

Leave of Absence

Friday, October 11, 1996

HOUSE OF REPRESENTATIVES

Friday, October 11, 1996

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from the Member for Arouca South (Mrs. Camille Robinson-Regis) who has sought to be excused from today's sitting because of ill health. She is excused.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Carnival Development Committee for the year ended December 31, 1985. [*The Attorney General (Hon. R. L. Maharaj)*]
2. Report of the Auditor General on the accounts of the Carnival Development Committee for the year ended December 31, 1986 [*Hon. R. L. Maharaj*]
3. Report of the Auditor General on the accounts of the National Carnival Commission for the year ended December 31, 1987 [*Hon. R. L. Maharaj*]
4. Report of the Auditor General on the accounts of the National Carnival Commission for the year ended December 31, 1988 [*Hon. R. L. Maharaj*]

Papers 1 to 4 to be referred to the Public Accounts Committee

5. Annual audited accounts of the Trinidad Nitrogen Company Limited (TRINGEN) for the year ended December 31, 1995 [*Hon. R. L. Maharaj*]

To be referred to the Public Accounts (Enterprises) Committee

6. Trinidad and Tobago Industrial Policy—(1994—2000). [*The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam)*]

Industrial Policy

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, I wish to lay on the table the industrial policy of Trinidad and Tobago 1996—2000.

Industrial Policy
[HON. M. ASSAM]

Friday, October 11, 1996

The industrial policy of Trinidad and Tobago is intended to provide direction for the development of the industrial sector over the five-year period 1996—2000. The Government has recognized that the development process has to be managed within the framework of market forces which is a growing phenomenon particularly among developing countries. The industrial policy has been formulated against the background of rapid economic reform in Trinidad and Tobago and continuous economic and political challenges in the international environment.

The policy therefore, will address the issue of business restructuring necessary to achieve international competitiveness and growth. In developing this policy, Mr. Speaker, the Ministry of Trade and Industry and Minister of Consumer Affairs consulted extensively with the local private sector including the Trinidad and Tobago Manufacturers' Association, Chambers of Commerce and the banking sector. Among public sector organizations, we received comments from various ministries, the Central Bank, the Tourism and Industrial Development Company and the Small Business Development Company.

Trinidad and Tobago, over the past four decades, has employed certain strategies as the country sought to industrialize and diversify the economy. Industrial policy has generally been associated with direct public intervention in the production process. In the 1950s and the 1960s, industrialization policy was based on the idea of import substitution. This important replacement strategy was aimed at reducing the dependence of the economy on the agricultural and petroleum sectors. In the late 1970s and the 1980s with the substantial windfall earnings from the increase in the price of petroleum on the international market, the main focus shifted to economic diversification and transformation via investing in the energy-based industries.

This second major initiative was focused on resource-based development and involved *inter alia*, the Government's participation in the economy either in wholly-owned or joint-venture enterprises. Up to this time, the above policies were buttressed by an almost closed regime which sought to protect domestic industry from the vicissitudes of international competition. Such a strategy had its benefits, but with some hindsight, the costs could be said to have been too high. For example, the country was able to develop a significant amount of skilled human resources. At the same time, with production geared towards the protected domestic market, there was no incentive to achieve efficiency, and worse, with a relatively small market even including Caricom, economies of scale could not be obtained in most instances.

A classic example of this phenomenon is the motor car assembly industry which at one stage was supplying between 15 and 20 models of vehicles for an effective market of probably not more than 250,000. The maintenance, therefore, of such a regime was untenable. Consequently, in the 1990s, the focus of industrialization policy involved a fostering of the development of the non-oil manufacturing sector via a trade liberalization regime which has witnessed a substantial shift away from the protectionist regime of the 1950s and 1960s. The energy sector, because of its importance to the economy, will however continue to play a significant role in the nation's development.

Mr. Speaker, the vision therefore, is to develop Trinidad and Tobago by appropriate Government action and the extensive involvement of the private sector into the commercial and industrial centre for the region through the creation of a dynamic, vibrant and diversified non-oil business sector, fully capable of meeting the challenges of the global economic environment of the 21st Century.

The achievements within the energy sector are worthy of note at this point. Trinidad and Tobago has made major strides in the establishment of energy-based industries to the extent that this country is now a pre-eminent exporter of both ammonia and methanol. Our position as an exporter will be enhanced with the establishment of additional plant capacity in the near future. Investors have also seen it fit to establish operations such as the iron carbide plant which utilizes previously untried technology with some degree of success.

Construction work has also commenced on the LNG plant and the country still possesses considerable quantities of proven reserves of gas which can be monetized to the benefit of the country.

Lastly, Trinidad and Tobago has now achieved a critical mass in terms of ammonia and methanol capacity which would allow for the establishment of meaningful downstream industries. It is against this backdrop that the industrial policy seeks to create a more balanced development.

The policy has also taken as a point of departure, the medium-term planning framework and focuses essentially on the development of the non-oil manufacturing sector, the non-financial services sector, and the small business sector. The policy attempts to achieve the following key objectives:

1. sustained economic growth;
2. an improved investment climate and increased levels of investment;

3. enhanced economic diversification;
4. generation of meaningful employment opportunities; and
5. increased export earnings.

A two-phased approach will be adopted to accomplish the goals of the industrial policy. The first or transitory phase will focus on measures directed at assisting the business sector in its restructuring efforts, enabling the non-oil sector to become more export oriented and correcting the weaknesses in the business environment.

1.40 p.m.

The second phase of the policy will re-examine the measures introduced and place greater emphasis on the macro-economic issues that affect business development. The key strategies and measures address the following areas:

- (i) Investment Policy
- (ii) Human Resource Development
- (iii) Financing
- (iv) Business Information
- (v) Institutional and Regulatory Reform

The policy has also identified a range of investment opportunities based on export market prospects and comparative advantages in areas such as agro-processing, software development, cultural tourism, computer repair facilities, and downstream steel industries.

Mr. Speaker, the achievement of these objectives is predicated on the creation of an environment which focuses on human resources and human resource development. In order to be successful in this endeavour, it will be necessary for Trinidad and Tobago to be equipped with a highly trained labour force that can effectively service all the sectors of the economy, a labour force that is computer literate, innovative, motivated, flexible; a labour force that is creative and therefore can depend on itself as far as possible for the establishment of job opportunities. In other words, it is prepared for the increasing phenomenon of self-employment. Moreover, it must be a labour force that is bilingual or even trilingual in light of our increasingly expanding geographical horizons.

It is such a labour force that will be able to respond appropriately to the pace and effect of the rapidly changing global economic and accompanying technological developments. The relevant arms of Government, including the Ministry of Trade and Industry, the Ministry of Education, NIHERST, CARIRI and the University of the West Indies, will work hand in hand to achieve this objective. The lack of adequate progress in this regard can only contribute to the marginalization of the country, given the fact—and the evidence is incontrovertible—that the economic success of a country is to a large extent grounded on a highly and widely educated and trained labour force.

Another key factor in the development strategy is the creation of an information network which provides the relevant business information to the sector in a timely and efficient manner. As our firms seek to meet the challenges of the international market place, our vision is that this network will service the information needs of foreign and domestic investors. Government will therefore, through the Ministry of Trade and Industry, further work on the formulation of a Business Information Policy which will address, *inter alia*, deficiencies in the existing information system.

Technological development and technical change are major driving forces behind the structure of production, the opportunities of trade, the increase in international competitiveness and the growth of national income. A Technology Plan is expected to be developed, which will seek to create a strong link between industry, research and education institutions; increase domestic adaptive capability and foster the development and commercialization of local innovations and indigenous technology.

The Government proposes to formulate a Regional Development Plan and a Manpower Policy which will complement the Industrial Policy and greatly assist in its implementation and continuous revision. It should also be noted that a Trade Policy has already been drafted and is at present under consideration by Cabinet.

Mr. Speaker, may I at this point stress that the success of this Industrial Policy is dependent on the collaborative efforts of the major social partners—business, labour and government. Continuity and consistency in the policy are critical to the country's ability to attract investment and create a business environment of relative stability. There must be consensus among the social partners in respect of the course charted by the industrial policy.

Mr. Speaker, Trinidad and Tobago, over the years has made major strides in terms of the economic development of the country. We now have a private sector which in a short space of time has adapted remarkably well to the demands of an entirely new environment and is becoming more and more outward looking with respect to its operations. We have a Government that is fully supportive of the efforts of the private sector, which it considers to be the main engine of growth. We have a labour force which, if appropriately trained, can provide support to these efforts. Nevertheless, we still have a long way to go, and limited time to reach our goal of being an economy that can compete with the best on the international stage.

The industrial policy which has been laid in this honourable House is one of the principal tools that will assist us in attaining this worthy goal.

I thank you very much.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, if you will just permit me one question. I just want to ask the Government whether in fact this draft document is going to be put out for public comment or whether this is fiat from the Government?

Hon. M. Assam: Mr. Speaker, during the course of my statement, I indicated that the policy that is before the House today was formulated on the basis of inputs from the widest cross-section possible of the society, whether it is the banking sector, the public sector, the private sector, the Tourism and Industrial Development Company or the Small Business Development Company. So that what we have in this document is the consensus of the approach this country should take through its industrial policy towards the year 2000.

Mr. Valley: Just one further question. I think the Minister recognizes that consensus is required, and that social partners should be involved. I did not hear among that list, for example, the unions, nor the Opposition. I wonder whether, therefore, the Government would be prepared to debate this document.

Mr. Panday: Move the Motion.

Mr. Valley: Well, if that is so, I move that this document be debated in this House.

Mr. Panday: Bad Motion. Unlikely.

Mr. Speaker: What I was just doing was giving some latitude, and allowing things to be done outside of the Standing Orders.

Definite Matter

Friday, October 11, 1996

**SELECT COMMITTEE REPORT
Presentation**

The Minister Extraordinaire (Hon. A.N.R. Robinson): Mr. Speaker, I beg to present a Special Report of the Joint Select Committee of Parliament appointed to consider and report on the Report on the Constitutional and Legislative Arrangements for Tobago.

DEFINITE URGENT MATTER

Junior Doctors, Port of Spain General Hospital

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, earlier today in accordance with Standing Order 12, I sought your leave to move the adjournment of the House to discuss a definite matter of urgent, public importance, to wit the situation at the Port of Spain General Hospital pertaining to the work-to-rule in which junior doctors are presently engaged.

Mr. Speaker, this matter is definite because it pertains to a specific issue, namely, the work-to-rule engaged in over the past several weeks by junior doctors at the Port of Spain General Hospital. Mr. Speaker, the matter is urgent because it has now resulted in the death of Mr. Glen David, a Meteorologist who died yesterday morning, after he was refused entry at the Port of Spain General Hospital. The matter is also of public importance, Mr. Speaker, because this grave situation continues to impact negatively on the population of Trinidad and Tobago; and if left to continue, further deaths will occur, so that I do seek your leave to have this matter debated in this House later today.

1.50 p.m.

Mr. Speaker: I wish to indicate to the hon. Member that I have considered the application which he has made to deem as definite, and as a matter which is urgent and of public importance, the question: The situation at the Port of Spain General Hospital pertaining to the work-to-rule in which the junior doctors are presently engaged.

As you know, the procedure is that reasons for decision are not given, but I will simply indicate that I do not think that it qualifies and, therefore, I will not give permission for it to be debated in the manner in which you have asked, in that I think there are other ways in which this could be dealt with. I do wish to assure you though, that in respect of the general issue, I would be prepared to accommodate

Definite Matter
[MR. VALLEY]

Friday, October 11, 1996

any other means that could be used under the Standing Orders to have an early debate on these issues.

**QUALITY HEALTH CARE
(INVESTIGATION)**

The Minister of Health (Hon. Dr. Hamza Rafeeq): Mr. Speaker, I wish to draw to the attention of the Members of this honourable House an article in today's *Guardian* concerning the death of meteorologist, Mr. Glen David. Like every Member of this House and every citizen of this country, I am saddened to learn of the demise of such an affable television personality. On behalf of the Government of Trinidad and Tobago, I extend deepest sympathies to his wife, Blanca, their son, Andrew, and the relatives of Mr. David. I reassure them that as Minister of Health, I have mandated a full investigation into the reported incident within the shortest possible time.

I also take this opportunity to inform the Members of this House that the preliminary investigative reports on the allegations of deaths at the Port of Spain General Hospital as a result of the industrial action by the junior doctors have been submitted to the Ministry of Health and a statement of the findings will be made known to the public in seven days.

I wish to inform you that the junior doctors attached to the North West Regional Health Authority have been offered one year contracts of employment retroactive to July 1, 1996 and are to respond by Monday, October 14, 1996.

I wish to emphasize that the Government of Trinidad and Tobago is deeply committed to the provision of quality health care to the nation and will take the necessary measures to ensure that this becomes a reality for the citizens of this country.

Thank you, Mr. Speaker.

**DENGUE FEVER
(EPIDEMIC)**

The Minister of Health (Hon. Dr. Hamza Rafeeq): Mr. Speaker, I wish to make a statement to this honourable House on the matter of the dengue situation in the country. At this time we are experiencing an epidemic of the disease which started some time ago and peaked in August/September. Reports from the National Surveillance Unit inform that at the end of September, a total of 1,502 cases had been reported by physicians and 345 cases confirmed by the laboratory.

May I point out that the dengue epidemic is not confined to Trinidad and Tobago, but exists in the entire Caribbean and most of the Latin American countries.

During the recently concluded Directing Council meeting of the Pan American Health Organization, the governments of the region discussed at length possible regional and hemispheric action to eliminate the mosquito and so reduce the risk of dengue fever and its complications.

Dengue fever is caused by a virus of which there are four types, known simply as dengue types 1, 2, 3 and 4. Symptoms include fever of acute onset, bone and muscle pain, headache, pain behind the eyes and in many cases, a rash. Infection with one of the types provides immunity from further illnesses caused by that specific type.

However, Mr. Speaker, it is possible to become infected sequentially by the various types and should this occur, the person so infected, runs the risk of suffering the complications of dengue fever which are dengue haemorrhagic fever and the dengue shock syndrome. It appears that the immunity which resides after infection with one type of dengue, sensitises the person in such a way that subsequent infection with a second type causes a serious reaction resulting in increased fragility of the small blood vessels leading to bleeding into the skin, from the nose, gums and even into the internal organs. In extreme cases, the severity of the bleeding causes the person to go into shock and may result in death.

Over the past decade, the Caribbean has seen outbreaks of dengue haemorrhagic fever and the shock syndrome in Cuba and Puerto Rico. The cost implications in terms of emergency response to the epidemic and the loss of earnings from trade and tourism were considerable. The threat of such catastrophic outbreaks remains for the Caribbean and for the Americas. Traditional vector control programmes using spraying modalities have been in use in most, if not all of the countries, over the past decades with varying degrees of success. It is the general appreciation that involvement of communities and of householders is very important to success and sustained success.

Mr. Speaker, historically, Trinidad and Tobago has experienced epidemics of dengue fever and indeed the disease is endemic, that is, there are always a few cases occurring in the country. This, of course, facilitates an outbreak or epidemic situation since the virus can be transmitted once certain conditions prevail. Naturally, the burning question is what can and must be done to eliminate the risk of these potentially fatal complications of dengue fever. Unfortunately, there are

Dengue Fever (Epidemic)
[DR. THE HON. H. RAFEEQ]

Friday, October 11, 1996

no vaccines to protect against the disease though work in this area is in progress in research laboratories abroad.

