

HOUSE OF REPRESENTATIVES*Thursday, November 14, 1996*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**EQUAL OPPORTUNITY LEGISLATION****Presentation**

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, I wish to lay on the table the following report:

Report of the Joint Select Committee of Parliament on the Working Paper on Equal Opportunity Legislation appointed to receive and consider comments from the members of the public and to submit a report to Parliament thereon.

SARASWATI MANDIRAM (INC'N) BILL**Presentation**

Dr. Fuad Khan (Barataria/San Juan): Mr. Speaker, I wish to lay on the table the following report:

Report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill entitled, "An Act for the incorporation of the Saraswati Mandiram and matters incidental thereto".

ARRANGEMENT OF BUSINESS

The Minister of Public Utilities and Acting Attorney General (Hon. Ganga Singh): Mr. Speaker, I beg to move that the House proceed as follows: Motion No. 1, followed by Motion No. 2 under "Private Business" and if there is time, Motion No. 2 under "Government Business".

*Agreed to.***TOBAGO CONSTITUTIONAL AND LEGISLATIVE ARRANGEMENTS REPORT**

The Minister Extraordinaire & Minister of Tobago Affairs (Hon. A. N. R. Robinson): Mr. Speaker, I have the honour to move the Motion standing in my name which reads as follows:

Tobago Arrangements Report
[HON. A. N. R. ROBINSON]

Thursday, November 14, 1996

Be it resolved that the House take note of the Report of the Joint Select Committee appointed to consider and report on the *Report of the Committee appointed by the Cabinet to review the Constitutional and Legislative Arrangements for Tobago*.

Mr. Speaker, this report referred to in the Motion was laid on the table at an earlier date in this House and in the other place and a debate ensued, as hon. Members would remember, on a Motion which was then moved by the Opposition requesting that the matter be referred back to the Joint Select Committee. That Motion was not accepted by this House or in the other place and we are now proceeding to note the contents of the report in relation to the subject matter of the Motion that is now before the House.

The Joint Select Committee of this Parliament sat for five days between October and November. The first sitting was on October 8, 1996 when the committee elected a chairman and proceeded to its business. The second sitting was on October 22, 1996; the third was on October 29, 1996; the fourth was on October 30, 1996 and the fifth sitting was on November 1, 1996. You will remember that the committee was mandated to submit its report to this Parliament by November 5, 1996. The committee submitted its report in accordance with its mandate.

However, it did not entirely complete its business, largely because the final meeting of the committee was aborted through lack of a quorum. Nevertheless, the committee completed most of the business that was entrusted to it. In fact, an examination of the report of the committee and of the documents which were before it would show that of 78 clauses in the major Bill relating to the Tobago House of Assembly, some 62 clauses were disposed of, indicating a performance achievement of over three-fourths. In the case of the Constitutional (Amdt.) Bill, the entire Bill was disposed of. So that one can say that the committee did complete at least 90 per cent of the business that was before it, and according to the judgment of the Government, the remaining business could readily be disposed of in the normal sessions of this Parliament.

Having regard to the timetable with which we are working, it is in the interest of the orderly progress of this matter and the disposal of business, particularly in the sister island, which is now in the throes of an election campaign and where an election date of December 9, 1996 has been set and where all the procedures are in motion—it is in the interest of the orderly disposal of business and the orderly

government of the island that this matter be completed by Parliament and that the Bills which accompanied the report be dealt with by the Parliament so that the population of Tobago would know, very clearly, on what basis the vote is taking place on December 9, 1996.

It is remarkable with what unanimity the committee was able to dispatch its business. I have looked at the reports of all five days and it has been an extraordinary achievement that there was division in consideration of those 62 clauses on only two subclauses—subclauses (25)(1) and (25)(4). Hon. Members will note from the record that division and voting took place on only those two subclauses in relation to all the clauses that were actually disposed of in the committee.

1.40 p.m.

The report of the Guya Persaud committee which, by resolution of this House, is to be noted, is very clear. It relates to two aspects of the matter concerning the government and administration of the island of Tobago and the relationship between the two islands. The first relates to the constitutional relationship.

What is intended here by the report and the bills which are hereto attached, is firstly to entrench the Tobago House of Assembly in the Constitution. The purpose of the entrenchment is to allay the fears of the population in Tobago—which constitutes the much smaller island of the twin-island state. It is to allay their fears that by the whims and fancies of any government with a simple majority they may be deprived of their whole system of government. It is not a situation which people in the larger island can easily comprehend because they cannot imagine, having regard to the provisions of the Constitution which provide for specially entrenched provisions by a smaller majority. It is not easy to understand the fears of the small community which does not have its constitutional rights, in terms of its structure of the Government, entrenched in the Constitution that their whole method of government can be abolished overnight. In fact, it is based on experience.

When in the year 1976 the ruling party at the time lost the election, the entire structure of the government in the island was dismantled and nothing substituted in its place that favoured in any way a democratic system of government. Tobago was treated as an unruly colony would have been treated by the Colonial Secretary under Britain. So that whereas there was a Ministry of Tobago Affairs which was a mere token or concession to the democratic system and the local administration of government, the ministry was abolished—files of public servants were brought

back from Tobago and lodged in Trinidad; civil servants were transferred willy-nilly; husbands were separated from wives; families were broken up and the island suffered a nightmare under those circumstances.

It is arising out of those circumstances that the demand grew for a permanent structure of government, democratic in form, which could not be so easily abolished from the centre by the ruling authorities in the larger island, without regard to the pain and suffering and the disadvantage suffered in the smaller island.

Mr. Speaker, one would remember that debate began, as this Parliament has recently noted, in the year 1977 and as a consequence of that, a new structure was set up, but even so, that was done by virtue of a simple majority vote. The structure was not entrenched and the demand continued for an entrenched system of government in order to provide some measure of security for the residents of the smaller island.

I want to emphasize that what is involved here is not Trinidadians and Tobagonians as some people so often mistakenly believe. It is residents of one island as distinct from residents on another island. One would find very often that it is Trinidadians resident in Tobago who are very sensitive to the disadvantage of residing in Tobago and who share that sense of insecurity with Tobagonians resident in Tobago concerning the possibility of some ill-considered, hasty, or even vindictive action that can affect them very materially in their welfare, happiness and orderly progress.

The first purpose of this Constitution (Amdt.) Bill is to seek to allay that anxiety and to remove that fear, and for this Parliament to demonstrate in no uncertain terms that it is prepared to meet the legitimate concerns of the people of the much smaller and much more vulnerable island.

Mr. Speaker this is an aspect of a matter on which there was no dispute in the Joint Select Committee. The Joint Select Committee agreed that the structure of government in relation to Tobago should be so entrenched in the Constitution that it could not be easily aggravated, abolished or diminished in a way that would materially affect the livelihood of the people on the island.

The second purpose of this amendment was to provide for expression of the people of Tobago in the Senate—the Upper House as it is sometimes called, but I say the other place—of the country, the unitary state of Trinidad and Tobago. There is a gross misconception about a unitary state. Some people feel that "unitary" means that you have one body of people governing and their authority

extends throughout, and that is unitary state. Mercifully, our Constitution does not even mention unitary state. What it says is that Trinidad and Tobago shall be a sovereign democratic state. Nevertheless, we have all pledged to the maintenance of what has emerged from a construction or interpretation of the current state of the Constitution that it is a constitution providing for unitary state.

Nothing in the Constitution says that Trinidad and Tobago must continue to be what the Constitution is at the present time. What the Constitution provides is that Trinidad and Tobago shall be a sovereign democratic state, and by resolution of this Parliament, we have agreed that Trinidad and Tobago will remain a unitary state without prejudice to being a sovereign democratic state. So, whatever unitary structure there may be, it has to be democratic and democratic means people must be represented. Democracy refers to people and people must be placed at the centre. The Constitution is to serve the purposes of the people; not the people to serve the purposes of the Constitution. It is the Constitution that must serve the purposes of the people. So that Trinidad and Tobago must have a Constitution and the Constitution declares that it is such. It is one which serves the purposes of the people.

It could not be the people only of one island. It has to be the people of both islands so that expression can be found in the major legislative institutions of the country for their concerns and aspirations.

1.50 p.m.

That principle was accepted and the only question was the formula that was to be adopted to give expression to that principle in the Constitution. That formula was to involve a restructuring of the Senate. So the question was: How was the Senate to be restructured to achieve this purpose? The actual formula which was arrived at after a great deal of discussion was indeed a formula which was proposed by the Leader of the Opposition in the Senate.

He proposed and the committee accepted that the numbers in the Senate should be increased from 31 to 37; that the Government Senators be increased from 16 to 19; that at least one of the 9 Senators appointed by the President, in his discretion, should be a person resident in Tobago; and the President should be empowered to appoint two Senators on the advice of the Chief Secretary of the Tobago House of Assembly and one on the advice of the Leader of the minority in the Tobago House of Assembly. So the number of Government Senators would increase to 19, the number of Opposition Senators would remain as six; the

President would appoint one and two would be appointed on the advice of the Chief Secretary of the Tobago House of Assembly.

The formula is so designed that the Government would maintain a majority of one if the two Senators appointed by the Chief Secretary of the Tobago House of Assembly and the Independent Senators were to vote against the Government. The Government would still be in a position of having the majority of one, which is the current situation where the Government in any event maintains a majority of one—Independent and Opposition Senators, together, voting against the Government. Essentially, the *status quo* has been maintained while the arithmetic has been altered to provide for a voice of Tobago in the Senate.

I emphasize that the Government accepted this formula which came from the Leader of the Opposition in the Senate. The third purpose of the Constitution (Amdt.) Bill is to provide in the Constitution for the Executive Council which is provided for in the Tobago House of Assembly Bill; also a Tobago House of Assembly Fund.

A matter which gave rise and which was easily disposed of in the beginning, but which was reopened by the Member for San Fernando East in a very contentious, belligerent and hostile fashion, was the proposal that the Assembly should have the power to pass Assembly laws. The Member insisted seeking to reopen what had already been decided. He insisted that it should be by-laws on the level of a county councillor or statutory board.

May I say that Hon. Members will find that the real reason for some of the political red herrings which are being drawn across the trail today—I do not have to name them—is that certain Members of the Opposition like to conceal that they do not really want a Tobago House of Assembly with any kind of respectability, stature or power at all. They really want a glorified county council. So they are diverting attention to other matters of a political nature in the hope of making an impact on the Tobago House of Assembly election, but Tobago has passed that stage and is able to see through those devices.

Let me emphasize those aspects of the matter for which the Constitution (Amdt.) Bill provides: firstly, Tobago should have a voice in the Senate as of right. Secondly, that the Tobago House of Assembly should be entrenched in the Constitution so that the system of government in Tobago cannot just be altered willy-nilly to the detriment of the people in the island. Thirdly, that the Executive Council should be reflected in the Constitution; that a Tobago House of Assembly

Fund should also be reflected in the Constitution and that the Tobago House of Assembly should have the power to make laws, not by-laws. It is an insult to a house of assembly in any part of the world which is set up to say it can only make by-laws. Nowhere in the world would one find a people insulted in that fashion, and to be afforded a house of assembly and to be told that the house of assembly can only make by-laws.

The entrenchment in the Constitution is to be protected and cannot be altered save by a three-fourths majority in both Houses of Parliament. This amendment to the Constitution seeks to give the people of the smaller island the measure of security, the sense of belonging, the feeling that they are being regarded as part of, and not a dependency of, the state of Trinidad and Tobago. That is the purpose of this amendment to the Constitution.

Mr. Speaker, there has been no comment whatever about this from the Tobago House of Assembly who sent their comments in writing. I gather there is total happiness in Tobago over these provisions. And, mercifully they are agreed to by the Opposition and the Independent Senators, so that when this Constitution (Amdt.) Bill is proposed and formulated to the Parliament in the normal course, it should not encounter any opposition whatever unless the Member for San Fernando East, in his usual belligerent manner, seeks to raise matters which were settled in the Joint Select Committee meetings.

I go to the Tobago House of Assembly Bill. As I indicated, according to my calculations, some 62 clauses of this Bill which consists of 78 clauses were disposed of very smoothly and expeditiously. I have a record of the sitting at which there was division on November 1, 1996.

2.00 p.m.

Firstly, an amendment was proposed by an Independent Member, Sen. Spence, relating to clause 25 which deals with the function of the Assembly. It states:

“By clause 25, the Assembly would, in relation to Tobago, be responsible for the formulation and implementation of policy in respect of the matters set out in the Fifth Schedule. In respect of such responsibility the Assembly shall give due consideration to national policy.”

