this country has been engulfed in a sea of crime. That has to be one of the most shameless statements made in this House, when what we are trying to grapple with is the legacy of a corrupt regime for so many years which has left us with a problem of escalating crime, whether it is drug-related or not.

Mr. Speaker, may I make the point that we are dealing with the crime situation not only at the level of the police service—catching criminals and so forth—but we are dealing with it on a more comprehensive basis. We are dealing with the preventative aspect of which the Member for St. Joseph spoke. With that in mind, we have decided to go throughout Trinidad and Tobago. The Prime Minister is on a tour of the country. As we tour, we carry the standard of truth and we tell people exactly what is the nature of the problem and how we would go about trying to deal with it.

We went into Sea Lots and Beetham Estate and we told the people there that their problems cannot be solved by URP; URP is a very temporary measure. The

way URP was operated by the PNM regime it became a breeding ground for criminal activities. Therefore, if one has to deal with the crime situation, one has to motivate people and tell them how to get out of the dependency syndrome, how to empower themselves in order to look after themselves. By doing so, the possibility of people turning to crime when their social conditions deteriorate and degenerate will be reduced.

This is what we are going to do throughout Trinidad and Tobago. We are going to address the problems at the roots. So that we would not only be dealing with the problem of crime, but we would be dealing with the problem of unemployment; infusing into people a sense of self-worth and self-dignity and by their own efforts they would improve themselves and will become decent law-abiding and productive citizens of Trinidad and Tobago.

This is our vision as to how we should proceed in Trinidad and Tobago. As we said, we are a government for all the people; eventually we would be a government by all the people.

The Member for San Fernando East, however long he may last as leader of the PNM, we do not know, but they would be there for a long time and he has made a statement—

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

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

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

**Hon. T. Sudama:** Mr. Speaker, when we adjourned for the tea break, I was dealing with the preventive measures that are necessary to reduce the level of crime in the society, thereby reducing the level of litigation which needs to go through the court system in Trinidad and Tobago. Mr. Speaker, regardless of how many judges or magistrates are put in place; or how many magistrates' courts and other buildings we may have, if the level of crime is not stemmed and if the level of court activity increases, then we are going to find ourselves with a problem where we will be running faster in order to stay in the same place; using up much of our financial and human resources to remain in the same position, and not bring litigation within manageable proportions

We, therefore, have to deal with the problem from the point of view of having mechanisms in place to prevent or minimize the occurrence of criminal activity and also to look into the question of alternative dispute resolution procedures. We

know how costly it is to go to court; we know how much time is consumed in going through court procedure—the adjournments which take place; matters pending for years which cannot come to any kind of decision or resolution. We are fully aware of that. So that while we deal with this problem of trying to improve the judicial system, trying to expedite matters which go through the courts, we have to be keenly aware of what we have to do on the social and cultural levels in order to have fewer matters reaching the courts and therefore to have a more harmonious and productive society. This is the vision we have with respect to dealing with the crime situation and the problems in the legal and judicial administration in this country.

Mr. Speaker, there was all this talk about not having a holistic approach to the problem. They were there for 34 years. I do not know what kind of approach they had. But we are now putting the pieces together and taking certain initiatives which we hope will, in the years ahead, redound to the benefit of the whole society and make it one which is less prone to violence, litigation activities, and so forth.

Mr. Speaker, I merely wanted to raise another issue which is a wider problem that has been raised by the Member for Port of Spain North/St. Ann's West. He spoke about the understanding of the operations of the international lending agencies. The first point I want to make is that, had this country husbanded its financial resources in the days of the oil boom when billions of dollars in revenue were collected by the PNM regime, if we had spent those moneys and invested them productively, there would have been no need to have recourse to the international lending agencies; no need at all, for a small country such as ours with a population of just over one million.

I cannot re-emphasize and repeat the gross irresponsibility and mismanagement of the PNM regime and today we have to approach the international lending agencies and subject ourselves to the conditionalities which they imposed upon us, and to the ideology which is imposed upon us without regard to our own situation here in Trinidad and Tobago and our own peculiar circumstances.

I trust that the Member for Port of Spain North/St. Ann's West understands that, because when they were in Government, on a daily basis they were flying the flags of liberalization, free market reforms; and totally unconscious of the consequences of that for certain sectors and groups in the population. Totally oblivious. That is why, today, as a result of their irresponsible approach to

bringing in the kind of reforms with which we want to restructure the whole society in a limited space of time, our poverty level under the PNM regime has reached a proportion which has never before in the history of Trinidad and Tobago been reached.

There is a situation in this country, Mr. Speaker, which has a relationship to the level of criminal activity in the land; the level of desperation and conflict that we see in Trinidad and Tobago; the heinous crimes that have been committed out of sheer desperation on the part of so many of our citizens where, Mr. Speaker, under a PNM regime, close to 30 per cent of the households in Trinidad and Tobago fall below the poverty line.

The solution offered by the international lending agencies is that we should have social mitigation programmes, which are merely a very short-term attempt to solve a more fundamental problem. We are looking at the fundamental nature of the problem. Social mitigation programmes will not solve our problem. For example, I can tell you what they did. We are now in the process of trying to conclude an agricultural sector loan to be funded by the Inter-American Development Bank. A year of negotiations have gone into that, and I will come to that in a little while. But this Government, in its anxiety to please the international lending agencies, decided that they will do better than the proposals coming from the General Agreement on Tariffs and Trade, where we were supposed to reduce our tariff levels by 24 per cent over ten years to protect certain sectors of the agricultural economy.

**5.10 p.m.**

This regime was so irresponsible and antagonistic to the agricultural community and the people engaged in farming that they gave an undertaking to the Inter-American Development Bank that they would have reduced the tariff levels by 31 per cent in five years. This is a great born again reformist. That could not be accommodated in a country where we want to retain, enhance and improve the agricultural economy as a productive sector in the community which would also attempt to deal with the soaring unemployment problem. That is the way they approached things. Their mentality and mindset was to bow before the international lending agencies and give them what they asked for in order to put themselves in their good graces.

We are in the process of attempting to renegotiate this aspect of the loan to give the agricultural economy of this country a longer time to address the competitive realities of liberalization to which this economy is subjected. The

Member for San Fernando East said that because they were busy being a proactive government they did not relate to the community out there. They were too busy being a gung-ho government of action.

For three years that government of action had been telling the country that the highway system would have been rehabilitated; the loan had been already approved and the system was in place so that they would restructure, refurbish and rehabilitate the highways. When we got into office we found that this loan is still to be negotiated. Draft proposals were drawn up, but we now have to pick it up from there to engage in an exercise of renegotiation in order to attempt to avail ourselves of that facility.

There was much talk about the health sector. They understand the international lending agencies so well. Four years have gone by and we have not been able to access a penny out of these major loan proposals before the international lending agencies. This is the record of that PNM Government. It is no wonder that the population which had grown accustomed to this continuous propaganda on the part of that regime threw them out of office in November, 1995.

I am saying these things to alert the country at large as to what we inherited and where we are with respect to these resources which we thought would have been available to us and should have come on stream some time ago to make a difference to the social and physical infrastructure. Here they are boasting about their capacity for action and understanding of the operations of the international lending agencies. It was their doing. The Member for San Fernando East was a government minister for 20-odd years.

**Mr. Manning:** Check from April 1, 1978.

**Hon. T. Sudama:** That is 18 years. Maybe, the then Prime Minister knew what he was doing when he appointed him as a minister on April 1, 1978. He was there when the oil revenues were flowing.

**Mr. Manning:** I thank the hon. Member for giving way. I merely want to remind him that between 1987 and 1992 I spent five years in opposition. He has to discount his figure by five.

**Hon. T. Sudama:** I will do that but he still did not learn anything in those years when he had the opportunity to learn. I recall the period between 1981—86 when I was a Member of this House on the other side and he was the Minister of Energy. They hardly allowed him to speak. They had him under heavy manners.

**Mr. Speaker:** Members, before we start embarking on the cross talk I think that we need to remember the issue which is before us. It is a Bill to amend the Supreme Court of Judicature Act, Chap. 4: 01.

**Hon. T. Sudama:** Mr. Speaker, I am still on the issue.

**Mr. Valley:** Are you challenging the Speaker?

**Hon. T. Sudama:** I am not challenging the Speaker. *[Interruption]* You are not the Speaker.

Had we not squandered the resources which we had in the 70s and 80s under the PNM and utilized them to develop the economy and the society, we would have had fewer cases of litigation and less pressure on the judicial system. When the resources were there we did not create the infrastructure for a more effective judicial operation. He was there for 13 years as a minister. Mr. Speaker, I would not detain you any longer.

**Mr. Manning:** When your period runs out you would see whose period was better.

**Hon. T. Sudama:** My period will take a long time to run out, so you will have a long time to wait to assess performance.

They have all said that they are supportive of this Bill. I do not know why they choose to speak at length when they could have made their contributions short and say that they are supportive of this measure which has the right objective and therefore they would spare parliamentary time for other matters which have to be addressed in this House. Why do they want to detain us in the Parliament by making all sorts of irrelevant and frivolous comments? It behooves us on this side to respond to the comments and statements made by those on the other side. The Member for San Fernando East wants debate. We will give him debate. If he wants to stay here until midnight and beyond, that we are prepared to do. When they talk foolishness then we have a duty to reply to it and clarify the issues for the public at large.

Thank you, Mr. Speaker.

**5.20 p.m.**

**Mr. Kenneth Valley** (*Diego Martin Central*): Mr. Speaker, it appears that the Member for Oropouche wants to curtail the speaking time of the Opposition. That is very strange, especially since he is known for giving 75 minutes of irrelevancies while he was on this side. I had a blank page on the Member up to

10 minutes before he closed, when he got on to the point which was relevant to the Bill. I shall deal with a few issues before dealing with the matter before us.

The Member was making the point that if PNM Governments over the years had spent the funds—and I think he is speaking about oil wealth—properly, there would have been no need for the country to go to international lending agencies. To me, such a comment coming from an economist and a person who holds the portfolio of Minister of Planning and Development and who aspires to the portfolio of Minister of Finance, is really amazing. Firstly, one accesses funds from these international institutions because they are sub-market funds—one can get that funding at a rate much lower than one would have to pay on the open market. One has only to look at Barbados. I was in Barbados just two days; they have their estimates and so forth, and they have the investment sector loan there. Look at the literature, one would see that for 1995, in Latin America as a whole, countries accessed some \$1 billion via the investment sector loan of the IDB, which is the loan he is talking about.

More than that, it was not the PNM which went to this international lending agency, it was his colleague, the Minister Extraordinaire, in the period 1987—1991, and he was part of the government that took us to the IMF. We joined the IMF in 1963 and up to the time we demitted office, in 1986, we had never gone to the IMF for any type of facilities. Within two years of that new government, the Minister of Finance at that time, the Member for Tobago East, Minister Extraordinaire, said in 1988 “Gold and silver we have none” because by that time they had pledged the gold; all the resources we had was gone, and they took us to the IMF, not to the international lending agencies. One has to be careful when one is speaking.

**Mr. Sudama:** Do you know what was the reduction in our international reserves in 1986 as a result of the ill-advised measure of the PNM Government to have a two-tiered rate of exchange? In one year alone US \$1 billion left this country and our reserves were depleted.

**Mr. K. Valley:** The Minister is wrong again, and he is the Minister of Planning and Development. He can get the information. I shall not dwell on this because it is not substantive to the Bill before us. For the sake of having the records correct, we need to put this in *Hansard*. The Member made the point very glibly—a vague statement—that poverty levels had reached proportions under the PNM Government never before experienced. He did not say what statistics he was quoting because the last time we saw any report on poverty in Trinidad and

Tobago, was in 1991, and in 1991, NAR was the government which was in power, not the PNM. *[Interruption]* And then he makes the very fallacious statement that the population threw the PNM out of office. I want to put it on record that as far as we are concerned, when the election result came out 17/17, we said that any time the UNC can draw with the PNM, they should take win. We would go in opposition. We were clear on the point.

**Miss Nicholson:** Did not the Member come and beg us the next morning?  
*[Laughter]*

**Mr. K. Valley:** Who begged the Member? Who begged the Member? Let us get it clear. Who begged the Member? *[Laughter]*

**Mr. Speaker:** I would like to say to hon. Members that if they do the correct thing and address me, the Speaker, it would save much of the problems that we are now having. I appeal to you to talk to me.

**Mr. K. Valley:** Thank you, Mr. Speaker. Let me just put on the record that I have had no conversation with the lady. I want to beg the lady for nothing whatsoever, Mr. Speaker. Let it be recorded. It was not this individual.

More than that, we were clear on the point that there was no way we would ever be in a political party with the Member for Tobago East. There is no way under the sun. We knew when the results came out that any time the UNC can draw with us, they must take win.

The Member for St. Joseph, my hon. Friend, my successor, I must say is carrying on the job as Minister of Trade & Industry and Consumer Affairs very well. I cannot say that he is doing the same thing here in Parliament. Like his colleague, he is unaware of the information. He got up this evening and talked about the PNM closing down the EDC and the MDC and the Tourism Development Authority.

**Mr. Manning:** Ask Mr. Kuei Tung.

**Mr. K. Valley:** That is who he should ask, Mr. Speaker.

**Mr. Assam:** The Member does not believe in collective responsibility?

**5.30 p.m.**

**Mr. K. Valley:** That is no problem. He is now in the bosom of your party and if you feel that way on such a fundamental policy issue, you should talk with him. All I am saying is that if the Member feels badly about it, he should talk to his



colleague, not raise it in the House. That matter of collective responsibility is not an issue, Mr. Speaker. After Mr. Kuei Tung left office, unceremoniously—you see the story did not come out. As you know, Mr. Speaker, the PNM does not wash its dirty linen in public, so we allowed the gentleman to go in peace. We said nothing and I had to face the wrath of the President of the Public Service Union. I met a certain situation, I accepted the collective responsibility, and I came here and defended those actions. I am making the point, however, that if the Member feels so strongly about it, there is a person very close to him whom he can ask: Why did he close down EDC? Why did he close down TDA? Why did he delay in closing them? He can enlighten the Member, because it was for very good reasons. We simply wanted to put an organization that was lean and mean, one that was geared to marketing tourism and manufacturing in this new environment as we approach the 21st Century. The Member does not understand that. I still hope he would do something new in the Ministry of Trade, we have left a good foundation, and hopefully, he will build on it.

The Member spoke about the lack of policy with respect to gas and water. I do not know from where he came. Perhaps, he was not here, Mr. Speaker! A Green Paper was laid in this Parliament, we then went on to the White Paper—

**Mr. Maharaj:** What happened to the White Paper?

**Mr. K. Valley:** It is there! Now I understand that the Minister of Energy is talking about developing a new White Paper—re-inventing the wheel, the same way the Member for St. Augustine wants to re-look at the squatters issue. We have left a track, and if this Government follows that track—as they are doing, in some cases—this country is going to be okay. The point was made by the Member for St. Joseph, that it does not matter what party does it, what is important, is that we do it for the country. That is why a Government was elected. We left a framework and we expect the Government to build on it.

My Friend, the Minister of Planning and Development expects that we should have done all his work for him; he is complaining about the fact that there are some things that he has to do. He forgot that he has to work! Mr. Speaker, if one listens to what is happening right now, my Friend from Couva South is claiming that we were divesting too quickly. They gave me a job to do and because I was efficient and did the job effectively, they said it was done too quickly. Now the Member is complaining that we did not do certain things. Mr. Speaker, he does not want to do any work.

I now turn to the Bill before this House. Mr. Speaker, you were not here when the Member for Couva South brought a Private Member's Motion on the Administration of Justice, the one referred to by my colleague from Arouca South. In that Motion the Member found all types of things wrong with the administration of justice. My parliamentary colleague, at that time, the Attorney General, in his reply stated that what we were, in fact, doing was following the *Gurley Report* and implementing it on a piecemeal basis. While some of the points made by the hon. Member were valid, they were not all so. I will quote what the Member said in his winding up:

“I must say that I was disappointed that the Attorney General in his response...The response was that they cannot agree to a parliamentary committee...”

He wanted a parliamentary committee to oversee the Judicial and Legal Services Commission and to monitor the administration of justice. If one agrees to such a thing, the concept is that one would be interfering with the administration of justice. He continues:

“We anticipated that the Government would have said...”

At that time the Government said: “Yes, we would be having more judges, we would be having more courts and that we would improve the technology.” That was the position.

Today, when I look at this Bill which is making a provision for more judges, and the next Bill—I do not want to anticipate, but just in passing—that is; making provision for more courts, in this piecemeal manner, I take what the Member for Couva South was saying at that time, that he does not want piecemeal legislation, that, in fact, there must be an omnibus arrangement because there were so many problems. I will quote from what he said at that time, because I want to submit this evening that the credibility of the hon. Attorney General is on the line. He said:

“We anticipated that the Government would have said: Yes, we would provide more judges: we would provide more technology. We said that there was a more fundamental problem.

...even I referred to judges, lawyers, newspapers, who have made comments about the problems. He stayed away from it making it look as though the only way the problem could be solved is by putting more people to

work and improving the technology, building nice buildings and putting a few more judges there”.

Mr. Speaker, I ask you to look at the legislation before us—I think my colleague said it is three paragraphs—where in those three paragraphs are we making provisions for other things? As I go through this contribution we would see some of the things that the Member for Couva South was asking for at that time. First of all he wanted a select committee to review and to report in two or three months:

“Madam Speaker, the Motion asks for this House to express its dissatisfaction and concern about the state of the administration of justice and for the appointment of a Special Select Committee of this House to examine the state and to make recommendations for its improvement. The Committee is to report within three months of its appointment.

Madam Speaker, no amount of judges, no amount of courts, no amount of staff, will be able to solve the problem that we have, unless we also improve the machinery for the appointment and elevation of judicial officers.”

Where is the provision in this legislation for this? He said he did not want any piecemeal legislation at the time. It is the same legislation that was in the works. He is trying to fool the people of Trinidad and Tobago! They have brought the legislation that was in the works when we demitted office and now they want to palm it off as though it is their legislation; the same way they signed the three agreements last week. As I said, Mr. Speaker, it does not matter. They should not take credit for what is not theirs. Papa God does not like that. If you do it, take the credit, if you do not do it, just say, well it is done, it is for the country.

**5.40 p.m.**

The quote continues:

"I would like to state very categorically, that the delays in the administration of justice would never be solved by the mere provision of additional courts,"

That is the Member for Couva South. Those are not my words, Mr. Speaker. I want to say it once more. It states:

“I would like to state, very categorically, that the delays in the administration of justice would never be solved by the mere provision of

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additional courts, more judges, modern technology. There is a much more fundamental problem affecting the administration of justice. I do not know whether this Government has the courage to deal with it. It bears directly on the question of delays; and unless it is redressed, the problem of delays will not be solved. The problem concerns the ability of the judiciary as a whole. Our system has permitted persons who did not achieve distinction at the Bar to have been entrusted with judicial functions. Some of these judges were appointed, despite the fact that they did not have the conventional qualifications."

Mr. Speaker, I want to ask: where in this three paragraphed Bill do we have a provision setting out the criteria for the qualification of judges? According to the Member for Couva South, if we are passing legislation that is going to see the hiring of more judges, then we ought to have criteria for the selection of those judges. And I am saying that this legislation is incomplete, in his words, unless we have that criteria. Otherwise how do we know? This is his point of view. *[Interruption]* I am saying that if that was his view while he was here, it has to be his view when he is over there. You see, Mr. Speaker, unlike the argument that he used as a lawyer—because he told us that as a lawyer he could be a defence lawyer today and tomorrow be a prosecution lawyer. I agree with that, no problem; but as a parliamentarian it is quite different.

One expects that our point of view; our integrity; if we want to maintain our credibility we would be guided by the same principles as we cross the sides. We need to be consistent; if we say something is wrong today then it must be wrong tomorrow. If, in fact, on October 10, 1994 the Member viewed the appointment of judges or making provisions for hiring more judges for the courts which he thought to be wrong without the other things, it is wrong today. All I am saying is, I want to know what he is doing.

He lamented that:

"Regretfully, the practice locally has not followed the convention in England, that appointments be made only from successful practitioners at the Bar. The practice in Trinidad and Tobago has largely been to recruit judges from the Attorney General's Department, because it is said that the terms and conditions of judges have not been adequate to attract successful practitioners from the Bar."

It goes on:

"I submit with respect for the Judicial and Legal Service Commission to lay down definite criteria for the appointment of judges. The criteria should as a rule be followed and departed from only in very exceptional cases."

Where is the provision? He continues:

"If it is that the independence of the judiciary can be affected by the lack of established criteria or conventional criteria, then one has to go back to the fact that if you have appointments which would not be made or if you have the perception that you have appointments there which should not be made, then you have the situation where people would feel that the judiciary is not performing its functions."

It goes on:

"Under Article 10 of the Basic Principles of the Independence of the United Nations Convention adopted by the General Assembly on November 29, 1995. It states:

"Persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. Any method of judicial selection shall safeguard against judicial appointments for improper motives. In the selection of judges, there shall be no discrimination against a person on the grounds of race,..."

What I am asking is, where in this three paragraphed legislation are we including provisions that are going to take care of some of the anomalies that the Member for Couva South pointed out on October 10, 1994? That is what I am asking. Where?

He continues:

"And recruitment should be based on ability.

Promotion of judges where such system exists, should be based on objective factors, in particular, ability, integrity and experience.

—the delays are interwoven with the question of the competence of the tribunal...then obviously any attempt to deal with the administration of justice must involve getting the question of the method of selection of judges."