The disease is spread by the *Aedes aegypti* mosquito which is also the vector of yellow fever. This mosquito is peri-domestic in its habits, laying its eggs in clean, still water in and around premises. I would like to emphasize this. This mosquito is peri-domestic in its habits, laying its eggs in clean, still water in and around premises. The interventions available to us therefore relate to eliminating breeding sources of the mosquito. For this, a concerted, collaborative effort on the part of the Government, communities and householders is required.

As you may be aware, Mr. Speaker, the Insect Vector Control Division of the Ministry of Health and the counterpart services of the cities and boroughs are responsible for inspecting premises for breeding places and applying insecticides which destroy the larval stages of the mosquito or the adult mosquito. Mr. Speaker, it is important to note that water-containing barrels account for approximately 70 per cent of breeding found on premises. Storage of water, of course, is related to the inability of the Water and Sewerage Authority to provide an adequate supply to all premises and this occurs more frequently in some areas than in others. Other breeding sites include discarded containers on premises and empty lots, vases, saucers for flower pots and brick holes of fences. Environmental clean-up with removal and proper disposal of refuse, including unwanted containers is important to the plan to eliminate the mosquito.

Space spraying with malathion emitted from truck-mounted machines or portable thermal foggers is the means used to kill the adult mosquitoes. Such spraying is done in the early morning and late afternoon at the times when the mosquitoes are swarming. This is a costly exercise and is used in areas of high infestation to quickly reduce the adult mosquito population and consequently the number of females which will lay eggs. It is used in conjunction with the focal treatment explained earlier to prevent the emergence of new adults from the larval stage.

2.00 p.m.

One can appreciate that given the short life cycle of the mosquito, the number of premises to be inspected and treated, the number of possible breeding places which can be found in any premises, both inside and outside, the task, if left to any government agency, is a mammoth one and clearly one which will require resources beyond the ability of any government to provide.

It is clearly necessary then that we adopt, as a matter of urgency, a multi-sectoral, co-ordinated approach to this national need. It is also clear that each house-holder and manager of premises must participate wholeheartedly and vigorously in the exercise to eliminate the *Aedes aegypti* mosquito, the vector of dengue fever.

In order to develop this collaborative approach, I have met with representatives of several ministries and agencies and there has been agreement on certain courses of action which we believe will address the immediate need to reduce the present levels of the mosquito.

Fundamental to this agreed action, is sensitization of communities to the present risk we face from dengue fever and its complications. This will underpin mobilization of all communities to identify with assistance, their main sources of breeding and interventions which are effective, sustainable and affordable. I am happy to state that the input of the Ministry of Community Development which is vital to this plan is forthcoming and a sub-committee has been formed to develop strategies for achieving the level of community involvement so vital to the success of the action plan.

The municipal authorities, key partners, have already begun the process of identifying "high-risk" areas and carrying out clean-up exercises.

The Ministry of Health, through the Insect Vector Control Division and supported by the vector control programmes of the cities and boroughs, is continuing its programme of premises inspection and insecticide application in accordance with the types of containers and the level of infestation found in these areas.

May I point out that spraying has never been an effective method of controlling the dengue virus. As recent as one year ago, experiences in Jamaica and other countries in the Caribbean have confirmed this. Our thrust, therefore, has to be in encouraging households and communities to reduce the opportunity for the proliferation of the *Aedes aegypti* mosquito.

As one means of sensitizing and informing the population, we have embarked on an aggressive education programme which will be intensified in the coming weeks. We will continue to remind the public through the media and at every opportunity, for face-to-face interaction of the need to urgently engage in source-reduction activities on their premises and in their communities. I take the opportunity to list some of these activities. As already stated, water barrels are a major source of breeding. Therefore, householders should:

Dengue Fever (Epidemic)
[DR. THE HON. H. RAFEEQ]

Friday, October 11, 1996

- cover their barrels using materials such as wire mesh or netting which will prevent mosquitoes from entering;
- rid their premises and surrounding areas of all unwanted containers capable of holding water and breeding mosquitoes;
- store wanted containers where they will not collect water;
- change water in flower vases and scrub them at least twice per week. It is preferable to use moist sand rather than water;
- ensure that all saucers under plant pots remain dry.

The impact of all these activities will be ascertained from the reports of the Insect Vector Control Division which will provide information on the index of mosquito breeding and from the surveillance reports of the National Surveillance Unit, the Trinidad Public Health Laboratory and the laboratory at the Caribbean Epidemiological Centre.

I am of the view that the course we have embarked upon can address the need. It however depends on the commitment and involvement of every single person, young and old, every agency and ministry. I thank my ministerial colleagues for their collaboration which I anticipate will continue beyond the present acute need, the media for their contribution and I now ask my fellow parliamentarians, to use their influence in their communities and constituency groups to have them focus on this urgent national problem.

I thank you, Mr. Speaker.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House proceed as follows: Bill No. 1, under "Bills Second Reading"; Motion Nos. 4 and 5 on the Supplemental Order Paper, then the continuation of Bill No. 2.

Agreed to.

VALIDATION OF THE SIXTH REPORT OF THE ELECTIONS AND BOUNDARIES COMMISSION (TOBAGO) BILL

Order for second reading read.

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

That a Bill to validate the Sixth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago, be now read a second time.

This Bill seeks to validate the late submission of the Sixth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago by deeming the said Report to have been submitted to the Minister in accordance with section 4(2)(b) of the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50.

Subsection (1) of Section 4 of the Elections and Boundaries Commission (Local Government) Act, stipulates that the Elections and Boundaries Commission (hereinafter referred to as the Commission) shall define and review the boundaries of the electoral districts into which an electoral area is, or is to be, divided and shall submit to the Minister reports thereon.

Furthermore, subsection (2) of the said section 4 provides that reports under subsection (1) shall be submitted by the Commission, *inter alia*, not less than two nor more than three years from the date of the submission of its last report.

However, the Sixth Report of the Commission on the boundaries of the electoral districts in the electoral area of Tobago was submitted to the Minister on August 6, 1996, that is to say, more than three (3) years from the date of the submission of the Commission's last report.

It is therefore expedient that the late submission of the Sixth Report of the Commission be validated for the purposes of the forthcoming election to the Tobago House of Assembly, which becomes due on the expiry of the current term of office of members on December 6, 1996.

It is instructive to note that a similar situation occurred in 1992 when the Commission's Report was submitted late for the purpose of the election at that time.

The Commission has indicated that the last submission of its 1996 Report, (as was the case in 1992) was due largely to the legal caveat and associated administrative inconvenience posed by section 4(2)(b) of the Elections and Boundaries (Local Government) Act, Chap. 25:50 in respect of the Tobago House of Assembly Elections.

Section 4(2)(b) of the Act prescribes that the Commission's report must be submitted not less than two nor more than three years from the date of submission of the Commission's last report. However, the provisions of section 20 of the

Validation Bill
[HON. D. SINGH]

Friday, October 11, 1996

Tobago House of Assembly Act make it obligatory for the election of Assemblymen thereto to take place every four and not every three years.

Consequently, the common practice or custom has been not only to submit separate reports in respect of Tobago, but for the convenience of all parties to submit the Commission's review of the number and boundaries of the electoral districts in the electoral area of Tobago as close as possible to the due date of such election.

2.10 p.m.

Mr. Speaker, being responsible, sensitive and responsive, this Government understands and appreciates the reasons given by the Commission for the late submission of the Sixth Report of the Elections and Boundaries Commission on the electoral districts in the electoral area of Tobago. I, therefore, urge all Members of this august Chamber to show similar understanding and appreciation.

Finally, I wish to reiterate that the prime objective of the Bill is to validate the Sixth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago. It is deemed to have been submitted to the Minister in accordance with section 4(2)b of the Elections and Boundaries Commission (Local Government) Act.

I beg to move.

Question proposed.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, I would have thought that in the Minister's presentation, we would have heard at least one commitment. That is, that steps would be taken to make a suitable amendment to the parent legislation to avoid the recurrence of this difficulty. I think it is highly untidy to have an institution such as the Elections and Boundaries Commission come to the Parliament for validation of their actions. Given the nature of that institution, if there is a difficulty that appears to be a permanent one, the Government has an obligation to make the amendment that is required to avoid a recurrence of the problem.

The situation occurred in 1992 for special reasons. *[Interruption]* One did not expect a recurrence. At no time in 1992 was the case made by the Elections and Boundaries Commission that the term of office for the Tobago House of Assembly was four years rather than three years, and because they wanted to have the change in boundaries as close as possible to an election, that was why the report

was late. It was late in 1992. Members would remember that the municipal elections of 1991 were postponed and there were other difficulties. I am making the simple point that if, in fact, the case made by the Elections and Boundaries Commission is with merit—and I have no reason to believe that it is not—let us take steps to have the legislation suitably amended so that we would have the Elections and Boundaries Commission, which is perhaps the most important institution with respect to our democracy, acting in accordance with the legislation. That is my only submission. We, of course, would approve the validation of this action.

I thank you.

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, as was mentioned earlier this is a simple Bill. We welcome the support that was given to the Bill by the lone contributor on the other side.

It is quite disturbing to hear from the hon. Member for Diego Martin Central about the need to make a suitable amendment to the Act when, in fact, that Member was the Minister responsible for local government in 1992 when the problem first arose. I can assure this august Chamber that this Minister will look at that problem and steps will be taken. This Government also strongly recognizes the role the Elections and Boundaries Commission plays in any election in Trinidad and Tobago and it will continue to recognize its independence. 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 and 2 ordered to stand part of the Bill.

Preamble 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.

2.20 p.m.

**JOINT SELECT COMMITTEE REPORT
Adoption**

The Minister Extraordinaire (Hon. A. N. R. Robinson): Mr. Speaker, I have the honour to move the following motion standing in my name:

Be it resolved that this House adopt the special report of the Joint Select Committee of Parliament appointed to consider and report on the Report on the Constitutional and Legislative Arrangements for Tobago.

It was, as hon. Members would recall, on September 20, 1996 that this honourable House agreed to the following motion:

That the Report of the Committee appointed to review the constitutional and legislative arrangements for Tobago be referred to a joint select committee of Parliament established to consider the report and to submit its comments and/or recommendations thereon to Parliament;

That the Joint Select Committee have power to send for persons, papers and records and receive and consider the comments of the public on the report; and that the Joint Select Committee be required to submit its report to Parliament no later than October 15, 1996.

A motion in similar terms was approved in the other place on September 24, 1996. On October 1, 1996 the other House appointed the following Members to serve on the committee:

Brig. Joseph Theodore
Mrs. Carol Cuffy-Dowlat
Mr. Nathaniel Moore
Mr. Orville London
Dr. Eastlyn Mc Kenzie
Prof. John Spence

At the sitting of this honourable House on Friday October 4, 1996 hon. Members appointed the following to serve on the committee:

Mr. A. N. R. Robinson SC
Mr. Ramesh L. Maharaj SC

Miss Pamela Nicholson

Mrs. Kamla Persad-Bissessar

Mr. Patrick Manning

Mrs. Camille Robinson-Regis

I have the honour to report that the committee had its first sitting on October 8, 1996 in this honourable Chamber. At that sitting the committee elected its chairman unanimously. The committee also agreed that six Members would constitute a quorum. The committee had a brief discussion on its method of procedure and agreed that it would not be possible to complete its deliberations by October 15, 1996 and consequently, it recommends to this honourable House that leave be granted to continue its deliberations beyond October 15, and that it be permitted to present its final report by November 5, 1996.

Question proposed.

Question put and agreed to

Report adopted.

LAND ACQUISITION

The Minister of Agriculture, Land and Marine Resources (Hon. Dr. Reeza Mohammed): Mr. Speaker, I beg to move the following motion standing in my name:

Be it resolved

That this House approve the decision of the President of the Republic of Trinidad and Tobago to acquire the lands described in the Appendix of the Supplemental Order Paper for the public purposes specified.

For the benefit of Members of this House the description of the lands to be acquired are described in the Appendix of the Order Paper. The purpose for which these lands are being acquired is for the construction of an Atlantic liquefied natural gas plant. These acquisitions are in keeping with section 5(3) of the Land Acquisition Act No. 28 of 1994.

The Government of the Republic of Trinidad and Tobago, on June 20, 1996, by Cabinet Minute No. 1586, authorized the Minister of Energy and Energy Industries to sign agreements on behalf of the Government of Trinidad and Tobago with the Atlantic Liquefied Natural Gas Company of Trinidad and Tobago.

Land Acquisition
[DR. THE HON. R. MOHAMMED]

Friday, October 11, 1996

Under Article 6(1) of the LNG Project Agreement, the Government agreed to the acquisition of 43.7769 hectares for the construction of the Atlantic LNG Plant at Point Fortin. This compulsory acquisition is at the request of the Minister of Energy and Energy Industries who is in agreement with all aspects of the acquisition, the cost of which would be met from the US \$9 million agreed to by the Government of Trinidad and Tobago and the Atlantic Energy Company under Article 6 of the LNG Project Agreement.

The parcels of land as identified in the Appendix are located in the ward of La Brea in the County of St. Patrick comprising 12 parcels situated at Point Fortin said to belong now or formerly to Petrotrin and which are being acquired for the construction of the Atlantic LNG Plant.

I beg to move.

Question proposed.

2.30 p.m.

Mr. Valley: Mr. Speaker, I had mentioned this to you and you have given us permission to consult. I know we had agreed on a certain sequencing. This matter is on the Supplemental Order Paper. We have seen it for the first time today and it is a matter we would like to debate. Since no notice was given of it, I suggest, most respectfully, that we continue the debate on this matter at the next sitting so that our Members, at least, would be given a chance to prepare for the debate.

Mr. Speaker: Are you agreed? If there is agreement between both sides of the House, I have absolutely no problem. If there is no agreement and you would like to have the sitting suspended for a short while so that you can consult, I also have no problems with that. In the absence of agreement, there is a certain course that I would be forced to adopt.

Hon. Members, the sitting is suspended for 10 minutes.

2.31 p.m.: *Sitting suspended.*

2.41 p.m.: *Sitting resumed.*

Mr. Speaker: Is there any agreement between the parties with respect to this matter?

Mr. Valley: No, Mr. Speaker.

Mr. Speaker: In the absence of there being no agreement, who would be the first speaker?

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, I am profoundly disappointed with the Government's attitude on this very basic but important matter. I know you would have read this but for the record let me indicate what the Government is asking us to do.

We came here this afternoon having not seen this item listed anywhere, and to the best of my knowledge, not even by telephone or otherwise did the Government indicate to us that they intended to proceed with this matter.

Mr. Speaker, Members on this side have no difficulty in supporting Government's attempt to give a parcel of land to build the LNG plant. We support that 100 per cent. However, we come to the Parliament and the Government presents us with a document which says: The Government wants to acquire 43.7769 hectares, a large parcel of land, approximately 100 acres or thereabouts, somewhere in Point Fortin, in the ward of La Brea. I quote:

"...described in the Schedule and coloured...on a survey plan...dated September 10, 1996 executed under Survey Order No. 96..."

The file number is JB: 149 in Book 1140, folios 193—200 in the Red House.