The record shows that both the Member for San Fernando East and the Independent Senator were unhappy with that provision because they felt that it was in conflict with the authority given to ministers under the Constitution. There

was a division. Those for the clause were: Mr. R. L. Maharaj, Sen. N. Moore, Sen. Brig. J. Theodore, Miss P. Nicholson and Sen. Dr. E. Mc Kenzie, the only Independent Member. Mr. P. Manning and Sen. O. London were against. Sen. Prof. J. Spence abstained.

The other matter on which there was a division was where an amendment was proposed to clause 25(1) to delete the words appearing after the word "schedule" in line 3 and substitute "in the context of national policy". Instead of "in respect of such responsibility the Assembly shall give due consideration to national policy", Sen. Prof. Spence proposed, "The Assembly shall in relation to Tobago be responsible for the formulation and implementation of policy in respect of matters set out in the Fifth Schedule in the context of national policy." According to the record, those were the only two occasions on which there were divisions.

It was decided that the Assembly should consist of 12 Assemblymen who would be elected, four councillors who would be appointed and a presiding officer who may or may not be an Assemblyman or councillor. The Assembly should consist of 17 members, 12 elected members, four non-elected members and a presiding officer. The four councillors would derive their membership in the following way; three nominated by the party that commands the support of the majority of the Assemblymen, and one nominated by the party that commands support for Assemblymen who do not support the party mentioned as the majority party.

I think this follows closely the pattern which appeared, in what I shall call, the Manning Bills or the Manning Drafts which have been attached as part of a minority report. Let me make this absolutely clear in relation to those drafts. The drafts which I shall call the Manning Drafts were never presented to the Joint Select Committee. They could have been introduced at any stage by Members of the Opposition if they so wished, but they did not find it necessary to do so. The Joint Select Committee never had those before it.

The Guya Persaud committee had those Bills and other documents; dealt with them and had discussions on that basis. The Guya Persaud report represented a more mature, up-to-date and comprehensive report in terms of the views that it took into account. May I say that the Guya Persaud committee had full and extensive discussions at every stage with interested parties, including the Tobago House of Assembly.

Sometimes the shenanigans which take place under the guise of parliamentary activity must be known. The Member for San Fernando East has been talking about what he negotiated with the Tobago House of Assembly, as though a central government negotiates with a sub-national body. Just look at the teams negotiating and one would see the absurdity between teams of such disparate expertise and experience. It is absolute fraud to talk about negotiating. I emphasize that the draft Bills we hear about were never brought to this Parliament in spite of a promise that they would be brought. Instead, the author of those Bills immediately after finishing his discussions and making his promises, commitments and protestations, absolved and denuded himself of all responsibility. He rendered himself impotent, incapable and totally unable to execute the promises which he had made in such grandiose fashion.

Now he wants to blame the Member for Tobago East. He says the Member deposed him from his high throne. He deserves to be, after making such promises, incapacitating himself and rendering himself totally unable of doing anything to fulfill the commitment he had made which apparently he never took seriously. Tobagonians take these things seriously. One cannot go to them, talk to the House of Assembly, say that one is negotiating and the next thing is that one turns one's back and burns it. I wonder whether he would have the brass to appear before the people of Tobago again after such a performance.

2.10 p.m.

He promised the Chief Secretary, who does not exist but whom he has already earmarked, a house, and orders a car, a new Royal Saloon, with no money.

Mr. Manning: Who mashed it up?

Hon. A. N. R. Robinson: Go and find out! Not only does he promise the house and orders the car and all sorts of perquisites, but he procures the attendance during an election campaign of his clients to seek to prejudice the campaign in his favour. All that failed, and it is failure and impotence which has the Member so incensed. So all his fire and rage are against the Member for Tobago East, but he did it to himself. No one did it to him.

That is the proposed composition of the Tobago House of Assembly and there should be no contention about it. There should be no contention about the qualifications of members. The Guya Persaud committee recommended that any Tobagonian residing in Trinidad could have been a member of the Assembly, but the Government does not accept that. The Government feels that there should be

no discrimination whatsoever between Trinidadians and Tobagonians. This is very different from the Member for San Fernando East who went to the island and said that the Tobago Prime Minister was spending all of Trinidad's money on Tobago. This Government says no discrimination, therefore it must be "anybody residing in Tobago, for a certain period of time, whether Trinidadian or Tobagonian".

There are other minor matters of a housekeeping nature which I shall not mention. I shall go on to more substantial and substantive matters concerning, for example, the powers and the functions of the Tobago House of Assembly. This is where there is some difference between the Government and the Opposition. The Government feels that the commitments made in the report of the Joint Select Committee of Parliament, which was accepted in both Houses unanimously and which is reflected in House Paper No. 6 of 1978, must be faithfully observed. It is the new covenant in independence; it is the new contract between Trinidad and Tobago in independence. We must therefore show faith with the people of Tobago, with the Constitution of this country and with this Parliament.

The Joint Select Committee makes it clear that the Tobago House of Assembly must have power to make policy in certain areas, and the power to make policy in no way contradicts the provision in the Constitution which gives Ministers general authority. The particular is different from the general and there is always provision to deal with the particular as distinct from the general. When one deals with the particular it does not mean that one does not still have the general. That is recognized all over the world where provision is made for particular cases.

The Constitution talks about general authority, and when it talks about the power of Ministers, it talks about power in relation to the departments under their control. The President by virtue of an instrument and based on the advice of the Prime Minister, allocates to Ministers the departments under their control, and one would not find the Tobago House of Assembly under any Minister's control. Geology is very different from political science.

I have already dealt with the matter of the power of the Assembly to make laws. I think that Sen. Prof. John Spence, in particular, was concerned about the extent of that power, and certainly in the course of our discussions in this Parliament we can arrive at a formula to address concerns without at the same time breaching faith with the purpose of the whole exercise and the report of the Joint Select Committee of 1978.

Another difference which emerged between the Government and the Opposition was in relation to the borrowing power of the Assembly. All these

matters will come into greater focus as we deal with the bills. The Joint Select Committee of 1978 would allocate to the Assembly borrowing powers, with the exception of foreign borrowing. It was generally agreed that we should be more particular in the law about how we state those borrowing powers. I think that the Members of the Opposition did not even want borrowing by way of overdraft, which the Assembly now has. However, other Members felt that that power was too narrow and that the Assembly should be allowed to borrow on the domestic capital market for capital projects, with the approval of the Minister of Finance. Some would have preferred the approval of the Central Bank so as to take away any appearance of political control. However, the Government acceded to the proposal that not only should the Assembly be able to borrow by way of overdraft, but it should also be able to borrow on the domestic capital market with the approval of the Minister of Finance.

2.20 p.m

Then there is the matter of the actual areas of responsibility of the Assembly and that of the Government, and those are matters where there need not be any inseparable division between the Opposition and the Government. I know the Government feels confident that in the course of give and take in dealing with the Bill at the committee stage, that accommodation would be arrived at which would meet the circumstances of the case and which would be reasonably acceptable to all sides; Government, Opposition and the Independents as the case may be.

Mr. Speaker, when we come to deal with the Bills themselves, then of course, that would be the occasion for greater detailed examination of the clauses and the provisions. What I wanted to do was to highlight the purposes of the Bills to give some idea of the kind of structure that is intended to be embodied in them; the purposes of entrenchment for which entrenchment has been provided so that the country should understand what is being done here. It is not any attempt to divide or separate the country into a federation or a confederation or any such thing.

Let me make it clear. Citizenship is not touched. There is one Judiciary and this Bill does not touch the Judiciary. Nowhere in a federal system will one find that. There is one system of court; nowhere in a federal system would one find that. There is one supreme Parliament which will have the power to annul any law passed by the Tobago House of Assembly; nowhere in a federation would one find that.

The Ministry of Foreign Affairs and monetary policy are matters for the central government. All matters which involve the preservation of the integrity of the state

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are for the central government, and only those matters which involve a question of economic development for the provision of services which would normally be provided within the context of the state, are devolved upon the Tobago House of Assembly. They should have in keeping with what was promised them, a certain measure of self-determination, involving decision-making in matters which fundamentally affect their lives, and determine the direction of their development.

The whole development of Trinidad has been within the perspective of energy-based industries. Quite naturally, because the natural resources are gas, natural gas and oil, therefore the perspective and the pattern of development has been geared by natural gas and oil and to a certain measure, manufacturing industries.

Tobago has none of that, at least not at the moment—there is some out at sea but it has not been exploited. Tobago's richness, apart from the people of both islands—excluding the Member for San Fernando East—*[Interruption]*—is its environment, so that environmental matters assume a first rate importance in Tobago.

Tobago has to preserve its beaches which are some of the finest in the world. Its picturesque postcards—everywhere one goes one can take a picture that can be sent to various parts of the world to delight the eye and the mind. Natural beauty! Tobago has some agriculture, or land that is capable of being cultivated and if tourism is to be developed on the basis of these natural charms and attractions, then world experience has shown the need to have ancillary activities and the need to integrate tourism into the whole economic fabric of the island so that there are spin-off activities, whether it be arts and crafts and all sorts of products that satisfy the tourism demand so that the natural environment is preserved and one's God-given gifts are made use of.

Mr. Speaker, in 1965 as the Minister of Finance of this country, and before many who are opposite were born—

Mr. Imbert: Oh, come on, 1965?

Hon. A. N. R. Robinson:—politically, I had the great honour of visiting the country of Japan. In 1965, the gross domestic product per capita of Japan was just about the level of Trinidad and Tobago, you would not believe it. But they had started very significant activities and one of the things I had the honour to do was to ride on one of their first trains which was the fastest train at that time in the world—it was called the “Bullet Train”—from Tokyo to Kyoto. Silent speed it was. I asked, “How on earth are you developing in this way—

Dr. Rowley: On a point of clarification. Did I hear you say gross domestic product in Japan, or is it per capita?

Hon. A. N. R. Robinson: I said, "per capita". Did you not hear me? *[Interruption]* Well the *Hansard* record will show.

It was just about the level of Trinidad and Tobago at the time, Mr. Speaker, and as I said, I travelled on this "Bullet Train". When I asked a group of Japanese, "How are you managing to do what you are doing?" "You have no fuel, no coal, no iron, no raw materials". Do you know what they told me, Mr. Speaker? They said, "Yes, Mr. Robinson, all we have is our brain." Today, the gross domestic product per capita of Japan is more than four times that of Trinidad and Tobago. The same can be said about Malaysia whose Prime Minister was here a day or two ago. The same can be said of Singapore, and even within the Caribbean region. What does Antigua or the Bahamas have? The per capita income of the Bahamas is more than twice that of Trinidad after the oil boom and we are going to find out the reasons for this during the budget debate.

Tobago has been kept by deliberate policy, and suppressed with its natural resources not being utilized in a developmental mode because it has been fitted into the oil and gas perspective. People have not been allowed to use their brains because of the natural gifts of oil and gas.

The point I am making is that the purpose of this legislation is to allow some freedom so that there should be concentration on the particular circumstances and potential of the island and not force it into a mode and pattern which it cannot naturally fit, because it does not have the kinds of resources which are predicated by the mode, pattern and paradigm that we are seeking to force.

2.30 p.m.

This has been going on for 20 years and many people still cannot understand. It only shows that the imperialists were not so bad after all. If those who imposed imperialism, and have demanded self-governance and independence, proved to be so intractable and so difficult to understand other situations than their own, then one has to look a bit more kindly on the imperialists in the past. I regret to have to say so, but it is a fact of life.

I want to end by reading the termination, the end, the culmination of the speech which I gave on the occasion that I moved this Motion in 1977. *[Interruption]* I want to put it on the record again because it is so pertinent.

“As I researched into this subject over the last few weeks, new dimensions opened up to me, and I can say that the history of Tobago, when properly written, will teach every lesson that should be learnt by the West Indian child. It will show the slave of today can be the slave-owner of tomorrow; how the anti-imperialist of yesterday can become the imperialist of today. It will show how racism and colonialism have nothing to do with geographical position or the colour of one’s skin. It will show how today’s prosperity is no guarantee for tomorrow and how the surest way to continuing prosperity is the careful husbandry of present resources, however plentiful.”

This is before the oil boom reached its height. I continue to quote:

“It will teach the universality of human aspirations, reliance on principles in government rather than on men,...

I am sure the Member for Diego Martin West will emphasize that.