He was saying that the delays in the administration of justice cannot be solved simply by more courts or judges; that we need to be careful in the selection of our judges; that we need to set out clear criteria. That was his position. He is now

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bringing legislation today to do that, to expand our number of judges without the corresponding requirement which he stated as that necessary condition "for an efficient system of justice in Trinidad and Tobago." Is he inefficient, or has he just changed? Is he making a somersault in the same way he has made a somersault with respect to freedom of the press? The Member tried to fool the population.

What is the Member saying about the hanging? He feels that he can fool the population. There is the clear law but he selected persons who have been on death row for longer than five years, trying to fool the population. Mr. Speaker, the Office of the Attorney General is a very exalted office—a very important office; one must be sober and have nothing to do with drug lords or what have you; one must have integrity; one must not be killing witnesses all over the country and so forth. There are certain key requirements; there must be a higher level of integrity with respect to that office. That office, above all, requires the individual to have credibility—the people must feel comfortable; the people must see the individual epitomizing integrity in his life. That is what it is.

Unless the Attorney General this evening can give us the assurances that he did not have a somersault, that he is not making an about face, but that there is some logic in what he is doing, then he would, in fact, be undermining our whole system of democracy in Trinidad and Tobago. I would humbly suggest that unless the Attorney General can give us that comfort, the Prime Minister should really be looking somewhere else to find persons to hold that office. This is no joke.

**5.50 p.m.**

**Mr. Speaker:** Gentlemen—and I say, gentlemen, simply because the female Members of the House are not yet involved in it—please, could we hear the contribution of the hon. Member?

**Mr. K. Valley:** Thank you very much, Mr. Speaker. I was making the point that we would want the holder of that office to be like Caesar's wife, to be above question and that is what it is. Let me continue on the contribution of the hon. Member.

He made the point that the Judicial and Legal Service Commission should be accountable to Parliament to avoid the perception of favouritism or discrimination; or that a person can be appointed as a judge who may not fulfil certain criteria; and other persons who may have that criteria are not appointed as a judge; and I agree. He was making the point at that time that there was that need

for some parliamentary committee, a view with which we disagreed. Here it is, the Member is bringing the Bill, his party is now in Government, they have a majority, there is no suggestion of this committee and he comes on the same piecemeal basis claiming credit for what is not his own. He does not even believe in the approach. If we are to accept his position of 1994, he does not even believe in the approach and he is trying to fool the population. Here is this working Attorney General who has every Bill on the Order Paper, except two, all our work. *[Interruption]* I want you to keep straight. That is what I am trying to do, to get you to keep straight. I continue to quote:

“I am saying that if one has to look at the question of delays, one has to look at the functioning of the Judicial and Legal Service Commission which is the body entrusted under the Constitution for the appointment and promotion of judges, therefore, if one has to look seriously at it, one has to look at its functioning.”

He is making a case that the delays in the administration of justice is a big issue, and we cannot disappoint judges. We have to look at the criteria for selection, and here he is bringing a Bill simply appointing judges and I am saying if he believes in something, he has to follow through. He is not a lawyer now, he is a parliamentarian and the Attorney General.

One can go through the rest of his contribution and will see the same common thread and I am saying that it brings the whole credibility of the hon. Attorney General into question. We go further because, as I said, the office of the Attorney General is exalted in our system of Government and the holder of that office must be like Caesar’s wife and given that, there are certain things, if I were the Attorney General, I would want to deal with rather quickly. I would want to deal with getting some action rather quickly in solving the murder of the former Attorney General, Selwyn Richardson. I would want to do that if I were the Attorney General and I knew that I was in a matter with this individual at a critical point when he died. I would want to ensure that the air is cleared on that matter even if I have to bring the FBI, or whoever I bring—to get that situation cleared. That is the point I am making.

**Mr. Assam:** What are you imputing?

**Mr. K. Valley:** I am not imputing anything, I am saying quite simply that the importance of that office requires the individual to act in a certain way. He should act in a certain way and I am saying that if I were in that position, given the circumstance, I would want to do that.

Mr. Speaker, we on this side support the legislation, because as I said, it was our legislation. It was our position way back in October of 1994 when the hon. Attorney General at that time, the Member for Ortoire/Mayaro, stated quite clearly we were following the *Gurley Report* and we could not have done everything at once, that we were against the concept of a parliamentary committee to oversee the Judicial and Legal Services Commission because in our system of administration, there are three separate branches of the state: the executive, the legislative and the judiciary and that it would be wrong for the judiciary to have to submit themselves for review by the legislature. That was our position. In fact, we were going ahead with respect to the appointment of judges and we said that we would be having night courts and other courts. We have been consistent so that we have no difficulty in supporting this legislation but I would want to ask my Friend from Couva South—

**Hon. Member:** He is your friend?

**Mr. K. Valley:** Yes. He is my friend and I like him quite a lot but what I am saying is that given the office that he holds, he needs to clear the air on certain things; he needs to do it so that the people would continue to have confidence in the office of the Attorney General which is critical to the proper functioning of our democracy.

Thank you, Mr. Speaker.

**Dr. Keith Rowley** (*Diego Martin West*): Mr. Speaker, it was not my intention to intervene in this debate since my colleagues on this side had very eloquently and exhaustively dealt with all the points which were pertinent to the Bill as written. However, as you will observe, we have had to deal with other matters which had been raised on the other side. It is in that context that I think I would clarify a few points raised by the Member for Oropouche. While I was out of the room I had the opportunity to hear him raise some concerns and cast some doubts on the agricultural sector loan which had been negotiated while I was serving in the capacity of Minister and while he was in the Opposition.

**6.00 p.m.**

Mr. Speaker, it would be remiss of me if I do not rectify some of the impressions created by the Minister of Planning and Development with respect to that loan, and also pose a few questions to the Government in the context of what the Minister has said.



The Member sought to give the impression that the loan was negotiated over three years or some similar period of time and that this length of time in such a negotiation was indicative of either incompetence or negligence on the part of the previous government. I find this to be a very curious statement because when they were on this side they sought to treat with the activities of the Government in dealing with international agencies from whom we sought additional financial resources. It was always their position, which was advanced to the population, that we were hastily entering into arrangements and we were doing as we were told by putting in place policies and programmes which were hurtful to the population. That was their argument. But today we are being told that a loan negotiated over a long period of time was in fact some indication of negligence or incompetence. How are we to view their positions when one day they are moving to the left, next day they are moving to the right and sometimes they are not moving at all.

I want to explain to the Member for Oropouche so that he would not subject us in the future to any more interpretations which are really not required or not based on fact and would not be advanced without an understanding of the situation. He did say that after this period of time the loan will be renegotiated by his Government.

If it is the same loan he is talking about—the agricultural sector loan—I would ask him to observe the text of the printed version of the contribution of my colleague, the Member for Port of Spain North/St. Ann's West, when he sought to explain how this country treats with international agencies, how it is done. It is not done by loud noises nor threats and browbeating, it is done by simple negotiations and a process.

If he looks in the Ministry of Planning and Development or he turns to his colleague behind him, the Member for Princes Town who holds the portfolio of Minister of Agriculture, Land and Marine Resources, he could obtain a copy of a policy letter which this country had negotiated and which was signed by the former Minister and it happens to carry my signature.

When one is negotiating a loan with such an agency and it reaches the point of signing the policy letter, one has virtually completed the process. It is a commitment to do what one has agreed to do after months or sometimes years of negotiations. If one reads the newspapers—from time to time it is highlighted in the news on the radio, television and on the newspapers—one would see that some countries negotiate for years before they finally come to an agreement

which both sides could live with and then they sign the policy letter and proceed to carry out the obligations and to access the loan in various tranches.

I find it very strange indeed that a Minister of Planning and Development would not be aware of the existence of the policy letter which was signed or that he gave the impression that a protracted period of negotiation was in fact anything more than careful negotiations to ensure that in the process of trying to treat with the conditionalities and to ensure that one gets the best arrangements in place for the country, that one takes time to do that as one goes back and forth in negotiating these things.

It bothers me that the Minister of Planning and Development has this perspective. It is either that he does not understand the process or he would try to do it differently and rush into situations and at the end of the day repent in leisure.

Mr. Speaker, I raised this because the Member spoke about his Government renegotiating the loan. There is serious cause for concern here because one Member of the Cabinet is talking about renegotiating the loan when another Member of the Cabinet, in presenting the national budget, has already factored into the budget serious inflows of revenue from this loan.

I raised this concern here at an earlier time when I sought to demonstrate to you, Mr. Speaker, that the fiscal arrangements as talked about by the Minister of Finance, the budget for 1996, contains a series of *lacunae*. In short, there are serious shortfalls in the budget if one examines from where the moneys are supposed to come.

Mr. Speaker, before I point out the shortfalls and since the Member for Oropouche has told us this evening that he intends to renegotiate the loan, I want to ask a number of questions. We pursue this course in a certain way. We know that nobody outside of Trinidad and Tobago has any responsibility for our future success or failure. We know that there is nobody outside of Trinidad and Tobago, international agency or otherwise, that owes us a free lunch, but we know that there are resources outside that we can access.

As the Member for Diego Martin Central pointed out, insofar as one can access resources from the World Bank or the Inter-American Development Bank (IDB), we would be able to access resources which are much cheaper than one can access anywhere else, even on the domestic market.

Insofar as we are in the market for additional resources, we sought to access them from the IDB in this situation with the agricultural sector loan. We proceeded by examining our own circumstance within our own policy framework, within the context of our own manifesto commitments and, as we sought to do what we saw as required for Trinidad and Tobago, as we commit ourselves to do those things, we were able then to market those developments that we have made on our own when we negotiated with the IDB.

If one has to get an IDB loan, it would require that one do certain things before one accesses the loan. If one does not do them, it is very simple, one does not get the loan. That is why I have difficulty with the Minister of Finance factoring in IDB money in the budget while the Minister of Planning and Development is talking about renegotiating the loan.

I would give a few examples, Mr. Speaker. The agricultural sector loan to which the Minister of Finance made reference and from which he lifted substantial sums of money has a number of conditionalities, and those conditionalities which we agreed to had formed part of our policy arrangements. Insofar as this Government has not enunciated any policy on anything, I wonder what form this renegotiation will take and what outcome are we to expect.

### **6.10 p.m.**

In our policy for that loan we pursued divestment of some state enterprises. One of them was National Flour Mills, and as part of our divestment policy we divested 20 per cent of that company last year and made a public commitment to divest another 29 per cent. So in total by the middle of 1996 the policy of the PNM Government [*Interruption*] was that it would divest 49 per cent of National Flour Mills in two tranches.

I am hearing mutterings over there from the Member for St. Joseph, who believes that decibel is quality, and I want him to listen very carefully because he is part of the Cabinet and he must understand these things, otherwise he will keep misleading people all the time.

Yes, it was PNM's policy to pursue divestment; yes, it was PNM's policy to divest National Flour Mills; yes, the PNM divested 20 per cent of National Flour Mills; yes, the PNM's policy was for a further 29 per cent divestment of National Flour Mills to be done by May, 1996. Yes, it is PNM's policy. But since that Government has enunciated no policy, but has gone ahead and factored into the national budget receipt of millions of dollars that will come from a loan that has,

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as a conditionality, divestment of National Flour Mills, what is the Government's policy?

Are we to understand that it is going to pursue the PNM's policy and divest the 29 per cent of National Flour Mills so as to access the moneys which have been factored into the budget by the Minister of Finance? If the answer is yes, then say, "Thank you PNM, for good policy." And if the answer is no, then tell us how is it going to fund the deficit in the Minister of Finance's budget? *[Desk thumping]* Tell me that.

To date, all that has been done—and I suspect that the Member for St. Joseph who is muttering over there had a hand in that—on this matter is to appoint persons of nebulous character to the board of National Flour Mills. The shareholders have protested but we have heard about "Government of national unity" and if there is a problem the Prime Minister, the Member for Couva North, says "Come to me"; and they will go to him to tell him that when the PNM divested 20 per cent of National Flour Mills, persons from all walks of life put their money into that company.

Insofar as there is a programme of divestment which was held out to those investors at the time when 20 per cent was divested, persons invested in that company on the understanding that there would be a further 29 per cent divestment in a specific time-frame. We are now in the month of March. Those investors were told that there would be a further divestment by May. To date he has said nothing. I am not telling him what to say. I am asking him to say something. The people want to know what is their policy, what is their programme. Tell us that.

I will tell you something else. The IDB to whom reference was made by the Member for Oropouche, who talked about renegotiating the loan, are not prepared to accept 49 per cent. *[Interruption]* It is their policy, it is their intention to ensure that National Flour Mills move to a minority government shareholding. We resisted that. We wanted to ensure that for the time being Government maintained the majority shareholding and while we had no ideological problem with the Government having a minority shareholding in National Flour Mills, we wanted to go to the market, in our time, when it was best for divestment to get the best return for those shares. *[Interruption]*

When we divested 20 per cent in 1995, the issue was over-subscribed because that was done in an atmosphere of confidence, but since they have come to office with all their ridiculous actions, they have destroyed confidence in this country

and I hate to see what will happen if they do decide to put those shares on the market this year, because if they do not put those shares on the market, I want somebody on that side to get up and tell me—but of course they would not know; none of them know; the person who has bought the party, the Cabinet and the Treasury is not here—but when they go back to see him, they should ask him! If they decide not to go through with this divestment, how are they going to get the money to fill the gap in the national budget? So I leave that for the moment.

The Member of Parliament for Oropouche, the Minister of Planning, also made reference to tariffication and sought, once again, in his misleading way, to give the impression that the PNM Government took action against the agricultural community because it had some spite against persons who make a living in agriculture. I say to the Member for Oropouche, he is a Minister of Government now; he has acquired his goal; he has finally moved from this side to that side; give up on that 'ole talk' now nuh. There is no need for that. You won Oropouche handsomely. It does not make any sense.

Mr. Speaker, he does not understand what he has met in the ministry. As I pointed out before, we were examining Trinidad and Tobago's situation and choosing the best course for Trinidad and Tobago and we used that to negotiate with these agencies. Given the fact that notwithstanding all the bad advice we were getting from him and other people like himself about the absence of the GATT and the coming into being of the World Trade Organization, our assessment was that there would have been a GATT treaty.

We sought to prepare our country for that, while they were saying all the time it would not happen, because the Uruguay Round was going on for years and there would be no conclusion. We were saying it would be concluded and it would do so in our time, so it behoved our government to prepare this country for that. Do you know what we did? We examined our situation on a case by case basis in the business sector, the export sector, local manufacturing sector and the agricultural sector, which was the last sector in which we took effective action.

Before we took action we had the sectors studied in a sub-sectoral way. We examined using local and foreign experts from local and international universities. We examined the pork, poultry, vegetable and cocoa industries, every one sector by sector, to see what was our own situation and what would be the best course of action to put these sectors to treat with the world after the GATT agreement had been signed. Based on that analysis we were able to determine

what level of tariffication would be required to protect the local agricultural sector.

Yes, the treaty permits one to do this over a period of time, but there are two approaches. One can have a low tariff barrier over a long period of time; or one can have a high tariff barrier over a short period of time. In examining our situation, our experts thought it was best for Trinidad and Tobago to move in a situation where we protect our agricultural sector by high tariffs in a five-year period as against those countries which have difficulty in making changes because they seek to postpone the medicine and opted for low tariffs over a protracted period of time. We chose high tariffication.

They were talking all the time about no protection for agriculture but the fact of the matter is that, if one examines it today one will see that in Trinidad and Tobago every item of agricultural product is protected by a tariff and the levels vary, in some cases as high as 100 per cent, depending on the circumstance under which the product is produced locally or imported, or our intention to grow or there is a good prospect to grow. It was not *vaille que vaille*. It took us a long time to do this and that is why he can come here today and say that we did this over a period of three years.

That was a government that understood what it was doing. One does not just get up one morning, and apply tariffs to something as they did when they tried to remove the CET on certain food items to give the impression that they cared about poor people. They removed it, but by the time the debate was over, they had to put it back, because they did not know what they were doing. Had they asked any of us on this side, we would have told them that while it is good to bring down the tariff on a few food items, it is better to maintain the thousands of jobs that would be lost if they maintained that local production.

Not understanding anything about it, they moved very quickly and made a big play that they were removing the tariff on certain food items to bring it down. Before the budget was completed we had to talk sense into them to say they cannot do that because it would cause a significant loss of jobs in this country and, in fact, rather than help to alleviate poverty, they would be creating more poverty in the country. That is it. They did not understand and they still do not understand, that is why as they move to deal with the ASL, I am hearing from the Member for Oropouche that he does not understand what it is all about.

One of the very first things we did, Mr. Speaker, was to treat with the single largest item of agricultural production in the country, Caroni (1975) Limited.

Caroni Limited in Trinidad and Tobago is the largest agricultural activity, with more land involved in cane growing; more money involved; more people involved in terms of jobs, and more income in terms of revenue from export and local sales. Very early in our term we sought to treat with Caroni (1975) Limited and my Friend from Couva North was part of that process. He was persuaded to take part in that process and not to remove his signature from that successful process—as we proceeded to identify the tripartite conclusions for Caroni (1975) Limited—which to date, Mr. Speaker, is working well and I ask those on the other side to observe it and learn, and leave it alone.

**6.20 p.m.**

We identified dispassionately a course of action as to how to put the sugar industry on a firm, viable and profitable footing and to take it out of the Treasury. As part of that, the agricultural sector loan provided a window of opportunity for us to get financial resources to apply to Caroni (1975) Limited. It is under the agricultural sector loan that we were seeking to raise \$40 million to buy new capital equipment, upgrade the factories and buy new cranes. At the start of this crop, we would have seen the people in Moruga refusing to harvest the cane because they said that the crane was breaking down every day. We took steps to buy new cranes. Caroni (1975) Limited is in receipt of 25 new jeeps, new bulldozers and there is new improvement in the plant. That \$40 million package for improvement was meant to do two things; to give them the capital equipment to perform more efficiently and to prevent the company from having to come to the Treasury for significant subventions.

When the Minister of Finance presented the budget he got a thunderous applause when he spoke about giving Caroni (1975) Limited \$40 million. It was the \$40 million in the agricultural sector loan which I negotiated. Today my Friend, the Member for Oropouche is telling me that he is going to renegotiate it. When is he going to renegotiate it in time for fiscal year 1996? We are already in March and renegotiation takes time. I should point out to him that it is not like going up Charlotte Street to a bank and coming down the road and asking for bread and doubles. He has to meet board meetings which are set at certain times in the year. If by now he has not started renegotiating the loan, he is not going to make board meetings in this year. I am putting the Minister of Finance on notice that any attempt by the Minister of Planning and Development to renegotiate this loan will result in another \$40 million out of the budget.

I am also putting Caroni (1975) Limited on notice that if he does that there goes the \$40 million for the capital programme; I am putting the Minister of Finance on notice again that up comes Caroni (1975) Limited to Port of Spain for \$40 million from the Treasury where they have not come for the last four years. He is threatening to reverse the entire process which my Friend from Couva North and I had put in place.

**Mr. Singh:** Mr. Speaker, since we are on the subject of the tripartite report and the agreement on Caroni (1975) Limited, would the Member for Diego Martin West say how much has been achieved with respect to the tripartite report on Caroni (1975) Limited in its divestment programme?

**Dr. K. Rowley:** Mr. Speaker, I will answer that question if after I am finished with this, you will waive the Standing Orders and give me another 75 minutes. If you give me that assurance, then I will answer that.

Since he is interested in Caroni (1975) Limited I will tell him why. The Member for Oropouche talked about renegotiating. *[Interruption]* Since I did not do anything I will tell you what you have to do. If the Member for Oropouche does not capsize the 1996 budget, tell the Member for Princes Town that if he wants to touch one cent of the money from that agricultural sector loan which is tied in the budget, he will have to reduce the staff at Caroni (1975) Limited by 2,000. That is one of the conditionalities. All the reports which we had done on Caroni (1975) Limited demonstrated that it is overstaffed. We have accepted that. To treat with the overstaffing we had put steps in place to bring the labour force down to a level which would remove overstaffing as a permanent fixture. I advise him to get the document and read it when he gets back to St. Clair, if he has to be the Minister of Agriculture, Lands and Marine Resources. I do not have the time to explain it to him tonight. In fact my agricultural consultancy fee is US \$500 per hour. I do not think he could afford that.

I said that the policy for Caroni (1975) Limited was to make the company profitable and viable. To do that one has to remove overstaffing. We took steps to prepare the ground for that. *[Interruption]* Do you want to know what we did under the tripartite? One of the first things we did was to raise workers' pension from \$300 to \$500 to prepare them to leave the industry with a decent pension. Insofar as the Minister of Finance, having factored the agricultural sector loan into his budget, I take it to mean that he has also agreed that he would reduce the staff by 2,000 otherwise he will have difficulty accessing the loan.



He wants to know what we did. Insofar as he talks about the agricultural sector loan we had done certain things to allow us to access the IDB money. One of the problems in this country is that the state is the largest landlord but has the worst land management system. We sought to give the subject of land management the very highest priority. We started by bringing to Parliament a new Land Surveyors Bill. We set about to complete the drafting of an Agricultural Small Holdings Bill. In the Ministry we created a land management division specifically to manage state lands. We set about to computerize the records with the objective being to have on the computer the status and location of every parcel of state land anywhere in this country. All this was happening when he went there. I hope for the sake of our children that he does not capsizize the whole thing while he is there.