Mr. Speaker, that is all the information that we have. The Government did not have the courtesy to inform us about this. I do not even have a diagram to see where this land is located in Point Fortin. However, I am being asked, in the Parliament this evening to accede to a request by the Government to acquire a huge parcel of land without having any idea where that parcel of land is located.

I appeal to the Government not to be so ridiculous. I heard the Prime Minister say, "it is something they inherited". *[Interruption]*

Mr. Panday: No, no—

Dr. K. Rowley: I take that back. I did not hear you correctly then. *[Interruption]* Mr. Speaker, if the Prime Minister would conduct himself in a manner— *[Interruption]*

I would like to take part in this debate but I have nothing to respond to because I have no idea where this parcel of land is. There is no diagram attached. The Government has given me no time to look at it or to do my own research. It is listed here and it requires me to go somewhere and look at it so that I can stand in the Parliament and say, "Yes, I support this."

Mr. Speaker, under those circumstances, I profoundly regret that I cannot take part in this debate. If the Government wants to proceed in that manner then it can

Land Acquisition
[DR. ROWLEY]

Friday, October 11, 1996

do so. If it wants to demonstrate that kind of arrogance, I simply say that with respect to all the *sotto voce* comments, I would like to ask the Member for Tobago East if he supports and agrees with this measure.

Mr. Speaker: I think that I owe it to the Member for Diego Martin West to point out—he did, in fact, come in a bit late—that there was, indeed, a Procedural Motion before he came in, in which the House agreed to jump the queue and do this matter ahead of others. The Member may be unaware of this, so for whatever it is worth, I think that I should point that out to him.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, merely to put the record straight, the Standing Orders provide for Motions like this to be on the Supplemental Order Paper, and in particular, Standing Order 24.

My enquiries and experience in this House is to the effect that such matters have occurred in the past when the Opposition was in Government. In this matter I explained to Members of the Opposition that there are certain time-frames, and the matter cannot be adjourned today as this Motion has to be passed in the Senate on Monday. If it is not passed the state can be put at a certain disadvantage.

Having regard to what the Member for Diego Martin West stated, I think that he should have really come to Parliament early today. Parliamentarians should come here on time. The Member comes here late—he was probably campaigning—he does not know that his colleagues supported a procedural motion for this Land Acquisition to be debated. Is he saying that all the Opposition Members looked at the Supplemental Order Paper and did not read it? Or, that they read it and did not understand it? Or, that they voted for something and they did not know what they were voting for? Mr. Speaker, the Members opposite did not oppose the Motion so I do not think it is fair for them to give the impression that this just came out of the blue.

The issue really is; should this land be acquired or not? The description of the land is given— Are they going to visit the land? Do they normally go to visit lands? *[Interruption]*

Mr. Speaker: Hon. Members, I know that tempers are getting a bit frayed, but if the hon. Attorney General would speak to me that may obviate the need for—

Hon. R. L. Maharaj: Mr. Speaker, as I was saying, the lands are described and the issue in this Motion is whether the lands, as described, should be acquired for public purposes. The hon. Member for Diego Martin West said he had no

objections with the Government acquiring land for these purposes but he wants, however, to know where the land is.

During the 10-minute break he could have asked and he could still see the survey plan. The land is in La Brea in the county of St. Patrick and it is described in a Schedule. Mr. Speaker, this is merely an attempt by the Opposition to obstruct development in the country.

2.50 p.m.

Is it that the Opposition is opposing development in La Brea? This is a development in La Brea! Mr. Speaker, the facts are clear. They came here not prepared for any debate, they merely want to obstruct and this is the reason they have taken this position. Mr. Speaker, I regret very much that we cannot accede to the request having regard to the matters I have mentioned.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, when I came into the House earlier today I sought to get information from the Leader of the House as to the business of the day. He mentioned he wanted to do, other than the Validation Bill, the procedural motion relating to an extension of time with respect to the Joint Select Committee Report on Tobago and the Land Acquisition Motion. On that basis, I said that we would have no problem. It was only when I got to my desk that I noticed what that Land Acquisition Motion was about.

One knows that this matter pertaining to the LNG plant has been making the news and it is a contentious issue at present in Trinidad and Tobago. The Standing Orders require that a Motion by the Government be listed on the Order Paper the day following it is received. The Motion was received by the Clerk of the House yesterday on a Supplemental Order Paper which the Opposition would have seen for the first time on coming into the House. Members are aware that, like the Government, the Opposition would caucus on the Order Paper as received.

If there had been consultation with respect to this matter between the Leader of the House and the minority leader before coming into the House, at least we would have been able to debate it, but that courtesy was not extended. Today, we are obviously having an attempt to run roughshod on the Opposition—*[Interruption]* Because your leader said that it was sent yesterday. That was the only time we got it. It means that there was a breakdown in Government machinery, because if it is so urgent and all these dire consequences would flow from the fact that it would not be concluded by Monday, then somebody is at fault. I think the Prime Minister ought to be dealing with that person, not trying to run

Land Acquisition
[MR. VALLEY]

Friday, October 11, 1996

roughshod on the position. If this matter is so important it should have been in Parliament long ago. Mr. Speaker, I like to pride myself into thinking that the Leader of the House and I have a very good relationship. We discuss a number of matters, one of them being accommodation, from time to time, but we cannot participate in this debate today.

Mr. Hedwige Breaux (*La Brea*): Mr. Speaker, like the previous speakers on this side, I wish to join in condemning the approach of the Government in respect of the speed and the manner in which it seeks to run roughshod over the Opposition on this acquisition.

During the 10-minute break, I sought to explain to the Minister of Agriculture, Land and Marine Resources some of the problems which I anticipated in dealing with this matter without a certain amount of information. You see, Mr. Speaker, unlike the other Members on this side, I have some background information on the matter—*[Interruption]* Mr. Speaker, I am being disturbed, if you would please quiet the Members I would appreciate it.

Mr. Speaker: Hon. Members, I wish to indicate that quite apart from the Standing Orders providing that Members should be heard uninterrupted, anytime a Member seeks the protection of the Chair, it is the Chair's responsibility to give it. I implore you to allow the hon. Member, in whose constituency this land falls, to be heard in silence.

Mr. H. Breaux: Mr. Speaker, as I said, I have some information of the land in question from another source and another area, and that is peculiar to a job I did up until August 31, 1996. With your permission, Mr. Speaker, I want to correct the common perception as a result of the description of the land. It says:

“The parcels of land comprising 43.77769 hectares more or less situate at Point Fortin in the ward of La Brea in the County of St. Patrick...”

The land is situated in the borough of Point Fortin, but the borough of Point Fortin, for the edification of Members, is in the ward of La Brea. The land is not in the constituency of La Brea. I was just trying to give some information that based on the description here, the land is not in the constituency of La Brea.

Be that as it may, the hon. Minister in his statement referred to the LNG Project Agreement, Article 6.1 and said that the Government was under an obligation to acquire this land as a result of the terms and conditions of the LNG project Agreement. He did not say the date of the LNG project Agreement to which he was

referring—I do not know if there is more than one—nor can I recall whether this agreement was ever laid in this honourable House, so that the Members of this House would have an opportunity to see it.

Mr. Speaker, if the Government is acquiring land as a result of an obligation arising from an agreement, we would like to know what would happen to this land. Would this land be given to the foreign company? Is it going to be leased? If so, for how long? What are the terms and conditions of the entire agreement? Here you come about to acquire land for a public purpose, as you say, but it is being done as a result of a private agreement. That typifies and has become common to the behaviour of Members of this Government in the short term in which they have been in office.

3.00 p.m.

More importantly, the Motion talks about a US \$9 million payment. I did not grasp all that the Minister was saying, because he himself appears to be ignorant of the agreement and I suspect that the Minister of Energy and Energy Industries who came here on Friday last and spouted all about the LNG project and agreement has conveniently absented himself from this Parliament because he does not want to have to be probed about the ramifications of the LNG Project Agreement.

During the ten-minute break, I spoke to the Hon. Minister of Agriculture, Land and Marine Resources and I told him I had several concerns and he replied: “It is Petrotrin’s land.” I said: “Wait, if it is Petrotrin’s land, how then do you have to acquire it?” I keep asking these questions because I happen to know that there are private parcels involved and serious concerns about that. I am also concerned that in the process of the acquisition—at least I do not know exactly what the description of the land is and if he is speaking about the land upon which the Petrotrin refinery is situated. Is the Minister also speaking about the Petrotrin camp?

In another dispensation which ended pleasantly on August 31, this year, I happen to know about the lands in Point Fortin, and a substantial proportion of those lands are owned by the state enterprise Trintoc. Some are utilized in the exploration, production and manufacturing of petroleum products, and as a result of that, by the Petrotrin’s Vesting Act, some of those lands were transferred to Petrotrin, but some still belong to Trintoc and I am talking about golf courses and houses. As you well know, Mr. Speaker, land in itself does not only mean land, it also includes buildings on land. Permit me to quote the Latin phrase *quic quid plantato solo solo cedit* which means, that which is attached to the soil, cedes to it.

Land Acquisition
[MR. BÉREAU]

Friday, October 11, 1996

Mr. Speaker, when we speak about this land here, we do not only speak about just plain land. I can forgive the behaviour of the hon. Minister of Agriculture, Land and Marine Resources who is a well-known agriculturist and when he thinks about land, he thinks either about animals on land or plain land to plant, but the land to which I refer is land that has thousands, nay billions of dollars worth of equipment on it. Take for instance, I think some of this land is land upon which a part of the Point Fortin refinery sits at the present time. I want to know when this land is acquired, is the refinery being acquired also, and is the refinery going to be handed over to the LNG plant so that they can salvage and dispose of it? I know that the refinery has a salvage value. These are just simple questions for which I am trying to find answers.

More importantly, land by itself also includes mineral rights. What will be done with the sub-surface rights under this land? How do we know what they have agreed to? You see, I happen to know that when they were conducting the agreement with the LNG consortium, they sought to bring in advisers from all around and they did not understand the most simple things—for instance I understand that the hon. Attorney General was there and he was totally at sea. He did not know what he was doing, he had never dealt with anything as complex as that. The hon. Minister of Energy and Energy Industries was at pains to point out the assistance which Petrotrin had to give him, and which he accepted. So I want to be certain about the exact terms to which they agreed. They told us US \$9 million was paid. That is a joke. Remember this is land upon which the refinery sits.

Mr. Speaker, I happen to know that there were bids to purchase the refinery and there is one which was made by a company in Ecuador to dismantle the refinery and take it to Ecuador and pay more than the US \$9 million, so I want to find out what is the situation. This is nothing to be brought here in this haphazard manner, but I am saying come with the LNG agreement.

Mr. Speaker, this is not only land, but it may also involve land which has been reclaimed. There may be restrictions or infringements upon the oil mining rights of Trinmar so we want to know what is going on. Additionally, there is a camp and there are a number of poor persons who are living on this land and they are secured tenants under the Land Tenants (Security of Tenure) Act, 1981. There are businesses also, Road Transport Limited sits on this land. I am saying development must come and we must move to deal with it and encourage developers but we must be sure that in the process of encouraging developers we do not rob our

people. A Government that talks about transparency seeks to come here today and hurry this Motion through the Parliament and does not want to deal specifically with some of the important issues.

For instance, there is a company called Road Transport Limited doing business in Point Fortin that is still on this site and arrangements have to be made to move it elsewhere. What are they telling us about this? What is going on?

3.10 p.m.

You see, Mr. Speaker, I am extremely concerned about the absence of the hon. Minister of Energy and Energy Industries here today, simply because if this acquisition falls under his bailiwick, notwithstanding the pretensions of the Minister of Agriculture, Land and Marine Resources he should be here because you see, there are several things involved. They are inpinging, first, upon the petroleum rights of Petrotrin, maybe of Trinmar, and maybe, of other persons who are private petroleum rights owners.

You see, Mr. Speaker, Petrotrin may own the land today. That is what they are telling me. I do not know that that is completely correct, because from an examination of this Appendix, I am unable to tell, with any degree of accuracy, all the various ramifications—the complete boundaries—ambits of the land. Petrotrin may have surface rights, but somebody else may have sub-surface rights which in some cases, especially in a place like Point Fortin, is more valuable than surface rights. But when they have acquired it they will have taken away, robbed and stolen the land rights from people.

I am saying that this Government—I ask, what else is in the mortar beside the pestle? *[Interruption]* There is no need to rush it, but it is not true. This US \$9 million cannot be proper compensation for this land. I have been doing this kind of work for 27 years, and I know what I am talking about. *[Interruption]* Do not worry about that, my brother, you could deal with me, you could do anything you want to me. But you see, what we are talking about here suggests there is something in the mortar beside the pestle! You cannot tell me. Listen, if you give the documents to me, I will look at them because I am certain that there is something wrong here. *[Interruption]* Yes, we will be ready on Tuesday to debate it.

Mr. Speaker, there is something wrong here. Take, for instance, I am told 12 parcels of land. Not only that, they identify it as 43.77 hectares, but there is reclaimed land. The land on which they are going to place the LNG plant, a part of that is where the refinery sits; a part was reclaimed, and even part of the reclaimed land is not yet vested properly, so there is no exact description of the entire

Land Acquisition
[MR. BÉREAU]

Friday, October 11, 1996

amount of land upon which the LNG plant would sit. They are now purporting to say it is 43.77 hectares. It is not, Mr. Speaker, and I speak from information which I have and I know something is wrong! They cannot come here and do this. They must bring the LNG agreement, and if they give me a chance I will get it for them, and I am telling them to bring it, because I will tell you what happened.

As I said before, there is something wrong here and to tell you how unprepared they are in respect of this Motion they said the land was in La Brea. *[Interruption]* They are trying to mamaguy me. No boss, I learnt my law under distinguished tutors.

Mr. Sudama: Under a tree?

Mr. H. Béréaux: Distinguished tutors!

Mr. Assam: And it did not rub off?

Mr. H. Béréaux: You do not worry, a lot rubbed off, because I am not going to stand here and allow you to make people believe that when you acquire this land here—it is land alone; it is land and buildings! People are going to get up in the morning and their entire buildings will be taken away. They need to know that, and I am telling you that is so. *[Desk thumping]* Mr. Speaker, I want to appeal to all those who are decent in this country, all those persons who are concerned with what is fair—

Mr. Assam: You are leaving out the PNM.

Mr. H. Béréaux:—to prevent this Government from trying to pull the wool over people's eyes and trying, in some way or other, to benefit their friends. Mr. Speaker, I am saying that without the LNG Project Agreement, and without a map, this Motion means nothing. They say they will bring a map, but they also say 12 parcels. As we know, 12 parcels must have descriptions. This is not the prairies where you can just go and measure off a piece of land. The lands are in blocks. There are several blocks. Parcels? They are blocks, I know that area well, and some of the land there is not owned by the people whom you think are the owners. Such is the nature of the land law of this country.

Mr. Speaker, I want to say, quite clearly, I know the Member for Nariva every now and then keeps jumping up trying to obstruct me, talking about Lavalin. I have said once before, whenever the time comes to debate that, I will not debate it unless the Minister of Energy and Energy Industries is here, because he knows about it. His incompetence and his inability as a project manager disgraced the

country and cost us more than US \$100 million, and you are coming to ask me about Lavalin letter. I do not build refineries.