“...and it will teach that power, wherever and by whomever held, can be abused.

Those are some of the lessons of Tobago’s history and if, in the course of dealing with Tobago’s problems, these lessons can be demonstrated to the Caribbean child and to the outside world, then we who are engaged in the struggle will have played our part.

I end by emphasizing that whatever the fate of this motion, whether hon. Members opposite oppose it or accept it, internal self-government for Tobago is on the national agenda from today and it will continue to be on the national agenda until—with the help of Almighty God—justice and internal self-government are brought to the people of the island of Tobago.”

Almost 20 years after, this is as relevant as it has ever been, and it stays.

Mr. Imbert: I want a copy of that document?

Hon. A.N.R. Robinson: It is in records of *Hansard*. Do you not understand what *Hansard* is? There, Mr. Speaker, I rest my case.

Question proposed.

Mrs. Camille Robinson-Regis (Arouca South): Mr. Speaker, I did hesitate, thinking that that was the proper procedure. However, since I had caught your eye, I rose at your instance. *[Laughter]*

Mr. Speaker, I am trusting that the Member for Tobago East is of the same views that he espoused in the last document from which he quoted. We, on this side, have some concerns and we do feel that, to some extent, the Member may not be entirely of that view today.

The process by which we came to this report did not go through the type of widespread consultation that it is felt that matters dealing with Tobago, the Constitution of Trinidad and Tobago, and the arrangements that should exist for Tobago in achieving a measure of internal self-government, should be allowed to take place.

I know that it has been said that a Cabinet-appointed committee was given a fairly lengthy period of time within which to deliberate, to talk with various persons who may have been interested in commenting on the report. Unfortunately, however, the Joint Select Committee was not given the same type of time that was needed to come to any true and considered agreement as it relates to the Constitution, the Tobago House of Assembly and the issues that we will have to debate as a Parliament.

We must remember that we are not, at any time, dealing with a government within a government, or a country within a country. We are dealing with one country and one government and we are dealing with the Parliament of Trinidad and Tobago and the necessity to ensure that whatever decisions we arrive at are the best for all the people of Trinidad and Tobago. Mr. Speaker, I stress, all the people of both islands of Trinidad and Tobago.

We will be faced with deciding on constitutional amendments that would change the composition of the Senate, and an Act of Parliament that will make—if it is passed—significant adjustments to the relationship between Trinidad and Tobago.

Let me say at the outset, that it is necessary for adjustments to be made with regard to the relationship between the Tobago House of Assembly and the Central Government, but we are firm in our view that widespread consultation should have taken place.

Mr. Speaker, it might concern you that I seem to be consistently harping on the issue of consultation. However, I am sure you will recall that this coalition government promised that one of its tenets of existence would be to ensure that there is consultation with all persons who would be affected by governmental issues, or by parliamentary and legislative issues. However, we have seen continuously

that they are not true to their word, especially as it relates to consulting with the people of Trinidad and Tobago on issues that would affect their daily lives.

2.40 p.m.

Mr. Speaker, I suppose they may argue that in this situation reports were received from some organizations, but a cursory glance at some of the reports or some of the recommendations that were received would indicate that these recommendations came from one basic group of people. Essentially, a number of the recommendations came from the National Alliance for Reconstruction's Constitution Committee and this Committee comprised of Sen. Nathaniel Moore; Assemblyman, Mr. Hochoy Charles; Mr. Everard John and Mr. Andre Phillip. We also got separate memoranda from Mr. Andre Phillip even though he was part of this constitution committee; we got other memoranda from other persons resident in Tobago and a couple from persons resident in Trinidad.

There were complaints that no official copies of the Bills were available for sale at the Government Printery. Furthermore, the Bill was published in the *Guardian* on September 22, 1996 and in the *Tobago News* on September 26, 1996. Mr. Speaker, I want to note those dates, because the closing date for submissions was October 04, 1996—a mere 10 working days before the Bills were published in the newspapers. We feel that the period of time given for persons in the national community to respond to the call for comments was much too short. If a careful perusal of these Bills was to be done the period was much too short.

It is interesting to note that even though the closing date for these submissions was October 04, 1996, the National Alliance for Reconstruction held discussions on the Bills on October 06, 1996, and I am of the view that if the National Alliance for Reconstruction could not meet the deadline—and they are the persons who really may have the greatest interest in ensuring that the Bills represent what is wanted and what is needed, then what about ordinary persons in the community who may have wanted to make an input? In our view, an issue of such importance should have been dealt with less haste. It is interesting also that we have not seen any comments from the United National Congress—the UNC in Trinidad or the UNC in Tobago, or whatever passes for the UNC in Tobago.

Mr. Speaker, the question that must continuously be asked with regard to the apparent undue haste is, whether this stems from a need on the part of the coalition Government to please the Member for Tobago East. Is it that the agenda suggests that if certain things are not done within a certain time-frame, then the Member for

Tobago East may take up his marbles and go home? I know that would be a major concern for those on the other side.

Mr. Speaker, the Member for Tobago East always seems to have a double agenda: one is for public scrutiny and the other is his private agenda. We have spoken about the history of this situation between Trinidad and Tobago and if I were to go back into history I would be able to point out that ever since the Member for Tobago East left the PNM in 1970, the whole relationship between Tobago and Trinidad has been personalized and, to a large extent, strained.

I am sure that you would recall the vacillations of the Member for Tobago East when he at one time said that he did not feel that there was any necessity for a Minister of Tobago Affairs. Now, he sits and stands as the Minister for Tobago Affairs. He was against the construction of the Claude Noel Highway but when it was completed he claimed credit for it.

2.50 p.m.

As Chairman of the Tobago House of Assembly, Mr. Speaker, he and his colleagues did not attend the sod turning ceremony for the opening of the Crown Point Airport. But immediately upon becoming Prime Minister of Trinidad and Tobago, he re-opened the airport, and the plaques of Prime Minister George Chambers and A.N.R. Robinson are displayed side by side.

Miss Nicholson: We are proud!

Mr. Robinson: Not one behind the other.

Mrs. C. Robinson-Regis: And what the sequence of events tells us, is that Tobago would always appear to have problems with Trinidad, once the Member for Tobago East does not get his way. This is not a feeling that stems necessarily from this side of the House.

Mr. Speaker, I would like your permission to quote from the *Trinidad Guardian* of Thursday, March 17, 1988 under the headline "Robinson 'wants to create a political base in Tobago'".

Miss Nicholson: What is wrong with that? He is right. He is from there.

Mrs. C. Robinson-Regis: I am quoting the Member for Couva North, Mr. Panday.

Dr. Rowley: Who?

Mrs. C. Robinson-Regis: The Member for Couva North, Mr. Panday, when he said:

“I am wondering whether Robinson had in his mind that if he can’t rule Trinidad and Tobago like a Williams autocrat, then he wouldn’t care what the hell...”

Mr. Speaker, I know this may be unparliamentary language, but I am quoting.

Dr. Rowley: ‘Hell’ is a good word.

Mrs. C. Robinson-Regis: He said:

“... happens to this society and at the end of five years he would have transferred all the resources to Tobago and he goes over and be the Napoleon there.”

Mr. Imbert: Panday said that?

Mr. Manning: Who said that?

Mrs. C. Robinson-Regis: The Member for Couva North, the hon. Basdeo Panday

Mr. Manning: I do not believe that!

Mr. Panday: I do not believe that, myself.

Mrs. C. Robinson-Regis: Mr. Speaker—

Mr. Assam: Recent statements Rowley made against Manning are worse!

Mrs. C. Robinson Regis: Mr. Speaker, I think the Member for St. Joseph would like to join the debate.

Mr. Assam: Do not come with that!

Mr. Speaker: Hon. Members, it is unnecessary to disturb Members while they are making their contributions; the day is young and I promise you that as many of you as want to speak will have ample opportunity for doing that. Please proceed.

Mrs. C. Robinson-Regis: Thank you, Mr. Speaker.

Mr. Imbert: They need a muzzle for Assam.

Mrs. C. Robinson-Regis: The Member for Couva North did not stop there in raising his concerns.

Mr. Manning: He had more to say?

Mrs. C. Robinson-Regis: It goes on:

“He said as a first step, people of Trinidad...”

Mr. Panday: You are even worse than Hedwige Bereaux.

Mrs. Robinson-Regis: I repeat:

“...people of Trinidad must ask themselves this question: ‘Is there a plan to mash up Trinidad, divide it racially, let it fight itself in a warfare to death and when the time comes those who want will go back to the haven in Tobago?’”

Mr. Panday: What do you think?

Mr. Imbert: You said that? You called the man a racist?

Mrs. C. Robinson-Regis: Mr. Speaker, I quote:

“Stressing that Mr. Robinson has no political base in Trinidad, Mr. Panday said it makes him a little paranoid that he feels everybody plotting against him and he seeing ghosts behind every post, so he is trying to create a base.”

Mr. Imbert: You said that?

Mrs. C. Robinson-Regis: And I will end with this quotation, Mr. Speaker:

“We gave Robinson...”

Mr. Assam: Why not demonstrate your legal skills rather than bacchanal skills?

Mrs. C. Robinson-Regis: At least I have legal skills, you have no skills at all!
[Desk thumping]

Mr. Assam: That is nonsense, because she cannot even practise the profession. What skills? Rubbish!

[Mr. Speaker rose]

Mr. Valley: Put him out!

Mr. Assam: You are insulting the Speaker.

Mr. Speaker: I am sure that it is not absolutely necessary to remind hon. Members, very hon. Members on both sides—on both sides—that it is unnecessary to disturb the hon. Member in her contribution; or for that matter to descend to the level of personal attacks on any Member of this House, or indeed, outside. Could the Member for Arouca South please continue?

Mrs. C. Robinson-Regis: Thank you, Mr. Speaker.

Mr. Panday went on to say that we must not fall into that trap. Mr. Speaker, I am trusting that the Members on the opposite side are not falling into a trap, whether wittingly or unwittingly.

I would like to move on to the Constitution (Amdt.) Bill [*Interruption*] and demonstrate my legal skills. In responding to the Member for Tobago East who referred to the Bill which is part of the report, I would like to make reference, as I said, to the Draft Constitution (Amdt.) Bill. Mr. Speaker, we have particular concerns with clause 3 of this Bill, which seeks to amend section 40 of the Constitution of Trinidad and Tobago.

This is of particular concern because this is the section of the draft which would, in essence, change the composition of the Senate as we know it. We are concerned, because when the Republican Constitution of Trinidad and Tobago was brought before the Houses of Parliament, there had been widespread consultation and discussion for over a period of two years. The Senate would have been a new institution as it related to the Republic or the Independent Nation of Trinidad and Tobago.

Miss Nicholson: Would have.

Mrs. C. Robinson-Regis: And the feeling was that there must exist a balance in terms of the number of Government Senators, the number of Opposition Senators and the number of Independent Senators. Mr. Speaker, what we are seeing being proposed is a change in that composition and, in effect, a change in that balance between Government, Opposition and Independent Senators.

Mr. Imbert: Wickedness!

Mrs. C. Robinson-Regis: Mr. Speaker, perhaps the Chairman of that Committee, the Member for Tobago East, having not been in the Parliament at the time that the debate took place, may not have an intimate feeling for that balance that was decided upon through consultation and debate, and we are concerned with the kind of change that is being proposed.

3.00 p.m.

Mr. Speaker, if I may refer to the draft that is before us in this report. In the Senate that was created and the Senate that exists under the Republican Constitution, the number of Government Senators is 16; Independent Senators, nine; and Opposition Senators, six. I am sure that these numbers were deliberate

and essential for ensuring proper checks and balances, so that any legislation that would have been brought to that House would have had the benefit of a set number of Government, Independent and Opposition Senators. Checks and balances were the essence of the type of arrangement that was in fact developed.

In essence, what is being proposed now is that Government would have 19 Senators, the Independents 12 and the Opposition would remain at six.

Miss Nicholson: Right there! That is where you must remain. Stay right there!

Mrs. C. Robinson-Regis: Mr. Speaker, I know you consistently say that we should not take on asides, but the Member for Tobago West is clearly of the mistaken view that they would always be in the Government.

Miss Nicholson: Right here!

Mrs. C. Robinson-Regis: But, Mr. Speaker, we are clear in our views that whatever we legislate, or whatever we decide upon for Trinidad and Tobago, is not for one specific government or one specific opposition, it is for any party which, at any point in time, forms the Government or the Opposition of Trinidad and Tobago. [*Desk thumping from the PNM Benches*]

Miss Nicholson: Yes. I agree with that but you are not coming back.