Land distribution was an important part of our plan and we started a programme on it. When we sought to negotiate with the IDB and they looked at Caroni (1975) Limited, a state enterprise with a very bad record with respect to its own performance and its dependence on the Treasury, we were able to get the IDB to agree to accept every aspect of the tripartite arrangement as the conditionality for that loan. Not a “t” was crossed and not an “i” was dotted differently. They agreed to accept the tripartite arrangement which we had negotiated in the earlier period and that is a conditionality which is now being pursued. I am now being told by the Minister of Planning and Development that he intends to renegotiate this loan. I would like the loquacious Member for Princes Town who is not sure whether he is a vet, or whatever, to tell me—*[Interruption]* Do not stay there and shout epithets across the floor. I am raising serious matters. When I sit if you have anything to say get up and answer the questions. Tell me what the Member for Oropouche will negotiate that is different from the existing tripartite agreement? If he can tell me that then I will listen to him.

Mr. Speaker, in the budget the Minister of Finance was again applauded when he spoke about \$20 million for the ADB. I am pointing out to Members on the other side that that was lifted straight out of this programme. Insofar as my Friend from Oropouche will renegotiate and not complete in any time-frame relevant to fiscal 1996, there goes another \$20 million.

**Mr. Manning:** Kuei Tung did not tell you that.

**Dr. K. Rowley:** They came in here not understanding anything, banging desks and talking about ‘the budget is good’. Let me explain to them that another \$60 million is not available in the budget. The Minister of Finance spoke about a

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\$60 million social mitigation programme. That is a piece of the agricultural sector loan. In fact, it was lifted word for word out of the agricultural sector loan document. Even the Minister of Finance did not understand it because it was in US \$10 million over a three-year period. He simply multiplied it by the current rate of the day and got \$60 million and factored it into the 1996 budget. Even if there is anybody in this Cabinet who can prevail upon the Minister of Planning and Development not to renegotiate the loan, and even if it is signed tomorrow, and they begin to carry out the conditionalities, the most he would get in one fiscal year is \$20 million. Under the best of conditions the 1996 budget has a \$40 million shortfall under the social mitigation programme. *[Interruption]* I was trying to tell him that but he was not listening to me.

**6.30 p.m.**

That \$60 million is over a three-year period, if he concludes the ASL. If he puts all those conditionalities in place, he can draw down \$20 million only, and then the next year when he meets the other conditions, he draws down \$20 million more. That is our work. We did that. That was our social mitigation programme. Draw down over three tranches and the Government will not get one cent until it has come to an agreement with the IDB, finds the loan and executes the conditionalities.

So when he threatens to renegotiate the loan, all I want to ask is what is his objective. I have told him what our objective is. If he wants to get rid of the Minister of Finance, it is the best way to do it.

I must applaud the effort of my Friend from Oropouche who is demonstrating a political sagacity for which I never would have given him credit. A man with money bought the Ministry and took his work—stabbed him from behind. If the Minister of Planning and Development renegotiates this loan, the Minister of Finance would not last as long as Miss Janie in the fire in that Cabinet. I give you the assurance, Mr. Speaker, that from today, I will treat my Friend from Oropouche with greater respect. *[Laughter]* I never thought he had it in him.

In summary, I thought I had to intervene to make this point to the uninitiated. In the euphoria of the 1996 budget all of this went over their heads. I hope this evening that it is clear to them that the 1996 budget is the fiction it was meant to be. If they think that the trouble has started, let them wait until the Minister of Planning and Development begins to renegotiate this loan.

So, Mr. Speaker, I would like to hear from the hon. Attorney General, the Member for Princes Town and all the others who thought they had something going. *[Interruption]* It has nothing to do with 34 years. They are now the Government; they have loans to negotiate; they have budgets to bring. Let them do that and let us see. We had our time. We are now out of office. *[Interruption]* I commend to many of them on the other side, to do like my Friend from Tobago East, keep a still tongue, they might end up with a wise head.

**Mr. Jarrette Narine** (*Arouca North*): Mr. Speaker, I thank you for giving me the opportunity to join the debate at this time. Allow me to congratulate the Members on this side for the presentations they made today. Allow me also to say that the Member for Oropouche and other Members on the other side have opened the debate in such a manner that the Member for Diego Martin West had to rebut some of the statements made.

I join the debate at this time because the Member for Oropouche indicated in his presentation that the Unemployment Relief Programme had caused crime in Trinidad and Tobago to rise. I thank you for giving me the opportunity to make a short intervention in the debate to clear up certain matters he has raised, so that the new Members on this side will understand what the URP was all about.

I would like to go back to 1988 when the DEWD Programme was closed. Every year after that we ended up without that safety net that we were supposed to have. In 1985, we had \$120 million for that DEWD Programme, and by 1990, the NAR Government brought it down to \$40 million. I said this before and I am saying it again; the problems that we had in Parliament on July 27, 1990 was the result of that safety net programme being reduced from \$120 million in 1986 to \$40 million in 1990.

We came back into office in 1991, and in 1992, we voted \$120 million and brought it back to where it was in 1986 simply because the PNM Government knew that the destitute in Trinidad and Tobago—the very poor who could not put food on their tables—depended on the LID Programme which was started in 1988.

We went up to \$130 million in 1993, 1994 and 1995. The reason for this was that, under our administration, we had introduced a safety programme to take care of crime in the country—the same crime which the Member for Oropouche spoke about in his presentation. So, today, while I am replying to the Member for Oropouche, I will show the type of programme we had which results today in the Unemployment Relief Programme and what has caused the crime rate to rise.

Had it not been for the Member for Oropouche, I would not be standing here today. I am making a short intervention to let the Members of this House, especially the new ones, know what took place during those years.

With the start of the Unemployment Relief Programme in Region 1, where the PNM started with 18 jobs, this year it has started with 6 jobs, causing a 67 per cent cut in Region 1, which is the Diego Martin area.

**6.40 p.m.**

If they do not find additional funds this year; instead of transferring the funds to other areas of Trinidad—*[Interruption]* We based our programme on the Central Statistical Office report and where there was more unemployment, more projects were given. Simply put, Mr. Speaker, the East/West Corridor had that situation. In Region 2 where we started with 60 projects—

**Mr. Speaker:** Hon. Members, I understand what the hon. Member has said in terms of getting up to answer something that somebody else said that may not have been relevant. I would simply say—for uplifting the debate here—that it is perfectly legitimate to say a person said, “I” and it should really be “A.” I wonder if we could, at the same time, try somehow, to slip in a few words with respect to the matter at hand. If even after every five minutes you just read—*[Laughter]* You see, hon. Members, the position is really this; I am not trying to muzzle you, but I am simply saying: Yes, it is legitimate to answer somebody, but when one says that one is going to base one’s contribution simply on going out on a limb with respect to what somebody else said, I do not believe that is the purpose of the relevant Standing Order with respect to “relevance.” Please proceed.

**Mr. J. Narine:** I thank you very much, Mr. Speaker, but in my contributions I normally try to be very honest. The Member for Oropouche raised that matter. If it is that I am to go back and quote what the other Member said in this debate and before, I will do that. The situation is that I intervened for a short period so as to rebut some of what was said in this debate. The matter of crime has a lot to do with the Bill before us today, therefore that was relevant when the Member for Oropouche said it. I am just trying to say that we brought down the crime situation at that time, it started rising since the programme was closed last year, and it will continue to rise.

My reports are that this is relevant to what was being said here today, because they have been making statements and not explaining them to the national

community. One may talk about corruption and just bypass it. The other thing I heard today, is that crime had risen because of the Unemployment Relief Programme. I am saying today that the amount of projects that was given in the last fortnight at the beginning of the Unemployment Relief Programme is going to encourage a system of unemployment and decreased employment in Trinidad and Tobago. Where we started that programme by employing 3,000 persons and peaked at 7,500 persons, today, there are only about 1,500 persons working throughout Trinidad and Tobago. What we are speaking about here, Mr. Speaker, simply has to do with employment and the rise in the crime. We may have to get more judges and magistrates in the courts. We may have to build courts all over the land. We may have to build more prisons—we only have one prison in North Trinidad, we may now have to build one in South Trinidad. *[Interruption]*

If I read in this week's newspaper correctly, there was a report of a spate of robberies by one set of people coming from deep South and ending up in Freeport. They terrorized about three or four families in one night. We could also talk about the Clint Huggins issue all night because it happened in East Trinidad.

In Region 2 where we started with 60 jobs—that is mainly the Laventille area—there are now 30 jobs, a decrease by 50 per cent. Today they stand in this House and say that the Unemployment Relief Programme has created crime in Trinidad. The Government is cutting jobs by 50 per cent in Laventille, but they say they love Laventille people. The Prime Minister said yesterday that he was not going to have people from Laventille on a dependency syndrome. Mr. Speaker, we never had the people of Beetham, Sea Lots and Laventille on a dependency syndrome. In the Unemployment Relief Programme they worked for their money. If they had seen the amount of drainage work that was done in Sea Lots and Beetham area, they would not have said that the dependency syndrome was created by the PNM. The PNM created employment for people, they were well monitored and the money was well spent.

In Region 3, Mr. Speaker, and that includes St. Joseph where there were 27 jobs, they are now down to five projects, 80 per cent less. They are saying to me that we need more judges, but they decreased the employment situation in Trinidad. They have now decreased the projects in Region 3 by 80 per cent, which takes care of St. Joseph, San Juan/Barataria, St. Ann's East and Tunapuna. I repeat, those areas have a decrease of 80 per cent employment, areas which are carrying a tag of crime in this country, and it will rise.

Today, we also have a situation about how this programme was effectively run. While the Member for Naparima is having a laugh, he would understand clearly, because he was the Member of Parliament for San Fernando West and I am certain what he told me then, is what he will tell me now, that the best run programme at that time, and up to 1995, was the Unemployment Relief Programme. About six community centres were built in San Fernando West, including Bamboo Village and Lucky Street. I am telling you, Mr. Speaker, the Member is quite convinced that that was the best handled programme. I am indicating to him today, that he should speak to the Minister of Works and Transport or the unemployment situation in that area will cause the crime rate to rise. He will have to get a magistrate for his area alone. He lives in the constituency of San Fernando West, if that Member is smiling today, it is because he is knowledgeable of what took place then. The Members on the other side now come here and talk about crime and corruption but, Mr. Speaker, ask the Member for Naparima about the Unemployment Relief Programme.

If this employment situation continues they will not only want more prisons and magistrates, but they will need to have an infiltration of more police officers in the service. The 100 cars that they are talking about will mean nothing to the rise in the crime rate within the next six months in Trinidad and Tobago if the Minister of Works and Transport does not listen and do something about the unemployment situation.

The structure of that programme was well managed and it employed young graduates in civil engineering coming out of the University. In some cases, there were no jobs available elsewhere so they came to our programme. They came because they were graduates, the salaries were attractive and they had something to do to gain experience.

**6.50 p.m.**

In four years' time approximately 10 civil engineers who came to our programme left for better jobs in the Ministry of Housing. There are three engineers in the Ministry of Housing who started in the Unemployment Relief Programme. There are other engineers who went to the private enterprise but started off with the Unemployment Relief Programme, which meant that it was a programme that was taking care of the university graduates as well as the persons at the lowest level who could not read nor write. Putting food on the table for a family that kept them out of getting themselves involved in crime; it kept them out from the court system; it kept them out from the police coming and holding

them for doing these types of things [*Interruption*] I do not understand, Mr. Speaker.

The Member for Oropouche raised this matter here; we are talking about the judicial system, and I am saying that because of this programme about which he spoke, the crime rate is going to rise; the amount of magistrates that have been placed would have to be increased; the Government would also have to increase prosecutors otherwise the crime rate will not fall, and there will still be the clogging of the system for cases that are not heard within months. There is a situation where the Minister of Works went on television and took all the tapes that we had from the Unemployment Relief Programme, put it on television and said that he was going to move from cleaning drains to construction. Regardless of what he is saying we know that that programme built police stations—and we went and built the mandir in the sea which is a fine example of the Unemployment Relief Programme, keeping people out of the streets, keeping people from committing crime and the Government is talking about crime today in the context that unemployment is going to increase the number of crimes in the country.

If the Government is serious about reducing the amount of money allocated to the Unemployment Relief Programme by \$25 million, where we had \$130 million it is now \$105 million and \$5 million normally will go to Tobago as the programme starts, it simply means that in Trinidad there is approximately \$30 million less.

So by the end of this year the Members of Parliament who are in Government will not be able to show anything in their constituency for the programme has now gone back to cleaning drains and doing other things so that the crime rate will rise, and the Attorney General will have to change that system that he is putting here to get more judges and so forth. We will have to come back to Parliament and the Member for Siparia will still have to come here and say that she will have to carry another note to Cabinet to increase her staff because of the crime rate in Trinidad and Tobago. I am saying because of these things, that will happen.

That safety net in the Unemployment Relief Programme that caused crime to decrease started every year with 200 projects and peaked at 400. Mr. Speaker, at this point in time there is not even 100 projects throughout the country. Even in Caroni which is called Region 6, we started with 15 projects whereas the present Government started with 11.

I am saying that while the Member for Tabaquite is the standing Member of Parliament and that he is being assisted by his family to do employment in the URP in Tabaquite, that still would not save the situation. I am getting telephone calls at home of persons who have been placed to understudy the road supervisors who have had the experience of running the programme for four years and that in the next month or two they would just move them out and other persons would take their place.

However, on another occasion I will bring a list of those persons in each region who are the siblings that they put in those regions to get possession of the programme and they come here and talk about corruption and crime in Trinidad and Tobago. And the Member for Tobago West knows quite well that they get \$5 million in Tobago for an Unemployment Relief Programme—you keep watching me and I will tell you all that you got—\$5 million for two constituencies in Tobago. As a matter of fact, the percentage of persons living in Tobago got about 100 per cent more of the funding than any other comparative place in Trinidad and she comes here in Parliament and stand up and say that Tobago was not treated well. Next week when we come for the Motion, I am going to deal with that.

Mr. Speaker, when I am finished she will have no need to reply, she will not be able to reply. Mr. Speaker, in Trinidad there are drop-outs from high school and there are people who never went to the primary school, so we had a programme in that Unemployment Relief Programme for their benefit. There were persons who passed through that programme who never thought that they would learn to lay a brick or a stone for that matter; look at profiles of new community centres, major buildings and so forth.

We were able to train the youths so that today they would benefit from that programme if the Government would utilize those same persons whom we had trained in the programme in the building industry in the construction of critical services. When we did the outpost in Valencia for the Ministry of National Security, it was one for which we had a plan that was used somewhere in Diego Martin and we were able, because of the transition of people who were unemployed and whom we were paying a little lower wages—at the time they complained but they have not changed it, if they have maintained that wage structure because it is simply an Unemployment Relief Programme, so that when one works in that programme and one gets something better, one would leave; one would not stay because the salaries were not high. We were able to build an out-post in Valencia and when the Commissioner of Police and the Minister of



National Security went there to open it, they indicated that that police post could be upgraded to a full-size police station. Because of the Unemployment Relief Programme we were able to do it for approximately \$100,000 less, it cost about \$250,000. A building like that would cost over \$350,000.00 and mind you, it was done twice the size. All that was to reduce the crime situation in the Valencia area. There were both the Sangre Grande Police Station and the Sangre Grande Court House which we had started to reconstruct in Sangre Grande and our Attorney General had already started a night-court in Arima and had planned to start other facilities in Sangre Grande. This Bill that we are dealing with was being dealt with even then.

**7.00 p.m.**

Today we are looking at a situation where that court in Sangre Grande has a high number of cases that are pending. That is in the Arima area as well, so building a court in Arima is critical to the situation with which we are dealing here today. The Member for Oropouche mentioned where they are going to put down buildings, upgrade the facilities, put in more judges and magistrates so that they could deal with the backlog of cases and those matters pending in the court which were taking a lengthy period.

Mr. Speaker, when one looks at the Couva South and Couva North areas, there were 10,000 workers who were employed in Caroni (1975) Ltd. who were part-time workers. And what happened there? That is a bigger unemployment programme than the URP. That is the only area in Trinidad where one has to join the union before one can get a job. It is written in the agreement. *[Interruption]*

Well he is on suspension. He said he is going to take a year off, because he expects his Government to last one year so he is going to take one year off. I am saying it may be less than a year and they will have to call him back.

The Industrial Stabilization Act says that the union cannot hire or fire so the agreement that the union has is null and void. This was raised here already so that one does not need all these projects in Caroni because there is agriculture.

**Mr. Speaker:** Please, I am not going to attempt to stop the hon. Member, but all I will do from time to time, is just read Standing Order 36 which reads as follows:

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

*Supreme Court of Judicature (Amdt.) Bill*  
[MR. NARINE]

*Friday, March 15, 1996*

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

Now, there are those who may argue that one could confine it to some peripheral matters but there could be an interpretation that the main thing is what one must deal with. You may bring in all the other things, but the main thing is the increase of judges. So I ask you, please, to bear that in mind. I do not want to disturb your line of thought so I ask you from time to time to take a glimpse at this Standing Order.

**Mr. J. Narine:** Mr. Speaker, I am quite aware and my colleagues here dealt with this thoroughly. But I am saying that if the Member for Oropouche has introduced certain matters into this debate then it is my privilege, I feel it is my privilege. I need your guidance.

**Mr. Speaker:** Hon. Member, I was simply trying to guide you, I was not trying to argue with you or invite you to join issues with what I was saying. I was simply saying that an hon. Member’s responsibility is to deal with the substantive matter. Yes, you could go off on branches, but you have to come back to the main thing under discussion. That is all I am saying, and I say that with the greatest deference for your guidance.

**Mr. J. Narine:** Thank you very much, Mr. Speaker. I feel that what I am saying here—and this Act to increase judges—has relevance. We are dealing with an increase in judges because there is an increase in crime, the unemployment has risen and there will be more crime—

**Mr. Speaker:** All I am saying, too—and I do not want to be difficult—there is a Standing Order which also deals with repetition so that you have to read both of them together. *[Laughter]*

**Mr. J. Narine:** Certainly, Mr. Speaker. We are dealing with crime and the unemployment situation in the country which will cause an increase in the judges appointed. Today I am saying that when projects are set up in areas like Carapichaima and the S. S. Erin footpath and areas in Tobago, that persons who had the opportunity of being employed—had the greatest opportunity to be employed in that programme about which the Member for Oropouche spoke—even if they had worked for two weeks they would have paid some part of their bills and other members of the family would have also worked and brought food to that family, so they would not have had to go out, cause crime and have matters getting into the court and clogging the system.

Today there is a need for more judges because there was a need for that social safety net that we had put in place that is now being dismantled resulting in an increase in crime. I am forecasting an increase in crime that will also cause you at one point in time to have to increase judges—definitely so. The Government will have to increase the number of courts, and areas that do not have courts will need them.

Mr. Speaker, I am saying because of the start of the Unemployment Relief Programme which was supposed to have been that safety net to keep the crime rate down, today we are seeing approximately 75 per cent of that programme cut and we are seeing a situation where it is manipulated by a political party where one has to join the party, and all different things to get a ten-days. The people who are running the programme now are questionable and we will raise that at another time. That programme allowed the young people to be trained so that they will not find themselves involved in other situations. The community involvement also had that spirit and the elders in the community spoke to the younger ones and kept them away from the crime situation in their area. Once they are employed and they could do something about it, it simply meant that they would not end up doing crime. The safety net was intended to do that.

I can say for a fact that the involvement of the community with the mandir out on the sea in Carapichaima has caused us to believe that when the communities are involved, it means employment, especially for young people. They are not left idle to run afoul of the law. We had a similar situation in other areas and it will occur in most of the areas because of the present situation where we have almost a 75 per cent cut.

In closing, I would say that if they had put that full programme into force, they would not have to find more money after a couple of months to employ more persons in the judicial system; they would not have to find money to purchase vehicles for the police service; they would not have to find money to put into other areas of national security, because that national safety net was intended to reduce the number of matters that went to court.

I thank you very much, Mr. Speaker.

**7.10 p.m.**

**Mr. Patrick Manning** (*San Fernando East*): Mr. Speaker, the Bill before the Parliament this afternoon is a bill to amend the Supreme Court of Judicature Act, Chap. 4: 01. Basically, the item of legislation seeks to increase the number of judges in the Supreme Court from 16 to 20.

In presenting the Bill to this honourable House, the hon. Member for Couva South made the point that this was part of some of the actions which are contemplated by his Government in seeking to address the crime situation in Trinidad and Tobago.

It was my colleague, the hon. Member for Port of Spain North/St. Ann's West, who in a very eloquent contribution this evening, for which I congratulate him very sincerely, pointed out that an approach to the solution to crime cannot be piecemeal in any way, but that if one confidently wishes to look forward to any measure of success in the programme that any government puts in place, then several aspects to the whole question of crime curtailment will have to be addressed simultaneously.

He made reference to administrative improvements in the judiciary. He also made reference to an upgrading of the management arrangements in the police service and to a number of other areas of executive authority in respect of which attention would have had to be addressed if the country can confidently look forward to any improvement in the crime situation.

Mr. Speaker, the hon. Members opposite, in making their contributions, broaden the issue to such an extent that it is necessary for us on this side to ensure that the records of the Parliament on this matter are as comprehensive as possible in the context of the breadth that the Members opposite have brought to this debate.

In looking at crime, social scientists all around the world have raised the question of a possible nexus between crime levels and unemployment levels in any society. I am saying that there are many who say that the relationship may not be as direct as some would like.

On the other hand, the empirical evidence suggests that there is a causal relationship between unemployment and crime. Therefore, any discourse on crime similar to the one taking place in this Parliament this evening where we are seeking to increase the number of judges in the context of crime curtailment in Trinidad and Tobago, will be incomplete if that discourse did not spend some time in looking at the levels of unemployment in Trinidad and Tobago.