Mr. Speaker, I heard the hon. Prime Minister on his return, say that he should have taken the Leader of the Opposition—

Mr. Sudama: Which one?

Mr. H. Breaux: As I said, Mr. Speaker, the hon. Prime Minister is reported to have said when he returned that on any subsequent visit like that, it is good to take—*[Interruption]* Mr. Speaker, as I was saying, when the hon. Prime Minister returned from his sojourn abroad, after having left Trinidad and Tobago in the throes of economic problems, a doctors' strike, Muslimeen problem and tapes, he said that on the next occasion he will take the Leader of the Opposition with him, because the foreign investors would like to know—and I always like to quote the learned gentlemen properly. He said that governments are elected for five years, but investors put down their money for a long time; and that the foreign investors would like to know that any agreements they make with one government, in the event that there is a change, the other side would agree, be in sync with what has been done. I say to him—

Dr. Mohammed: What is wrong with that?

Mr. H. Breaux: Please. I am saying to him that what you are doing here today is directly in contravention of the spirit of the statement made when he returned, unless you believe that all he was saying were words to mamaguy somebody. If that is what you were doing, then go ahead. If he meant what he said, the LNG people cannot be happy with this acquisition, or with their getting this as a result of the manner in which it is being done. I am saying to you here today, and I am saying to the population, that you are obviously trying to hide something, but anything that is done in darkness will come to light. I plead with you, I implore you, it is not too late to let good sense prevail and let us deal with this on Tuesday, after you have provided us with a map, a proper description and a copy of the LNG agreement.

Thank you. *[Desk thumping]*

3.20 p.m.

Dr. Vincent Lasse (*Point Fortin*): Mr. Speaker, I rise to make a contribution on this matter because, to me, it seems that even the Members on the Government side seem not to be aware of the location of the land. A while ago, the Attorney

Land Acquisition
[DR. LASSE]

Friday, October 11, 1996

General said the land is situated in La Brea. The land is situated in the constituency of Point Fortin and I am aware of some of the concerns—

Dr. Mohammed: Would the Member please give way?

Dr. V. Lasse: —that the people of Point Fortin would have.

As the Member of Parliament for Point Fortin, I want to state quite categorically that the Government is taking the people of Point Fortin for granted, or taking us for a ride. All we are asking for is enough time to get the appropriate documents, to get the maps concerned, to get the agreement and have comprehensive information on the land so that we can debate it in a proper manner. But I cannot come here, as the Member of Parliament for Point Fortin, and sit with no documents and no description of about 100 acres of land in Point Fortin to be acquired. Therefore, Mr. Speaker, I feel very hurt.

I am wondering whether there is a hidden agenda. Why can the Government not accede to the fact that all we need would be the documents and the agreement of the LNG, so that we can study it and come back? Because I know for a fact that the majority of the land on which the LNG plant is now being situated ought to be reclaimed land, and adjacent to those lands is where the refinery of Point Fortin is now situated. I want to know—would this US \$9 million, based on the agreement, be compensation enough for the refinery if it has to be consumed into the parcel? Would it be enough compensation for the persons in Point Fortin who may well be displaced? At this point in time, I do not know exactly the extent of the land. I have no information or map in front of me stating such, therefore, all I am saying is that the Government should at least give us enough time and the information necessary so that we can debate this in a proper way.

I hasten to say that we in Point Fortin are very much in agreement that the LNG plant be situated there. We are happy that it is being done, but, again, we want the precise information on the lands to be acquired and the number of persons who would be involved. I am sure when we speak now about approximately 100 acres of land in Point Fortin, this would go way beyond the land adjacent to where the plant is being situated, and I am sure that many persons would have to be compensated if they are to be relocated. I plead with the Government for the information and enough time to sit, study the information and have it debated carefully.

I thank you, Mr. Speaker.

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, I am rather surprised that a very simple Motion that this House approve the decision of the President to acquire the land described in the appendix for the public purposes specified has attracted so much controversy and debate, angst, acrimony, inaccuracies, accusations of corruption and lacking in transparency. We heard all the emotional diatribe from the hon. Member for La Brea, someone who went to the same school as myself many years ago. I always expected he would have had some discipline in the kind of vocabulary that he employed, particularly in addressing this honourable House, but unfortunately, he went astray and joined the PNM and he has become corrupted, not only in terms of the use of language, but in terms of ascribing to other people the kinds of sins and vices that are so rampant on that side of the House.

This Government has absolutely no quarrel with providing Members opposite with the information—no quarrel whatsoever. The hon. Attorney General has explained the need for this particular Motion to be passed today so that it can go to the other place next Monday. We would welcome providing the Members of the Opposition with all the cadastral sheets, all the survey maps—no problem whatsoever. The hon. Minister of Energy and Energy Industries will appear before the Senate next Monday and those who wish to go to listen to him will be provided with whatever explanations are required in order to clarify some of the fears expressed. Although, I am sure that they are very unfounded fears because there is absolutely no kind of underhand intention in the acquisition of this parcel of land, notwithstanding the fact that it is 43.7769 hectares.

This is a routine matter that has been coming to this Parliament for many, many years. Generally, the Minister of Agriculture, Land and Marine Resources comes to this honourable House and seeks approbation from the Parliament on the basis of permission being granted by the President to acquire land for public purposes. This case is no exception. It is well known that the Government of Trinidad and Tobago entered into an arrangement with a consortium to build an LNG plant in Point Fortin. They cannot build the plant in the sea; they cannot build it in the air; they cannot build it on another planet; it has to be built on Mother Earth. The site selected is Point Fortin and the Member for Point Fortin seems not to understand his geography. Very simple.

It is in the ward of La Brea in the county of St. Patrick but located in the town of Point Fortin. Does he not understand geography? I am amazed. This Member of Parliament was a foreign service officer, going from country to country

Land Acquisition
[HON. M. ASSAM]

Friday, October 11, 1996

representing our beloved nation and still he does not know the geography of his own country. I am truly amazed.

The Member for La Brea spoke about compensation, as did the Member for Point Fortin. But, of course, whenever land is acquired, there is a consideration. He said he is trained in the law. I am surprised that he could raise this matter. Whenever land is acquired from anybody, there must be a consideration and it has to be paid for eventually. I do not know, but let me assume that the Member for La Brea is correct, that certain persons have to be removed from that land, the persons will be appropriately compensated on the basis of any kind of valuation done by the Commissioner of Valuation which is the normal procedure adopted by the Government in such circumstances.

I do not know how he could come today and make all this noise. A lot of brouhaha; a lot of hot air and talk about his last dispensation. He means his last incarnation, not his last dispensation! I thought he was more adept at the English language than his Friend from Arouca North, but again, he might have been corrupted by his continuing association with him and others.

3.30 p.m.

I think it is unfortunate that we come to this Parliament to waste the nation's time. The Member for Diego Martin West made a late appearance, not knowing the predicament that the people he is attempting to lead—if he gets the chance, of course—had already agreed to this Motion being debated this afternoon. But they are so careless; even when they were in government they were careless; now that they are in Opposition they are even more careless, because they have no sense of direction; they are running all around the place with their necks cut off like chickens. They were telling the people for the last six years that they had a world-class leader. Suddenly there is a cataclysm? What has happened to the world-class leader? Has there been a cataclysm in the PNM and they have just realized, like Saul of Tarsus on his way to Damascus, the scales have just dropped from their eyes and they realize that their leader is not world-class, or any kind of class? Now they are seeking to support someone—I wonder what class he is.

I saw a performance on the television some morning ago, and his performance this afternoon in the Parliament was no different, totally uninformed and totally out of place. How can he come and try to make a contribution based on lack of information, lack of facts and lack of what had taken place before he arrived? Is that a leader, who makes a fool of himself, making decisions that are uninformed, unsubstantiated? What kind of leader is that?

The Motion before the House is merely to make it possible for Trinidad and Tobago to advance its industrialization. I had the honour this afternoon to lay before this honourable House an industrial policy for Trinidad and Tobago to the year 2000. Contained in that policy, I mentioned the role and importance of the energy sector which would be used as part of the strategy for diversification in the non-oil sector. Is the Opposition saying today that they are going to delay the construction of an LNG plant in order to satisfy some foibles, in order to satisfy their ignorance, in order to satisfy the fact that they have not done their homework, in order to satisfy the fact that they have not asked the questions in advance? This Government is a transparent Government. We are prepared to give any kind of information, to the point where we have laid in this honourable House a paper so that we can debate a Freedom of Information Act before long. We are prepared to provide the Opposition and the national community with any and every bit of information surrounding any policy decision that this Government undertakes. We do not need the Minister of Energy and Energy Industries to be here. Any one of our Members can answer those questions. But ask the questions and stop engaging in innuendo and character assassination and stop giving the impression that someone is engaging in corruption when they know that this is not true.

The hon. Member for La Brea has disappointed me. As a lawyer, he knows he should not be doing that. As a Member of Parliament, he knows he is using the privilege of this honourable House to assassinate the character, through innuendo, of the Minister of Energy and Energy Industries. This is not the first time he has attempted to do it, and I would ask him kindly to desist in the future and let us get on with the business of this House; let us get on with industrialization, with building and construction on which the Member for Diego Martin East brought a Motion some time ago, accusing this Government of stopping construction, and now he wants to delay construction of the LNG plant—a totally contradictory position.

They come to the House and say this Government is putting construction on the back burner; we are not creating jobs. Now we are trying to push the process forward so that the LNG plant could be constructed, he comes here with all kinds of objections. I do not understand the Members of the Opposition. What do they want? Are they a confused bunch?

I want to crave the indulgence of the Members opposite to give this country a chance. That is what we were elected on. This Government of the UNC/NAR was

Land Acquisition
[HON. M. ASSAM]

Friday, October 11, 1996

elected on the basis of giving the people and the country a chance. Give us the chance to give the people a chance! Give us the opportunity to build the LNG plant without obstruction so that we can create construction jobs in the first instance. We can create permanent jobs in the second instance. We can export LNG and get foreign exchange in the third instance and we can use the revenue to diversify the economy in the fourth instance and then consequently improve the quality of life of all the citizens of this country. That is our position and I would hope that the Member for La Brea will not stand in the future to create any kind of obstruction in this Parliament with respect to progress and development.

I want to commend this simple Bill and support my hon. colleague, the Minister of Agriculture, Land and Marine Resources, and ask this House to approve this Motion with respect to the acquisition of 43.7769 hectares of land, and whatever information the Opposition requires with respect to cadastral sheets, to plans [*Interruption*]

Mr. Speaker: Although the Minister has not sought the Chair's protection, I am in duty bound to give him the same protection that I gave to the Member for La Brea when he asked for it, and to remind the hon. Member that he asked for protection just now.

Hon. M. Assam: Mr. Speaker, I was saying before you gave me protection as you are wont to do to all Members, that all I seek is the indulgence, the support and co-operation of the Members opposite to support this Motion. The Member for La Brea has come to this House on so many occasions and accused this Government of discriminating against La Brea. He said that we forced MississippiChem Farmland to move from La Brea into Point Lisas. The Member for Point Fortin has accused this Government of not engaging in construction, not building houses, and he has accused this Government of transforming Point Fortin into a ghost town, something which his party, when they were in government, deliberately and systematically engaged in, and today we are involved in the resurrection, rehabilitation and restoration of La Brea and Point Fortin.

We brought back Carlisle Rubber of Pennsylvania into Point Fortin, creating 267 jobs in a new type of tyre manufacture. We have been able to put LNG into Point Fortin and we are proceeding to do the surveys that will enable us to see how we can salvage that catastrophe and disaster of Brighton, La Brea, which the great geologist from Diego Martin West flagellated his leader for not appointing him as Minister of Energy and Energy Industries and giving him the proper advice so that they would not have made such a serious and deleterious error.

That is the kind of Government you have today, rescuing the other side, but more importantly, rescuing the country from the incompetence of that other side when they were in government—the waste and the mismanagement. Of course, I will never allude to corruption, as my hon. Friend from La Brea has done. I will never do that.

So that to conclude, we would provide whatever information they require, whatever maps or cadastral sheets. The hon. Minister of Energy and Energy Industries will be in the Senate on Monday; go and listen to him and he will clarify any of his doubts; he will assuage his woes and allay his fears. In the meantime, let progress continue; let there be no hindrance to the construction of the LNG plant. Therefore, I commend this Motion to the House. [*Desk thumping*]

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, on certain occasions in this House, as I listen to the contributions from the other side, I am reminded of my school days and the old adages that we learnt, and nothing was more pertinent in listening to the contribution of the Member for St. Joseph as the old saying: "Empty vessels make the most noise."

We have been treated today to the contemptuous arrogance of the Member for Couva South. While I am speaking about the Member for Couva South, my hon. Chief Whip did not think that he needed to have a tape recorder with him when they entered into discussions before the session, unlike previous clients, because he took him at his word, that this was a simple land acquisition matter. It appears that my colleague from Diego Martin Central would have to walk with a tape recorder to deal with the Member for Couva South on future occasions to keep him on track.

3.40 p.m.

[MR. DEPUTY SPEAKER *in the Chair*]

After the contemptuous arrogance of the Member for Couva South who, in his blissful ignorance, described the land to be acquired as belonging to the constituency of La Brea and entered into a tirade against the Member for La Brea—but the Member for St. Joseph in raising his decibel level full of sound and furry, signifying nothing but attempting to disguise the fact that even the Attorney General is not familiar with the boundaries and location of this parcel of land. Mr. Deputy Speaker, imagine the Member of Parliament who is supposed to advise the Cabinet on the propriety of the complexity of the matter and any special problem, does not even know where the land is. Does anybody on the other side know where the land is?

Land Acquisition
[MR. IMBERT]

Friday, October 11, 1996

This is the contemptuous arrogance of the Member for Couva South; the typical flippancy of the absentee party animal, the Member for Couva North who visited 82 establishments on his recent trip abroad. That was what I read in the daily newspapers.

All through the contribution of the Member for La Brea was the mindless chatter from the Member for St. Joseph and then his particularly pathetic contribution. The fact is, we are dealing with very important issues. We are dealing with the sleight of hand and deceit by the Government in bringing a Motion to acquire 100 acres of land. I know that the Member for Couva South is not trained in mathematics but I will give him an idea. The St. Augustine Campus of the University of the West Indies is on 33 acres of land. We are talking about a parcel of land three times the size of the St. Augustine Campus of the University of the West Indies. I am just putting it in simple terms so that the Member for Couva South would know what we are talking about.

The Member for La Brea put it in perspective, that we received no information, and, of course, in his pathetic display the Member for St. Joseph almost shouted at the top of his voice to indicate that we should have asked the proper questions. How in heaven's name could we have asked questions if we did not even have the proper documents before we came to the Parliament?

Mr. Maharaj: You do not read the daily newspapers.

Mr. C. Imbert: Which papers? The underground *Patriot*? What am I supposed to read? Mr. Deputy Speaker, must parliamentarians read the daily newspapers now to find out what is going on in the Parliament? What arrogance! The mindless chatter which came from the Member for St. Joseph told us that the Minister of Energy and Energy Industries will go to the Senate and fix the problem. What contempt for elected Members of the House of Representatives! We must close our eyes, listen to the Member, trust him and pass this, and in the Senate the Minister of Energy and Energy Industries will deal with any problems.