Mrs. C. Robinson-Regis: We will, at all times, operate with a feeling of service and a necessity to ensure proper democracy in Trinidad and Tobago. We do not and will not legislate for any particular group or for any particular government that may be sitting at a particular time. That is of utmost importance whenever we come to decide what happens with this particular clause which attempts to change the Constitution of Trinidad and Tobago.

Mr. Speaker, the Member for Tobago East indicated in his contribution that the numbers that were eventually proposed in the draft were suggested by the Opposition leader in the Senate, Sen. London. Mr. Speaker, we are not going to refute that—

Mr. Robinson: Hear! Hear! Hear!

Mrs. C. Robinson-Regis: —but discussion on this matter lasted from 12.05 p.m. to 12.40 p.m. with a short break and then from 1.19 p.m. to 1.35 p.m., so it was not a simple proposal made by the Opposition leader in the Senate. It was a proposal made in an attempt to move the deliberations forward. With your permission, Mr. Speaker, let me quote during that period what Sen. London said:

"I, unlike Sen. Prof. Spence, have a problem with the change in the ratio because I suspect that there had to be some compelling reasons why the numbers in the Senate were established at those particular levels."

He said at the outset that he had a problem with the change in the ratio. He also said:

"I see a great difference between a six Opposition, 25 non-Opposition Senators. I am also concerned about what I would consider perceived cosmetic power and influence."

If we were to go merely on what the Member for Tobago East indicated in his contribution, we would have believed that the Senator had no concerns at all and that he just made that suggestion, but nothing could be further from the truth.

Mr. Manning: That is a perfect example of how he operates.

Mrs. C. Robinson-Regis: Mr. Speaker, he was not the only one who had concerns about the change in the ratio. I quote again the hon. Member for Siparia where she said at the stage when we were talking about numbers:

"I respectfully submit that the Government should be required to name two Senators from Tobago and that the Opposition also be required to name one Senator from Tobago."

The Chairman, the Member for Tobago East, said at this stage:

"And who is going to speak for Tobago?"

The Member for Siparia apologized for making the suggestion and her words were:

"I am sorry, Sir."

Sen. London later in the proceedings said:

"I have not worked out the numbers to see whether it would comply with not having the three-fifths majority..."

But he would like:

"...fairer representation ... and one from the Opposition."

Consistently throughout, his request was that there be fairer representation and that the ratio was of extreme importance.

Miss Nicholson: Critical. Very critical.

Mrs. C. Robinson-Regis: Mr. Speaker, this issue generated so much discussion that at one point when a decision was to be made in terms of numbers—because eventually it came to numbers because it was always essential that the ratio and the balance be maintained despite the fact that there was a concern about changing the section—Sen. Prof. Spence made what may seem to be a curious suggestion when the Chairman asked about the Senate being able to obtain a three-fifths majority. He suggested that we would need "22.2" persons.

3.10 p.m.

What I am trying to indicate is that the discussion was so intense and so intent on achieving a proper solution that various suggestions were made, but the eventual suggestion which was made by Sen. London, and accepted, was one that even though we disagreed with changing that section, it was one that attempted to achieve some balance within the context of what the chairman of the committee would have wanted, and the chairman of the committee insisted that we must keep that provision in.

Let me remind you that there were only three Opposition Members on that committee. Consistently, there were concerns raised by the Independent Senator, Sen. Spence. Before leaving this point let me indicate—and I am quoting again from the verbatim notes: Mrs. Robinson Regis, at the conclusion of this discussion said:

"Mr. Chairman, I just want to record my reservations with the entire attempt to change the Constitution in this way."

It was not a simple situation of Sen. London suggesting numbers and everybody agreeing, and so forth; it was a situation where there was much argument; there were concerns about changing that section from the outset, and the concerns still exist on this side of the House.

I am sure that the Member for Tobago East, as is his wont, will, at all times, attempt to create confusion in the minds of the population and will attempt to say that whereas he is making an effort to put more Tobagonians in the Senate, we are against this proposal. We are not against more Tobagonians being in the Senate. It is clear that when we were in government, we, at all times, had at least one Senator from Tobago. I am sure you will recall Sen. Callendar. So there is no concern with wanting more Tobagonians in the Senate; the concern is wanting to upset a carefully thought-out balance that now exists in the Senate.

If any particular grouping or government or even opposition sits in the Senate of Trinidad and Tobago at this time, we would see that there is representation from the sister isle. Additionally, the Bill suggests that the persons who would sit in the Senate would be sitting as, in effect, representing Tobago issues. That is the suggestion that has been made with regard to the reason for increasing the numbers.

The questions that need to be asked are: Would it be that those persons would only be able to talk on Tobago matters? Would it be that those persons would only be able to vote on Tobago matters? Would it be that if matters that affect Trinidad and Tobago come up, they could not make an input because it is not specific to Tobago as they are there specifically for Tobago issues?

That is only a recipe for chaos and confusion. We, as a Parliament, are a Parliament for Trinidad and Tobago. The Senate is a Senate for Trinidad and Tobago. It cannot be that persons will be appointed only to deal with Tobago issues or persons would be appointed only to deal with Trinidad issues. Anyone who sits in the Senate of Trinidad and Tobago must be there to deal with issues concerning Trinidad and Tobago.

The other section of that draft bill deals with the entrenchment of the Tobago House of Assembly as an institution into the Constitution of Trinidad and Tobago. We have no difficulty with that because the draft bill that was prepared by the PNM administration also insisted upon making the Tobago House of Assembly an entrenched provision of the Constitution of Trinidad and Tobago. We are firm in our view that no government should, by a simple majority, be allowed to disband the Tobago House of Assembly or be allowed to interfere with the Tobago House of Assembly as an institution of Trinidad and Tobago and particularly an institution of Tobago.

I would now like to move on to the proposals raised in the draft Tobago House of Assembly Bill that forms part of this report. Several sections are extremely similar to the draft bill that was proposed by the People's National Movement government. The composition of the Assembly is essentially the same. Indeed, the composition of the Executive Council, as it relates to the number of secretaries, which would form the Executive Council in addition to the Chief Secretary and the Deputy Chief Secretary, is the same as that proposed by the draft PNM bill.

What is interesting is that when the Guya Persaud committee made its suggestions with regard to the draft Tobago House of Assembly Bill and the

composition of the Executive Council that is proposed, that committee suggested that the number of secretaries should remain open-ended. Interestingly, the Member for Tobago East was *ad idem* with the PNM suggestion that the number of secretaries should be five and not an open-ended number. He was adamant in ensuring that that took place.

3.20 p.m.

Mr. Speaker, we have some concerns with clause 9 of the draft Bill and clause 6 of the PNM bill that is attached to the minority report. We have some concerns with the mechanism for the appointment of councillors. This clause indicates that councillors would be appointed after nomination by the party that commands the support of the majority of the assemblymen. I repeat, it is the party, not the Chief Secretary, that commands the support. We have some concerns with bringing the party—whichever party—directly involved in the appointment of councillors. When I say directly involved, I mean involved in such a way that it is legislated that the party must be the grouping which appoints the councillors.

Mr. Speaker, you would know that in the Constitution it is the Prime Minister who is given the authority to appoint the Senators. It may be—and I am sure this is what occurs—that he does take guidance from his party, but there is no legislative provision which insists that the party must become directly involved in the appointment of Senators as it is suggested here.

We are not alone in that concern. Indeed, the political scientist, Dr. Hamid Ghany, in an article appearing on page 9 of the *Sunday Newsday* dated October 20, 1996, speaking on this particular section, among other things, said:

"A more peculiar arrangement could not be found...."

These provisions are being made on the premise that party politics will operate efficiently among the Assemblymen.

Who will advise on the actual nomination of the Councillors? When the word 'party' is used, it must be understood that this is an organisation, not a person. Chaos could arise if an internal procedure is not worked out in political parties in Tobago as to who will be the competent authority to send nominations to the Presiding Officer in respect of Councillors."

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

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

Question put and agreed to.

Mrs. C. Robinson-Regis: Thank you, Mr. Speaker and Members.

Mr. Speaker, with your permission, I would like to again quote from that article in which Dr. Ghany continued by saying:

"Should it be the Political Leader in his own discretion? Should it be the General Secretary on the instructions of the National or General Council of the party?"

This formula seems to suggest that someone outside the Assembly could seek to manipulate its composition by using the party as the vehicle for such manipulation."

Mr. Speaker, I would just like us to look at that issue of possible manipulation. It may be argued, quite cogently, that any person who may seek to introduce party politics in this kind of way in terms of legislating for the party having such a great influence, may create an opportunity for manipulation by persons who do not appear to have a direct say in how the Assembly conducts its business.

We must be concerned about that possibility of manipulation by outside influences. It may be that the Member for Tobago East and others may have some reason for insisting that the party be legislatively bound to be the grouping that nominates the councillors. We are concerned about including the party in the legislation in this way.

Mr. Speaker, the other section which is somewhat peculiar is the section that deals with the remuneration of members. Let me state at the outset that the bill which was proposed by the People's National Movement stated quite clearly that the remuneration of the Chief Secretary should be equivalent to that of a minister and that the individual should be entitled to an official residence, an official car and certain other perks of office.

This Bill, in dealing with the Chief Secretary, is essentially the same as the PNM's draft. However, when it comes to the issue of the remuneration for other secretaries, it states that a secretary and a deputy chief secretary should get the same remuneration as a minister of government.

We are concerned from two standpoints. Firstly, the Constitution of Trinidad and Tobago states quite clearly that a minister of government is one who is able to give general and specific direction for issues which may be in his portfolio concerning Trinidad and Tobago. So, a minister of government is a minister for Trinidad and Tobago and the remuneration package reflects that responsibility.

3.30 p.m.

A member or a secretary of the Tobago House of Assembly has responsibility for divisions in Tobago.

The responsibility, although it may be onerous as that of a minister in terms of the amount of responsibility, it is not for Trinidad and Tobago, it is essentially for Tobago. There is some concern on this side that the remuneration package should be the same as that of a minister. We, in fact, would be more comfortable if the remuneration package, rather than being legislated for secretaries in the Bill, could be the subject of discussion by the Salaries Review Commission. We feel that is the proper quarter for deciding upon the salaries of all persons of certain groupings in the public service, including secretaries and deputy chief secretary. Perhaps a range may be suggested but we do not feel that is necessarily an issue to be legislated for.

The other area of concern is the proposed remuneration for assemblymen generally. This side is not of the view that assemblymen should not be properly compensated. Indeed, we are strong in that view, and our draft bill and the comments that surround that draft bill are clear with regard to remuneration, but we must raise the concern. Perhaps, I can take the example of the Member for Tobago West.

If the Member for Tobago West were not a minister her salary would have been at a particular level for being the representative of half of Tobago. However, the suggestion in this draft bill is that an assemblyman who, if he is an assemblyman for Scarborough, would be representing one-sixth of the area represented by the Member for Tobago West and yet, his salary would be the same as the Member for Tobago West.

The Opposition is of the view that compensation must be adequate but it must also reflect other situations which exist in Trinidad and Tobago. If a representative who sits in the House of Representatives and represents half of Tobago receives a particular amount in terms of salary, then someone who represents one-twelfth of Tobago should not, in fact, be getting the same salary. That is a concern of ours. We are not about to suggest a salary, but we feel that even though we want to do what is just and right, we must do so thinking about the entire scenario.

We do not want a situation developing where people become members of the House of Assembly merely for the remuneration. We want to encourage a situation where members become assemblymen because of the desire to serve, and that is the essential.

Mr. Speaker, another major area of concern on this side of the House is the issue of devolving government policy onto the Assembly. The draft bill of the PNM suggested that in certain areas policy formulation and implementation should be devolved on the Assembly, but the Bill specified that this policy formulation and implementation must be done within the context of government or national policy.

The proposed draft that is attached to the report states that policy formulation and policy implementation must be done giving due consideration to government policy but the question which immediately comes to mind is: What is "due consideration"? Is it that someone who wants to formulate policy would just read whatever is the Government's policy and then say, "I will formulate my policy because I have given due consideration; I have read what the Government's policy is"? Is that due consideration? Due consideration is a nebulous term. It is a term with no real meaning. It is a term which can be equated with the type of so-called consultation that the present Government of Trinidad and Tobago claims to give. Nebulous without any true portent or intent. We believe that such a nebulous term should not exist in legislation of such importance. I repeat, we have no difficulty with formulation or implementation of government policy by the Tobago House of Assembly, but we are of the view that it must be within the framework of national policy. The term "due consideration" is not enough to ensure that it is within the framework of government policy. We believe that is an area that must be more carefully examined.