Mr. Speaker, I am not aware of the period of your life when you came into social and political consciousness but I can inform you that shortly after the PNM came into power in 1956, I have a very vivid recollection of gang warfare taking place in Port of Spain between a number of gangs. Two of the most famous were Marabuntas and Desperadoes. It was the first Prime Minister of Trinidad and Tobago, Dr. Eric Williams, who, in seeking to bring that under control, put in

place the innovation of putting persons of the warring gangs to work on the same project. I think it was 1957 or 1958 after the Commissioner of Police had called for an amnesty and anybody who would have put their guns on the table before a certain time would have been exempted from prosecution. That was followed by the opening of the first Special Works project on which members of the Marabuntas gang and members of Desperadoes gang worked alongside each other in the presence of armed police.

I consider it relevant this evening because that is the genesis of the Unemployment Relief Programme—call it LIDP, DEWD, Special Works or whatever—and the whole idea behind it was a mechanism to curtail crime in the country and so reduce the demand for judges in Trinidad and Tobago. That was the idea behind it.

Mr. Speaker, for whatever reason there are those in this Parliament and there are some outside of this honourable House who have articulated to the national community that the allocation of projects in this programme has been dictated by considerations other than the need to control crime and to too great an extent—and it is showing up more and more among Members of this honourable House—they ignore the genesis of the programme and whatever else they may say about it, they ignore the fact that the programme is a mechanism that was put in place many years ago to curtail crime and therefore reduce the demand for judges.

Against the background of what they have been saying to their own constituencies about the political nature of the programme and the decision-making, completely ignoring the social angle that is crime implication, we have seen, and it has been brought forward very well by the hon. Member for Arouca North, that they have embarked on a programme of redistributing projects in the programme in such a way that it completely ignores the basis for the programme in the first place and if not properly addressed—that is why I want to alert the Government today—has the potential for causing serious dislocation in Trinidad and Tobago.

Mr. Speaker, whether they like it or not, the Government ought to be aware of the social circumstances in the country and how they are viewed by a significant section of this population. Their liking it or not liking it is not relevant to the way people see them and interpret the actions they take. Therefore, I urge the Government to be cautious in reallocating the programme. Mr. Speaker, if you do certain things, you know that there will be certain consequences.

**7.20 p.m.**

**Mr. Sudama:** Like when you called an early election!

**Mr. P. Manning:** When in the budget for 1996 we raised the question of a \$55 million allocation for Caroni (1975) Limited in the year 1995, and in the year 1996 that allocation has gone to \$278 million, we took the opportunity to point out to hon. Members opposite that that represented a shift in resources from one part of the country to the next, and that it has social implications and could very well have implications for levels of crime and, therefore, the demand for judges in Trinidad and Tobago.

Mr. Speaker, a document has come into my possession recently, and it is an Unemployment Relief Programme document of which I think hon. Members of this House should be fully aware. It is the List of Projects for 1996, Region 7, San Fernando. Mr. Speaker, in Princes Town—and incidentally these projects are by constituency, not by region in that sense—and I would like the hon. Member for Princes Town to take note, they have allocated four projects for his constituency in 1996; in San Fernando East, Mr. Speaker, they have allocated 14 projects for 1996.

**Miss Nicholson:** They got plenty.

**Mr. P. Manning:** Incidentally these are projects which were ongoing in 1995 and which had not yet been completed. In the constituency of San Fernando West, Mr. Speaker, they have allocated 19 projects, and we understand why that is so.

**Mr. Sudama:** What about Oropouche?

**Mr. P. Manning:** In the constituency of Pointe-a-Pierre—and I would like to draw the attention of my hon. Friend for Pointe-a-Pierre to this allocation—they have allocated 11 projects and I hope, Sir, that you will get up in defence of your constituents!

Mr. Speaker, in the constituency of Naparima, they have allocated 58 projects.

**Mr. Maraj:** No. How many?

**Mr. P. Manning:** Fifty-eight projects. And permit me, Mr. Speaker—  
*[Interruption]*

**Mr. Maraj:** That cannot be true.

**Mr. P. Manning:** —to lay this document into the parliamentary record.  
*[Interruption]*

**Mr. Maraj:** Mr. Speaker, I thank the Member for San Fernando East for giving way. As far as I am aware, in the constituency of Naparima at the moment there are five projects in operation.

**Mr. Maharaj:** They put in the eight!

**Mr. Maraj:** What has happened is that, as the parliamentary representative, I did my homework and ensured that we did a survey of the constituency to see what the needs were in terms of the minor infrastructural upgrading and so on; and I had a thorough assessment and details of about 50-something projects, and that might be what the hon. Member is referring to. But as far as Naparima is concerned there are five projects in operation at this point in time.

**Miss Nicholson:** The projects are identified.

**Mr. P. Manning:** Mr. Speaker, it is normal that as the Unemployment Relief Programme starts up, it does so with fewer projects than the total complement that has been approved. Mr. Speaker, I wish, with your permission—

**Mr. Maraj:** It is a misuse of the information.

**Mr. P. Manning:** —to lay a URP document—it is from the Ministry of Works and not from any parliamentary representative. I submitted none, Mr. Speaker.  
*[Interruption]*

**Mr. Maraj:** I did my homework. I went around in my constituency and did an assessment. *[Interruption]*

**Mr. P. Manning:** What is the problem, gentlemen? Mr. Speaker—

**Mr. Panday:** No wonder he lost the election.

**Mr. Speaker:** Hon. Members, we all know that we ought to hear the other side and the Member is still on his legs. He has given way to the Member for Naparima. He is now continuing and I think he should be permitted to continue.

**Mr. P. Manning:** Mr. Speaker, I am reading a document from the Ministry of Works and Transport. It is not a document from any parliamentary representative or any political office. It is a document from the Ministry of Works entitled 'Listing of Projects for 1996'. I lay this document into the record.

Mr. Speaker, we are talking about crime and about the need for judges and I am saying that any shift in the allocation of resources, such as the shift that is

represented by this document, is provocative and it is going to be viewed in a certain way by those who have been affected by it, one way or the next; and it can have implications for the levels of crime in Trinidad and Tobago.

**Mr. Sudama:** It will always have implications.

**Mr. Speaker:** On a procedural point. Do I understand the Member to have laid that document in the House? [*Assent indicated*] Well, if it is a document that comes from you; but if it is a document that is authored by somebody else and you are saying, yes it is indeed authored by a particular—I just want to be clear. One has to be very careful about putting into the record of the House a document for which one cannot vouch. If you, in fact, were the author of a document and were putting it in, you could accept responsibility for it. If you are putting in a document which you tell the House is authored by the Ministry of Works, no problem, you could put it in. All I am saying is, if it is going into the records, I am entitled to have a look at it and you could proceed. Are there any copies?

**Mr. P. Manning:** I was about to give the document to you, Mr. Speaker, but you were just a little more precipitate than I. But the document is there.

**Mr. Sudama:** I want to know how he obtained the document. [*Document handed to Speaker*]

**Mr. Valley:** Ask the Member for Pointe-a-Pierre.

**Mr. P. Manning:** Mr. Speaker, the hon. Members opposite whose constituencies are affected by the allocation that I have just pointed out, can take an antagonistic position to the Member for San Fernando East, if they wish. I was merely trying to suggest to them all how business is conducted by the Government of which they are a part and a method of operation of which they are not aware. That is the point I am trying to make. They do not know. When they believe that all the pious platitudes of equity that they have spouted on platforms all over Trinidad and Tobago are governing the conduct of the operations of the Government of which they are a part, it is not that way at all. It is a question of the strong survive. [*Desk thumping*]

**Mr. Panday:** You must really be desperate.

**Mr. P. Manning:** Mr. Speaker, one has to understand the approach that was being taken by the PNM between 1991 and 1995 in the context of job creation, which is an important step in keeping levels of crime down and in reducing the



demand for judges in Trinidad and Tobago and that when we came into office unemployment in 1991 was 20.3 per cent. Much has been said about the effects of the policies we have put in place, and some say that we spent a lot of time with retrenchment and voluntary separations and so forth. The PNM had insisted then, and we continue to insist now, that what in fact we were doing as the Government of Trinidad and Tobago in the context of job creation was shifting the pattern of employment from the public to the private sector in circumstances where we were operating in a different international environment in which there was a need for Trinidad and Tobago to become more and more competitive. If we cannot do that, Mr. Speaker, then unemployment levels will rise, and we will have a need for even greater numbers than the 20 judges we are calling for in the legislation which is the subject of consideration before this honourable House this afternoon.

Mr. Speaker, recently I had a look at a document that is the result of what we describe as an Article IV consultation between the International Monetary Fund and the Government of Trinidad and Tobago for 1995.

**Mr. Sudama:** Drop it on them.

**Mr. P. Manning:** I imagine that the hon. Member for Oropouche would have seen it, because, Mr. Speaker, what the document says is that the level of unemployment in the year 1995 was estimated to be 16.4 per cent, Mr. Speaker, with unemployment levels of 20.3 per cent in 1991. It means that in the four-year period 1991—1995 there was a reduction of unemployment levels at a rate of approximately four percentage points, which brings it to an average rate of one percentage point per year, which I say, Mr. Speaker, is a creditable performance in the context of the economic situation that we met, and the situation with which we were trying to deal.

**7.30 p.m.**

The IMF went on to say that in 1995 growth in Trinidad and Tobago was about 3.5 per cent and about 4 per cent in the all important non-oil sector. They went on to say that if we were able to maintain an economic growth rate of 3.5 per cent in the non-oil sector alone, they predicted a level of unemployment of 10 per cent by 2000. I say it so that hon. Members opposite who tend to see everything in the context of partisan politics would understand that some of us in this country see responsibility to country and population as superior to all other considerations in the context of governmental responsibility.

**Miss Nicholson:** That is tabanca.

**Mr. P. Manning:** The hon. Member for Tobago West is speaking about “tabanca”, a word which she has no knowledge of whatsoever. I am sure that she could not have been talking from any first-hand experience. Leave me alone! She and the Member for Oropouche do not know anything about “tabanca”.

**Miss Nicholson:** Mr. Speaker, I learnt it from the Member for Diego Martin West.

**Mr. Valley:** Give her a chance.

**Dr. Rowley:** I cannot let that pass. Mr. Speaker, I have had absolutely nothing to do with that lady. *[Laughter]* I have no knowledge of her.

**Mr. P. Manning:** If she is thinking about “tabanca”, it must be a figment of a very fertile imagination.

**Mr. Speaker:** Is the Member for Tobago West asking for any protection? If you are, I am prepared to give it to you.

**Miss Nicholson:** Mr. Speaker, I will deal with them another time.

**Mr. P. Manning:** We are speaking about levels of unemployment, job creation and the policies which have been put in place between 1991—95 to achieve acceptable levels of job creation, reduce the levels of crime and consequently, the demands for judges in the Supreme Court. The IMF said that at the rate of 20.3 per cent in 1991 and 16.4 per cent in 1995, one percentage point per year, by 2000, the unemployment levels would have reached 10 per cent. I lived through this country when unemployment levels had reached to 10 per cent. I think it had fallen to 9.8 per cent in 1978 or 1979. It did not come there by accident.

As hon. Members opposite cancel programmes which had been put in place and were ready to go by the previous government, whereas they see it purely in the context of partisan politics, they do not understand that as they curtail the programmes—which in the words of the IMF would have had the effect of creating a 10 per cent level of unemployment by 2000—they are prejudicing the future of many citizens of the country who would have been the beneficiaries of the jobs which would have been created. The hon. Member for Couva North and the Prime Minister could only think about unemployment. *[Interruption]*

**Mr. Speaker:** Hon. Members, the Member for San Fernando East is still making his contribution. He is asking for protection. Insofar as anybody is speaking while he is trying to speak, I have to ask him to desist.

**Mr. P. Manning:** Mr. Speaker, it is an old strategy. I have seen it used by persons with far more competence than those opposite. It is designed to break your trend of thought and throw you off track.

By a carefully thought through programme an essential element of the package was the construction sector. When the present Government takes the decision to curtail the library project in circumstances where the foundation of the project had already been laid, bids for the super structure had been invited and about \$3 million had been anticipated, and where \$15—\$18 million had already been negotiated and was available for furnishing the building, to curtail the project, not only is it not to understand the role of a library and information technology in a modern industrial state, but also to prejudice a carefully laid programme to stimulate activity in the construction centre, as we seek to reduce levels of unemployment and the demand for judges in the Supreme Court.

Am I in accordance with the Standing Orders, Mr. Speaker?

**Mr. Speaker:** I have noticed that you come back to the topic. As long as you do it you have no problem.

**Mr. P. Manning:** Thank you, Mr. Speaker.

They can scoff at the arguments if they wish, but my experience over time in government has taught me one thing which I think I should impart to them at this stage. If you do A, the consequence is B, and if you do C, the consequence is D. Nothing happens by accident.

**Mr. Sudama:** If you call an early election, what will happen?

**Mr. Panday:** You will get “F” for fail and “L” for lose.

**Mr. P. Manning:** I will like to answer the hon. Member for Oropouche but the language applicable to him on that question is not language that is normally used and polite.

It is not just a library. The hon. Member for Couva North has gone to Sea Lots, Beetham and he is going to Laventille. When he gives the citizens in those areas the impression that he cares about them and wants to take them out of the Unemployment Relief Programme and put them into a structured arrangement for job creation and business, he must also tell them that is necessary because he has stopped the development of a construction sector which would have created jobs in urban Port of Spain, the capital city, many of which would have had to go to people who live in the surrounding areas in difficult circumstances, and who do

not have the opportunity to plant land so that they can eat from it. They have to be treated very carefully having regard to the social history of this country.

**7.40 p.m.**

He must tell them that he is the gentleman who has stopped the city centre construction in Trinidad and Tobago and, therefore, has reduced the potential for job creation, which could possibly result in an increase in the demand for judges in the Supreme Court.

Mr. Speaker, it is not just there. They stopped projects in San Fernando. A decision should have been taken by now on the public building at Chancery Lane car park. None has been taken. It took us some time to negotiate arrangements at Piarco Airport, all of which were done by December 15, 1995 and were ready for signature. All that was required was governmental decision. There was no guarantee by the Government of Trinidad and Tobago. This is a new facility in the context of a liberalized economy and new management arrangements in a different economic environment. *[Interruption]* It has not been signed as yet? The deadline for the financing has passed and the financiers now have the option available to them to pull out or stay if they so wish.

There are those who say that they have not signed the agreement because they want it to lapse, so that their friends, those representing the other arm of the coalition, not the NAR, but Ish, Brian and Steve, and their friends in Maritime Life, can now make a proposal to the Government, which it will entertain, especially if that proposal goes to the Minister of Finance. Those were the second bidders, those were the ones making all the noise.

Those opposite are free to ignore us if they wish. The parliamentary record will show that I have drawn their attention to an area which could be a source of embarrassment, not only to the Government of Trinidad and Tobago, but to the people of Trinidad and Tobago.

We had taken a decision to do the administration buildings of the airport and in several parts of the country. Incidentally, the Chancery Lane building included a library for San Fernando. They have stopped the Hasley Crawford Promenade.

**Mr. Sudama:** Will the hon. Member give way?

**Mr. P. Manning:** No. I have no difficulty giving way, but not for the frivolity that the hon. Minister is getting up to tell us.

The Hasley Crawford Promenade has been stopped. *[Interruption]* Then start construction on it! We turned the sod before the elections of November 6, and if no construction is taking place today, the Minister, in his contribution in this debate, must get up and say why. It has been stopped over vindictiveness and spite, as indeed they have stopped a number of the major construction projects all over the country.

**Mr. Sudama:** It has not been stopped.

**Mr. P. Manning:** Start the project.

**Mr. Sudama:** The Member is not my boss.

**Mr. P. Manning:** I bet he cannot start it, Mr. Speaker.

**Mr. Speaker:** I simply draw to the notice of the hon. Member for San Fernando East that one of the surest ways of getting the other side to engage you in crosstalk is by not addressing me. However you may feel about me, you must address me. *[Laughter]*

**Mr. Manning:** Mr. Speaker, let me thank you very sincerely for your advice. I remember very well, in 1978, shortly after you had taken leave of the government of the day, that you made a statement in this Parliament which I will never forget and which I am sure you will remember. I will not repeat it at this time, except to say that everything I say I will now say through you.

They seek to mislead in terms of job creation, not realizing that not to do the thing right is to make a contribution to crime in the country and to stimulate the demand for judges in the courts.

I want to say this for the benefit of all Members. I passed through La Brea one week ago. They do not pass there. A lot of work is taking place on the La Brea Industrial Estate, notwithstanding all the gun-talk of the Minister of Energy and Energy Industries. They have stopped nothing there. The harbour has been dredged; the turning basin is in place; the construction dock has been put in place and Farmlands is getting ready to initiate construction of their plant in the month of April.

For all who listen to the obfuscation that comes from some of their colleagues and believe some of the foolishness, they say one thing here and do something else across there.

I welcome that development. I do not know if they realize how important it is. For them to have stopped that development would have set this country back many years.

I chaired a standing committee on energy during the term of the last government for a very good reason. We saw construction in the energy sector as important to job creation and in reducing the demand for prisons and for judges to commit people to prisons. An ammonia plant, such as the one that Farmlands is putting in place, which employs some 1,000 person at peak, is not insignificant, and we have identified that area also as one for job creation. As we moved into the creation of permanent jobs, we gave ourselves some room to create in the construction industry while we do other things to create more permanent jobs. One of these is a secure financial environment. This is important and when they act in such a way as to prejudice the integrity of the floating dollar, they feel that all they are doing is trying to win the next local government elections, and when that is over the dollar has to go. It has to go anyway, we can tell them that. What they do now is take liquidity out of the system so that people cannot borrow to convert into US dollars. As they do that, they also take out of the system money that is used by the small entrepreneurs for job creation. As they allow the interest to rise—and it has begun to rise—they make uneconomic projects which would normally have been on the margin.

**7.50 p.m.**

#### PROCEDURAL MOTION

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that the House continues to sit until the conclusion of Bill No. 2: An Act to amend the Supreme Court of Judicature Act, Chap. 4: 01 on today's Order Paper.

*Question put and agreed to.*

#### SUPREME COURT OF JUDICATURE (AMDT.) BILL

**Mr. P. Manning:** Mr. Speaker, the financial environment in which we operate is critical. The Government now knows that the way a country is managed with a floating dollar is different from the way it is managed if the currency is not floating. If they did not know it before, they know it now but the damage has already been done. Do you see the irresponsible statement, Mr. Speaker?

The hon. Member for Oropouche spoke about re-negotiating the Agricultural Sector Loan, in circumstances where the Minister of Finance has already factored into his budget a significant inflow of currency from that loan, that would create a gap. When the credibility of the budget is affected, a loss of confidence ensues and, therefore, the market would react in a certain way. All the Government is doing now is prejudicing the integrity of the floating dollar, the consequences of which will manifest themselves in the not too distant future.

For those who do not know, one can buy US currency on the black market at a figure of TT \$6.50. The black market is TT \$6.50! In other words, it is the first indication one has of where that currency will go when the integrity of the float is maintained, or, if it is not reinstated, when the Government takes the step to devalue the currency. Do you know what the effect of all of that is? The effect of all of that is higher—*[Interruption]* I am saying that the integrity of the float will be prejudiced. Mr. Speaker, what does the Member for Oropouche know? Let me put it a different way because it is quite clear hon. Members do not understand. I am saying that the integrity of the float has been prejudiced because it has been at 5.9999 for the longest while.

**Hon. Member:** How long?

**Mr. P. Manning:** Long enough.

**Mr. Assam:** While you were in office it was so.

**Mr. P. Manning:** Mr. Speaker, if the currencies were allowed to float, it will float above as the demand increases and then it will come down.

**Mr. Panday:** Rubbish!

**Mr. P. Manning:** It has done that for a long time.

**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. Kenneth Valley]*

*Question put and agreed to.*

**Mr. Speaker:** Hon. Members, before the Member continues, I simply want to clarify one issue that I purported to deal with a little earlier and that was the question of the document that the Member produced. For the sake of correctness, I would simply indicate that it is only a Minister or Parliamentary Secretary, who

could, in fact, lay a paper. Indeed, we can take it that you circulated the document.

**Mr. P. Manning:** Much obliged, Mr. Speaker, I was waiting to see how long it would take some of us to awaken. I thank you very much for your direction on the matter.

I wish to thank hon. Members, including the distinguished Member for Tobago West for her kind consideration in extending my speaking time.

Before that was done, I was on the point of the financial environment in which business is conducted in this country, the implications of that for job creation and, therefore, the implications for the number of judges we have in the courts. The financial environment is such, that today interest rates are rising once more, a black market has re-appeared with respect to the US currency, foreign currency is no longer as available as it used to. *[Interruption]* I may leave that for the next Bill, Mr. Speaker, with that financial environment operating the way it does today, we are running into difficulties.

I want to invoke the argument of my hon. Friend from Port of Spain North/St. Ann's West as I close my contribution this evening. In the demand for judges in the Supreme Court in this Bill before us, we are seeking to increase the number from 16—20, if the Government and hon. Members opposite do not understand that there is a holistic approach to this matter, then, not only will they be coming back to the Parliament for an increased number of judges but we may well get to the point where no increase in the number of judges—however large—could deal with the social situation that their actions would have unleashed on the people of Trinidad and Tobago.

**The Minister of External Affairs (Hon. Ralph Maraj):** Mr. Speaker, I rise to make a very brief contribution. I did not intend to speak in this debate at all, but I cannot allow the mischievous use of information to go by without making an attempt to correct, what was clearly an attempt to give a wrong impression.

The Member for San Fernando East in his contribution referred to a document which purported to have come from the Ministry of Works and Transport, in which he quoted projects in the Unemployment Relief Programme. He used that information in an attempt to prove that there was some kind of inequity in the distribution of projects. He suggested that some constituencies were being favoured over others, and of course, he referred to the constituency of Naparima. According to the document there are 58 projects scheduled for that constituency.