Mr. Deputy Speaker, we are dealing with a number of important issues here. There are no survey plans. We do not know where the boundaries for this parcel of land are. What is the value of the land? Has a valuation been done? Where is the documentation? Is it in fact for a public purpose when private companies are involved?

This was an issue which was raised in the Parliament before. As a matter of fact, I remember the Member for Oropouche, at length in one of his 75 minutes

diatribe that he treats us with whenever we brought a land acquisition motion—and the issues raised by the Member for Oropouche then are as relevant now as they were then. Is this in fact for a public purpose when private companies have an interest in this matter? Is there a legal opinion on that from the Attorney General? The Member cannot answer because he has not studied it. He has not looked at that issue. The Member does not even know where the land is, let alone whether it is in fact for a public purpose. What special problems are associated with this land? Are they tenants? Who are the occupants of this land? Are they private land holders who are involved? If private land holders are involved, who are they?

Mr. Deputy Speaker, we must be suspicious because there are elements within the UNC Government who have entered that Government for the sole purpose of filling their pockets, and Members on that side do not even know what is going on. They do not know and some do not care, and others do not want to know.

Mr. Sudama: Mr. Deputy Speaker, under section 36(5) the Member is imputing improper motives when he stated categorically there are elements in this Government who are lining their pockets. Therefore, I ask that the Member withdraw the statement.

Mr. Deputy Speaker: Hon. Member for Diego Martin East, according to Standing Order 36(5):

“No Member shall impute improper motives to any other Member of either Chamber.”

The statement that you just made was directed at all Members of the Government side or subpartial to some Members. It was *en bloc*, imputing improper motives. Would the Member, for good order in this House, just withdraw that last statement?

Mr. C. Imbert: Mr. Deputy Speaker, with your indulgence, before I do that, let me explain what I meant. When one refers to a government, one does not simply refer to Members of the House of Representatives or Members of the Senate. I am not referring to Members of the House of Representatives or Members of the Senate at this time. I am referring to persons who are associated with the UNC administration and who have been appointed to key positions of influence in this country.

Mr. Deputy Speaker: Member for Diego Martin East, your prior statement did not contain what you just said. It alluded to Members of the Government themselves. I just ask that you withdraw that last statement from the House.

Mr. C. Imbert: Mr. Deputy Speaker, certainly, I make no aspersions on Members of the Government. I withdraw any reference to Members of the Government in Parliament, but I certainly will not withdraw any allegation that refers to persons appointed by the Government to positions of influence.

3.50 p.m.

Mr. Deputy Speaker, Members of that administration would wake up one morning to find out how they have been taken for a ride; how certain persons who are placed in positions, as I said, have been filling their pockets and abusing positions of trust.

Mr. Deputy Speaker: Members, should we go back to Standing Order 40? "Rules for Members not Speaking".

Mr. C. Imbert: I thank you for your protection, Mr. Deputy Speaker. As always, you are the epitome of control in this Parliament.

When we see a page containing five lines of text in the most bland and superficial language as "the parcels of land comprising together 43.7769 hectares more or less situate at Point Fortin...", if the Attorney General had read this he would have seen that it said, "...43.7769 hectares situate at Point Fortin more or less in the ward of La Brea in the County of St. Patrick described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys..." [Interruption] I am always willing to be corrected. This is a joke. When one looks at the Schedule it says that: "The land is more particularly shown coloured raw sienna on Survey Plans filed as JB:149 and in Book 1140 folios 193 to 200 in the vault of the Lands and Surveys Department, Red House..." If I want to contribute to this Motion, must I go down to the vault and pull out Books 193-200? This is absolutely ridiculous!

Mr. Assam: Go and do your research!

Mr. C. Imbert: How can one do research when one does not even know that the Motion is coming up? That is mindless chatter! They would not adjourn for a decent period for us to do research. No reasonable person would support this.

The explanation is the tight deadline. How did this deadline become tight? Was it because the party animal for Couva North was all over the world, and while the cats are away the mice would play? Was any business done while the hon. Prime Minister was away? The Member for Couva South was busy listening to tapes and denying them. Was that the problem? Why is there a tight deadline on this? I saw

the Member for Caroni East and the Member for Siparia doing the tango in England. Is that why there is a tight deadline? Is it because the Government has been partying hearty for the last month?

Mr. Deputy Speaker: Members! Members!

Mr. Valley: Lady too!

Mr. Deputy Speaker: When we refer to Members, we mean everybody in the House. The hon. Member for Diego Martin East is on his feet. If you have your Standing Orders you can take a look at Standing Order 40 once more.

Mr. C. Imbert: We are dealing with an energy sector matter relating to an investment at a cost of US \$1,000 million. That is TT \$6 billion. We are dealing with the acquisition of 100 acres of prime land, buildings and equipment involving a number of parcels, reclamation rights, service rights and oil rights. No proper information has been submitted to this side. As I said, there are certain influential persons in the energy sector whom we must scrutinize. One cannot treat these issues at arm's length. There are persons who are placed in positions of influence and one has to watch them with an eagle's eye because they financed the UNC campaign. One has to look at them very carefully. There was never any denial of that.

As a matter of fact, prior to the general elections, the Member for Couva North boasted that persons had financed his campaign. When persons who financed the UNC campaign are involved in matters such as this and all the information we have is a little page with six lines on it, the public must have more information. We must be satisfied that there is no impropriety in this acquisition; that no person stands to benefit and no deals are made for resale of equipment at special prices. The only way to check that, to the satisfaction of all concerned, is for us to get the information. It is not for the court jester for St. Joseph to wave a cadastral sheet wildly in the air and say that we could get it if we want. Get what? We want information.

This is not a routine matter. It is a very controversial, sensitive, complex and expensive land acquisition. I really wonder how Members as the one for Oropouche can sit in Parliament and condone this kind of behaviour. If one goes into the *Hansard* records and reads what the Member had to say about land acquisition motions, one would see that he demanded information and proper records. He knows about that. When he was doing that in the Opposition, he was doing his job. On those occasions we tried as best as we could to give the

Land Acquisition
[MR. IMBERT]

Friday, October 11, 1996

information and adjourn debates if necessary. *[Interruption]* You would not know about that. You are a novice! You are a neophyte! You were in another party. You would not know about that. You might soon be in another party.

I am asking the Members on the other side with a conscience—because there are a few Members on the other side with consciences; the Member for Caroni Central has a conscience—that if they feel they could get away with this forever, they are fooling themselves. If they feel that every deal which is struck in corridors behind closed doors, Miami and other places and all these matters are as innocent, simple and routine as they think; they are fooling themselves.

4.00 p.m.

[MR. SPEAKER *in the Chair*]

In all governments there are persons who try to manipulate the system and something as important as this should not be treated in this flippant and superficial manner. *[Interruption]* I am sure they have not been properly apprised of the facts. As I said, even the Attorney General does not know what is going on. He did not even know where the lands were. *[Interruption]* I do not want to hear any more diatribe, Mr. Speaker, from persons seeking to defend the indefensible; persons seeking to have us close our eyes in this Parliament. We represent the people of Trinidad and Tobago here. It is our duty as representatives, when a matter such as this comes before Parliament, to ask questions and demand answers.

If one goes into the records of the Member for Couva South, in his previous incarnation he was always searching for answers and demanding information. Now there is a transformation, a metamorphosis; Jekyll and Hyde—demanding information when he is a Member of the Opposition and giving no information when he is a Member of the Government. He is a two-faced Janus.

Listen to this, Mr. Speaker. The Member for St. Joseph tells us that we must assume that persons in possession of the land will be compensated based on a valuation. What arrant nonsense? Does he know, as a Member of the Cabinet, if there are any persons in occupation of these lands? The answer is no. He was probably sleeping when this matter came to Cabinet, or talking his usual nonsense.

Mr. Speaker: On that note, which is not the best note, I would suggest that if you talk to me you may avoid using those inflammatory words and avoid repartee from the other side.

Mr. C. Imbert: I thank you for your intervention, Mr. Speaker, but I am appealing to the Members on the other side. This deadline could not be so tight and so important that they must pass this Motion now. If it is so important, then a proper explanation must be given. How did this deadline get so tight? Who is responsible for this deadline being so short? When I look at the description of the land, the plan of survey signed by the Director of Surveys is dated September 10—one month ago. What happened between September 10 and October 11? The Government was on holiday, frolicking abroad.

I am appealing to the Government to forget its usual contemptuous arrogance [*Interruption*] and the Member for Princes Town in his usual blissful ignorance. This is a repeat of the Land Surveyors Bill which he brought to this Parliament and claimed that there was consultation, but there was none. He had no clue about the Land Surveyors Bill. He is simply a puppet. He has been handed a piece of paper and someone is pulling the strings and saying read that and pass this, just like all the other puppets on the other side. I ask the Member for Princes Town to do his homework the next time.

I ask the Members on the other side to suspend the debate on this matter until Monday or Tuesday and give us at least 48 to 72 hours, in the spirit of the transparency that they are always bleating about. This Government is always carrying on about how transparent it is, so I am asking it to be transparent with this matter. Suspend debate on this Motion until Tuesday. Give us the information and once everything is in order we will give it our fullest support.

I thank you, Mr. Speaker.

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, we are heartened to hear the expressions of concern coming from the Member for La Brea and the Member for Diego Martin East. Those expressions of concern are with respect to whether there are persons on the lands to be acquired.

The Member for La Brea, as an attorney-at-law, should know that the law provides machinery whereby persons who are on lands that are acquired for public purposes can go to the courts and seek redress if they are aggrieved with the compensation to be awarded. So, Mr. Speaker, when the Member for Diego Martin East says that he is concerned about the persons on the land, and that he is questioning what would happen to those persons, is he then further questioning the Judiciary of this country? Is he saying that he has no faith in the system of the courts?

Land Acquisition
[HON. K. PERSAD-BISSESSAR]

Friday, October 11, 1996

I am answering their question of concern on what would happen if there are persons on the land. They would have compensation under the law and if they are aggrieved by the award of compensation, then they can go to the courts and seek redress to have the compensation properly addressed.

If others on that side are saying that that is not the issue, then I wonder why we have spent all this time listening to the other side raise all these red herrings. In the first place, it seems to us that some of the Members on the other side do not communicate with the others. One Member on the other side is saying that he is not prepared to debate this Motion because he does not know anything about it. He does not know where the land is and what it is about. That is the candidate for leader of the PNM, Mr. Speaker. Then the Member for La Brea says that he knows where the land is. It is to be reclaimed land. There are people on the land. There is equipment on the land. There is a refinery on the land. Mr. Speaker, it is obvious that they are not speaking to each other.

It goes further, Mr. Speaker—

Mr. Speaker: Hon. Members, one more time I appeal to you to do what is right and in so doing allow the *Hansard* reporter to faithfully report that which is being said.

4.10 p.m.

Hon. K. Persad-Bissessar: Thank you, Mr. Speaker.

As I said, the Member for La Brea knows all about the particular parcel of land, but it is obvious he did not tell his leader. Then, the Member for Point Fortin, he too— *[Interruption]*

Mr. Speaker: At this point I am reluctantly forced to address my words to the Member for La Brea: Do so ain't like so. *[Laughter]* I came to your assistance a few minutes ago when you were on your legs and others were molesting you. I ask you, please, allow the Member to say her piece even if you do not like what she is saying. Please, allow others to take up the cudgel afterwards.

Hon. K. Persad-Bissessar: Mr. Speaker, thank you very much for your protection.

Mr. Speaker, sometimes people do not like to hear the truth. The Member for Point Fortin also got up in this honourable House and said he knew where the land was situated. In fact, he attempted to correct the hon. Attorney General and to

point out that the land was in Point Fortin. Mr. Speaker, it seems as though Members on that side do not read or they do not listen, because it was very clear, from what the Member for St. Joseph said, and from what is on the Order Paper—and they are both correct—that the land is situated in Point Fortin, in the ward of La Brea, in the county of St Patrick. The Member knows where the land is situated but yet he—the candidate for the leadership of the PNM—gets up in this House and says; “I do not know anything about this land and I am not prepared to speak about it”.

Again, it is amazing that they say they know nothing about this when this issue of the Atlantic LNG Plant has been engaging the public’s attention for some time now. That issue has been in the press, it has been talked about, there has been so many things happening about the issue of the Atlantic LNG Plant, yet they did not take the time to find out more about it. They did not file a single question in this Parliament. If it is that they sought information they could have come to this Parliament, filed questions and obtained the requested information. But again, we can only surmise, Mr. Speaker, that they are too pre-occupied with other matters they have no time for the business of this country. That is why we see, today, the hon. Member for Diego Martin East going from seat to seat campaigning with each Member on that side. They are too pre-occupied with other matters to have time to find out what is going on in this country.

The Member has the effrontery to say that I do not know what I am saying, I am in another party. The Member for Diego Martin East does not know to which side he belongs; he does not know to which party he belongs; he does not even know who is his leader. One day he is supporting one leader and the next day he is supporting the other. After Sunday, I believe, he will betray them both and he will have to decide to which party he belongs. We are very clear of our position on this side.

When the Member for La Brea suggested that there is more in the mortar than the pestle, I say to him, very clearly, that this UNC/NAR Government is not the PNM where corruption was the order of the day and every deal was riddled with corruption, they do not like to hear it.

Hon. Member: Tell us more.

Hon. K. Persad-Bissessar: I will.

Mr. Speaker, one remembers the PRIDE project, National Fisheries, BWIA and for the hon. Member for Diego Martin East—*[Interruption]*

Mr. Valley: Mr. Speaker, I rise on a point of order. I was involved in the divestment of both the National Fisheries and BWIA. *[Interruption]*

Hon. K. Persad-Bissessar: Mr. Speaker, I am still on my legs.

Mr. Valley: The Minister is imputing improper motives.

Mr. Speaker: Is the hon. Member rising on a point of order?

Mr. Valley: Yes, Mr. Speaker.

Mr. Speaker: On which point of order has the Member risen?

Mr. Valley: Standing Order 36(5).

Mr. Speaker: Okay, I will rule. Standing Order 36(5) says:

“No Member shall impute improper motives to any other Member of either Chamber.”

Are you saying what the Member has said is an implication against you?
[Laughter] [Interruption]

Mr. Valley: Yes, Mr. Speaker. *[Interruption]*

Mr. Speaker: Hon. Members, as I understood it, the hon. Member was saying that, here it is that Members on the other side are making certain suggestions with respect to—

Mr. Valley: Corruption.

Mr. Speaker: No, that is not the word that was used.

Mr. Valley: That is the word that was used.

Mr. Speaker: Please. The Member was saying that they are not really qualified to talk on these issues when, indeed, there are “X”, “Y” and “Z” projects that occurred when Members of the other side were in Government.

Quite honestly, I think that it would be stretching the imagination tremendously to say that that constituted an attack against you. I really do not think so. Please proceed.

Hon. K. Persad-Bissessar: Thank you, Mr. Speaker. *[Interruption]*

Mr. Panday: This is not the time for confession. *[Laughter] [Interruption]*

Hon. K. Persad-Bissessar: Mr. Speaker, when the hon. Member for La Brea speaks about there being more in the mortar than the pestle, I am making it very

clear that this UNC/NAR Government is not the PNM Government and it does not operate in the way that the PNM operated. I am merely reminding this honourable House of several projects that took place under the PNM Government when they were in office.