The Bill talks about financial funding for the Tobago House of Assembly, and we have no essential difficulty with that mechanism for funding. We do have some concern which we will raise when the Bill comes before the House for actual consideration, but we must raise the fact that the financial rules which would govern the funding and the mechanism for dealing with the finances of the Tobago House of Assembly have not yet been drafted. We have not seen what rules and regulations will govern the funding of the Tobago House of Assembly and it is absolutely necessary, if the Tobago House of Assembly is to operate under a different system, that the financial rules and regulations should be laid in Parliament at the earliest opportunity.

There has been some provision made to suggest in the legislation that within two months of the passing of the legislation, that the financial rules will be before the Parliament. However, we are concerned with the Government meeting the deadline which has been set. It is important that the financial rules be made part and parcel of the legislation that would eventually be put before the House.

3.40 p.m.

Another area of major concern is the introduction of a dispute resolution commission which would exist for the purpose of ensuring if the Assembly, upon getting its funding, is concerned with the quantum or the mechanism by which the funding is sent to Tobago. Those issues can be brought before the commission. We are not saying that there should not be a mechanism if there is some concern about funding, but there should not be some form of mechanism to deal with the concerns.

This proposed dispute resolution commission is fraught with difficulties. In addition to perceived difficulties, the commission would have the ability to present its report or recommendations to Parliament. It does not say that upon the recommendations being brought Parliament would change the appropriation, or anything about what would happen. What would be the power of such a commission? If the commission is going to be a powerless institution then there should be a reconsideration of whether there is the need for such a commission.

When attempting to make any suggestion or eventually legislation for Trinidad and Tobago, we must not do so with indecent haste or without due consideration for the effect or impact that the legislation would have not only on Tobago, but also on the unitary state of Trinidad and Tobago. We must be sure that the Joint Select Committee had enough time to do its work properly and effectively. We must not be constrained by what the Member for Tobago East has called the flaws of an election campaign, that timing or the fact that an election has been called and would be fought. We must remember and recognize at all times that whatever we do in this Parliament, whether we do it hastily in order to meet times, or properly, it would affect the people of Trinidad and Tobago, the people whom we have been placed here to represent. I trust that the concerns which were raised would be taken into account, and we would not find at the end of the day that we have to do over this entire procedure.

The Member for Tobago East consistently says that it has taken over 20 years to arrive at this position. I am sure he would remember that after House Paper No. 6 of 1978, there was legislation to deal with Tobago that was unanimously agreed upon by Members of Parliament at the time. Over that period of time there have been consistent attempts to ensure that there is a proper functioning relationship between the islands of Trinidad and Tobago.

We must not find that because of a coalition government that exists now, where the Member for Couva North who is the Prime Minister has said that he

would sleep with the devil, the Member for Tobago East has indicated consistently that if he does not get his own way, apparently he would be prepared to sink Trinidad and Tobago as an entity, and we are apparently between the devil and the deep blue sea, that we come to the wrong decision. We must consider what is right for Tobago and not be concerned with timing and the fact that there is an election. Nobody is asking for the election to be postponed.

On this side we are seeking true and proper justice to be done with any legislation that would be for guiding the relationship between Trinidad and Tobago, and the way in which the Tobago House of Assembly operates in the unitary state of Trinidad and Tobago.

Thank you.

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, I welcome the hon. Member for Diego Martin West. We have not seen him for a while in the House, so we welcome him back to the House.

Whilst I listened to the hon. Member for Arouca South, I wondered whether we had forgotten that what we were debating today is Motion No. 1 on the Order Paper which states:

“Be it resolved that this House take note of the report of the Joint Select Committee appointed to consider and report on the Report of the Committee Appointed by the Cabinet to Review the Constitutional and Legislative Arrangements for Tobago”.

I say that I wondered whether we had forgotten this was the motion we are debating because for the majority of the contribution of the Member for Arouca South, it seemed to me that we spent time debating the Bills. If we look at the report before us, it is for Parliament to decide to accept the report. The debate on the Bill is to be done on another occasion.

3.50 p.m.

Mr. Speaker, when I listened to the hon. Member for Arouca South, there were basically two major limbs to her contribution. These limbs were that there should have been more consultation and, secondly, she expressed certain concerns about the draft bills.

I have noticed a growing tendency on the part of the Member for Arouca South, on the last occasion and on Friday when we sat, to quote from the speeches of the hon. Prime Minister. It appears that she has been reading very carefully what

our hon. Prime Minister has said. The lovely lady that she is, we would certainly welcome her on this side.

I, too, would like to take this opportunity to quote the hon. Prime Minister when he spoke to the Tobago House of Assembly on April 10, 1996:

“Today my government seeks to affirm its commitment to facilitate a change in the course of the history of Tobago, particularly in terms of its relationship with Trinidad.

This relationship has been replete with discontentment consequent upon the denial of the most fundamental human right that has ever been known to any community of human beings ... the right to a self determined destiny.”

Mr. Speaker, when we sit in this House and debate this Motion and all we can find to talk about is consultation, it seems that we have forgotten how long ago this debate stretches back—20 years. We on this side of the House would clearly like to say that the time for talking is done. It is now time for action.

On the issue raised by the hon. Member with respect to consultation, she firstly indicated that the recommendations came from one basic group, and mentioned the NAR and some other persons who had sent responses to the publication of the draft bills and the report. The hon. Member then went on to say that there were no submissions from the United National Congress. We have to ask: Were there any submissions from the PNM? Equally, there were none. What we have as the UNC/NAR are the reports of the Cabinet-appointed committee and the bills which have been drafted by Government based on those reports.

The further issue is, clearly, when the last government dealt with the 1994 draft bills which are attached to the minority report, were these Bills published at all for any kind of consultation? Were the draft bills that they are now asking the Parliament to accept instead of the bills that are attached to the Joint Select Committee report ever published for public comment? On which days and at what times did they meet the public with respect to those bills? *[Interruption]* Tell us! *[Interruption]* Yes, it was in the newspapers and we will come to that. *[Interruption]* Please answer. That is what the Parliament is for.

I read in the minority report that they negotiated the draft bills. I do not understand the word “negotiation”. Is negotiation consultation? Let them tell us what negotiation means. Let them also tell us with whom they consulted in Tobago. When we look at the history of the 1994 draft bill, we see that when the

bill was published it provoked instant protest from the Tobago House of Assembly and the team they drew together to draft their own bill in response.

In an article in the *Daily Express* of October 12, 1994, entitled “THA draws up its own draft bill”, an anonymous Tobago House of Assembly source is quoted as saying that the draft bill represented a sharp about-turn in the assurances given by the then Prime Minister, Mr. Patrick Manning, on January 7, 1992. These assurances were for constitutional guarantees for Tobago’s right to self-government. The Tobago House of Assembly is reported in the article as having put together a team, headed by Mr. Karl Hudson-Phillips, to produce its own draft bill since the PNM model fell far short of what the Tobago House of Assembly had desired or thought they had agreed to. For the record, as far as we are aware, there were no public consultations carried out at that time. We are asking them to tell us what consultations took place and when.

There was no more activity in relation to Tobago and the Constitution until about September 1995 when there was a flurry of consultations between the PNM government and the Tobago House of Assembly, on the eve of the general election, which resulted in this negotiated document. The Opposition is now making protest with respect to consultation with the public and with the Tobago House of Assembly. We wonder about the announcement made by the then Prime Minister at a joint press conference with the Tobago House of Assembly chairman, Mr. Denoon, about an agreement which was reached after wide consultation and the unanimity of the Tobago House of Assembly.

The press conference held at Mount Irvine on September 30, 1995 carried the heading: “Tobago gets a new deal” in the *Daily Express* of October 1, 1995. That report noted that the government and the Tobago House of Assembly had reached agreement on new arrangements for Tobago, and in the next sentence it states:

“The agreement followed two days of exhaustive negotiations and an angry walkout by two THA Members.”

The two members who walked out were Hochoy Charles and Robert Hislop. The agreement formed the basis for the draft bill, which is now appended to the minority report of the deliberations of the Joint Select Committee. The draft bill that the Opposition is proposing is based on an agreement which did not, in our respectful view, have the unanimous support of the Tobago House of Assembly. It was an agreement which was reached after only two days of negotiations, and one which was reached without any reported public consultation. Any further outcry

against it was prevented, as we all know, because of the announcement of the general election.

On that issue and on the whole issue of consultation, the hon. Member had indicated that the time period was too short after publication. It is to be noted that the deadline for submission was extended from October 4, 1996 to October 18, 1996.

4.00 p.m.

The hon. Member spoke about the provision in clause 3 of the Constitutional (Amdt.) Bill with respect to what will be happening to the Senators, and it is to be noted that the proposed provisions clearly would not change the ratio of Government, Independent and Opposition Senators. *[Interruption]* The ratio would remain the same.

The membership of the Senate is altered to provide for greater representation of the interest of Tobago. When one looks at the present Government/non-government ratio, it is 16:15 in the Senate, and the proposed ratio is 19:18, so a three-fifths majority at present is 19. Under the proposed provisions, a three-fifths majority would be 23 so for the purposes of a simple majority, the ratio remains the same. For a three-fifths majority, the Government must require the support of 4 instead of 3 non-government Senators. In our respectful view, Mr. Speaker, that ratio in terms of what obtains now would remain the same.

Mr. Speaker, the Member also raised a question about remuneration and indicated that they did not want to encourage persons to want to become assemblymen merely because of the remuneration, they wanted persons to contest the elections because of their desire to serve. With the greatest respect for the Member for Diego Martin Central, we sat in this House either on Tuesday or on Friday, and the hon Member—and it is recorded in the *Hansard*—made it very clear that he would not want to return to this side of the House under the present terms and conditions of those Members on this side of the House. So that when the Member talks about remuneration and not wanting persons to participate in election because of the amount of remuneration, I wonder if she has spoken at all with the Member for Diego Martin Central in respect to his views on the subject. And it is interesting to see in today's *Daily Express* on page 7 where it says:

“PNM Senator resigns to run in THA election.

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[HON. K. PERSAD-BISSESSAR]

Thursday, November 14, 1996

PNM SENATOR Orville London has resigned from the Upper House to contest the Scarborough/Signal Hill seat on December 9 Tobago House of Assembly election.”

We are wondering on this side whether the proposed provisions within the Bills are so attractive that the Senator felt it wise and prudent to resign from the Senate and contest a seat in the Tobago House of Assembly election.

Mr. Speaker, the Motion before the House is very clear, it is a Motion to note the report of the Joint Select Committee of the Parliament. This debate is not about the Bills that will come before the Parliament, that is still to take place.

It is interesting to note that the hon. Member for Arouca South spent most of her contribution dealing with the Bills attached to the Joint Select Committee Report, but failed to offer us an alternative. She did not speak at all about the Bills that are attached to the minority reports to show us in what way the Bills which were drafted by the PNM were different, or better than those that are attached to the Joint Select Committee Report. In no way did she spend any time on that, Mr. Speaker. All her speaking time was spent on the issue of consultation, and dealing with the Bills that the Government has drafted and attached to the Joint Select Committee Report. That is the problem, because every time we look at the history, it is the talk that goes on and on from the other side but there are no alternatives. Where are the alternatives that would tell us that they have something that is viable and feasible? It is very clear that those draft bills were not acceptable to the people of Tobago because on November 6, 1995 they rejected them totally. So it is very clear that those draft bills that they are proposing that we accept were not acceptable to the people of Tobago.

Mr. Speaker, as I say, I speak in support of the Motion and respectfully ask this House to take note of the committee's report.

Mr. Eric Williams (*Port of Spain South*): Mr. Speaker, I rise to lend my voice to the Motion before the House: “Be it Resolved that this House take note of the report of the Joint Select Committee appointed to consider and report on the report of the committee appointed by the Cabinet to review the constitutional and legislative arrangements for Tobago.”

I should say that I have had the opportunity to look at some of the deliberations of the committee and I gather that a fair amount of discussion took place. In fact, from the very outset, there was concern about the time and the timeliness of reporting.