If that is so, Mr. Speaker, as the Member for Naparima, I would be very happy indeed.

Let me make the point very clear and indicate for the records how that occurred. When I became the Member of Parliament for Naparima, I thought it my responsibility as any responsible and dedicated representative, to make an assessment of the needs of my constituency. As you know, Mr. Speaker, Naparima is a rural constituency, and there is no doubt, and if anybody here is honest, they would agree, that the rural areas of Trinidad and Tobago are in a state of under-development and they have been neglected by almost all governments since the independence of this country. I have made that point on many occasions.

**8.00 p.m.**

I thought it was my responsibility to do an assessment of my constituency and I did that. I, in fact, indicated with the help of the people, the number of projects that were needed to bring some kind of relief and to effect some kind of development in the lives of the people. We identified about 100 projects and, in fact, we have gone to the point where I have had professional assessment done on 100 of these projects. Thinking that I would develop a long-term plan for the development of my constituency—I did pass on the assessment to the relevant authorities—I suggested some of these projects that could come under the Unemployment Relief Programme which I feel has the capability of effecting some of these projects, and that is how these projects have got onto the Unemployment Relief Programme.

That is not to say that this is what is going to take place in the constituency of Naparima over the period 1996. I am sure when assessment is done in other constituencies there might be a kind of upgrading of that very document. So that let me say for the constituency of Naparima at the moment there are about five projects taking place and a long-term assessment has been done and this kind of plan of action can go into effect over the next five years. In addition to that—  
*[Interruption]*

**Mr. Valley:** Mr. Speaker, I wonder if the hon. Member would just give way. I want to know if that is so—I can understand a Member of Parliament making that assessment—could he explain how the assessment got on the Ministry of Works' list?

**Hon. R. Maraj:** Mr. Speaker, as I said before, I indicated which of these projects could be done under the Unemployment Relief Programme. In the same way, for example, I did an assessment of eight of the major roads in my constituency that needed to be fixed, and I have written the Minister of Works as any responsible parliamentarian would do, and I expect the Minister now would be aware of the needs of my constituency with respect to that area, as well. Similarly, I did that with the drainage and the recreation grounds in my constituency. So I stand here today after being the Member of Parliament for Naparima for the past four months, with a comprehensive picture of what is needed in my constituency, and as any responsible Member of Parliament seeking to get the agencies of Government to act on behalf of my constituency.

In my view, I have taken great steps and I think any reasonable person would think that it is a good and responsible step that I have taken and if people want to tarnish that act of mine in a certain way, then I think it is again, very unfortunate, mischievous and irresponsible. So I thought, Mr. Speaker, I would use the opportunity to clear this matter up and whilst I am on my feet to also add my support to the Bill being brought by the hon. Member for Couva South.

**Mr. Speaker:** Hon. Members, the sitting will now be suspended for 45 minutes for dinner.

**8.05 p.m.:** *Sitting suspended.*

**8.50 p.m.:** *Sitting resumed.*

**Mr. Colm Imbert** (*Diego Martin East*): Mr. Speaker, in keeping with your advice, I shall start my contribution by referring to the Bill, "An Act to amend the Supreme Court of Judicature Act, Chap. 4: 01".

If one goes to the Explanatory Note, the objects of the Bill are to provide for an increase in the number of puisne judges as the Member for Couva South has indicated and Court of Appeal judges in the Supreme Court of Trinidad and Tobago, and to allow the Court of Appeal to sit in three divisions at the same time.

The maximum number of judges who may sit in the High Court is to be increased from 16 to 20 and a maximum number of Court of Appeal judges who may sit in the Court of Appeal beside the Chief Justice is to be increased from 6 to 9.

Mr. Speaker, the Members on the other side are engaging in raucous laughter—but very few of them in their contributions referred in any way to the various clauses of this Bill. If we go to clause 3 which amends section 5 of the Parent Act [*Interruption*]. Puisne is what we just had—by deleting the word “sixteen” and substituting the word “twenty”—that is the High Court. Section 6 of the Parent Act is amended by deleting the word “six”, and substituting the word “nine” and deleting the word “two” and substituting the word “three”.

The effect of this Bill, will be to allow four additional judges to sit in the High Court, three additional judges to sit in the Court of Appeal and to allow three divisions in the Court of Appeal. Why do we want to do this, Mr. Speaker? We have heard many reasons from the Members opposite and the Members on this side as to why we need to increase the number of judges. Fundamentally, the reason is, that we wish to speed up the administration of justice simply by increasing numbers, and this brings us to the point made by many Members on this side that while in Opposition, the Member for Couva South protested vehemently against legislation of this type. As a matter of fact, the hon. Member brought a Motion which, as far as I am concerned, was quite a vicious attack on the Judiciary. In that Motion, he indicated that simply increasing the number of judges, the number of courts and so forth, would not work and that piecemeal programmes would not work.

At that time, the Member for Couva South, as I said, launched a vicious attack, in my opinion, on the judiciary. He questioned the manner in which judges were appointed, what were the qualifications and experience required to be a judge. One wonders what would happen when this Bill is passed because we on this side support the legislation despite the fact that when we brought legislation of this type, there was loud protest from Members, such as the Member for Oropouche—always quarrelling, grumbling and mumbling about piecemeal legislation when he was in Opposition.

**Mr. Sudama:** You take over now.

**Mr. C. Imbert:** The human rights activist, the Member for Couva South, is always carrying on about piecemeal legislation. We support this Bill. We are not going to grumble, mumble and fumble about piecemeal legislation. We believe that the process of justice, if I reduce it to construction terms, it is as if one is building a wall, and every brick in the wall increases the strength and integrity of the wall, so we do not mind. We support this legislation, but I simply raise these

*Supreme Court of Judicature (Amdt.) Bill*  
[MR. IMBERT]

Friday, March 15, 1996

issues because it demonstrates the political hypocrisy of the Member for Couva South. I wonder now that there would be an increase in the number of judges whether the Government will seek to influence the system so that judges of their liking will be appointed to the Bench. *[Interruption]* I hope not. I raise this issue, because the Government has demonstrated its ability—Mr. Speaker, I notice the Member for Couva North appears to be having palpitations, I would recommend to the Member that he seeks professional advice because if he excites himself too much, that plastic heart he has may give out on him. So stop exciting yourself! *[Interruption]* I hope that the Government does not use—

**Mr. Speaker:** Members, it is too early, just having come back, to start this. Let us hear him.

**Mr. C. Imbert:** Thank you, Mr. Speaker. I see you are seeking the interest of the Member for Couva North. He is not a well man, you know. But anyway, as I said—

**Mr. Panday:** *[Inaudible]*.

**Mr. C. Imbert:** Yes. When they invent a mechanical heart.

**Mr. Assam:** This man is heartless.

**Miss Nicholson:** You could drop down anytime, you know.

**Mr. C. Imbert:** Mr. Speaker, the Government has demonstrated its propensity for launching wholesale onslaughts on the independent mechanisms within our democracy. The attack on the media by the Member for Couva North and the Member for Couva South is simply an example, and therefore, I do not have the confidence that the Government will not seek surreptitiously to influence the appointment of judges.

**9.00 p.m.**

The Member for Oropouche spoke about physical infrastructure for the judiciary. He spoke about magistrates' courts, judicial buildings and so forth. In his contribution, he also spoke about a court which he intends to construct in Diego Martin some time in the future but he neglected to inform this honourable House that that court already exists in Chaguaramas and has already been refurbished twice; first at a cost of \$2 million by the Member for Tobago East and thereafter.

The fact that he can come to this Parliament and speak so glibly about refurbishing a court in Diego Martin just demonstrates his complete ignorance of geography and the physical assets of this country.

It is no wonder that the Minister of Planning and Development in the development programme of 1996 was so unfamiliar with projects that he could have classified the Diego Martin area—an area stretching from Chaguaramas to Maraval—as one constituency and was so bold as to tell the Member for Diego Martin West that he has to make a choice between a school in Carenage and one in River Estate; the school in Carenage being in Diego Martin West and the one in River Estate being in Diego Martin East and there is Diego Martin Central in between—classic ignorance of the geography and the social make up of Trinidad and Tobago. He can say that he would be building or refurbishing a court in Diego Martin because he simply does not know that that court was built years ago.

Mr. Speaker, during the tenure of the People's National Movement, I had the privilege to attend the opening of the San Fernando Supreme Court building. A contract was awarded and construction was well advanced for a magistrates' court in Tobago—the Scarborough Magistrates' Court. Also, a contract was awarded and construction commenced on the Industrial Court building which although does not specifically relate to the puisne judges, there are judges nevertheless within the Industrial Court system so it is part of the administration of justice in a broad sense. We had the foresight and we commenced construction of the Industrial Court, a facility that has been sorely needed in Trinidad and Tobago for at least some 15 years.

We awarded a contract and started construction of the Tunapuna Administrative Complex including the brand new magistrates' court for that part of eastern Trinidad.

So that the PNM government in the last period had a track record of upgrading and improving the physical infrastructure in the judicial system to allow our system of justice to perform at a higher level.

We had also prepared preliminary designs and had reached quite a way for a new judicial complex in Arima serving the entire eastern district of Trinidad.

We started a system of night court in Arima. Notwithstanding the claims of the erstwhile Attorney General, the Member for Siparia, we had done all of the ground work for a family court

**Hon. Member:** Attorney General.

**Mr. C. Imbert:** No, no, no, an attorney general is someone who has reached a certain level. One cannot be an attorney general for 90 days and acquire status.

The PNM administration had made considerable headway in improving the physical infrastructure for the Judiciary in Trinidad and Tobago and we were continuing to upgrade and develop existing magistrates' courts, construct new ones and so forth throughout Trinidad and Tobago.

So that notwithstanding the statements of the Member for Oropouche who is a very confused individual and who makes all kinds of statements and comments about projects—and I come right back to the Carenage Primary School to indicate that I have no confidence in the statement he has made about building magistrates' courts in various parts of the country.

When it was discovered that the Carenage Primary School had been deleted from the 1996 development programme and the Minister was challenged about this, his first response was that the drawings were not completed hence the reason the project was not included in the 1996 development programme. When it was discovered that his information was wrong and not only had the drawings been completed but the project had gone out to tender and tenders were coming in, he changed his tune and said that he would see if he could find the money. I understand that the latest excuse the Minister of Planning and Development has offered is that he cannot get action from the Ministry of Works and Transport on the matter.

I suspect it is a delaying tactic and it is simply his unfamiliarity and ignorance of the entire process of development and what it takes to get things done within the government system.

Let me come back to the instant matter. We are debating here tonight recommendations to increase the number of judges and one has to ask the question: why do we need more judges? Clearly, we want to deal with a number of matters, a backlog of cases about which the Member for Siparia was so repetitious.

**9.10 p.m.**

As a matter of fact, I think she got a lot of leeway, if she will excuse me, Mr. Speaker. Why do we need more judges to deal with the backlog of cases and the whole system of crime and punishment?

The Member for St. Joseph made a valiant attempt to defend his Government's failure to contain crime since assuming office, despite their trivial and infantile slogan in the election, "If you do the crime, you will do the time". But on a daily basis when one opens the newspapers one sees that the crime situation in Trinidad is as bad as it has always been, and the Member for St. Joseph is not the first Minister, and may not be the last, who will fall into the trap of quoting statistics saying that there were 140 murders in 1995 and only 139 in 1996, so crime has gone down. But that is not the issue, Mr. Speaker.

**Hon. Member:** 1996 has not yet finished.

**Mr. C. Imbert:** One has to look at the types of crime being committed; the boldness and audacity of the criminals and the effectiveness of the judicial system in dealing with crime. That is the issue, despite the trivial electioneering slogan about crime. I notice the Member for Couva North no longer gets up in this Parliament and talks about "swift action" in dealing with criminals. I remember two months ago he was quick on his feet, Mr. Speaker, jumped up and said there were three murders over the last three days and we have moved swiftly; two suspects have been apprehended and the police have another one in custody, and so on and so forth. I ask the Member for Couva North, what has happened with those matters? Have they even been heard?

**Mr. Panday:** Yes.

**Mr. C. Imbert:** Oh, I see. Very interesting.

**Mr. Sudama:** Where were you?

**Mr. C. Imbert:** Mr. Speaker, I notice the Member for Couva North has got some sense. The pace at which murders, robberies, rape and other violent crimes escalated since the coming into office of the UNC/DAC/vaps coalition—*[Laughter]* he cannot handle it, Mr. Speaker. If every time a murder was committed he had to jump up in this Parliament like a jack-in-the-box and say, "We have arrested two suspects and the police are taking swift action", he would find himself jumping up at every session of Parliament *[Interruption]* with his 'gallery' and 'grand charge'. It brings us back to the issues of crime and punishment which are not issues to trivialize. Look at the type of crime that is taking place in Trinidad and Tobago in the 1990s. There is an increase in malicious wounding.

In the past, Mr. Speaker, one would not see the type of crimes highlighted as we see now, where persons' limbs are being severed. I noticed in the newspapers just a few days ago a young lady's arm was severed because of a domestic dispute.

**Mr. Panday:** PNM caused that. *[Laughter]*

**Mr. C. Imbert:** And a tourist in Chaguaramas, a "yachtie," was murdered. I am not aware of a similar instance for a very long time. I remember many years ago, Mr. Speaker, there was an incident on a yacht in the Port of Spain Harbour. Some persons climbed onto a yacht and I am not sure if the person was murdered, may have been, but that was 15 years ago, or so. Since then, Mr. Speaker, I am not aware of any crime at the level of murder being perpetrated against foreign visitors, but it has happened under the UNC administration. This is why we need more judges—to deal with crimes of this type.

Mr. Speaker, the former administration had a witness protection programme which worked, despite the vooping and bluffing of the Member for Couva South. They had witnesses in protective custody and they were safe. Within two months of the coming into office of the UNC/DAC/vaps coalition a key witness in a drug related case was murdered. Drug related. They like to talk about fighting drugs, but the Member for Port of Spain North, in rather elegant language, spoke about cavorting with subjectivity. What he was really saying was that by your actions you will be judged. It is not what you say or carry on with in the media, it is what you do. *[Interruption]*

When there is a witness protection programme, which is essential to deal with the drug trade, there is some confidence that the judicial system will function. What is the point of appointing more judges to the Bench if cases are dismissed because of lack of evidence or because witnesses are murdered? Mr. Speaker, how frustrated judges must feel when they see cases reaching a point of conclusion and just before it is time for a verdict, or sentence for that matter, essential witnesses are killed. How does the judiciary function in such a system? It cannot.

So that, with all the "ole talk" on the other side about fighting crime and drugs, what have we seen since the advent of the UNC/DAC/vaps coalition? The incompetence of the Attorney General who regaled us with a lot of legal gobbledegook last Friday, where he vooped his way through an exposition on how to bramble in law—the Interpretation Act—when he knew very well, as far



as I am concerned, that he was vooping. Brambling. And you see it today when he comes into this Parliament and very quietly a package is laid on the table and you see the Rent Restriction (Re-enactment and Validation) Act. Big joke, Mr. Speaker.

This is the competent Attorney General who, when he was appointed, had to regale us with a 10-page *curriculum vitae* which very conveniently left out all the cases he had lost which would probably have comprised 20—30 pages. But anyway, one has to ask oneself, how can the judiciary function with an incompetent Attorney General? Look at the Bills on the Order Paper today. Any competent Attorney General—even the Member for Siparia, who is putting on a very brave front and I must commend her for that, but I know she is feeling the tabanca—[*Laughter*] Any competent Attorney General would have put Bill No. 1—he is laughing, Mr. Speaker, he knows it is true—and Bill No. 2 together and join the debate. They are both Bills on the Supreme Court of Judicature. Incompetence of the highest order! When he was in Opposition, Mr. Speaker, he would do that. We would have discussions and agree that Bills would be joined. It is one Bill.

**Mr. Maharaj:** You do not understand.

**Mr. C. Imbert:** In fact, he is amending the same Act, Mr. Speaker. Why bring two Bills to amend one Act? Is he trying to sell paper or something? Incompetence. Even the Member for Siparia would have been able to foresee that. Perhaps the hon. Member might have been overruled, however, if she had raised it.

The Member for St. Joseph made a mercifully brief contribution, [*Laughter*] which was filled with irrelevancies. I cannot remember a single instance where he referred to a single clause in the Bill; rambled on and on about the work being done by the UNC/DAC/vaps coalition; tried to defend the absentee Minister of Public Administration and Information, who has been bitten by the travel bug and despite all his protestations when he was in Opposition, is now more out of the country than in. All over the world, Mr. Speaker, these neophyte Ministers.

**9.20 p.m.**

All the sins that they unjustifiably accused the PNM of, such as foreign travel and fancy cars, they are doing it 10 times over. If one checks how often the Minister of Public Administration and Information has been out of office, one would see that he probably spends less time in Trinidad and Tobago, but a

spirited defence comes from the Member for St. Joseph. He cannot say what the Minister of Public Administration and Information is doing to improve the working conditions of the judges in this country; to reform the system of administration of justice and the public service as it relates to the judicial system because nothing is being done. Instead the Minister of Public Administration and Information is on a safari or walkabout all over the world.

Let us come back to why we need to have more judges. I am glad the Government has brought this Bill because we do need more judges. We need more judges to look at the legality of other important issues such as the legality of the giveaway of prime state lands and state resources to UNC activists and known criminals. We need to look at the legality of the interference in our system of local government by the present incumbent Minister where he is dictating to chairmen of councils how they should manage their affairs. We have to look at the legality of the harassment of the media by the Member for Couva North and the Member for Couva South. We need more puisne judges because we may wish to bring a constitutional motion looking at the open intimidation of the media by the Member for Couva North and the Member for Couva South. It is a whole question of attack on the Constitution. We need more judges to look at threats against elected Members of Parliament; harassment of Opposition Members; attempts to intimidate Opposition Members of Parliament and bribe Opposition Members of Parliament. We need more judges to look at the illegal virement of funds from heads of ministries to other heads; misuse of funds allocated for certain purposes to activities outside of the ambit of government programmes and to protect us from the Members on the other side.

Allow me to digress, Mr. Speaker. During the presentations in this session today, there was a spirited defence from the Member for Naparima. It was his first opportunity to speak in this Parliament since his Bills keep being renegeed on the Order Paper. There is a curious phenomenon that I have noticed where Bills emanating from the Ministry of Foreign Affairs continue to be pushed down in the order by the Attorney General, and new Bills emerge and go up on the Order Paper. It leads to the conclusion that perhaps the Bills are emanating from the wrong Minister of Foreign Affairs. If the Minister Extraordinaire had tabled these Bills they might have found themselves at the top of the Order Paper, but coming from the Member for Naparima, it is clear that the Attorney General has no wish to allow him to speak. Bills come, and foreign affairs matters just go down on the Order Paper.

The Member for Naparima sought to defend himself completely missing the point made by the Member for Arouca North where it was indicated that if one is not careful with our social safety net programmes, such as the Unemployment Relief Programme, there could be social disruption in Trinidad and Tobago. One must understand that in depressed urban areas the employment opportunities for persons who live there are limited. At least, in a rural area someone can plant subsistence crops and survive on subsistence agriculture. These opportunities do not exist for persons in depressed urban areas. There is simply no land in the Laventille area, in the heart of San Fernando and in Arima. Therefore, opportunities for subsistence agriculture do not exist. This is the genesis of the Unemployment Relief Programme.

It is a recognition that because of a lack of unemployment opportunities in depressed urban areas a social safety net must be provided otherwise there will be crime. There is a direct correlation between high rates of unemployment and incidence of crime. There is a recognition that in depressed urban areas there must be special programmes, hence the Special Works, DEWD, LID, URP and the need to provide properly in these areas, otherwise there will be social dislocation and problems in the country. The Member for Naparima simply does not understand. That is why he can speak so glibly about 58 projects in his constituency. I wish to tell him, through you, that it is the Minister of Works and Transport who has indicated these numbers. Let us forget that. It is not important. That is probably the only opportunity the Member for Naparima would have to speak for a long time, unless he gets up again to counter some point made by Members on this side.

Even if there are more judges, we have to look at the constraints under which judges have to function. We have to look at serious problems within the judicial system. While one welcomes an increase in the number of judges, what is the point of increasing judges—this is the point made by the Member for Couva South in the past—when there are criminal lawyers such as the Member for Couva South engaging in delaying tactics, pulling every legal low dodge and trick in the book and delaying cases deliberately? The Member for Siparia spoke about cases being on the books for 19 years, but she did not confess that in many cases it is the actions of criminal lawyers such as the Member for Couva South deliberately delaying cases in the hope that their criminal clients will get off.

**9.30 p.m.**

When there are matters such as the pretrial publicity in a recent drug-related case taken all the way to the Privy Council and dismissed, how long did that take? Two years to carry to the Privy Council for it to be dismissed. One wonders how judges function in such a system when they have to sit there and look at the legal gymnastics of criminal lawyers. When I say criminal lawyers, I do not mean lawyers who are criminals. I do not know why the Member for Couva South is so jumpy. A criminal lawyer is not a lawyer who is a criminal. He is simply a lawyer who deals with criminal matters. That is all I mean.

**Mr. Speaker:** I am grateful to the hon. Member for clarifying it and putting the question beyond any doubt [*Interruption*]

With the greatest deference, Mr. Prime Minister, I was listening very carefully to what the Member was saying because I thought that he was sailing dangerously close to making imputations. I rule that what he was saying was open to more than one interpretation but he has clarified the interpretation. He spoke about criminal lawyers. He was in a sense saying that the hon. Attorney General is a criminal lawyer. [*Interruption*] With the greatest deference, I rule that in this case what he was saying was open to two interpretations, and he has clarified it, that indeed what he was saying—

Please continue.