Mr. Speaker, there is a more serious issue that we need to address our minds to. The Member for Diego Martin East speaks of the flippancy of the hon. Member for Couva North. He spoke about the flippancy of the hon. Prime Minister and the number of establishments he visited when he went abroad. Mr. Speaker, I use this opportunity to let the hon. Member know that envy will get him absolutely nowhere. *[Interruption]*

This LNG project is something for which the PNM cannot take credit. This is a project for which the UNC/NAR Government should be commended, for seeking investment opportunities for Trinidad and Tobago that will take this country into a new millennium. *[Desk thumping]* If it is, on the one hand they say they have no objection to the establishment of the LNG Plant— Mr. Speaker, they cannot have it both ways, they cannot say that they know nothing about this plant and on the other hand say that they were the ones who brought it into being, therefore they must take credit for it.

Hon. Member: They are confused.

Hon. K. Persad-Bissessar: That is the inherent contradiction of the PNM, they do not know if they are going left or right.

The hon. Member for Diego Martin East also raised the issue of having a map. Mr. Speaker, what is the number of Land Acquisition Motions which were brought during the last four years the PNM was in office? How many times did they ever bring a map to accompany the land acquisition? *[Interruption]*

Mr. Speaker: Order, please.

4.20 p.m.

Hon. K. Persad-Bissessar: When there were all these matters, how many times did they ever bring a map to accompany the land acquisition matters? Mr. Speaker, I speak in support of this Motion, that this House approve the decision of the President to acquire the land described in the Appendix for public purposes.

Mr. Speaker, if we, in this country, are committed to development; if we are committed to the eradication of poverty in this country; if we are committed to the creation of employment in this country; and if we are committed to making

Land Acquisition
[HON. K. PERSAD-BISSESSAR]

Friday, October 11, 1996

Trinidad and Tobago become a shining light in the Caribbean as we go into the new millenium, then we have no choice but to support the investment opportunities and the investment drives of this country.

Mr. Speaker, I commend this Motion to this honourable House. A call was made from the other side about decent Members should do “X” and decent Members should do “Y.” I say that every right-thinking person in this country who is committed to the development of Trinidad and Tobago should support this Motion for the acquisition of the land, for the siting of the Atlantic LNG plant.

I thank you, Mr. Speaker.

Dr. Rupert Griffith (*Arima*): Mr. Speaker, I had absolutely no intention of entering this debate here today for a number of reasons: One, we only received this document when we entered this Parliament and therefore we had absolutely no opportunity to prepare for the debate so that we would have a comprehensive debate in this honourable House.

We, in the Opposition, take our responsibility seriously. When there is communication between the Leader of Government Business and the Chief Whip, we meet in caucus and we agree on how we will approach the debate in this honourable House, because we are a very serious Opposition. What we have heard over the last few hours is a debate—if I may call it that—of people saying things that are, in my view, not directly related to the matter under debate. We have heard talk about the obvious, such as if lands are acquired and people are not satisfied with the settlement, they have a redress in a court of law. That is obvious. I am not a lawyer but I understand that fundamental provision. We hear discussions about the UNC/NAR coalition Government not being the PNM. That is obvious. The PNM has a long, tried and a very admirable history in this Republic of Trinidad and Tobago and the UNC/NAR could never be like the PNM. We are celebrating 40 years as a party of which 34-plus years were spent in Government, so they could never be the PNM.

In addition to that, we are hearing all sorts of back and forths and the real issue is not being debated here today. We are merely asking, as a responsible Parliament—and I would like to think that I am a member of a responsible Parliament—for the Government to provide us with certain basic information, allow us enough time to look at it and to do our research, so when we come to this honourable House we can make responsible decisions.

We are basically asking for a copy of the LNG Project Agreement, Article 6(1); we are asking for plans and cadastral sheets so that we could have the proper location of the lands to be acquired; and we are merely asking for time for us to prepare to debate this Motion. That is all we are asking for on this side. Clearly, the debate has gone off in a tangent; we are way down the road. I just stand to bring us back to where we should be, and we are appealing to this Government to provide us with the information that we need so that we can debate this matter.

This is a very important matter to the people of Trinidad and Tobago. We have read about it in the newspaper, but we have not reached the stage in this Parliament where the Government expects Members on this side to read matters in the newspapers and then come here to debate it. I do not think that is what they expected. We have procedures in Parliament. I urge the Members to give the Opposition the respect it requires and deserves and give us the information to prepare for the debate in this honourable House.

Mr. Speaker, I just stand to make this intervention. We are appealing to you; we are appealing to the hon. Members of this House, to allow us the time and the information so that we can prepare and have a responsible debate in this honourable House.

I thank you.

The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed): Mr. Speaker, I did not come to this House to debate an agreement; I simply came to this House and moved a Motion for the acquisition of 12 parcels of land situated in Point Fortin in the ward of La Brea, the county of St. Patrick on the south western peninsula.

Mr. Speaker, during the course of my presentation I referred to the Land Acquisition Act, No. 28 of 1994. Part II of the Act spells out very clearly—I would have expected that the hon. Member for Diego Martin West, since he was the last Minister of Agriculture in the previous government, would have been at least aware of the contents of that part of the Act and not use the kind of argument which he did to stymie the progress of this Motion.

Mr. Speaker, it was very clear during the debate on this Motion, that the Members on the opposite side are not certain whether they want a plant in that part of the island or not. When the Farmland/MissChem Brighton situation arose, we heard all sorts of criticisms and comments, particularly from the Member for La Brea. Here it is now we are attempting to acquire a parcel of land for the

Land Acquisition
[DR. THE HON. R. MOHAMMED]

Friday, October 11, 1996

establishment of a plant in that area, where it will create the jobs and lift those people out of their destitution, yet they are arguing against it. I cannot understand them. We will therefore defy them to vote against it.

I beg to move.

Question put.

Mr. Speaker: I have heard no voice saying “no”. *[Interruption]* Hon. Members, let us just take it in stages.

Hon. Member: I want a division.

Mr. Speaker: There is no problem with a division and you would get a division if you want it, but all I am saying is that at least one could do me the courtesy of letting me hear a “no.”

4.30 p.m.

The House voted: Ayes 19

AYES

Panday, Hon. B.

Maharaj, Hon. R.L.

Persad-Bissessar, Hon. K.

Robinson, Hon. A.N.R.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Nicholson, Hon. P.

Mr. Speaker: Hon. Members, please. One has called for a division and at least we could do that.

Division continued.

Rafeeq, Hon. Dr. H.

Assam, Hon. M.

Khan, Dr. F.
 Singh, Hon. G.
 Nanan, Hon. Dr. A.
 Partap, Hon. H.
 Mohammed, Hon. Dr. R.
 Singh, Hon. D.
 Ramsaran, Hon. M.
 Sharma, C.
 Ali, R.

The following Members abstained: K. Valley, K. Rowley, G. Draper, C. Imbert, V. Lasse, J. Narine, E. Hart, E. James, R. Griffith, H. Bereaux, B. Sinanan, F. Hinds, E. Williams.

Question greed to.

APPENDIX

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>1. The parcels of land comprising together 43.7769 hectares situate at Point Fortin in the Ward of La Brea in the County of St. Patrick described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated September 10, 1996 executed under Survey Order No. 96 and filed in the Lands and Surveys Division.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>The land is more particularly shown coloured raw sienna on Survey Plans filed as JB:149 and in Book 1140 folios 193 to 200 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>Construction of the Atlantic Natural Gas Plant</p>

Mr. Speaker: Hon. Members the sitting is now suspended for half an hour.

4.33 p.m.: *Sitting suspended.*

5.05 p.m.: *Sitting resumed.*

Mr. Speaker: Hon. Members, the debate on the Bill entitled, An Act to amend the Motor Vehicles Insurance (Third-Party Risks) Act, Chap. 48:51, which was in progress when the House was adjourned on Friday, September 20, 1996, will now be resumed.

I accordingly call on the hon. Attorney General to continue, and I do remind him that on the last occasion when he was speaking he had used about 10 minutes of his time.

**MOTOR VEHICLES INSURANCE
(THIRD-PARTY RISKS) (AMDT.) BILL**
[Second Day]

Order read for resuming adjourned debate on question [September 20, 1996]:

That the Bill be now read a second time.

Question again proposed.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, this honourable House would recall that in opening my presentation on this Bill, I indicated that this Bill is intended to reform the law in such a way to make it easier for persons who have suffered injuries and damage as a result of motor vehicular accidents to get compensation from the tortfeasor or the insurance company which insures the motor vehicle.

Mr. Speaker, the Motor Vehicle Insurance (Third-Party Risks) Act, Chap. 48:51 now stipulates that where a successful plaintiff is awarded damages by a court as a result of injuries or damage suffered by him in a motor vehicle accident, he is not infrequently required to bring a separate action against the insurance company with whom the defendant's vehicle is insured, in order to recover those damages.

Mr. Speaker, experience has shown that, in almost every case, such an action can take years to reach its final decision, with the result that untold hardship and suffering is inflicted on the injured person by depriving him of the fruits of his judgment. In some cases, Mr. Speaker, he continues to be plagued by the injuries which he had received in the accident, with no means of receiving compensation that is justly due to him.

The commencement of the suit against an insurance company for the recovery of damages already awarded against the driver who is guilty of the tort, or the owner of the other vehicle has its authority in section 10 of the Act, which provides in part that the Insurer shall pay to the person entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including costs and interests on that sum.

Mr. Speaker, this Bill seeks to alleviate the hardships which I have just spoken about by providing an alternative manner which enables the injured party to join the insurers, certain prescribed conditions having been fulfilled in the earlier action. This, of course, Mr. Speaker, does not prevent a plaintiff from availing himself of the method prescribed by section 10. In other words, section 10 is not being repealed. So an injured party, subject to the fulfilment of certain conditions, in one action can file an action against the wrongdoer and also join the insurance company.

Mr. Speaker, opportunity has also been taken to effect certain other amendments to the principal Act which were considered necessary. For example, Mr. Speaker, section 4(2) of the Act provides that a policy of insurance shall not be required to cover certain minimum and maximum monetary limits. The Bill seeks to increase those limits both in respect of property damage and in respect of personal injuries.

Mr. Speaker, among other matters addressed in the Bill is the acquisition by the injured party of certain particulars relating to the policy of insurance to enable him to launch his action, as provided by the amendment. It gives him the right to apply for certain particulars in order for him to file that action, and if he does not get them, there is a machinery by which the party can be compelled to provide them.

The Bill also anticipates, Mr. Speaker, a situation where the injured party launches an action against the driver or owner of the offending vehicle, without first obtaining those particulars but does so after his action under section 10, in which event he may still join the insurance company.

One other matter of importance in the Bill, Mr. Speaker, is that while the court may award interest when it makes an award of damages, that rate of interest is fixed at 6 per cent both by the Supreme Court of Judicature and by the Rules of Court. This Bill seeks to vary the rate of interest and has provided that the court shall order such rate which shall be the mean between the lending and the

borrowing rate then prevailing in the lending institutions in Trinidad and Tobago or such other rate as the court may fix.

Mr. Speaker, what has happened is that some insurance companies can use the court process to delay the payment of claims and that money which the insurance companies would have paid can be used by them to earn more than 6 per cent interest, and under the present set up the insurance company would only have to pay 6 per cent interest. This Bill gives the court a discretion to award a higher interest so that insurance companies would know if they are liable, they would not earn any sum by not settling the matter.

Mr. Speaker, may I point out that before this Bill was completed, the Law Commission had consultations which included the Association of Trinidad and Tobago Insurance Companies and also the relevant ministries, including the Ministry of Works and Transport. There were many suggestions received, and the Bill was redrafted to accommodate some of those recommendations.

Mr. Speaker, hon. Members should also note, as has already been observed, persons injured are made to suffer great hardship caused by the delay in obtaining compensation for their injuries. To bring some relief to the injured parties, the Bill seeks to make provision for the inclusion in the policy of insurance, liability for the payment of the cost of emergency medical treatment, which may be considered necessary as a result of the accident. This is another area in which the Bill is trying to provide greater justice to persons who suffer injuries and property damage in motor vehicular accidents.

5.15 p.m.

The Bill, Mr. Speaker, also redefines what is a "public road". When the accidents occur on a private road to which the public has access, insurance companies will try to avoid payment of compensation to the injured party on the basis that it is a private road. Well, the definition of a road has been widened to—and I will go through the clauses of the Bill—make it difficult, if not impossible, for an insurance company to avoid liability on that ground. It also brings into the ambit of the Act a trailer which is attached to a motor vehicle. So that even if a trailer is used and it is attached to a motor vehicle, the insurance company would have to pay.

Mr. Speaker, if I may go through the provisions of the Bill on a clause by clause basis, one would see that in clause 3 of the Bill, it proposes to amend section 2 of the Act to insert after the definition of "insurer", the following:—

"'a licensed trailer' means a trailer that is required to be registered by the Licensing Authority under the Motor Vehicles and Road Traffic Act;"

One would see that:—

"'public road' means any street, road or open space to which the public has access and any bridge over which a road passes, and includes any privately owned street, road or open space to which the public has access either generally or conditionally;"

If there is a private trace and the public has access to that trace and a car goes into that trace and knocks down a person, where the insurance company could have said, "Well, that was not a public road and therefore the policy only covered instances where the vehicle was driven on a public road", we are saying now in this Bill that we have widened that definition of a "public road" to include even private roads where the public has access, so that people would not suffer by not getting their compensation because of these technicalities in the law.

Mr. Speaker, one would see in clause 3(d) that the definition for "trailer" is:—

"'trailer' means any vehicle which has no independent motor power of its own and which is attached to a motor vehicle, but does not include a side-car attached to a motor cycle;"

May I mention that under the original Act:—

"'motor vehicle' includes any vehicle operated or propelled by any form of engine, motor, or mechanical power,"

That will cover a motor cycle. So that although it is the Motor Vehicle Insurance Act, one must understand that a motor cycle for the purposes of the Act, is a motor vehicle for the purposes of payment of compensation by the insurance company.

One would see that in section 3 of the Act, clause 4 is amended as follows:

"substitute the words 'one thousand five hundred dollars' for the words 'five hundred dollars' and the words 'two years' ..."

These are very consequential amendments and I do not think I need deal with them. They are very self-explanatory.

But clause 5 of the Bill is important because it repeals section 4(1)(b) of the original Act and I would read 4(1)(b) so that one would have an idea of what it says now and what the amendment will be saying.

"In order to comply with the requirements of this Act, a policy of insurance must be a policy which—

- (b) insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to or damage to the property of any person caused by or arising out of the use of the motor vehicle on a public road."

May I try to explain this. Under the existing Act a person must take out insurance to cover third party liability and that insurance must be a policy which in effect is in accordance with section 4. The new clause 4(1)(b) includes "motor vehicle" or "trailer" mentioned in the policy on a public road. So in effect, it ensures that the policy would have a wider coverage in relation, not only to the motor vehicle, but also the trailer and in relation to the road with the extended meaning. Therefore, the policy must cover those matters otherwise it would not be a proper policy and will be an offence.