Mr. Speaker, my very first concern, given all of that hard work that went on—although I think we would discuss comments about whether more “coulda” or “shoulda” been done—by that committee is whether this report is properly before the Parliament today. The mover of the Motion, the Minister Extraordinaire and Minister for Tobago Affairs, literally took in front in mentioning that the last meeting of the committee was aborted due to the lack of a quorum, but taking in front does not necessarily mean that we will ignore that. In fact, I understand that there was a considerable amount of concern about this particular development in another place and it resulted in the resignation of a Senator, a Member of the Government on a matter of principle. I believe that this House ought to be properly concerned with the fact that there was no quorum.

4.10 p.m.

Mr. Speaker, I did not want to be didactic, but the matter concerned me so much that I wanted to make sure that I had it correct so I went back to the *Concise Oxford Dictionary*, 1990 Edition where the word, “quorum” is defined. I quote:

“A fixed minimum number of members whose presence is necessary to make the proceedings of an assembly, society, etc, valid.”

The report before this House says there has been consensus after a considerable amount of work was done. I wonder if the consensus was achieved over the telephone, in the tea room, or the pool-side at the Prime Minister’s residence. *[Interruption]* Probably, in fact, there might be another party in the coalition—the Yogic Flyers.

Mr. Speaker, I wonder and I am shocked because I have heard legal luminaries on the other side presenting this report—we have had two so far. A quorum was not achieved at the last meeting. The fact is that the signatories to the—*[Interruption]* Yes, apparently there were signatories. I may have heard that it might have been sent around and people signed—*[Interruption]* I think eight members signed—all the Members of the Government who were not present at the meeting. I do not know what they signed to, but they signed. Maybe it is that they did not wish to resign on principle at this point in time, for whatever reason, but of course it begs the question of principle.

I think a fundamental question is that of the legitimacy with which this committee has presented this report. Mr. Speaker, in this case I cannot say that

ignorance could be claimed, because it was the committee itself which determined what its quorum would be. There was a fair amount of discussions about it. If one were to look at the verbatim report—I will read the words of no less a person than the Chairman:

“I am informed that the usual quorum will be six Members of the committee, three from each House. Is there any objection? If not, we accept the quorum would be three from each House.”

Mr. Speaker, a quorum speaks to the validity of deliberations which have taken place. If a quorum was not achieved then the deliberations—as presented to this House, I would suggest, by definition—would seem to be invalid.

I wish that Members on the other side would take note of that and that some serious consideration be given as to whether or not we should actually take note of this report at this time, that this Motion should move forward. Mr. Speaker, it begs several fundamental questions; questions of principle and of validity.

The hon. Minister Extraordinaire and Minister for Tobago Affairs is quite right, I was not born politically when he entered political life. I was a child growing up in this nation; going to school in a nation in transition from colonialism, through independence with all the paradigm shifts that go with that transition. As a child, I had occasion to learn who the Members of government were and who the exemplars in this society were and I have always looked up to that particular Member. He has always overtly stated his position on principle. Mr. Speaker, so much for my hero-worshipping.

There is another issue which has engaged my attention with regard to this matter. The Member for Siparia spoke in rebuttal to my Friend, the Member for Arouca South, on the question of consultation. She was quite right to speak about consultation because the Member for Siparia, although she is not here with us at this time—I believe this House has approved the fact that she is chairing a particular Joint Select Committee which has to do with the Ombudsman—one of the hues and cries coming from the Chairman of that particular Joint Select Committee has been the boast of consultation. She said, “we will go to every nook and cranny of this nation and will consult. We will talk to the people; people to whom we never spoke before”. She listed different villages and had many photo opportunities showing consultation. In fact, I have had an occasion to go to, at least, one other consultation on Freedom of Information at the Financial Complex. Yet we find that for some reason there is the question of consultation but people are not sure why we are not talking about consultation.

Mr. Speaker, it was mentioned that this debate has been going on in the national interest for 20 years. The Minister Extraordinaire and Minister of Tobago Affairs stood in this House—I believe it was at the last sitting—and lamented the fact that there is a lack of institutional memory and therefore he was constrained to read from documents of the 1960s to bring forward that knowledge to this time. In such a climate, how can a debate which began 20 years ago in various other fora inform today's deliberation? Consultation is a key issue, Mr. Speaker.

They spoke about the fact that enough consultation was done and they wanted to move ahead, but the Chairman of the Tobago House of Assembly was constrained to write to the hon. Prime Minister requesting that he postpone the election. Here are his reasons, Mr. Speaker. I quote from the *Daily Express* dated November 9, 1996 which quotes extensively from Mr. Denoon's letter. It says:

“Denoon said in the letter the THA was never formally invited to contribute to the deliberations of the parliamentary committee which was set up to review the arrangements.

He reminded the Prime Minister that he had promised to consult the Assembly about the draft legislation before taking it to Parliament.”

4.20 p.m.

Mr. Speaker, I think the Member for Siparia just recently introduced this—which referred to a speech delivered by the hon. Prime Minister to the Tobago House of Assembly—and she quoted from his speech in which he said: “Today, my Government seeks to affirm its commitment to facilitate a change in the course of the history of Tobago...”

Mr. Speaker, in that speech the hon. Prime Minister said:

“The Government of the UNC/NAR is sensitive to the needs of Tobago. We regard the existing arrangement as untenable and have therefore moved swiftly to make the necessary alterations. We have appointed a committee to review the THA Act and prepare a draft bill to reflect the decisions of House Paper No. 6 of 1978 and indeed the aspirations of all even-minded residents of Tobago. I have been reliably informed that the work of this committee is proceeding apace. Upon the completion of the draft bill the Assembly will have ample opportunity to proffer its comment thereon before it becomes a matter for Parliament. ”

Mr. Manning: Who said that?

Mr. E. Williams: The hon. Prime Minister.

Mr. Manning: Oh, no, it is a shame!

Mr. E. Williams: Mr. Speaker, he went on further in discussions about industry and mono-product economies. And the quote continues:

“Together the Assembly and the Government must confront the challenges that attend the development of modalities to diversify the industrial base of this island. I am sure that with sufficient goodwill and co-operation we can achieve this goal. In this regard, my Government is open to suggestions and consultation. Let us not forget that unity, co-operation and consultation are essential characteristics for the future development of our beautiful twin-island Republic.”

In the words of one of my mentors—"well put".

Mr. Speaker, no wonder the Tobago House of Assembly felt constrained to appeal to the Prime Minister. I am quoting again from the *Daily Express* of November 09, 1996 which quotes from Mr. Denoon's letter. It says:

“But he noted that the committee, which was chaired by Minister Extraordinaire, Mr. A.N.R. Robinson, has submitted its report to Parliament and there appeared to be no intention to consult the THA.

Such treatment is regrettable, to be the most euphemistic, and to which the Assembly utters its most vehement protestations,”

Mr. Speaker, this is coming from the Chairman of the Tobago House of Assembly—appealing to the hon. Prime Minister because he believes the hon. Prime Minister in his speech to the Tobago House of Assembly dealt with this question of consultation. Mr. Speaker, the plot thickens and it gets "curiouser and curiouser".

In the deliberations of the committee, on October 08, 1996, in discussing procedural matters, Miss Nicholson, the Member for Tobago West—Mr. Speaker, I quote from the verbatim report of the Joint Select Committee. It says:

“Mr. Chairman, from a procedural perspective, when will we be meeting the Tobago House of Assembly? *[Interruption]*

Mr. Manning: Who asked that question?

Mr. E. Williams: The Member for Tobago West.

Mr. Manning: What is her name?

Mr. E. Williams: Miss Nicholson.

Mr. Imbert: She is asking the Chairman!

Mr. E. Williams: Mr. Speaker, the hon. Minister who sometimes announces her sobriquet in this House as "Sister Pam" went on to comment:

“It is my view that that body is representative of the people of Tobago...”
[Desk thumping]

Mr. Imbert: Did she apologize after?

Mr. E. Williams: No, she did not. The quote continues:

“...and I would like a particular day be set aside for the Joint Select Committee to meet the Assembly to hear their views on this draft document so that the voices of the people who represent the people of Tobago are heard.”
[Desk thumping]

Mr. Manning: Did she sign the report?

Miss Nicholson: Yes, she did sign the report.

Mr. E. Williams: Mr. Speaker, the hon. Member found support from Sen. London and Sen. London said—this is true bi-partisanship here:

“Mr. Chairman, I am suggesting that, especially in relation to the Tobago House of Assesmbly, if we decide that we are going to meet with them, we have an obligation to give them a certain amount of notice so it will be possible for them to have their discussions before.”

Mr. Speaker, Sen. London went on to suggest that they should meet also with the Chamber of Commerce and so forth. At that point Miss Nicholson was constrained to say again, “I was not really thinking about the Chamber of Commerce because they would have seen it in the newspapers and they would have seen that a deadline was given.” —which, by the way means, the deadline that the Tobago NAR met after—

The quote continues.

“However, I think we have an obligation to meet with the Tobago House of Assembly.

Mr. Speaker, the response of the Chairman is most instructive when he said:

“I do not think we can discriminate. This is why we are asking for public comments in writing. When the public comments come in writing we would see who are interested, otherwise we could be accused of selecting particular groups and leaving others out.”

The Tobago House of Assembly felt constrained to write to the hon. Prime Minister, seeking to have the whole election postponed because they have not been consulted.

You see, Mr. Speaker, the matter did not rest there, it went on to another meeting held on October 29 and Sen. London is saying:

“I could check the minutes. My view and that of other Members of the committee was that the Tobago House of Assembly cannot be treated as any other member of the public; it has to be treated as a partner in this exercise. Therefore, the decision as to whether or not we should meet with the Tobago House of Assembly should not be premised on whether we treated with memorandum. It is a decision that has to be made on policy and principle.

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

4.30 p.m.: *Sitting suspended.*

5.07 p.m.: *Sitting resumed.*

Mr. Eric Williams: Mr. Speaker, could you please advise me how much unexpired time I have, Sir?

Mr. Speaker: You have 30 minutes.

Mr. E. Williams: Thank you, Sir.

When we took the tea break we were discussing the business of consultation, and we were not quite finished. Mr Speaker, in looking at the deliberations of the committee, there really was a fair amount of discussion on the consultations. Quite a number of members of the committee were concerned and, Mr. Speaker, it is instructive to see who said what, and why.

Here we have Mr. Manning, asking the question again in support of Miss Nicholson, and Sen. London. He asks: “May I ask what happens if the House of Assembly submits no comments?” The Chairman asked him: “What are you proposing?” He said, “I am proposing that we meet with the House of Assembly with a specific proposal.” The Chairman says: “You have made your proposal.”

Sen. Moore, in entering the discussion, Mr. Speaker, said, "I appreciate very much the concern about meeting, in terms of democracy and so forth."

Now this is Sen. Moore who is a Government Senator, and he is from Tobago, "but in the specific case, I do not see the real need." So he did not see any need. *[Interruption]*

Sen. Moore did not see any real need to meet with the THA. That is interesting. "The Assembly was met with already, all the concerns were expressed and provision was made for persons and bodies to make submissions on the draft."

I think he is talking about some previous meeting.

"I suppose the Assembly saw that. In fact, I sat at the Assembly meeting on Thursday and, from the comments made in the discussion, no one dissented and said that they did not accept the Bill. I suppose they met with the Committee before and something was done contrary to what they expected."

He asked him: "Was any representation made in writing?"

So he was not even sure what was going on. But we are guided by the letter of the Tobago House of Assembly to the hon. Prime Minister which said that they wanted consultation.

"Sen. Dr. Mc Kenzie: Mr. Chairman, we have heard that the committee preparing the draft met with the Assembly,..."

A lesser body, the committee, preparing the draft.

"...but I look at that committee as totally different from a Joint Select Committee. From that standpoint, I would join in the call to meet the Assembly because I do not think it is the same thing when a committee selected by Government meets with a people as when a Joint Select Committee meets with the people." *[Desk thumping]*

Mr. Manning: Hear, hear!

Mr. Imbert: Who said that?

Mr. E. Williams: Sen. Dr. Mc Kenzie, and as I say, Mr. Speaker, "well put".

Sen. Brigadier Theodore. I did not see too many comments from him, but he is a man of few words.

Miss Nicholson: His only business is dealing with crime.

Mr. E. Williams: But, Mr. Speaker, he did make a comment and in the last paragraph of his comment he says:

“In general terms, meeting with them seems to be an item which is preferred.”
[*Laughter*]

In other words, he is referencing a position of consensus.

“While it is for them and about the Tobago House of Assembly, it would be good to meet with them, but we need to know what we will meet about.”