**Mr. C. Imbert:** I will give an example, Mr. Speaker.

**Mr. Panday:** Either there are rules in this House or there are none. If a Member can get up like that—

**Mr. Maharaj:** Mr. Speaker, I would like to draw to your attention that the conduct of a Member of Parliament should not be raised except upon a substantive motion. Standing Order No. 36(10).

**Mr. Speaker:** Standing Order No. 36(10) says:

“The conduct of the Governor, Members of the Senate or the House of Representatives, or of Judges or other persons engaged in the administration of justice shall not be raised except upon a substantive motion moved for the purpose; and in any amendment, question to a Minister, or debate on a motion dealing with any other subject any reference to the conduct of any such person as aforesaid shall be out of order.”

My ruling on that is that I do not interpret what the Member was saying as making any allegations against the Member for Couva South. I understood him to

be referring to him as a criminal lawyer as opposed to a civil lawyer. *[Interruption]* What he said was that there are certain criminal lawyers, like the criminal lawyer that he is, who do certain things. If indeed I understood the Member to be saying that the Member for Couva South was engaging in a certain type of behaviour which was criminal, as opposed to his being a criminal lawyer, I would have known what to do.

I therefore rule that the point of order that the Member for Couva South has risen on is not in fact valid. *[Applause]*

**Mr. C. Imbert:** Thank you, Mr. Speaker. It is curious that Members on the other side make the most outrageous allegations about Members on this side and they have not a shred of evidence for their fantasy, and yet they come here, pious, to pontificate on allegations about their conduct. It is shameful.

Let me go on. I will give an example, now, of what was interpreted by many persons in this country as delaying tactics. I refer to the case of the former Attorney General, Selwyn Richardson vs *The Mirror*, and the case is over so there is no question of commenting on a matter where a judicial decision is pending. It is finished. In that case, the Member for Couva South raised a certain defence where he said that when allegations were made that the former Attorney General was suffering from AIDS, that it was not AIDS in the sense of Acquired Immune Deficiency Syndrome, but some other disease which no one had ever heard of, Acquired Inherited Down Syndrome, better known as “beh-beh”. I remember the newspaper headline where the Member for Couva South was laughing uproariously at his legal gymnastics, where in order to avoid a decision of the court that libel had been committed, he said it was not Acquired Immune Deficiency Syndrome, it was Acquired Inherited Down Syndrome.

I am not saying that I am of the view that this was a delaying tactic. That was the view of many persons in this country. I remember the newspaper editorials and so forth. That is simply an example. I am not questioning the conduct of the Member for Couva South. I am simply giving an example.

Let us go back. How can judges function when there are criminal lawyers engaging in delaying tactics? I gave you the example of a drug related case which went all the way to the Privy Council because of an allegation that pretrial publicity, like the O. J. Simpson affair, would prejudice the opinion of the jury. This is in my view a delaying tactic.

There was a big hullabaloo two weeks ago when the Government made a big noise about hanging five persons and immediately some lawyers stepped into the breach and engaged in delaying tactics, raising constitutional motions, going through the system, Puisne Court, Appeal Court, all the way to the Privy Council. This is the problem that I am referring to. How do judges function under those circumstances? How does a judge feel when he knows there is a Pratt and Morgan judgment which says that after five years one must commute the sentence to life imprisonment, if one was in death row for more than five years, and they want to hang them.

Let us go on. How does a judge feel, when nearing the conclusion of a drug-related case a witness is murdered? Even if we put three new judges in the Court of Appeal and four in the Puisne Court, how do they feel when files disappear? Essential case files disappear. How do judges feel? How will it help the administration of justice to appoint more judges when we do not have a proper file management system?

**9.40 p.m.**

How does it help the administration of justice to appoint more judges when witnesses are intimidated, and subsequently change their testimony? All these are problems within the judicial system that we have to address, not just more judges; not just upgrading the system for the appointment of judges—not that I want to get involved in that—but as I said, filibustering by lawyers, spurious arguments by lawyers are all intended, in my humble opinion, to delay the administration of justice to the point of frustration, so that cases would drop off the list and criminals would go free. How does one deal with this, Mr. Speaker? We should have more judges to deal with our crime situation.

Recently, the Government was upset at no end with a *Times* magazine article that described Trinidad and Tobago as the “Wild West.” It indicated that one of the top advisors of the Member for Couva North defended the Dole Chadee gang. Up in arms! Protest! Noise! But when the Attorney General was appointed to office he said, “Trinidad is like a Wild West, killing people all the time.” Those were the actual words of the Attorney General.

The article commented on the administration of justice, the judicial system, crime and punishment and how our judges function. The *Times* magazine article simply reported it as they saw it. It was a subject of great outrage, Mr. Speaker. The same Members for Couva North and South, who the week before, launched

an unfair onslaught on the media—the same Members for Couva North and South, attacked the media, called the editor of the *Guardian* a racist—said they must come to the defence of the Government, that their honour has been sullied. Mr. Speaker, what political hypocrisy! I am choosing my words very carefully, Mr. Speaker.

**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. Valley*]

*Question put and agreed to.*

**Mr. C. Imbert:** Thank you, Mr. Speaker, and hon. Members.

In the Member for Siparia's contribution she spoke about the frustrations in the judicial system. Mr. Speaker, can you imagine how the public feels now that the Member for Siparia is no longer the Attorney General? No one can condemn persons for having a jaundiced view of the system, when, a few weeks before, individuals who were defending some of the worst notorious criminals in the country are now directly involved in the administration of justice. No one in this country can condemn certain persons for having a jaundice view of the system or of being suspicious. No one can say that people are wrong to have these opinions.

Let us look at this whole question of crime and punishment. There are many things wrong with our judicial system. Many administrations before have made attempts to deal with the problems in the system, and I daresay, the last PNM Minister of Public Administration also made a concerted effort to deal with our judicial system. It was under our charge that the noted *Gurley Report* that Members referred to, was developed. It was under our charge that the foundation was laid for legislation, such as the one we are debating today. The Member for Couva South can jump high and jump low, but we laid the foundation for Bills such as these. The Member for Couva South is simply reaping the fertile crop that was sown by the PNM administration. All these Bills that are coming to Parliament were initiated by the People's National Movement administration.

I am disappointed, Mr. Speaker, that one who was so eloquent about our judiciary in this House; that one who spent most of his parliamentary career carrying on about piecemeal legislation and piecemeal approaches to problems, has now become the epitome of what the Member for Port of Spain South has described as "*ad hocism*". For the benefit of the Member for Siparia the suffix "*ism*" at the end of a word, creates another word, such as truism; just add "*ism*" to

the word “true”, so “*ad hocism*” is a system of “*ad hocisy*”. An *ad hoc* approach falls all within the ambit of “*ad hocism*”. The Member for Siparia should not take any basket from the Member for St. Joseph, he is rather garrulous, loud, obstreperous, vociferous and he has a tendency to stray from the matters at hand.

Let us look at this whole problem of crime and punishment. Why must we appoint more judges to our courts? Because violent crimes are on the increase since the advent of the UNC/NAR administration. No amount of statistics could prove otherwise. As you know, Mr. Speaker, many crimes go unreported in Trinidad and Tobago, and that is the problem of playing with statistics. There is an undercurrent of uncertainty in the country now and it is engendered, to no little extent, by the anti-democratic and anti-dictatorial actions of the Members for Couva North and South. One wonders if they are really serious about the question of dealing with the crime situation and improving the judicial system. One really wonders if the Member for Couva South is not on an elaborate public relations exercise, as he seeks to enhance his image, as he climbs his way up the ladder to become—heaven forbid—Prime Minister of Trinidad and Tobago. What a sad day that would be. One wonders, Mr. Speaker, if this “*ad hocisy*” and “*ad hocism*” that we are seeing is not really part of an elaborate public relations exercise, contrived by the Member for Couva South, as he seeks to soften his image of a criminal lawyer—a lawyer who has a propensity to take up criminal matters in the courts.

**9.50 p.m.**

Mr. Speaker, by their deeds you shall know them; show me your friends and I will show you who you are; birds of a feather flock together. No matter how one tries to divorce oneself from a situation, one has to look at the actions and the behaviour of people when one comes to certain conclusions; one has to look at companions of people when one comes to certain conclusions, and I really wonder if the Government is serious about crime.

We could put 33 more judges in the Puisne Court and improve the Computer-Aided-Transcription system to the point where it has 95 per cent efficiency; we can provide the judges and magistrates with the staff and the resources that they require; we can refurbish every single magistrates’ court in Trinidad and Tobago and build a new court in every village and town; we can reform the prison system; we can reform the police service, but when there is an undercurrent of uncertainty and fear, where witnesses are murdered, where essential case files disappear, where witnesses change their testimony, Mr. Speaker, what is the



point? That is why I wanted to hear a holistic approach to this whole system of judicial management. I would like the Attorney General to come to this House and tell us what is he doing to reform the judicial system. What is he doing to make sure that that infantile slogan used by the UNC, "those who do the crime will do the time," will actually happen? How many criminals are doing the time for the crime since the UNC administration came into power? We really must look at that. How many criminals are doing the time? Not very many. Certainly, in some of our more serious crimes there is not much progress at all in the management of these situations.

Mr. Speaker, I submit that the Attorney General is guilty of all the things that he has unjustifiably accused the PNM administration. He has come here with a piecemeal, *ad hoc* piece of legislation. It fits into nothing; there is no structure; no system. He has not said what he intends to do about the whole process of judicial management and he is simply trying to increase the length of his curriculum vitae. His intention is, at the end of a certain period, to say as an Attorney General that he brought 10 or 20 bills, or whatever it is, to the Parliament. He wants to say, 'I was a wonderful Attorney General'—quantity but not quality. We saw that with the rent restriction bungle; we saw that with the extension of life of the municipal corporations bungle and there are many more bungles to come, as haste makes waste, as the Attorney General seeks to rush all sorts of incomplete and slipshod inferior legislation through this Parliament.

I thank you.

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I do not propose to allow the debate on this side to degenerate in the way it has degenerated on the other side. We have come here to debate a very serious matter; a matter affecting the administration of justice; a matter affecting the lives of our people. Because of the lack of judges, wives have suffered; husbands have suffered; children have suffered; people were denied education and lives were lost. Here we come today and the Opposition which claims to be an alternative Government in Trinidad and Tobago has decided to make a mockery of this Parliament. How low have they got? The bottom of the barrel.

Mr. Speaker, this is a Bill which consists of 39 words, a Bill which consists of a few lines, and a Bill which merely asks this Parliament to approve an increase in the number of judges both in the High Court and in the Court of Appeal and to create another division of the Court of Appeal so that the courts would be equipped to deliver justice to the people of Trinidad and Tobago. What do we

*Supreme Court of Judicature (Amdt.) Bill*  
[MR. IMBERT]

*Friday, March 15, 1996*

hear today? We hear today from the Leader of the Opposition, the hon. Member for San Fernando East—one who should have tried to set an example. What have we heard from him? We heard all things about the Unemployment Relief Programme. If that is the kind of leadership one would expect from the other side, one can understand why this country did not have leadership during the PNM regime.

Mr. Speaker, this debate has demonstrated that the PNM is not only shameless; the PNM is not only hypocritical; the PNM is prepared to treat this Parliament and the people of Trinidad and Tobago with the greatest contempt. As a matter of fact, even whilst the Member for San Fernando East was on his legs he confessed to this House and the Parliament that, "he tried a thing on the House"; he tried to fool the Speaker. He was, in effect, saying that he was dishonest to the Speaker and the House of Representatives. If the hon. Member for San Fernando East does not like the word, dishonest, I would say that he was not truthful to the House.

Mr. Speaker, we all sat here today and listened, but do you know the PNM has not told this House why, from 1992, it did not introduce any measure to effect the recommendations in the *Gurley Report* that there be additional judges and another division of the Court of Appeal, which it said it was so anxious to implement in 1992?

**10.00 p.m.**

Mr. Speaker, it is a matter of record that when the Gurley Committee presented its report, the position of the then Opposition was that the *Gurley Report* itself, could not have been the answer to solving the ills in the administration of justice. And the Opposition at the time, the United National Congress, in a Motion filed in respect of the administration of justice, indicated that the Government had to address and redress other matters affecting the administration of justice. Much time had been spent by the other side, quoting from contributions made by me during that debate and, in effect, it is the same position which we have adopted today.

In opening this debate, I indicated that we recognized that a measure like this alone would not solve the problems in the administration of justice, and that one had to consider judicial reform; law reform; procedure reform; enhancing legal education; improving other methods of the court and, in effect, having more transparency in the whole judicial system. In spite of saying that, the Opposition

misrepresented the views of the UNC Opposition in this debate. It is more serious than that, and since the other side has made accusations against this Government for not really being interested in judicial reform and has made all sorts of allegations, I want to say in response that I accuse the PNM Government of deliberately not doing anything to solve this problem. How do I support that?

Mr. Speaker, on May 15, 1992 the then Attorney General—and I would ask the hon. Member for Diego Martin Central to pay attention because he would see what kind of Attorney General he worked under, or with whom he worked—said among other things on the question of delays and the administration of justice that we must act, and we must act swiftly.

He went on again and he said:

“Cabinet has agreed as an immediate and urgent action plan to activate a team charged with the responsibility to provide solutions for immediate implementation to deal with the problem of delays.”

He continued to say that if these problems were not dealt with in the next few years, it would be totally out of hand and perhaps the situation will then be irreversible.

He was speaking in 1992 and saying he was recognizing the problems of delay, recognizing that the Government had to act swiftly and he was also recognizing that if it was not dealt with swiftly, that the situation may become irreversible. What did he do? He appointed a team called the Gurley Team and in July, 1992, that team reported.

**Mr. Manning:** Cabinet appointed the team.

**Hon. R. L. Maharaj:** Cabinet appointed it. Okay. In July, 1992, that team reported and Cabinet accepted the report. And what were some of the main recommendations of the Gurley Committee in 1992 of which most of those on the other side were Members with the Member for San Fernando East as head of that Cabinet? The creation of a further division of the Court of Appeal. That was a recommendation of the Gurley Committee in July 1992.

**Mr. Panday:** Why did you not do it?

**Hon. R. L. Maharaj:** Why did the PNM not take any measures from 1992 to October 6, 1995? Instead, the Member for San Fernando East got up on this side and asked for the Parliament to be dissolved and called general elections. For three years he could not pass a 30-odd words Bill.

**Mr. Panday:** Where is the imp from Diego Martin?

**Hon. R. L. Maharaj:** Where is the competence, where is the commitment? It is because the PNM was not interested in solving crime in this country. I ask the question, just as the Member for Diego Martin East was asking the question: Did we need more courts? Were more courts needed to find out whether ministers were involved in organized crime at the time? Was there involvement in organized crimes in the different gangs which the Member for San Fernando East talked about? Why is it that the Member for San Fernando East has talked so much today and he could not give an explanation as to why he sat down as Prime Minister of Trinidad and Tobago from 1992—1995, although he knew that he had to pass legislation to create another division of the Court of Appeal and he did nothing about it?

**Mr. Panday:** Deliberately.

**Hon. R. L. Maharaj:** He deliberately refused to do anything about it. It did not only say that, it also stated the creation of one more puisne High Court judge and the creation of more magistrates' posts, and Mr. Speaker, he did nothing about it.

He spent money all about trying to put down a plant on a pitch lake, and he did nothing about it. All he was doing was gallerying and trying to fool the population that he wanted to deal with crime. He was saying that he wanted legislation, he got the legislation and did nothing about crime. The cocaine trade in Trinidad and Tobago increased and the question must be asked again: Was the PNM interested in stopping the cocaine trade? Was the Member for San Fernando East interested in stopping the cocaine trade in Trinidad and Tobago? Why is it he did not give an explanation for not doing anything although he knew from 1992? It got worse and I want to demonstrate how they on that side of the House are not only political hypocrites, but they are shameless.

After the Westmoorings murders in July 1994, what happened? I wonder if the Member for San Fernando East could remember what he did? He stated that there were certain actions which he had to do to deal with the question of crime after those horrible murders. One of the things he said he had to do was to appoint himself as Minister of National Security and in the *Trinidad Guardian*, the PNM paper, it said there were certain actions required at the time that are best handled by the Prime Minister. He then had a meeting with the then Chief Justice and the Minister of National Security and as Prime Minister he announced on the front

page of the *Trinidad Guardian* that a High Court was to be built in Arima to be manned by additional judges.

In July 1994, when he reminded himself about it, he said to the nation that there is need for a division for a Court of Appeal, need for more judges, to solve the question of crime. Did he do anything about it? He said if we are to speed up those cases, that calls for more judges and more support staff. Why would a Member of Parliament who served as the Prime Minister of Trinidad and Tobago, and who, in effect, knew that people were being murdered, not have done anything about it? Children's rights and that of wives, husbands and workers were being affected.

That is known as misconduct in public office.

**10.10 p.m.**

**Mr. Manning:** Lock me up!

**Hon. R. L. Maharaj:** Mr. Speaker, I do not lock up anybody; the police or the Director of Public Prosecutions does that. We do not interfere with the prosecution process as he did while he was in government. Here it is that he is saying—and they had the brass face today from 2.00 p.m. to talk about the PNM is interested in fighting crime, delays in the administration of justice and the UNC/NAR Government is not committed to dealing with the problems of crime. Within 100 days in office this administration is able to bring a bill to Parliament.

**Hon. Member:** Huggins died.

**Hon. R. L. Maharaj:** Mr. Speaker, I will deal with the Witness Protection Programme and who is responsible for Huggins' death.

The Bill was passed in the Senate and when it comes here today there is all this "ole" talk because they are not interested in fighting crime.

Mr. Speaker, I want to show you and the national community and for the records to reflect how hypocritical that side is. The Member for San Fernando East got up today to talk about this matter and gave no explanation but accused us of not seriously wanting to deal with the question of crime and gave us a big lecture on crime and gang warfare and trying to promote division in the society. That is what he was trying to do; not to deal with the question of judges. He was talking about if one does not deal with those problems there would be need for more judges.

Mr. Speaker, after the Westmoorings murders, he had to take over the Ministry of National Security, only he could have done the job. Do you know what he said? He said that there was need for the employment of about 500 SRPs, the creation of these additional posts to operate 24 hours per day and the construction of new police posts for those 500 SRPs. To the time he stood up and knocked the desk and beat his chest and called elections, he did nothing about it. That was recognized by him to deal with the question of crime, security of the individual, the cocaine trade in Trinidad and Tobago.

Mr. Speaker, why did the Member for San Fernando East not want to arrest, stop and minimize the cocaine trade in Trinidad and Tobago? Why did he not want to take steps in order to stop cocaine from being distributed in Trinidad and Tobago? He had his Ministers with him. The Member for Diego Martin East talked much today. Why did he not tell them about it? Is it because they did not want to do anything about it? He knew that 500 SRPs were needed; also more courts, more judges in order to arrest the cocaine trade but nothing was done about it. They facilitated it, they encouraged it; they caused it to increase, then the Member gets up here today and makes accusations against Members on this side of the House.

Mr. Speaker, the hon. Member for Diego Martin Central talked about credibility and being on one side one day and on the other side the next day. I do not propose to explain the legal profession to him, he does not understand it. Having talked about credibility and if he understands and knows the meaning of credibility, how does he feel about hearing those facts? They knew those facts. They did nothing about it. They condoned it and also condoned the cocaine trade in Trinidad and Tobago.

May I remind him that he talked about Members of Parliament being on one side one day and on the other side the next day. He wrote the book *In Defence of the People*, and he betrayed everything in that book, but he did not talk about that.

**Mr. Valley:** Not one thing.

**Hon. R. L. Maharaj:** Mr. Speaker, the Member for Diego Martin Central does not understand the word “credibility”. [Interruption] No, he would not be interested in that.

The Member for Diego Martin Central referred to the fact that in Opposition we talked about the appointing process and criteria for the appointment and

elevation of judges. He is ignorant of what happens. He does not follow what happens in this country. He does not read and he wants to talk on matters about which he does not know.

As a matter of fact, the hon. Chief Justice of Trinidad and Tobago, the hon. Michael De La Bastide, made a public statement as to those matters and, as you know, Mr. Speaker, the executive does not interfere in the workings of the Judicial and Legal Service Commission and in dealing with any legislation which affects the administration of justice one would normally consult with the Judicial and Legal Service Commission.

In order to show that the Member for Diego Martin Central has not been informed, I want to put on record what has been said by the hon. Chief Justice about these matters and what improvements have occurred. I read from page 18 of the Chief Justice's speech at the opening of the law courts.

**Mr. Valley:** When was that?

**Hon. R. L. Maharaj:** In 1995.

**Mr. Valley:** What was the date?

**Hon. R. L. Maharaj:** The law courts open in October. The Member should know that. There was intention to change and there have been changes in respect of the appointing criteria for judges. I quote:

“With regard to the procedure for appointing judges—”

*[Interruption]* If the Member pays attention he would learn something.

**Mr. Valley:** I am always willing to learn.

**Hon. R. L. Maharaj:** Mr. Speaker, I continue:

“With regard to the procedure for appointing judges the Judicial and Legal Service Commission has recently broken the tradition by publishing a notice in the press inviting applications for appointment to the Bench. This has elicited a response from some 25 attorneys.

At present there are four vacancies on the High Court Bench, and as I have already indicated I am asking the Government to amend the Supreme Court of Judicature Act so as to increase the number of Judges from 16 to 20 and to provide the necessary funding for these four additional judges as well as for three additional Judges of Appeal.”