Mr. Speaker, the other matter which we should recognize here is that one would see that in respect of the \$200,000 occurring in section 4(2)(e):

"liability in respect of any sum in excess of two hundred thousand dollars arising out of any one claim by any one person;"

That has been increased to \$500,000 so that in respect of any one claim in respect of personal injuries, the insurance company would be liable up to \$500,000.

In respect of clause 5(d), "in subsection (4)", one sees that \$50,000 in respect of property damage is being increased now to \$200,000. So that there has been an increase in the maximum in respect of the property damage to \$200,000 and in respect of personal injuries to \$500,000. That, in effect, would provide greater protection to the injured person.

Let us say that Mr. A is the owner of a motor vehicle and the motor vehicle bounces Mr. B and the vehicle is insured with an insurance company C. B will file an action against A and assuming that the court awards A \$300,000 for his personal injuries but A does not have the money, because he is a man of straw, according to this Act, the injured party, Mr. B, can file an action against insurance company C and unless the insurance company can avoid liability, or can show it is

not liable under the terms of the Act, the insurance company under the existing law, would only pay up to \$200,000. We are saying now that the insurance company would have to pay up to \$500,000 in respect of personal injuries in respect of one claim.

What this amendment is doing really is taking into consideration the whole question of inflation, the value of money and the fact that when people are injured, it is recognized that some of the people against whom a judgment would be given, would be, in effect, people who may not be able to afford to pay, so that we are placing the obligation on the insurance company in order to make good that damage.

5.25 p.m.

Now if I may go to clause 5(f) which is deleting subsection (7) and substituting a new clause. I am doing this in order to show how this Government has decided to take these areas of law to try to see how the ordinary person can benefit from the spirit and intention of legislation and to prevent, as in this case, insurance companies from trying to contract out of the intention of the Act.

The new subclause (7) says:

"Notwithstanding anything in any written law, rule of law or the Common Law, a person issuing a policy of insurance under this section shall be liable to indemnify the person insured or persons driving or using the vehicle or licensed trailer with the consent of the person insured specified in the policy in respect of any liability which the policy purports to cover in the case of those persons."

What has happened in the past is that when the time came for some insurance companies to pay, there would be all sorts of allegations that the facts do not make the company liable because the person who was driving the vehicle was not the servant or agent, or was not driving with the consent of the owner. The way the law was drafted and the way the law had developed, there were many esoteric submissions, questions and even judgments to the effect that if one did not have the consent of the owner one could not be liable, and even if the person may know that someone was driving the vehicle, that person was not the servant and/or agent of the owner.

Motor Vehicles Insurance
[HON. R. L. MAHARAJ]

Friday, October 11, 1996

So what this clause attempts to do is to prevent insurance companies from saying, "well, we insured the owner or his servant or agent and the name of the driver is not on the policy." An insurance company would say, "listen, if you are the owner, you must say who is going to drive this vehicle and we are going to put the name of that person on the policy." When an accident occurs, the owner would say, "well, that person who was driving, a person who is not named in the policy, was not driving with my consent." Therefore the insurance company would say, "that person who was driving the car, his name was not on the motor insurance policy."

This piece of legislation is saying that the person who is driving the vehicle would be deemed to be the person driving with the consent of the owner. So that many of those insurance companies which avoided people who were injured and who became vegetables and who could not work again and could not get any moneys from the insurance companies, in the future when those situations occur, people would be able to get compensation from the insurance companies.

I do not think I need to tell you, Mr. Speaker, because you have been involved in the practice of law and you have seen the two sides of the coin and people who have seen two sides of the coin can be considered to be fortunate. In private practice one sees, as a lawyer, that there are so many people who are injured in motor vehicular accidents and who should have received compensation from the insurance companies, having regard to the spirit and intention of the legislation, but who did not receive because some of the companies argued that their names were not on the policies; that when the person was driving the vehicle he was not the servant and/or agent. For example, in respect of a maxi taxi, the owner of the vehicle would say, the person was driving for his own purposes at the time and, in effect, he would not be regarded as driving with the authority of the owner. These amendments, really, are to try to get away and to finish with all those arguments, to have the full intent of the law delivered to the injured party.

Clause 7 of the Bill really deals with the question of security and it is related to section 3 of the Act, because under section 3, it says:

"...it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a public road unless there is in force in relation to the user of the motor vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of this Act."

So this is to amend the security provision in order to increase it to \$300,000.

Clause 8 might seem to be a very small amendment, but it has caused a lot of difficulties and has deprived many people of compensation over the years.

Section 8 says:

"Any condition in a policy or security issued or given for the purposes of this Act, providing that no liability shall arise under the policy or security, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security, shall be of no effect in connection with such claims as are mentioned in section 4(1)(b)."

This section 8 was intended to try to prevent insurance companies from contracting out of the Act. The words, "such claims as are mentioned" have been construed, used, misused and abused. It has given redress in favour of insurance companies because they said that claims did not mean liability, therefore the insurance company could have contracted out of liability.

So that the word "liability" instead of "claims" is an important amendment in order to try to give redress. This simple amendment would, in effect, provide a lot of redress for injured parties.

I did not mention clause 6, but it is another clause which is intended to fill the loopholes in respect of some of these matters. Clause 6 states:

"For the purposes of this Act owner of a motor vehicle licensed to ply for hire and insured under this Act is deemed to be the employer of any person driving the said motor vehicle at the time of an accident as a result of which a person has suffered death, bodily injury or damage to property."

What used to happen is that a maxi taxi driver owner would have some independent arrangement with the driver of the vehicle and when the maxi taxi gets into an accident, the owner says that the driver is not employed by him; he is an independent contractor; it is an independent contractor relationship; it is not servant or agent relationship.

What we are saying, in respect of those kinds of vehicles, the person is deemed to be the employer of any person driving the vehicle, so that there can be no question when a maxi taxi vehicle gets into an accident and people are injured, the passengers of the vehicle will be able to sue the owner, the driver and the insurance

Motor Vehicles Insurance
[HON. R. L. MAHARAJ]

Friday, October 11, 1996

company, and the insurance company would not be able to say that it is not liable because the person who was driving the vehicle was not a servant or agent, but was an independent contractor. Similarly, the owner would not be able to say that the person was not driving as his employee.

Clause 10:

"Where a plaintiff brings an action under section 10 against any person by whom a policy has been effected and who has had issued to him a certificate..."

It deals with the question where the insurance company can be joined in the action. I do not think I need to read the entire clause for Members of this House.

Clause 10(8) deals with the question of the jurisdiction to award interest in the manner that I have stated.

In summary, it is a Bill which intends to reform the law of insurance in the area where persons are injured in motor vehicular accidents and where they would have claims against insurance companies. It is a law which would make it more difficult for insurance companies to avoid liability. It is a law which would, in effect, give an option to an injured party to sue in one action the insurance company and the tortfeasor so that much time would be saved in not having to go through two sets of actions.

5.35 p.m.

It is a law which will, in effect, expand the meaning of "road" and include "trailers". It is a law which would, in fact, provide relief for persons who have to undergo emergency operations; it is a law which would ensure that claims which have to be paid by insurance companies, whether they be property damage claims, personal injuries claims or a series of claims, it would also make the insurance company liable to pay the cost that the injured party has to pay to the lawyers. It is a maximum amount, plus the legal cost which the injured party has to pay for fighting the case, if I may use that expression.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, a few years ago I read a book called *Reinventing Governments*, an American publication about reform in the approach to government, the whole concept of small is better and so forth.

Now, I have heard in this debate, reinventing history. Let me put this Bill into proper perspective.

In 1994, in another session of Parliament, when the Member for Couva South was on the other side and we were debating the Motor Vehicles and Road Traffic Act, this matter had arisen. At that time, the Attorney General gave the Member for Couva South the assurance that the question of amendment to the Motor Vehicles Third-Party Risks (Amdt) Act would be looked at by the Law Commission. In 1995, I was informed by the Attorney General that the Law Commission had completed its work and had prepared a Bill shortly before the general elections. That puts it into proper perspective. There is no question as indicated by the Attorney General, in his presentation on another occasion when he introduced this Bill, that a Bill had been prepared since 1992 and the previous administration did nothing. That statement is inaccurate. As a matter of fact, the additional work was done on the Bill in 1994 and in 1995 resulting in what is before the Parliament today.

I, however, must give credit to the Attorney General. He is a person who loves to take credit where it is not due and he is a person who loves to disclaim matters which are true. The Attorney General, in fact, has raised this matter in this Parliament on a number of occasions.

In the previous dispensation as Minister of Works and Transport, when I would bring a Bill on motor vehicles, the present Attorney General would raise the question of third-party risk, and he did raise some very important and pertinent matters regarding the practice of insurance companies in avoiding liabilities. In fact, much of what he spoke of is contained in the legislation today. I shall give credit where credit is due.

Mr. Speaker, I am however a bit disappointed that the Attorney General in his presentation did not indicate the views of insurance companies in this Bill. He indicated that the Law Commission consulted with the insurance companies and the wider public. I really would have expected in his presentation that he would have given some indication of what the insurance companies had to say.

Mr. Maharaj: Is it Capital Insurance?

Mr. C. Imbert: I would not call any name. Mr. Speaker, through you, I ask the Attorney General not to alarm himself. The Member would understand as I continue my contribution. I have in my possession a position paper from a small insurance company and a position paper from a large insurance company on this

Motor Vehicles Insurance
[MR. IMBERT]

Friday, October 11, 1996

Bill. It is amazing how diverse the positions are. The small insurance company is not in agreement with many of the provisions proposed. The large insurance company is in agreement with virtually all of them. This is why I did not think it was necessary to call names. There is no need to cast aspersions on companies and persons who are not Members of this House.

Mr. Speaker, through you, I hope the Member for St. Joseph will simmer down. When one looks at the submission of the large insurance company, one sees they indicated that many of these matters are long overdue and they also indicated that many small insurance companies will have to pull up their socks as it were, and improve the product that they make available to the public in terms of insurance coverage.

The small insurance company on the other hand is quite upset and has indicated that many companies will go out of business, premiums will escalate and persons will be unable to afford insurance coverage. As a matter of fact, there is a statement to the effect that this Bill is so onerous and that persons will not be able to take out any insurance coverage and thus the Bill will have the opposite effect of what is intended.

I am not going to adopt the position of either companies. I am simply going to look at the merits of the legislation and to deal with some of the issues raised by persons who have an interest in this matter.

The first relevant clause deals with the public road, one cannot object to that because all roads are used by vehicles. Where in the past some insurance companies avoided liability by saying that a road is a private road and therefore the accident was committed on a private road, and they were not liable, this unacceptable practice will no longer take place.

5.45 p.m.

I endorse that section of the Act which now widens the ambit of the definition of road to include all roads. That is in fact a loophole which is exploited by insurance companies. The whole question of what is a vehicle is another loophole exploited by clever attorneys—not in the criminal field—in the civil field to avoid liability on vehicles which do not fit into the precise definition of a vehicle. This deals with the whole question of a side car attached to a motor cycle.

A question has been raised on clause 5 of the Bill on whether it is necessary to include the words “emergency treatment”. I would like the Attorney General to address this in the committee stage. Clause 5 indicates that section 4 of the Act

may repeal subsection (1)(b) and now would ensure persons, as may be specified in the policy, any liability which may be incurred by them in respect of any death including emergency treatment for bodily injury. Both insurance companies and the insurance profession are of the view that the existing wording covers all types of medical treatment including emergency treatment. This is a bit redundant.

Perhaps the Attorney General can address that in the committee stage. I do not have any particular opinion on the matter. The existing law indicates that there is liability for all medical treatment and this must include emergency. Perhaps there are judgments in the courts where insurance companies try to get out of paying for emergency treatment. If that is so, I have no difficulty with the amendment. In addition, insurance companies have raised a query about this emergency treatment provision. Perhaps there should be a cap and a financial amount should be put on this whole question of emergency medical treatment.

I looked at the Parent Act on another occasion, and I believe that clause 5(b)(ii) refers to excess for bodily injury. The Attorney General could look at that clause. The view of the industry was why should there be an excess on a claim for bodily injury. The view was that, that is unethical. There should be no excess for a claim for bodily injury. If a person is injured the insurance company should pay the full claim and should not deduct an excess for bodily injury. It is a serious matter which does not refer to property but to someone's person. Maybe we could delete that amendment which raises the excess for bodily injury. I believe that clause 5(ii) raises the excess from \$25.00 to \$1,000.

The industry does not understand the meaning of the whole question of excluding loss of property carried for hire or reward. Are we excluding goods carried for trade whether for hire or not? It is a bit ambiguous. They are confused about it. The Attorney General could look at this clause and see whether we are not creating an ambiguity instead of tidying a loophole. It appears to exclude a certain category. When we get to committee stage I would say the exact clause. I have it in my notes.

The clause which deals with the question of an owner trying to avoid responsibility for a driver of a vehicle for hire is a difficult situation. Someone may steal a hired vehicle and get involved in an accident and the insurance company would be liable. Should someone be responsible when his/her car is stolen? When one weighs it up, we need to provide cover. When one rationalizes the whole issue, although it may be a bit unfair to penalize the owner of a vehicle if someone

Motor Vehicles Insurance
[MR. IMBERT]

Friday, October 11, 1996

steals it, we are providing protection to persons who may suffer loss of property or become injured.

On that basis and weighing it on balance, I am prepared to support the amendment even though I believe it is a bit unfair to persons whose vehicles may be stolen. I cannot see any other way how we can deal with the unacceptable practice where the owner of a hired vehicle would seek to disclaim responsibility for someone who is driving it by saying that he was not listed on the policy, or he did not know that the vehicle was borrowed. This has happened on many occasions where the person who was driving the vehicle was a man of straw and the owner and insurance company got away. I am prepared to support that amendment.

The industry has also raised a query on clause 10(A)(3) which states:

“Where the insurer is joined as a co-defendant under this section, or is required to pay to any person entitled to the benefit of a judgment under section 10, he shall be liable to satisfy the judgment that may be obtained against the insured in addition to all costs and interest payable in respect of such judgment . . .”

These are the offending words, “and any other costs for which the insured may be made liable.” The industry is of the view that is too loose. Perhaps, we should make it subject to clause 4(2) so there would be a cap. I am subject to advice. This opens a Pandora’s box where there is a limited liability in a previous section of \$500,000. This clause may or may not allow persons to claim in excess of \$500,000. If the clause is subject to the liabilities in clause 4, then it would not be a relevant objection. It is something I would like the Attorney General to look at.

Basically that is it. I believe that this Bill would go a long way to improving the insurance coverage available for Third-Party Risks and in avoiding what we have seen in the courts, where insurance companies tie up matters for 10 years and persons have to go on hunger strikes to get redress. It would clarify the issues with regard to liability and the question of who should pay for what; who is liable for what and tighten the existing laws with regard to insurance of third parties.

With the few matters which I have raised I wish to endorse this Bill in principle. I am in support of the general intent of the Bill. It is something that I studied when I was the Minister of Works and Transport and I am very happy it has been brought to Parliament. In the committee stage I would ask the Attorney General to deal with the few matters raised by the industry in its submission.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, I rise to lend my voice to the Bill before us to say that I support the intention of the Bill. Before I get into the meat of the Bill, I would like to draw the attention of the Attorney General to the regulations which govern this particular piece of legislation. Ever so often when one travels on the highway, one would see huge trucks with very small lights or none at all. The same would apply to containers placed on these long-based trucks. In the rainy season or when the weather is inclement, it is very difficult to notice these vehicles when travelling on the highways.