So he is already supposing that they are going to meet, so it is only a question of what they are going to talk about.

Dr. Rowley: What is this!

Mr. E. Williams: So, Mr. Speaker, these were the concerns of members of our Joint Select Committee [*Interruption*] Mr. Speaker, those sentiments were not confined only to Members of the Joint Select Committee. I observe here in the *Newsday* of November 6, 1996 a letter to the Editor by one D. J. Phillips of Tobago.

Miss Nicholson: He is just bold. He is a bold fellow.

Mr. E. Williams: Well, he is bold. Mr. Speaker, through you, I heard an aside from a beloved Member of this House —

Miss Nicholson: Sorry, I withdraw that.

Mr. E. Williams: —that this D. J. Phillips is a bold fellow. But he is boldly supporting your call. [*Laughter*]

“A golden opportunity to radically alter the way the island is and will be administered is about to be lost or should I say, has already been lost.

There are those who, by smothering public discussion have effectively promoted the status quo with adjustments to suit their own designs.

What is still only a review of the Constitutional and Legislative Arrangements for Tobago is being touted as being the final document at political rallies under the guise of public discussion.

Do the organisers of these party political meetings know something we do not? Madam Editor, this letter is, in the writing, a 'last call' which I suspect is already too late. By suppressing public and open debate the intellectuals appear to have won the day and with deeds more politic than just, have prevailed over basic common sense and justice.”

5.15 p.m.

A call for justice from a resident of Tobago and, obviously, we know he is a *bona fide* resident because perhaps his parliamentary representative has just given us his *bona fides*.

From the editorial in the *Newsday* of November 11 under the heading "A valid call", I will just read one paragraph which says:

"The neglect of the Joint Select Committee on constitutional and legislative arrangements for Tobago to involve the Assembly in discussions on any changes for Tobago was and is clearly unacceptable."

Mr. Speaker, public comment, committee comment, questions of common sense, principle, consultation, promises given, promises which have been forgotten and not fulfilled. The House really ought to take note of these things because we are being asked to take note of a report for which a considerable body—including Members, albeit they signed in the end, but we have already speculated as to why it happened—of public and private opinion has suggested that this was not the way to go, to the point where one Senator resigned. In the *Daily Express* of November 12, under the heading "Do what's best for Tobago", former Sen. Deborah Moore-Miggins said:

"For a long while now the party has been faced with a serious rift down its mid-centre. I am not satisfied that any real effort is being made to address it."

Mr. Speaker, clearly there is something else that we do not know and I will freely admit to that. In the attempt to discard the minority report, I do know that a considerable amount of time was spent in close proximity to the residents of Tobago, consulting with them and also discussions, under whatever name, were held with the Tobago House of Assembly, so much so that one member of the Assembly wrote to the Chairman of the Joint Select Committee and pointed out that this happened before; he felt insulted that it did not happen this time, backed up as I would remind this honourable House, by the words of the Chairman of the Tobago House of Assembly in appealing to the Prime Minister. I think I have made a clear and cogent case that this honourable House really ought to be asked to take note of the fact that in addition to the potential invalidity of this report, the consultation which could have informed the report even more and which in fact was promised, was not held.

It is not that all Members opposite did not know this or did not know to expect this, because again in doing one's homework, just by chance trying to understand

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the institutional history of this House, one comes across the debate on the Elections and Boundaries Commission Local Government Order held on August 26, 1991 in which the hon. Member for Oropouche, in taking umbrage to some measures being undertaken by the then government, made the point:

"While I am on this point, I want to show the discriminatory attitude of this government..."

Speaking of the then NAR Government. At that time, Mr. Speaker, one love had become love one.

"...with respect to funding of the Tobago House of Assembly and funding for the respective county councils in Trinidad."

In other words, he saw at that time—and I gather from this homework and I wish he could correct me—a clear disparity in the way Tobago was being treated, in the way the House of Assembly was being treated, when the hon. Minister Extraordinaire was prime minister and in full charge of everything—33:3.

Here we are today faced with a situation where the same hon. Minister, from all accounts—I would not say refused, but—neglected to consult with the same Tobago House of Assembly. And one wonders, why? It begs the question and I ask that this House take notice of that.

Moving on, Mr. Speaker, I came across a commentary in the *Newsday* of November 3 by a political commentator, Dr. Hamid Ghany. As I understand it, he is a lecturer in political science at the university and I gather that he is highly regarded in terms of his understanding of political science.

Mr. Sudama: I gather that.

Mr. E. Williams: I gather that. If you wish to say that he is not highly regarded, you may do so. He points to what, in his mind, are certain questions with regard to certain clauses in the Bill which forms part of the report which is before this House. He refers to clause 25(1) of the Bill and for those Members who have it in front of them, it is on page 15. It says:

"The Assembly shall, in relation to Tobago, be responsible for the formulation and implementation of policy in respect to the matters set out in the Fifth Schedule and in respect of such responsibility the Assembly shall give due consideration to national policy."

I am no expert on political science or constitutional law. I will be guided by somebody who has the *bona fides*. In fact, I am a humble geophysicist. Dr. Ghany says:

"There is no problem with the Assembly having the power to formulate and implement policy on matters for which it will be responsible. The real problem lies with the fact that the Assembly will be required to 'give due consideration to national policy'. This means that the Assembly may be free to disregard national policy and do as it pleases after having given 'due consideration'."

At first, I thought this was semantics, then I started to think about it and read a little more. He said:

"Surely this is undesirable and represents a challenge to the notion of a unitary state."

I thought so. Common sense was suggesting that and here it is somebody with the *bona fides*—

Mr. Robinson: It is not common sense, it is political science.

Mr. E. Williams: "If the Assembly is to be established in law under the Constitution of Trinidad and Tobago, then it cannot act as it pleases and it must be made subject to a higher authority and its powers must be exercised within a framework, such as national policy."

5.25 p.m.

Mr. Speaker, I gather from this that the higher authority that is being referred to is the Parliament of Trinidad and Tobago, and because I am a Member of this Parliament seeking, in whatever humble way, to influence and to shape national policy, this gentleman is suggesting that by the eventual passage of this Bill, which I guess we will talk about at another time, could, in fact, remove the powers of this body over the unitary state that is my beloved Trinidad and Tobago. If that is true, then I find that to be rather odious and probably unacceptable.

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

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mrs. C. Robinson-Regis*]

Question put and agreed to.

Mr. Williams: I thank my colleagues in the House for the extra time and you for your indulgence, Sir.

Dr. Ghany went on to point out a deficiency, in his view, in clause 26(1) of the proposed Bill. That section reads as follows:

"The Government shall retain responsibility for the matters set out in the Sixth Schedule and in the exercise of such responsibility, the Government shall give due consideration to the views of the Assembly."

What Dr. Ghany points out is that it is possible that this particular clause which forms part of the report which did not have full and proper consultation and which may, in fact, be invalid anyway, may be at variance with section 75 of the Constitution of Trinidad and Tobago, which reads as follows:

"There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible therefore to Parliament."

He says:

"The draft Tobago House of Assembly Bill, 1996, is seeking to define, in relation to Tobago, what the Government is responsible for."

The tail is wagging the dog, Mr. Speaker. I continue:

"It goes further to require to Tobago...what the Government to consider (sic) the view of the Assembly as part of its responsibility. As the Constitution states, the Cabinet..."

And the Cabinet comprises the hon. Members in this House.

"...is responsible to Parliament for 'the general direction and control of the government.' It must be remembered that the Constitution is the fundamental law.

For the draft Tobago House of Assembly Bill that is to be passed by a simple majority, to attempt to alter the meaning of section 75 of the Constitution without stating that that is its purpose is constitutionally unsound."

This is a warning flag, Mr. Speaker, a red flag being waved to this Parliament. As I said, I am merely reading into the record the considered scholarly opinion of somebody who has the *bona fides*. He ended his commentary by saying, and I quote again:

"Every Tobagonian is entitled to know what proposals are being advanced for their future. The responsibility of the leaders is to ensure public education and the advocacy of legally sound provisions."

This, to me, is a warning signal to this House that we ought to reconsider. I think it is a signal that we ought to take note of and maybe we can be guided by legal luminaries who may want to comment on this. In the face of such a considerable amount of public comment, I think that this House really should take note of those things.

In wrapping up, I want to just go over the main points. A lack of quorum at the last committee meeting would suggest that this House ought to note that the report may, in fact, not be validly before the House. Because of the lack of consultation, as hon. Members of this House and members of the public have pointed out, with the duly elected representatives of Tobago, I think that also ought to be taken into consideration. Finally, those constitutional points which have been put out into the public domain by a scholar on the subject also ought to be taken into consideration.

Again, in closing, I just want to clarify two minor points which were also raised by Members opposite. The first point deals with the constitution of the Senate. I think it was the hon. Member for Siparia who pointed out there was no change in any ratio. With the greatest of respect and in the comparison of politics versus mathematics, six Opposition to nine Independents is a ratio of 2:3. It is now proposed that the ratio be reduced to six Opposition to 12 Independents, which is a smaller ratio of 1:2.

Similarly, for the record, may I point out that six Opposition Senators out of 31 Senators is a ratio of 1:5, whereas six Opposition out of 37 Senators is a smaller ratio of 1:6.

The second point is on the question of the geology of Tobago, both onshore and offshore. As a geo-scientist who was once employed with the Ministry of Petroleum and Mines, who received a Government scholarship; did my studies; returned to serve my nation—

Hon. Member: Where did you study?

Mr. Williams: The University of Houston. My degree is a double major in geology, with a major in exploration geophysics.

I was a member of staff at the Ministry of Energy and Energy Industries when the NAR government, in the period of 1986—1991 was in power. The staff at the

ministry was advised, coming from the highest authority in the land at that time, that we must find the oil that exists around Tobago. Those were the instructions we received. Not, "if", but find it! After the laughter died down, we then proceeded, based on our instructions, and with the best technical capability that was available to the staff at the time, to look at several thousands of kilometres of two-dimensional seismic data which were tied to, and calibrated by, several exploratory wells which were drilled in and around the Tobago area.

5.35 p.m.

It was found that the best potential likelihood is for what is called dry gas, not oil. Dry gas means that there are no liquids in it, only pure methane; 99.9 per cent methane.

Miss Nicholson: What is the relevance of that to this debate?

Mr. E. Williams: Mr. Speaker, in addition to which, structures that were favourable to such accumulations, a number of structures have been tested and several have been found to indeed have accumulations of dry gas and among them, the ex-Trintoc field and then all the Agip-Deminex—it is called the Patao-KK Structural Trend—which extends from Venezuela where we are ahead of them in the race to develop our gas on our side. Theirs is called the Christobal Colon Project where they are trying to pipe their natural gas to the Paria Peninsula. Ours extends roughly to halfway across the geographical width of Trinidad, and not into the areas which, even with the most optimistic of extensions of the maritime boundary around Tobago, would include them in waters that would be considered Tobagonian.

Mr. Speaker, I have heard the comment for several years that Tobago has been denied its natural resources because some wicked people may not have gone to look for it. I want to have the record of this House show that we went to look for it. We looked and we looked and we looked and we are yet to find it.

Hon. Member: Directional drilling. Did you try that?

Mr. E. Williams: Directional drilling is done only after you find it.

Mr. Robinson: Failure! Failure!

Mr. Assam: How well did you look before you left?

Mr. E. Williams: Mr. Speaker, civil servants in this nation, particularly those at the Ministry of Energy and Energy Industries, take their job very seriously

because they recognize that the hydrocarbons with which the unitary state of Trinidad and Tobago is blessed, have kept this economy well afloat over a long time. When I was there, and certainly now with my colleagues who are still there, we did our best to manage this as best we could.

Mr. Speaker, we looked and we looked and we looked, but the fact of the matter is that the geology of the seabed in Tobago shows there is a very thin section of sedimentary rock above a metamorphic and igneous basement—that is to say, rock which cannot generate hydrocarbons—unlike the situation in Trinidad further to the South where there is proven source rock which is similar to the source rock in Venezuela. So, geologically, it is beyond geoscientific knowledge to expect to find hydrocarbons in or around the Tobago area.