**10.20 p.m.**

So whilst they were in Government, even the Chief Justice was asking them to increase the number of judges. It continues:

“It is hoped that there will be sufficient suitable candidates to enable all of these posts to be filled in the course of the coming year.”

So they cannot say they forgot at all. I continue to quote:

“Another decision taken by the Commission recently is to deepen the consultation with the President of the Law Association on the selection of persons for appointment as Judges. In addition to asking him to recommend persons for appointment to the Bench, the Commission has decided that before making any appointment the Commission will indicate to the President of the Law Association the person or persons whom it proposes to appoint and obtain the benefit of his views with regard to the proposed appointments. It is the Commission’s policy to use whatever means it can, to try and ensure that the best persons are appointed from those available, and also to inspire greater public confidence in the process of appointment.”

So what we were talking about in Opposition was what was necessary. The Chief Justice and the Judicial and Legal Service Commission recognized that it was important to improve the administration of justice and took steps to do it. The Chief Justice at the time was also telling the then Prime Minister, we want more courts, more judges, another division of the court, and although he knew about it from 1992, he did nothing about it; and he had the ‘brass-face’ to get up here and come to—*[Interruption]*

Mr. Speaker, I could understand the fears of the PNM when there is any measure to deal with crime and drugs; and I find it very surprising that on the Order Paper there are measures which would, in effect, deal with important procedural reforms in the criminal justice system. They also deal with matters which will permit the administration of criminal justice in our country not to be undermined or subverted, and the Opposition does not recognize that.

Mr. Speaker, the PNM has been in power and they said that they were going to fight crime. Do you know, Mr. Speaker, that the jury laws are so outdated that any major criminal trial for any length of time in this country would be aborted if more than one juror gets ill? Mr. Speaker, nothing has been done about the reform of the jury system in Trinidad and Tobago. Nothing has been done to gear the system for major criminal trials.



Mr. Speaker, there is before this House on the Order Paper, the Jury (Amdt.) Bill, the Indictable Offences (Amdt.) Bill, which deals with the question of procedural reform in order to ensure that criminal justice is not subverted. And it was announced, so they know that we already have a Bill which is before a Cabinet appointed committee to introduce Drug Courts in Trinidad and Tobago. We have announced that we are going to introduce plea bargaining in Trinidad and Tobago, and they are saying that we are not doing anything to deal with the crime situation.

Mr. Speaker, this administration has demonstrated within a short space of time its commitment to deal with the crime and drug situation. Mr. Speaker, I am very happy when the PNM attacks me and criticizes me. I will feel very uncomfortable on the day that they start to praise me, because this has been the philosophy of the PNM. Any time anyone stands up for the rights of people in this country, to fight corruption, and promote integrity in public life, the PNM attacks the person personally. *[Interruption]* Mr. Speaker, there are measures before this House on the Order Paper attempting to improve legislation for the promotion of integrity in public life, and the Opposition says that we are not interested in dealing with the question of misuse and abuse in public office? *[Interruption]*

Mr. Speaker, we have heard today from the Member for Diego Martin East about the witness protection programme. I do not want to talk about that particular matter, but I would say that the PNM, again in Government, stated that it was going to deal with the whole question of witness protection. Mr. Speaker, not only the then Prime Minister, but the Attorney General made statements in this Parliament from as far back as July 1993 to the effect that it was going to deal with the witness protection programme and introduce legislation. As a matter of fact, if I may read from a statement made by the Attorney General and Minister of Legal Affairs, Mr. Keith Sobion, on July 2, 1993 in this House. In talking about a witness protection programme, he said the legislative measures and systems are described as critical in the overall development of a witness protection programme. Government has already alluded to the difficulties of the establishment of such a system, having regard to the small size of the country and the considerable financial support which would be required for its maintenance. There was also a point of view that the effectiveness of any such programme will be minimized if the legislative and administrative changes mentioned earlier were not specifically implemented. The Minister of National Security in his continuing

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deliberations on this matter had secured, in principle, the agreement of at least one foreign state which was prepared to be of assistance.

Mr. Speaker, the United National Congress indicated that it was going to support any legislation in respect of a witness protection programme and it made a public release on July 5, 1993. Mr. Speaker, we never had a Bill and the then Attorney General admitted that the measures they had were very *ad hoc* and he was going to introduce a Bill to have it all protected. The Member for Port of Spain North/St. Ann's West, in his capacity as Senator and Minister of Information said on March 21, 1994 that the Government would continue its work relating to the witness protection programme and there was a policy position being developed. He said that discussions were continuing and a witness protection programme was on the way.

Well, Mr. Speaker, up to October 6, we did not get it but to make things worse, after all the talk of a Crime Commission, and so forth, the PNM Attorney General stated publicly on September 12, 1994 that the question of witness protection was one of the issues to be addressed with the Government's Criminal Justice Bill, which the Attorney General, Keith Sobion, expected to bring to Parliament early in 1995

Well, Mr. Speaker, it is a matter of record that there was no witness protection bill and therefore what this administration inherited was a system with respect to criminal justice in which no administration was truly committed to dealing with crime and the improvement of the criminal justice system, nor dealing with improving the structure, so that it could have withstood any kind of attack, whether legal or otherwise, in respect of that system

Mr. Speaker, this administration decided to act swiftly and that is why, when the Members on the other side talk about not doing anything to improve the administrative measures in the court system, I want to announce that it was this administration which decided to get the CAT system of reporting back on track, because there were grave doubts as to whether the contract was being broken and whether the system was still in place. It was this administration which decided, within one hundred days of its administration, to get that Computer Aided Transcription system of reporting back on track.

**Mr. Panday:** Draper had derailed it.

**Hon. R. L. Maharaj:** Mr. Speaker, as I am reminded, it was derailed by the then Minister of Public Administration.

**Mr. Robinson:** And Management.

**Hon. R. L. Maharaj:** Mr. Speaker, I think I would be failing in my duty if I do not mention, in response, that the PNM administration, although it passed the necessary drug laws, did not do anything to implement the seizure of assets from the fruits of crime and drugs. When this administration got into office it was confronted with a situation where there were no measures in place to enforce those laws. It was deliberate in that that administration did not want to put measures in place to deal with the drug lords in Trinidad and Tobago. They did not want to deal with the fruits of the drug trade and, Mr. Speaker, I ask the question, do we need courts to deal with Ministers who did not want to deal with the drug trade?

**Mr. Panday:** We need courts for that, yes.

**Hon. R. L. Maharaj:** Do we need more judges for that?

**Mr. Manning:** What kind of talk is that?

**Mr. Robinson:** Ethics Commission.

**Miss Nicholson:** "Tabanca".

**Mr. Manning:** Wait and see.

**Miss Nicholson:** Wait and see what? Nobody can do me anything.

**Hon. Member:** You are trying to spread strife. *[Interruption]*

**Hon. R. L. Maharaj:** Mr. Speaker, that administration knew of several requests for extradition in respect of drug matters and they did nothing to effect them. On the contrary, that administration closed its eyes to requests from foreign governments for the extradition of persons who were wanted in other countries in respect of the drug trade. *[Interruption]*

**Mr. Manning:** Will you give way?

**Mr. Panday:** No, no, do not give way.

**Mr. Robinson:** We are not a "give way" Government.

**Hon. R. L. Maharaj:** Mr. Speaker, this administration, within one hundred days in office, has taken steps to put an international legal framework in place to deal with the international drug trade insofar as it affects Trinidad and Tobago and has taken all the necessary steps to protect the people of Trinidad and Tobago from that drug trade.

Mr. Speaker, how could persons in that administration get up in this Parliament—persons in that ex-administration—and talk about commitment to deal with crime and drugs? There is another matter, Mr. Speaker. The speakers on that side were “brass-faced” again to talk about their commitment to the police service in relation to the whole question of crime. Mr. Speaker, they left a police service which did not have any modern technology to deal with modern-day crime. They refused to give the police the necessary resources; they allowed policemen to work under inhumane conditions. They were cruel to the police service; they allowed the terms and conditions of the police service to remain in such a way that the police would be regarded, not as people who wanted to be proud of their dignity, but that their dignity would be undermined; and Members on that side get up today and talk about the police service.

**10.30 p.m.**

An important arm of the police service is MUP which the Member for San Fernando East must know about. That administration had MUP living in dog kennels. Yesterday the Minister of National Security and I paid a visit there and one would be surprised to see under what conditions that previous administration allowed the police officers in such an important arm to live. They talk about the police service in Trinidad and Tobago.

I do not think that there can be any doubt that the PNM is not very serious about these matters. It is a very sad situation. They came here today obviously not prepared and to obstruct. It is such a sad day that they made such poor contributions. They were involved in making personal attacks on Members and spoke about innuendoes. They are not brave enough to speak about what they want and face the music. They use parliamentary privilege to make statements and innuendoes. We on this side of the House are committed to the people of Trinidad and Tobago. We will keep debates at a very high level in this House. We are not going to degenerate and allow these debates to get to the level of the PNM.

I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

*Clauses 1 to 4 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.*

**10.40 p.m.**

#### ADJOURNMENT

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that the House do now adjourn to Monday, March 18, 1996 at 10.00 a.m.

**Mr. Valley:** Mr. Speaker, just for good order, I wonder whether the hon. Leader of Government Business can indicate the programme of work for Monday.

**Mr. Maharaj:** Mr. Speaker, we will go in the order of the Order Paper.

**Mr. Valley:** Just for clarification, does that mean that we will do the motions and then the bills?

**Mr. Maharaj:** No, the bills.

**Mr. Speaker:** Hon. Members before we deal with the adjournment of the House, I had given leave to three Members to raise matters. Is it the feeling of the House that these matters should be deferred until Monday?

*Dissent indicated.*

**Mr. Speaker:** I first of all then call on the Member for Arouca North. I would like to indicate that you have a maximum of 15 minutes in which to do this.

#### **Arima Senior Comprehensive School (Closure)**

**Mr. Jarrette Narine (Arouca North):** Mr. Speaker, thank you for allowing me to raise this matter on the adjournment—the closure of the Arima Senior Comprehensive School as a result of spraying.

It should be a matter of concern to all in this House when a Senior Comprehensive School in the Arouca North constituency is closed for five weeks

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because of spraying. It started intermittently and for five weeks, there were no classes in a school which has a population of between 1,500 and 1,600 students.

The Minister of Education did inform the Member of Parliament for Arima in writing, on February 27, probably thinking that the school was in the Arima constituency. For his information, the school is in the Arouca North constituency. He indicated as follows:

“The Ministry of Education regrets to inform you that the Arima Senior Comprehensive School will remain closed based upon the recommendation of the officials of the Ministry of Health.

The school was sprayed by the Ministry of Health during the period February 07 to 09, 1996, however, due to the strong odor of chemical which remains on the compound, an exercise of cleansing and deodorizing will resume on Tuesday February 27th, 1996.”

Mr. Speaker, please note that the school was sprayed between February 7 and 9 and that on February 27 these measures were taken. All this time, the school remained closed. I continue to quote:

“The Ministry of Education regrets the inconvenience caused to the entire school population and members of the community and appreciates the co-operation received from all concerned.

Please find attached a copy of a Press release ...

/s/ Adesh Nanan (Dr.)

Honourable Minister of Education”

I thank the Minister of Education for at least informing the Member of Parliament for Arima.

We the Members of Parliament for Arouca North and South, Arima and Tunapuna, from which catchment area the 1,600 students attend, were bombarded by parents asking why the school had to be closed for that long. Further to this, the Arima West Primary School, which is situated on the eastern side of the Arima Senior Comprehensive School, and which carries a population of 800 students, when the Arima Senior Comprehensive School was sprayed, had to be closed for at least a week.

Mr. Speaker, the CXC Examinations are coming up and next week is the Common Entrance Examination, yet there are schools in these areas closed for

that long a period of time. As a matter of fact, it is my information that for the school, which was opened over 20 years ago, this is the longest period of its closure in its history. The closure of the primary school caused a serious problem with the children who had to take the Common Entrance Examination, and we all know how very important that is to the future of any child in this country.

School reopened on March 4, 1996 and I visited on that day. Because of the long delays in having Parliament and not having the opportunity to raise this matter last week, I can tell you that when I visited the school this morning, all the students were in the school and there was a situation where they could not leave the school because of an infiltration of bees. I am certain that the Minister of Education had no information on that. I spoke to the Minister of Agriculture, the Member for Princes Town, who immediately called because with all our calls this morning to the Apiaries Division, no persons came to the school to see that the children were allowed to leave at the closing time.

**10.50 p.m.**

Both the parents and the vice-principal called to find out what was taking place. I, too, tried to deal with that matter with the Apiaries Division, but to no avail and I want to publicly thank the Minister of Agriculture, Land and Marine Resources for doing something about it.

Apart from this school's academic successes they were the 1994 Panorama champions. However, in 1995, there were problems with their playing in that competition. They became the first runners-up in 1996. They also were winners at the Music Festival.

There is a lot of propaganda and reports in the daily newspaper about incidents that take place outside the school compound. I thought that because of the Minister of Education's concern for students in Trinidad and Tobago he would have visited that school. To date, however, he went through his entire constituency in Tabaquite, went to Chaguanas, flew to Tobago. He probably did not visit that school because there was no one there to hug, kiss and shake hands. However, I am asking him kindly, to come and visit that school. There are about 1,600 students there who are willing to meet with him.

Mr. Speaker, the Queen's Royal College, Port of Spain had the same problem and on March 5, 1996 that school was sprayed. How many other schools in Trinidad and Tobago will be disrupted at this time of the year when the Common Entrance Examination and the CXC Examinations are so close? Is it that the

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schools in our areas are being alienated and targeted for closure? I ask because they have no interest in coming to see these schools. They rather go to schools that have no problem and leave out the others.

I also met with members of the National Parent Teachers' Association who indicated that they wrote the Minister pointing out these problems. There is also a leaking gas line and although the Minister of Education has been informed, to the present time they have not had a reply from him. I do not know, however, if a reply was sent between last week and this week, but the President of the National Parent Teachers' Association indicated to me that he had no word from the Minister.

Mr. Speaker, what would be done about these schools that have been affected? What type of spray was used in that exercise? I understand that it was malathion. I do not know how long the school should have been closed because of the type of spray that was used by the Ministry of Health. Was there a sticker used on that spray? I remember when I worked with the Ministry of Agriculture, Land and Marine Resources we used Perinox as a sticker. One needs to have some sort of sticker because of the weather and so forth. I am hearing that it is the Malaria Oil, the same type of sticker used in the Ministry of Agriculture, Land and Marine Resources a couple of years ago. One must understand, however, that there are pores in concrete and wood and after the spraying exercise, the building that houses that Ministry was closed and a thorough deodorizing and repainting job was done before it could be re-occupied.

Would we spray every time this sort of thing happens? Are we going to put a bandage on a sore every time these things happen? If so, we would be endangering the 2,400 children in the Arima Senior Comprehensive School and others in the Arima West Government School. Will spraying be done on a periodical basis? I would like the spraying of these schools to be done on a Friday afternoon so that it will be safe for the children to resume school on a Monday.

I remember that there was a programme engineered to spray these areas on a periodic basis. Would other schools be sprayed? I would like the Minister of Education to correct the periodic spraying in the schools and to implement a programme to secure all schools from dogs and cats. Mr. Speaker, what is the sense spraying the schools when there are gaping holes in their fences? Are they going to put a programme to mend these school fences? Are they going to put a programme where schools—



**Mr. Sudama:** What were you all doing?

**Mr. J. Narine:** We did a lot of work in the schools but this problem is on an ongoing basis. Will the Minister liaise with the Ministry of Local Government and the Ministry of Works and Transport?

What is the situation with the water problem in our schools? We have children going home every week for a period of time when they are supposed to be in school. They have to get their education but because of certain problems—the Ministry not doing anything to take care of the children—we have students not attending school regularly. We are seeing an upsurge of that in 1996 and I am asking the Minister of Education to be more vigilant with these schools.

I raise this matter today because it is of concern to all. I welcome this opportunity to have the “silent” Minister of Education make his first contribution in Parliament today. I welcome the removal of the ban that, probably, the Leader of Government Business placed on him, debarring him from speaking in the Parliament.

After four months, Mr. Speaker, the people of Arouca North are very concerned about the Arima Senior Comprehensive School. One cannot impress how important education is to our children’s future especially with examinations so close. I am waiting on the Minister of Education to tell us what will be done in the near future. What is the ministry doing to prevent these problems in schools all over the country?

**The Minister of Education (Hon. Dr. Adesh Nanan):** Mr. Speaker, as I rise in this august Chamber to respond to the Motion on the Adjournment by the hon. Member for Arouca North. Let me take this opportunity, though belated, to offer my congratulations on your appointment to the esteemed office of Speaker.

Mr. Speaker, I have always heard about the Napoleon syndrome, but today, I have witnessed it. It seems the hon. Member for Arouca North has a tympanic problem, or he believes that by shouting to Members he speaks, logically.  
*[Laughter]*

**11.00 p.m.**

Mr. Speaker, while the PNM was trying to become world-class they neglected the nation's school population. We are now setting a focal point for the education system, targeting the forgotten school population, especially the junior and senior secondary schools population. I call today to put aside our differences, be it

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Opposition or Government, and work together to improve the environment of learning in our schools and for our nation's children. [*Desk thumping*]

Mr. Speaker, the true patriot does not believe that his country is the only one in the world, not necessarily the best country, but he wants it to be a better country than it is and he works to make it so. The hon. Member for Diego Martin East comes to Parliament every Friday and speaks for 75 minutes religiously, quoting from newspaper articles with his sole aim to instill fear and division in the population. He should channel his energies to help the schools in his constituency, then he would have done some degree of community service to make up for his time in Government. [*Desk thumping*]

I must commend the hon. Member for Port of Spain South for taking time out of his busy schedule to visit schools in his constituency. The hon. Member for Arouca North made mention of my school visits. Well, I must inform him that I was in Diego Martin on Wednesday and I received a tremendous reception. He spoke about the greeting I got in Tobago. Is he jealous of my popularity? [*Laughter*] He comes to this honourable House today to bring the Motion about the Arima Senior Comprehensive School, why does he not look around the schools? That is why I am visiting schools so that the public could see what the previous Government has not done to the schools in the last 15 years. He has spoken about the tardiness of the Ministry of Education in response to the problems raised.

The Arima Senior Comprehensive School was first closed because of infestation of fleas on Friday, January 19, 1996. The school was sprayed on Tuesday, January 23 and Wednesday, January 24. Attempts to resume school on Thursday, January 25 were aborted, as staff and students were adversely affected by the fumes of the insecticide used. But what he is not aware of is that school reopened on Monday, January 29 and was again closed because of a re-infestation of fleas on Thursday, February 01, 1996. The school was subsequently sprayed on Friday, February 02, and re-opened on Monday, February 05. There was a re-infestation of fleas on February 06 and school was again closed.

What the hon. Member for Arouca North is not aware of—and I must enlighten him—it was discovered that the chemicals used for spraying may have lost some of their efficacies since they have been purchased quite some time before. The school was again sprayed on Wednesday 07, Thursday 08 and Friday 09 February. After spraying on February 09, the flea problem was eradicated. Over the period January 23 to February 09 four different pesticides were used in

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the effort to eradicate the fleas. The chemicals used were malathion, propoxier, malaviol and fendona. These are the brand names.

The residual effects of these chemicals resulted in a pungent with mild noxious effect to staff and students. The buildings were thoroughly washed and cleaned with detergents on three separate occasions. On February 26 and again on March 01, officials of the Ministries of Health and Education visited the school to determine its fitness for re-opening. A team of officers from the Ministry of Health consisted of Dr. J. Manohar, Acting Specialist Medical Officer, Occupational Health; Dr. Dave Chadee, Medical Entomologist, Insect Vector Control Division; Dr. Clive Teeluckdharry, Acting Specialist Officer, Insect Vector Control Division and Mr. Victor George, Public Health Inspector IV.

On Friday, March 01, the four mentioned officers above certified that they had no doubt that the Arima Senior Comprehensive School was now safe for occupation and usage. A press release was issued on March 01 indicating that classes would resume at Arima Senior Comprehensive School on Monday, March 04. Classes resumed on Monday, March 04. I would like to take this opportunity here to congratulate the Minister of Health and his hardworking staff for their prompt response and solution to the problem.

For the information of the Member for Arouca North, a committee is being set up with representation from the Ministry of Health to liaise with the principals to come up with a comprehensive policy to deal effectively, safely and swiftly with matters such as occurred at the school in question. We recognized that the closure of the school without prior warning for one month, is a grave injustice to the parents, students and teachers.

I thank you.

**State Enterprises  
(Board Appointments)**

**Mr. Kenneth Valley** (*Diego Martin Central*): Mr. Speaker, before I start I simply want to ask for your guidance. According to Standing Order (11)(2) which says:

"...to raise a Motion for the adjournment of the House that day and the Minister responsible for the matter raised shall reply."

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My Motion is directed to the Minister of Finance and I am not seeing him here. I do not know whether he is out of the country and someone is acting for him. I wonder whether I can get your guidance, Mr. Speaker.

**11.10 p.m.**

**Mr. Speaker:** As I see it, the manner in which the Government is dealing with the appointment of state company boards, and chief executive officers of some of these boards, I got the impression that the Cabinet dealt with the question of the appointment of boards. I may be wrong and if indeed it is the Cabinet, then I should have thought that any one of the Cabinet Members could, in fact, respond to you. It is true that the Minister of Finance may be a corporation sole but I would not have said that the only person who is qualified to answer you on this, because it is so broad, is only the Minister of Finance. I should think that if the Government is in a position to answer it I would get on with it.