5.55 p.m.

Perhaps in due course the Attorney General could lend some thought to correcting that situation whereby those vehicles would become more noticeable. In the cane season, for example, one would see these big taskers on the highways and ever so often there are no tail-lights.

I now turn my attention to clause 5 of the Bill which seeks to amend section 4 of the Act. This clause seeks to do three things:

- It seeks to introduce medical treatment;
- It includes a trailer; and
- It deletes reference to damage to property that is contained in the old section 4(1)(b).

Mr. Speaker, it is conceptually incorrect to include the amendment relating to medical treatment in this clause, since liability, which is the operative word in the clause is in respect of bodily injury or death. The cost of medical treatment is the consequence of bodily injury and can be recovered as a consequential loss in any action for damages. The proposed amendment really gives the plaintiff nothing that he did not have before and can be well considered otiose.

Before I get to the damage, may I suggest to the hon. Attorney General that perhaps medical treatment can be dealt with in a separate section. In this regard, he need not use a crane to go to the Motor Vehicles Insurance (Third Party) Risk Ordinance, 1937 of Guyana. If I may be permitted to quote the law of compulsory motor vehicle insurance, which is the legislation in Guyana which deals with medical treatment:

Motor Vehicles Insurance
[MR. SINANAN]

Friday, October 11, 1996

“18. (1) Where medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to any person caused by, or arising out of, the use of a motor vehicle on a public road, and the treatment or examination so required (in this section referred to as ‘emergency treatment’) is effected by a registered medical practitioner, the person who was using the vehicle at the time of the event out of which the bodily injury arose shall, on a claim being made in accordance with the provisions of the next succeeding section, pay to the practitioner, or, where emergency treatment is effected by more than one medical practitioner, to the practitioner by whom it is first effected.”

In other words, the Guyanese legislation dealt with it separately.

The other difficulty I have with this clause, Mr. Speaker, is if one looks at the parent Act, and I quote section 4(1)(b) which is being repealed by this Act:

“(1) In order to comply with the requirements of this Act, a policy of insurance must be a policy which—

- (b) insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of death of or bodily injury to or damage to the property of any person caused by or arising out of the use of the motor vehicle on a public road.”

Let us assume that there is a vehicular accident and there is damage to property. Although in the parent Act there is no definition of property, one can have an accident where one damages somebody’s house or wall. It is this section in the parent Act which calls for the insurance company to insure that; whereas in the proposed amendment, this is deleted. Also, in section 4(4) of the parent Act that is retained with increased quantum, reference to damage to property is deleted in this new subclause 4(b) of the Bill.

Mr. Speaker, whereas the increases in the quantum are desirable, the Act gives the Minister an unbridled discretion to vary the amount. Whilst I am sure the hon. Minister will not vary the said amounts arbitrarily, if the Minister responsible were to increase these amounts, it could have the effect of increasing premiums.

In clause 6 of the Bill, the proposed clause 4A, in my opinion, is too widely worded. It is a deeming provision. It makes the owner responsible for any person driving the vehicle whether that person is driving with his consent or not. The

Member for Diego Martin East earlier referred to a situation where the vehicle may be stolen. Under the proposed amendment, if insurers are forced to settle claims this may have consequences against an innocent owner. He can perhaps lose his no-claim bonus. It also takes away what was previously a defence. Again, although it is desirable, it can have the consequence of causing the insurance premium to be increased.

I now turn to clause 10 of the Bill, which states:

“10A. (1) Where a plaintiff brings an action under section 10 ...”

Section 10 does not provide for the bringing of an action, but rather is a statement of law which imposes an obligation on the insurer to satisfy the judgment obtained, notwithstanding his entitlement to avoid the policy. Clause 10 does not give the successful plaintiff any right to bring an action. The idea of making the insurer a co-defendant in the main proceedings, in my opinion, strikes at the very heart of the principle of insurance law.

A contract of insurance, as you are well aware, Mr. Speaker, is one of indemnity and it is only if the insured becomes liable to pay that his liability is established in the primary action; that he is entitled to have recourse to the insurer. Should the insurer be joined as a co-defendant, that principle becomes blurred. Clearly, without more under this proposed amendment, the insurer and the insured would be sued jointly and severally and, therefore, in order to recover, the plaintiff can either go directly against the insurer or the insured. Although it is an open secret that insurance companies in running down actions normally would defend a defendant, perhaps by suing and naming the insurance company, this may put the more reputable companies at a disadvantage because judicial notice may be taken of this.

6.05 p.m.

Mr. Speaker, clause 10A(2) provides:

“...the insurer may, raise any defence that he may be entitled to under the policy of insurance or otherwise”.

Again, this conflicts with the rules of civil procedure because the insured and the insurer, under this provision, are not in the position of the plaintiff and defendant. They are co-defendants and the defence which the insurer may raise does not arise from the accident, but out of an entirely different matter, which is the contract of insurance.

Motor Vehicles Insurance
[MR. SINANAN]

Friday, October 11, 1996

How, therefore, does it help the plaintiff if the insurer, as a co-defendant, does, in fact, raise a defence? Would the main proceedings be stayed until the issue between the insurer and the insured is determined? Clearly, this would be a waste of time. Mr. Speaker, if we were to proceed with the main matter and at the end of the day the insurer would succeed against the insured, the insurer would have been forced into unnecessary litigation.

A plaintiff institutes proceedings for his own benefit; because he has been injured or suffered loss. He does not institute proceedings to provide a forum for the insurer and the insured to ventilate the intricacies of their contract. One scenario that one can envisage is that if the plaintiff joins the insurance company as a co-defendant and he raises a defence, then what is really a collateral issue between co-defendants can turn into the main event, thus prolonging the trial and increasing cost. How does that really avail a plaintiff? How are costs to be apportioned? No real procedural advantage accrues to the plaintiff by the operation of the proposed clause 10A(2).

Indeed, suppose a plaintiff, at the end of the day, fails to establish liability in the insured, the claim against the insurance co-defendant must, also of necessity, fail. In such circumstances the plaintiff will be saddled with additional costs. The better view, to me, is to make section 10 of the Act workable. This can be done by making provisions that if a plaintiff were to obtain a judgment he can lodge that judgment with the Supervisor of Insurance who will cause that insurance company to pay within a certain time, or such other convenient timeframe, assuming of course, that the insurance company does not wish to appeal.

Alternatively, provision can be made after judgment is taken up against the insured, and having given notice under clause 10A(2) of the Bill—remember, Mr. Speaker, under clause 10A(2) of the Bill notice must be given to the insurance company. Therefore, if notice is given, a plaintiff—rather than take separate proceedings against the insurance company, as now obtains, if the judgment is unsatisfactory—can register a judgment against the insurance company directly. This, obviously, can be done at a very minimal cost.

Clause 10A(4) provides for the plaintiff to require particulars of the insured. These particulars are available from the licensing authority and from the police officer who investigated the accident. The Act already makes provisions for this in section 13. Why, therefore, this tautology, Mr. Speaker? The real solution with respect to this section is to make the licensing authority more functionable, which I note the hon. Minister of Works and Transport is attempting to do. Further,

perhaps an administrative directive from the Police Commissioner to all police officers who investigate accidents, to obtain and provide these particulars to any party who was involved in an accident would be equally effective.

Clause 10A(5) of the Bill before us is particularly difficult to rationalize. Under section 10 of the Act, the proposed plaintiff gives notice to the insurance company of his intention to bring proceedings.

Mr. Speaker, I now refer to section 10E of the Act. Since particulars of the accident can already be obtained from the police officer or the licensing authority, why is this necessary? Is the plaintiff prejudice? The plaintiff is not prejudice, he can obtain this information from the police officer or the licensing authority. Why then should the insured be subject to summary convictions?

Clause 10A(7) provides for leave of the court in order to institute proceeding. This, Mr. Speaker, will result in an unnecessary proliferation of legal proceedings. The court will be bogged-down with applications for leave to institute proceedings in respect of matters that are really peripheral to the main issue, and that is whether the insured is entitled to compensation.

The offence provided by subsection (6) is one that is very difficult to prove; this is one person's word against another. I therefore see no reason for valuable judicial time to be wasted in determining this. How is the question to be resolved? This puts an increased burden and cost on the judicial administrative process. The process has to be set in train, first of all, by an application for leave, then by laying, prosecuting and the adjudication of the charge against the insured. It now brings into focus, what really is a civil matter, a *quasi* criminal matter. So we now have introduced into the basic civil legislation, a *quasi* judicial criminal function.

The last section of the Bill before us deals with the matter of interest. It says that interest should be taken into consideration. I quote:

“...such interest shall be the mean between lending and borrowing rates then prevailing in lending institutions in Trinidad and Tobago.”

Lending institutions are varied, Mr. Speaker. There are credit unions, insurance companies and banks. Perhaps it may be simpler to amend the rules of the Evidence Act, whereby a certificate from the Central Bank, indicating the mean rates between lending and borrowing, can be tendered into evidence. This will have the desired effect of not having to bring in people from the banking system or some other institution to determine and give evidence as to what is the mean rate.

Motor Vehicles Insurance
[MR. SINANAN]

Friday, October 11, 1996

6.15 p.m.

Lastly, the section gives the trial judge the discretion to fix any such other rate which he made in his discretion. Again, this may be regarded as tautologous. Perhaps, in committee stage we will address some more of these matters.

I thank you.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj) Mr. Speaker, may I express thanks to the Opposition for their support in principle of the Bill. Mr. Speaker, may I correct the records that it is not correct as the hon. Member for Diego Martin East has stated, that in 1994 action started on this measure.

As a matter of fact, the initiation, as far as the document from the Law Commission showed, was that some time in 1992, the Law Commission as a result of one of its members—that member is now a Judge of the High Court—a man who has had tremendous experience in the practice of this field of law, raised the issue before the Law Commission that bills were drafted and there was no action on the draft. When this administration took office, then there was action and that was supported by the Law Commission's records. So that where the hon. Member for Diego Martin East tries to give the impression that he initiated action as a result of representations made by the then Member of Parliament for Couva South in Opposition, that is not correct. As a matter of fact, it shows that he did not do it. So I would like to correct that, Mr. Speaker.

The Law Commission, in respect of the consultation with the insurance companies, consisted of men and a woman who have had very distinguished experience in law. I am sure that the hon. Member for San Fernando West would recognize the experience and it is a matter of public record that the Law Commission is chaired by another Judge, Mr. Justice Guya Persaud. The member at that time was Mr. Wendell Kangaloo, now Justice Kangaloo, Mr. Dolsingh and Mrs Stephanie Daly. These are lawyers who have had experience in this field of the law. They lived and they worked this aspect of the law and have looked and scrutinized this Bill. They have had several representations made to them.

I am saying this because I think that the point made by the hon. Member for San Fernando West has been misinformed about how these things work. You can have in one action with both the insurance company and the tortfeasor, a Judge determining these issues because, as you would know, rules of court can be made to identify these issues. Therefore, the issues of both liability and also in respect of

whether the insurance company is liable can be determined. Under the Act, if the insurance company wants to avoid the policy or cancel the policy, there is a time-frame in which the insurance company must serve notice and serve the grounds and even take an action to try to avoid the policy.

So that it is not a situation where the parties will just go to court and they will be alleging all sorts of matters. As a matter of fact, if this Bill is passed there will be very little matters on the policy which an insurance company can say it is going to avoid. Although the Member for San Fernando West mentioned that he was not talking about lights, traffic, vehicles driving without lights as part of his contribution in respect of this Bill, if he looks at section 12 of the Act, he would see that an insurance company cannot avoid liability even if there are breaches of regulations. So that even if the owner/driver breaches regulations without having a light or not having matters like that, the insurance company cannot avoid the policy. So that the existing law provides a process for an insurance company to say in a particular time why it is going to avoid an insurance policy and you want to cancel it. If it is doing that an action must be filed within a particular time. So that if it does not file an action it would mean that there will be no basis for saying that it wants to avoid the policy.

Mr. Speaker, it is no difficulty at all—as a matter of fact the law is being developed now in such a way; jurisprudence is being developed, that courts have to find new ways and modern methods of dealing with disputes. There are developments of the civil procedures in different jurisdictions where judges are given different kinds of issues; issues of thought; issues of contract; even issues of commercial fraud in one action. So that this is a forward step in the development of the jurisprudence of Trinidad and Tobago. I think it is a step which we should be careful in saying that it cannot be done.

Mr. Speaker, the point with respect to particulars raised by the Member for San Fernando West, I am surprised that he would make that contribution, because he would know, as I know, that even if you get a certified copy of ownership, there is no guarantee that is the owner—the owner as mentioned in the certified copy, is the real owner of the motor vehicle. Therefore, there would be an injured party relying on that person as being the owner and would rely on that person or an insurance company as being the insurance company, and would go through expenses to file an action and it would be the wrong action and then the injured party would have to pay the cost to the wrong party for that action.

It is in that context, in order to protect the little man, that we decided we are going to have a machinery whereby the person is going to be asked. When the person is asked and he gives that information, that would be an admission in civil law, and therefore, he would be estopped from denying that. So that is the reason for this.

Mr. Speaker, it is not simply a matter of saying, "well, you could get this information from the policeman." Suppose the policeman has the wrong information; suppose Mr. "A" is injured and the policeman has the wrong information from the insurance company about the name of the insurance company and the particulars? It means Mr. "A" must act upon that, file action in court and when the statute of limitation almost expires then a point would be taken that the wrong party was sued and the injured party is left without any redress at all.

Mr. Speaker, I have lived this, I have seen this in action. I have seen some of these problems and I am sure other persons here who are members of this Chamber and who have been in private practice would have felt appalled at times at seeing some of the injustice which was done. It is in that context that we want to put these matters in legislation in order to ensure that the rich does not take advantage of the poor.

Mr. Speaker, another matter which has been raised was with respect to small insurance companies and big insurance companies. I made it quite clear in my opening that I was talking about some insurance companies. Some insurance companies, whether big or small, have a history of trying to avoid claims and have caused a lot of injustice to poor people. I think that we cannot make a distinction because an insurance company is a big company, it probably did not indulge in these practices. We have had many representations made to us and we, as a Government, have to make decisions and a government is a government when it makes decisions one way or the other. Yes, it is correct that the insurance industry would not like us to go with this Bill with all its clauses.

6.25 p.m.

We have accommodated some of their suggestions but certainly, if we accommodate all, we will not be doing justice to the people of Trinidad and Tobago because persons who are injured in motor vehicular accidents and suffer damage ought to have that liability covered and the owners and the drivers indemnified by the insurance companies. They must comply with the spirit of the law and it is in that context that we have decided to bring this piece of legislation.

Mr. Speaker, I should mention, however, that there are some matters that have been raised by the Opposition which I want to think about and therefore, I would not complete my address this afternoon. I would think about them, consider them, and I would get advice on some of those matters, and on the next occasion I would give a response.

I can respond today, but I prefer to think about them, study them and ensure that I consult with the appropriate authorities before I give a response.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House do now adjourn to Tuesday, October 15, 1996 at 1.30 p.m., and as announced on the last occasion, we will be doing the Draft Order in respect of the Tobago House of Assembly elections, and we will also complete this Bill.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.28 p.m.