**Mr. Maharaj:** Mr. Speaker, the position we adopt and the practice which has occurred in the past in this House is this has been construed that the Minister can reply and anyone delegated, and we are prepared to respond to the Motion. I am sure the hon. Member for Diego Martin Central does not want to see the Minister of Finance's face particularly. It is the contents of the Motion we are dealing with.

**Mr. K. Valley:** Mr. Speaker, obviously I am going to be guided by your decision. All I am saying is that according to the Standing Orders, it says:

“The Minister responsible for the matter raised shall reply.”

That is what the Standing Orders say so I merely want to be in accordance with the Standing Order and the practice is that the Minister would reply. If he is out of the country, then the acting Minister would reply. I simply wanted your guidance, Sir.

**Mr. Speaker:** With the greatest deference, I do not think it is necessary to go into all of that. The question that has been raised is a bit broad and it is one that is addressed to the Government and I would interpret this and indeed, when I gave permission for it to be raised, I recognized the broad nature of it. Indeed, there was another matter which was so broad that I could not have allowed it but I did, in fact, envisaged that it was the type of thing that could be answered by any Member of the Cabinet.

**Mr. K. Valley:** I am so guided, Mr. Speaker. I just wanted us to be clear on the Standing Orders.

The matter pertains to the manner in which the Government is dealing with the appointment of state company boards and chief executive officers of some of these boards. The purpose of the Motion is to ask the Government first of all to consider its position on (a) the issue of minority shareholders representation on majority owned state companies, (b) the manner in which some CEOs are being treated. Specifically, I want to cite the case of the CEO of ICN and NGC, more particularly the CEO of ICN. I am asking the Government again to reconsider its position on the appointment of chairmen because there appears to be a lack of balance in the appointments made to date. I want us to look at the cost of the constructive dismissals involved with respect to the CEOs and lastly the exposure of the companies.

Mr. Speaker, in the case of Plipdeco, 49 per cent of the equity was divested in 1994. When that was done, we ensured that there were two private sector shareholders, because obviously the concept is that if one has shareholders, the widest possible participation is used and if we have local shareholders, we want to ensure that they have some degree of representation on the boards.

Mr. Speaker, you would know that whenever we divested a company to a foreign shareholder—and we have examples—where they hold 49 per cent, such divestment is generally governed by some type of shareholder agreement which ensures that the 49 per cent shareholder is entitled to some directors on the board. In the case of TSTT, PowerGen, Fertrin before they were divested; and in the case of BWIA, one would know that even though the Government now owns 33.5 per cent of the shares, there is an arrangement for the Government to be represented on the board. With Tringen it is the same thing and, of course, with the Methanol company.

If that obtains when one divests to foreigners, it is expected that the same thing would obtain when one divests to locals under the concept of widest possible participation and that is what obtains at Plipdeco. Lo and behold in the case of Plipdeco, the Government appointed the entire board. More than that, the private sector directors who were on the board were asked to resign by the Government and even though at the shareholders' extraordinary annual general meeting, there were objections raised by the Royal Merchant Bank which syndicated the issue for the company at the time and by an accounting firm, those protests went unheeded to date. As a matter of fact, Mr. Persad from the Royal

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Merchant Bank said that he would support what the Government was doing on the condition that the new board of directors of the company would agree within seven days to appoint two persons representing the interest of minority shareholders. The concept was that some of our companies would be divested in whole or in part to local shareholders—Plipdeco, National Flour Mills and a number of others. Unless the Government sees the wisdom in ensuring that there are directors representing these private investors, then it is going to undermine the ability of the common folks to hold shares in the company.

We had the similar situation with respect to the National Flour Mills and in today's *Express* under the headline "State dominates National Flour Mills AGM" the story is reported:

"Minority shareholders showed clearly yesterday, that they are not willing to just put up their money and then shut up.

It took 90 minutes to elect a new board of directors for National Flour Mills (NFM) at an extraordinary general meeting at the company's sports club—a process that without interruptions, could have been completed in 15 minutes.

Since the State still controls 80 per cent of the company's shares, the nine directors they nominated were all elected. But one director, Harry Ramadar, was rejected by a show of hands, 39 against 21, and the State,... had to call for a poll and use the State's proxies to carry the vote in Ramadar's favour.

Ramadar is the former chief executive officer of NFM who, the *Express* understands, now operates his own business processing rice, as does NFM.

Herman Noel was the only nominee proposed outside of the State slate. He was nominated by the T&TEC Credit Union and received overwhelming support from the shareholders, many of whom work at NFM. However, the State once again used its majority share to defeat the nomination."

**11.20 p.m.**

So that there is a situation in which 20 per cent of the company is divested, there is a commitment to divest a further 29 per cent by May of this year and, as my colleague, the Member for Diego Martin West, stated this afternoon, unless that divestment takes place, there would be no drawdown on the agricultural sector loan, the funds from which have already been included in the Minister of Finance's budget for 1996.

If shareholders know that they would not get representation on the board, obviously they would not invest. If they know that the Government would simply put its people on the board, obviously they would not invest. Local investors are put at a disadvantage. If they were foreign shareholders there would have been a shareholder's agreement stating rights and so forth.

Quite simply, unless one wants to compromise the divestment process to locals, one would want to ensure that there is a percentage representation on the board in accordance with the equity investment by the private shareholders.

Mr. Speaker, I want to move rather quickly to the second issue; the manner in which some chief executive officers are being treated. The case that really hurts is the one pertaining to ICN; not so much the fact that there is some agreement between the chairman of ICN and the CEO—that is part of it—but it is the outburst of the Minister of Finance as reported in the *Trinidad Guardian* of March 5, 1996. The article states that:

“Finance Minister Brian Kuei Tung has charged his cousin, ICN's Chief Executive Officer Louis Lee Sing, with giving preferential treatment to the People's National Movement over the United National Congress during the campaign for last November's general election.

Kuei Tung cited Lee Sing in the intention of the UNC/NAR administration 'to keep vigil over heads of state organizations' to ensure delivery of justice, fair play and professionalism to the public.”

There are a number of issues raised here. We are back to the concept of freedom of the press, Mr. Lee Sing being the head of the organization. More importantly, here is a situation in which it appears that the Minister of Finance is acting as judge, jury and executioner. Mr. Lee Sing had a press conference in which he showed quite clearly that there was no bias. There was no independent body to determine whether in fact the case as stated was proven, but the Government acted.

It also flies in the face of the Equal Opportunities legislation in which the Government is saying that one will not be discriminated against because of political affiliation. The fact that Mr. Lee Sing happens to be a PNM ought not to interfere with his professionalism, and that is what is stated quite clearly.

Of course, there is the situation of the constructive dismissal of a number of officers: Mr. Lee Sing, Mr. Jones and Mr. Ifill at Tidco. Whenever there is this constructive dismissal, the question is: who pays? My understanding is that Mr.

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Lee Sing gets a package of some \$300,000; Mr. Jones got \$500,000, but that is not the Government's money, the Member for Couva South's money nor the Minister of Trade & Industry and Minister of Consumer Affairs' money; that is taxpayers' money. The Government is running ahead on this witch hunt, as it were, using taxpayers' money willy-nilly, making deals so that their friends could come in and do the job.

Mr. Speaker, because this Government knows that it cannot last very long, what type of precedent is it setting in Trinidad and Tobago? What does this mean? When the PNM gets back in government, should it then be taking taxpayers' money to pay whoever succeeds Mr. Lee Sing at TTT or whoever succeeds Mr. Jones at NGC, lump sum money? It is taxpayers' money. Is that the type of country we would like? These are serious issues and I ask the Government to treat with the people's money in a better manner.

They talk about Bill Ramrattan and Gideon Hanoomansingh. In the case of Gideon Hanoomansingh, I called him and asked him whether there was any discrimination or whether he was leaving on his own free will. I said that in this House and he could not have denied it. As the Minister responsible for investment at the time, I called him and he told me there was no problem. In the case of Bill Ramrattan, if one does one's research one would find out that the Government had nothing to do with that.

This Government talks about national unity. A point made in an article by Mr. Lucie-Smith last Sunday was that in a country such as ours one expects that in the appointment of chairmen of boards there would be a balance to represent the country as a whole and not just a single section of the public.

When we look at the appointments of chairmen of boards made so far, we see that the last chairman of ICN was Anna Mahase; the new one is Mr. Rambachan.

**Hon. Member:** Dr. Suruj Rambachan.

**Mr. K. Valley:** He knows how he got that doctorate and he would not want me to call him "doctor".

Mr. Speaker, in the case of the Petroleum Company of Trinidad and Tobago, the last chairman was Trevor Boopsingh; the new one is Donald Baldeosingh.

In the case of the National Gas Company, the last chairman was Ken Julien; the new one is Steve Fergusson.



In the case of Tidco, the last chairman was Robert Bermudez; the new one is Ishwar Galbaransingh—part of the three.

**11.30 p.m.**

**Mr. Assam:** Robert Bermudez resigned.

**Mr. K. Valley:** In the case of Plipdeco, the last Chairman was Peter Quentrall-Thomas; the new chairman, Nirmel Rampersad. Quite simply, in the last Government when one looks at even these boards, one would see that there was a mix, representing national unity. That is extremely important. We see that the chairmen of the boards appointed so far represent one sector of the population, and I ask that note be taken of that, because when one talks about national unity one must carry it out in practice. *[Interruption]*

Lastly, Mr. Speaker, with respect to the exposure of these companies, the Government left these companies for quite some time without a board in place. But more than that, after the election, these boards were directed not to do anything without the approval of the Minister of Finance and the Chairman of Plipdeco informed the Minister of Finance by letter dated November 24 in these terms and I quote:

“Let me congratulate you on your appointment as Minister of Finance. I am sure you know that you enjoy the goodwill, esteem and support of the national business community. The shareholding of PLIPDECO is currently 43 per cent Government, 8 per cent Caroni, with over 2,500 individual shareholders and several large institutions such as Royal Bank, Unit Trust, etc. holding the remaining 49 per cent share. In addition we have \$55 million in bonds which are traded on the bond market. The bonds are currently held by organizations such as the Bank of Nova Scotia, Republic Bank, CLICO, NIB, etc.

PLIPDECO is run as an aggressive private sector company and the recent verbal request from the Permanent Secretary for the board not to enter into any new contracts without consulting you, whilst being very understandable, does place us in a very difficult position.”

Mr. Speaker, we are talking about a company 49 per cent owned by the public at large, but the Minister of Finance is informing the board that they ought not to enter into new contracts without approval. The company, as you know, is governed by its own Articles and so forth. *[Interruption]* The quote continues:

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“Clearly, the 49 per cent shareholders of PLIPDECO would expect their board to continue making the decisions that are needed in the interest of the organization as and when required and in a timely and businesslike fashion. Time is often of the essence in such decisions, especially when they affect investors’ decisions which often call for special concessions, given the large investments being made; decisions which require board approval.”

And he continues in that vein, Mr. Speaker, making the point that it is very difficult to run a company. In spite of that there was no response to this.

The next thing is that the board was asked to resign, which they did in December and the new board, of course, was not appointed until March. So that, one had that three-month period without any policy-makers at the company level, Mr. Speaker, exposing the company to all types of risks, because without the board certain decisions could not have been made. I am saying that while there are a number of other boards to be appointed, the Government ought to take care in the exercise of that function. I am asking them to reconsider their position with respect to these five issues.

I thank you, Mr. Speaker.

**The Minister of Planning and Development (Hon. Trevor Sudama):** Mr. Speaker, before I venture to respond specifically to the Member for Diego Martin Central, let me put this whole issue in some perspective. First of all, the board of directors of a company manages its business subject to such control or supervision by its shareholders, as is provided for in the Articles and Memorandum of Association. The power to appoint directors is a corporate one and is exerciseable in the manner laid down in the company’s Articles and is vested in the shareholders.

The role and function of directors is to give policy directions to the various enterprises, to act in the best interest of the shareholder; to oversee and have general responsibility for the operations of an enterprise. That is the general role and function. In that context, Mr. Speaker, a shareholder must exercise judgment as to what constitutes the proper policies of an enterprise and who should implement them. That is the shareholder’s right and responsibility.

By the very nature of things, policies and priorities of the shareholder would change from time to time and particularly in the case of state enterprises when there is a change of government. Therefore it is the right of the Government and the shareholder to review the membership of state boards. That right cannot be

taken away or restricted, except by specific agreement. That is the established practice, the norm, and ought to be the case. It has been practised in very many jurisdictions that when a new government assumes office the directors should offer their resignation to the new government and if they wish to continue, to so indicate to the shareholder. But always, the discretion and judgment of the shareholder cannot be restricted in the absence of specific instructions, and that is the situation under which the commercial system operates. If a person who was a managing director ceases to be a member of the board, obviously, he is not entitled to sit on the board. That is pure logic. The board, however, can always invite the view of those whom they think can contribute to its operations.

Mr. Speaker, I want to draw the attention of this House to the actions of members of certain boards, and whether in fact in the exercise of their function as board members these actions were permissible and ought to be tolerated and whether it affected their objectivity and professionalism as members of the board. I do not want to take the cover of Parliament to name names, but we know for sure that some members openly exposed themselves to serve as campaign managers for PNM candidates. Now we ought not to restrict the rights of people to support whoever they want to support, but it does put a question mark on their loyalty to the interests of the organization rather than to the interests of a political party.

Furthermore, Mr. Speaker, some members of state boards solicited funds vigorously for the PNM campaign and others facilitated the use of state resources in the PNM campaign and these are facts that we know.

**11.40 p.m.**

They facilitated the use of the resources of the enterprises for the purpose of the PNM campaign. You must have seen the chairman of this board who was exultantly manning the computer facilities on election day at Balisier House. We know who he is. In that context, they want to restrict the right of the shareholder to nominate and position board members as they see fit. The Government must exercise its judgment whether some directors will promote the interest of the shareholder or not.

When one looks at the action of the PNM Government with respect to some chief executive officers, one would see the public humiliation to which they were subjected and finally dismissed. A case was mentioned of Bill Ramrattan who served in the Lake Asphalt Company. It was ably instigated by the Member for

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La Brea. He got residents from La Brea to confront Bill Ramrattan publicly in La Brea with placards reading, "we do not want too much Ram in Lake Asphalt". Do you understand the thinking which motivated that kind of action? That was instigated by the Member for La Brea, a mischief maker of the highest sort in Trinidad and Tobago. He should not be sitting in this Parliament. *[Interruption]* He is not here. I am not responsible for that. There was also the case of Dr. Desmond Ali of CARIRI who was summarily dismissed. Chuckaree, the Comptroller of Customs was summarily dismissed, undermined and humiliated by that government. They talk about propriety in the appointment of boards and CEOs. They have no moral standing. To date the membership of the boards of 16 state enterprises has been agreed upon and the Government is proceeding to look at others after due deliberation.

Let me come to the points raised by the Member. First of all he takes issue with the fact that minority shareholders have a right to sit on the board of directors. Minority shareholders, in the absence of any specific agreement, has no right to sit on the board. The majority shareholders decide who sits on the board.

Let us take a look at what is happening in companies on the Stock Exchange. Colonial Life owns 43 per cent in Republic Bank but they have no directors on the board of Republic Bank; 22 per cent in CCN but they cannot avail themselves of a directorship; 10 per cent in Nova Scotia and no director; 6 per cent in Royal Bank no director and 22 per cent in the Bank of Commerce. These are publicly traded companies and this is the commercial accepted principles with respect to the appointment of minority shareholders on the board of directors. Whoever wants to have minority shareholder representation, they should get into an agreement. There is no principle which says we go by majority rule. It applies elsewhere in our system as it applies in the commercial area. It is at the discretion of the majority shareholder to do what they want in the absence of an agreement. He is saying that the Government out of some kind of concern should take a representative of the minority shareholder and put that person on the board. On what basis? He does not identify.

I come to the question of the CEOs. He is upset about the release of Mr. Louis Lee Sing. Do you know why he is upset? Because that is the key state control media in Trinidad and Tobago which the previous government had abused for propaganda purposes. He is a man who, by no stretch of the imagination, could be said to have acted in a professional manner. We complained about the manner in which TTT was broadcasting proceedings in this House, as well as the exposure it

was giving to opposition parties. Before the elections that was an open issue. The bias of Louis Lee Sing was clear to all concerned. Now they are saying that in the interest of having a CEO who would operate in a more objective manner, the shareholder should be denied that right. That is their argument.

Finally, and I knew it had to come out somehow or the other, that in the appointment of chairmen there is no mix. He is saying that there is no ethnic balance and indeed, he is accusing the Government of pursuing a path of racial discrimination. The shareholder looks at the human resources available to him/her and makes his/her decision. When one looks at the 16 boards which are appointed, one would see that the Government has acted responsibly in the matter and is seeking the interest of the state enterprises and the public at heart.

The Government is committed to an administration of national unity and to give as wide a spectrum of the community an opportunity to serve. Those who were left out of consideration in the old days must be brought in to serve and give as wide a spectrum. Government is committed to the adherence of the rules, laws and regulations which govern the appointment of state boards. Let me say this very clearly. We will pursue the mandate given to us for the administration of the country. We will take responsibility for our actions to the people of Trinidad and Tobago. We have no responsibility for the losers on the other side. I may add that even the *Trinidad Guardian* has acknowledged that the majority of people in this country are satisfied with the performance of the Government. [*Desk thumping*]

On behalf of the Government I say that we will continue to do our duty to the people at large and we look forward to the future with confidence.

Thank you.

### **Non-receipt of Fishing Permits**

**Dr. Vincent Lasse** (*Point Fortin*): Mr. Speaker, I avail myself of this opportunity to thank you for allowing me to raise this Motion on the Adjournment of the House. I also wish to thank the hon. Minister of Agriculture, Land and Marine Resources for being here to probably answer the questions which I may put to him in a very precise manner.

The Motion concerns the hardship being experienced by the fishermen of Cedros, Icacos, Fullerton and Erin. At this point in time they have not yet received their fishing permits which are normally issued around January, and we are now in March. This action is preventing them from earning a livelihood

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because they cannot go out to sea. Further to this, I met the fishermen of Icacos last Thursday. *[Interruption]* It may be surprising to the Members on the other side because of course, the people in the area voted suddenly for the UNC. They were very disturbed that the Minister of Agriculture, Land and Marine Resources visited the area and was unable to give them any reasons for the permits not being issued at this point in time.

**11.50 p.m.**

Further to this, one of the fishermen explained to me that the Minister told them that it may be proper for them to take the risk if they wished to provide for their families.

I believe that this is a very unsatisfactory situation, regardless of the way Members on the other side think. I was also informed that the fishermen in the area had to pay protection money to the Guardia Nacional to the tune of US \$100 per day, if they wished to venture out to sea.

Because of these concerns, I have been requested to ask the Minister responsible some very fundamental questions. One is: When can the fishermen in the peninsula expect to receive the fishing permits which should have been issued in January?

Some fishermen also complained of the fact that they needed assistance from the Minister whenever they wished to apply for a visa to enter Venezuela, in some cases to retrieve their boats. They have been denied the visas by the Venezuelan authorities.

Mr. Speaker, the points which I have raised are very simple and straightforward and I hope that the Minister will give me straight answers.

Thank you very much.

**The Minister of Foreign Affairs (Hon. Ralph Maraj):** Mr. Speaker, I welcome the opportunity to respond to the concerns raised by the hon. Member for Point Fortin.

This fishing agreement between Trinidad and Tobago and Venezuela was decided upon in 1985 and lasted for three years. Thereafter, every year there was a roll over of the fishing agreement. It was decided during the course of 1995 that that roll over would cease in 1996 and a new fishing agreement would be in place. I make mention of the fishing agreement because it is as a result of that, the fishing permits that the hon. Member is talking about are issued.

In May 1995, a clear decision was made at a meeting in Macuro between the two Foreign Ministers—Trinidad and Tobago and Venezuela. I was then the Minister of Foreign Affairs and we decided to pursue the fishing agreement, the intention being that it would be realized by the end of 1995. Circumstances led to my departure from that Ministry in May of that year. The records will show that something of a hiatus existed with respect to this particular matter, and it was only in October 1995, that the first session was held with respect to the negotiation of a new fishing agreement. I believe that negotiation was held in Margarita in October 1995.

Elections intervened and a new government came into office and, of course, the new Cabinet had to be apprised of the whole question of the fishing agreement and the issues involved. This was done within November and December. A date was set for the start of the negotiations and it was not possible to have that date in December. We did have negotiations in Port of Spain between Venezuela and Trinidad and Tobago in January, and there is now a very clear understanding on both sides what their positions are and the intention is that in a few weeks' time, the ninth round of these negotiations will take place in Caracas.

That really is the crux of the matter. No agreement exists between Trinidad and Tobago and Venezuela and, as a consequence, no fishing permits can be issued.

As soon as we came into office, realizing the position and that we did not have a fishing agreement in place, I wrote to the Foreign Minister of Venezuela towards the end of last year, asking for a six-month roll over of the old agreement so that we can issue permits. Clearly the fishing problem in Venezuela has become a high political matter and we were not in a position to get the concession of a roll over. We are pursuing the matter.

We are constantly in contact with our colleagues to have these negotiations take place. In the meantime, the highest officials of the Coast Guards of Trinidad and Tobago and Venezuela have been talking. They are out there monitoring the situation with our fishermen and trying to ensure that the incidents are minimized.

At the same time, the Commission for the Investigation and Prevention of Fishing Incidents is also monitoring the situation. So there is a general management of the situation, which, of course, cannot replace a fishing agreement, but we are moving towards that and we expect that in about two or three weeks there will be a resumption of the negotiations and thereafter we hope to be able to issue these permits.

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That is the explanation we can give the hon. Member. We wish to assure him, this honourable House and the national community that we are working expeditiously towards the realization of this.

I thank you.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 11.58 p.m.*