Mr. Speaker, one other comment, lest it be said that I have only majored in hydrocarbons. I was once the consultant geophysicist to the Institute of Marine Affairs which was contracted to do a job for the Port Authority of Trinidad and Tobago to assess the ability to deepen the Tobago Deep-water Harbour by dredging. It was I who first mapped the rock that sat in the middle of the Tobago harbour. *[Laughter]*

When that report was presented to the then Tobago House of Assembly which was chaired by the hon. Minister Extraordinaire, that report was rejected. When the dredger ran up on it and there were cost overruns in the amount of \$25 million—that is what I was told—as a citizen of Trinidad and Tobago, concerned for the development of my nation and the beautiful island of Tobago, I am not ashamed to tell this House that I nearly cried because we gave it our best shot and it was rejected. At the time, the rejection came from the Tobago House of Assembly, chaired by the hon. Member opposite.

Mr. Speaker, lest it be said that all Trinidadians are polluters of Tobago, as was indicated in this honourable House on Tuesday last by the hon. Member opposite, the Minister Extraordinaire, I took umbrage to it.

Mr. Robinson: Mr. Speaker, that is totally false and the hon. Member knows it is false.

Mr. Imbert: I was here. I heard you say it. *[Crosstalk]*

Mr. Speaker: Order, please! Order, please!

Mr. E. Williams: Mr. Speaker, I would not repeat myself because it is in *Hansard* and I have no fear of that.

Tobago Arrangements Report
[MR. WILLIAMS]

Thursday, November 14, 1996

This Member of Parliament has sought, throughout his entire professional career which was funded by this nation, to do his best for every part of this nation, including Tobago. This measure that is before the House today is seriously flawed and with all of my concern, and with the love for my nation, I ask that this House take note of those potential flaws in the document.

Thank you, Mr. Speaker.

The Minister of Sport and Youth Affairs (Hon. Pamela Nicholson): Mr. Speaker, I really came here this afternoon to listen because I would talk in great detail when we return with the Bills, but if it is just to make one sentence, that is to give support to the Motion:

"Be it resolved:

That this House take note of the Report of the Joint Select Committee appointed to consider and report on the Report of the Committee appointed by the Cabinet to review the Constitutional and Legislative Arrangements for Tobago."

I must rise this afternoon.

Mr. Speaker, under the PNM regime, Tobago has been treated, and has always been treated, as a hinterland of Trinidad and Tobago and has not been brought into the mainstream of the development process. It is only when Tobagonians are a part of the governmental structure that that kind of success can be made on behalf of Tobago.

When the Member for Port of Spain South got up here this afternoon, he seemed to have fallen in love with the Member for Tobago West.

Mr. Manning: As difficult as that is. *[Laughter]*

5.45 p.m.

Hon. P. Nicholson: The Member was just pointing out the forthrightness and straightforwardness. If we are at a Joint Select Committee level, all Members are supposed to raise areas that are of concern to them. However, when I raised my question there were certain other areas that I did not look at, and after I looked at the document, I recognized that the Persaud committee met with the Tobago House of Assembly and I recognized that it was irrelevant even though I argued in a certain tone for meeting of the Tobago House of Assembly.

On page three of the draft, at paragraph 1, it is stated very clearly that the committee met the Tobago House of Assembly and that information was from contributions of members of the Tobago House of Assembly at a meeting held with them in Tobago, and the meeting was very instructive to the decisions of the committee. So priority was given by the committee to meet with the Tobago House of Assembly.

Secondly, the public was instructed that they can contribute to the work of the Joint Select Committee by sending any contributions that they had to the draft, in writing. The Tobago House of Assembly sent in their contributions in writing. When one looked at the questions raised by the Tobago House of Assembly, one could argue that almost all of the points that they raised were addressed by the Joint Select Committee. I think it was a non-point which was raised by the Member for Port of Spain South.

I would also like to refer to a few points raised by the Member for Arouca South when she argued that the Prime Minister and Minister Extraordinaire were making statements about each other. I want to tell the Member that there are times when we are converted, and if one is converted for the welfare and stability of Trinidad and Tobago—and that is what we are here for in politics—they are grieving because they begged us so much to join them and we told them we were not joining them because they are too wicked.

Mr. Speaker, I would just like to refer to a few other areas and give my support. I do not believe that there is much one can argue about in the report. I believe that the more detailed area would be when we are dealing with the constitutional and legislative bills.

When one looks at clause 3—the area which the Member for Arouca South raised, the Member was very concerned about the constitutional aspect of the clause which relates to Section 40 of the Constitution.

She said that there was no need to have that increase in the number of Senators that was put forward and of which she was a part, if one is to address the senatorial problems which affect Tobago and to leave the balance that she would like to see.

If one wants to deal with balance, and whatever one wants to deal with, the whole question of the senatorial positions for Tobago is very critical. The PNM ought to be ashamed to sit here trying to justify that Tobago should not have Senators in the Senate. What a backward step from Independence!

There are two elected representatives in the Lower House constitutionally enshrined with no constitutionally enshrined representation in the Upper House for Tobago.

Mr. Manning: Mr. Speaker, I am very grateful that the hon. Member has agreed to give way, and to honour a tradition of the Westminster System under which we are operating.

May I ask the hon. Member whether she is now suggesting that representation in the Senate be on the basis of geography?

Hon. P. Nicholson: Mr. Speaker, there are two islands making up a sovereign democratic state and there is a system of government comprising a Lower House and an Upper House; both islands have representation in the Lower House and it is necessary for the same thing to happen in the Upper House. It is against that background if one is talking about a twin-island state, and if one is talking about being unitary, that the whole question of Tobago being represented particularly at the Upper House level, is very important and necessary, basic common sense, as the Minister Extraordinaire argued.

Mr. Speaker, there is a situation in the Upper House where the President appoints Senators against the background of business, the church, labour and so forth. The Member for Arouca South was arguing what is that special representation for Tobago? What will that special representation be doing for the Tobagonians? Would that person just be coming to talk for Tobago? When Senators come into the House, do they just talk for labour, do they just talk on business or for the church? I would like the Member to tell us if those Senators only speak on the specific areas or they talk for the advancement and development of Trinidad and Tobago. The cohesiveness of the Member for Arouca South's argument is not there.

When the representatives come from Tobago, obviously, they are going to be talking about everything that affects Trinidad and Tobago, but when the specifics of Tobago come up they are the people who will be best qualified to articulate Tobago's case.

If we are talking about a sovereign democratic state; if we are talking about a unitary state, one cannot have Tobago not being represented in the Upper House. That is why I support this document and this report today.

5.55 p.m.

What is happening now is what should have happened since Independence. Those whom they say know the law and are the constitutional lawyers definitely erred in their thinking. *[Interruption]* I am not a constitutional lawyer. It is not after 20 years of struggle that they have given us this. They should have been visionary. They are the fine minds of the country and should have seen that long ago.

Another point which the Member for Arouca South and the Member for Port of Spain South raised is that we were going through it with haste. Mr. Speaker, 20 years of struggle, day after day, month after month and year after year for what we are seeing here today, cannot be haste. It cannot be!

Mr. Robinson: Patience!

Hon. P. Nicholson: Total patience!

Many other countries would have separated. They saw it in the Caribbean with the case of St. Kitts and Nevis. I am making the point that Tobago is very patient. If the recognition which should have been given to Tobago were given from a legal and economic perspective, the development that one would have seen in Tobago, the Member might not have had her husband today! Sorry Mr. Speaker, I withdraw that. *[Laughter]*

Mr. Speaker: Minister, you are withdrawing even before I asked you to.

Hon. P. Nicholson: I am saying that because of the development which would have taken place in Tobago, there would not have been a case where the Leader of the Opposition would have been talking about 50,000 persons. We would have been talking about 300,000 persons remaining in Tobago with their families. We would not have lost the Member for Diego Martin West and have him wasting here at present. He would have been in Tobago doing some progressive work for the advancement and development of Tobago.

Dr. Rowley: Freedom of movement.

Hon. P. Nicholson: I stress that the whole question of the Senators is not an area which I think the People's National Movement should question. That should have already been addressed and it should not have been left to the whims and fancies of parties, it should be constitutionally enshrined. We are saying three Senators, two being sent by the majority party and the President from an independent perspective.

She raised the question of financial regulations. When the Joint Select Committee looked at the development which would be taking place because of more powers which would be given to Tobago, we recognized that those regulations would need upgrading. We said that we would give a time limit of two months for the rules and regulations to be brought before Parliament, and the Tobago House of Assembly would continue to function with the present financial regulations. We recognized that problem. Everybody decided that it was prudent for us to take some action and we decided to amend that particular clause by giving a two-month time limit. That point should not have been raised this afternoon. We recognize that if the country has to be run efficiently and effectively, that it is important for us to have our financial regulations to deal with the whole situation.

I do not subscribe to the view which has been postulated by Dr. Ghany, the lecturer at the University of the West Indies. The Tobago situation is not one of haste. It was from 1976. I was a party to that. When the public appeared before the Joint Select Committee that included the Member for Tobago East, that came out of the motion which was raised by the Member for Tobago East. I was one of the representatives for Tobago who sat before Mr. Thomasos. He nearly sent me to jail. I could never forget as a young person when I said, "If you are dealing with Tobago's business you should go to Tobago!" He shouted, "Contempt!" He threatened me with jail. I was a part of that struggle. We do not have to go again. We have gone several times and Tobago's business has been argued, articulated and explained. The people know what they want and this is what they have been crying out for from day to day.

I congratulate the UNC/NAR Government for the job it has done. We are taking action to implement what should be happening in Tobago. I am sure that it would be advantageous for the development, unification, closeness and sensitivity of rapport between the two islands. That is why the Government should be congratulated. *[Interruption]* We always function because of national unity and love for Trinidad that never paid attention to us.

Mr. Robinson: That is why Tobagonians marry Trinidadians.

Mrs. Robinson-Regis: That is why Trinidadians marry Tobagonians.

Hon. P. Nicholson: Another point the Member for Arouca South raised was the question about salaries for the people in the Assembly. I do not subscribe to her view. She argued that the secretaries should not get a certain salary. When one

is the minister one would deal with Trinidad and Tobago, just sports and youths or education. When the number of secretaries is limited to five, that is putting a number of areas *en bloc*. When she said that the task might be onerous, that is what would make it onerous and why they deserve a similar salary.

It is not only one area, it will be a number of areas. It could be all the social areas that are put together for one person. That is what makes the task onerous and that is why the compensation should be just.

6.05 p.m.

Mr. Speaker, if we have to develop the Tobago House of Assembly, there must be people with certain qualities, in the same way people struggle to get a proper principal from a secondary school to resign to work with them because they too recognize that they have to have persons with certain educational qualifications, not just from a community perspective. There must be a mix and there must be people to take on the onerous task that the Member for Arouca South spoke about. If that is done, there must be compensation in the same way the Member for Diego Martin Central argued that he was not coming back to this House unless he were compensated as a Minister.

Mr. Valley: Mr. Speaker, I never said that. I said that I was not coming back in government.

Mr. Speaker: Hon. Members, we know that is not the way that we clarify points.

Hon. P. Nicholson: Mr. Speaker, what he said was that he was not coming back in government—he meant as a Minister—unless people are paid properly. That is the same thing here. We must compensate people properly in order to have the best people come forward to make the kinds of contributions that we need at a governmental level in the country. That is what we are postulating for the Tobago House of Assembly.

Secondly, in the same way we have to put a number of areas *en bloc* and there has to be a secretary to run it from the policy perspective, there must be someone from a Permanent Secretary level to run it. What this does is open opportunities for the public servants in Tobago so that when they get to the AO II stage they do not have to come to Trinidad if they want promotion and so forth. When there is that opening, they can remain in Tobago and get that kind of development.

I think that was one area they should have recognized. I thought the Member was very clear when we discussed it at the level of the Joint Select Committee. I was so disappointed to hear her make that kind of case this afternoon.

I think that the area of the Senators being enshrined in the Constitution is very critical. I believe that the Tobago House of Assembly Act must also be enshrined so that they cannot repeal and remove it when they want. There is also need for the positions of secretaries, the people who will function as the Cabinet to the Tobago House of Assembly, also to be constitutionally enshrined, so that the PNM cannot remove it when they want.

Those areas taken care of in the report are very, very critical and I do not feel that we have anything else to talk about here this afternoon, until we come back another day to deal with the Bill. I believe that all of us will be here to deal with the other important areas.

So, Mr. Speaker, I support the Motion and note the report which has been brought before us here today. I hope that we will get all the support from the Members on the other side because they were party to the discourse here. If one goes through the minutes, Mr. Speaker, I know that the Senator who resigned a day or two ago supported most of the clauses we dealt with here today. From the day that the Member for San Fernando East arrived, he had no control over himself. He reversed a number of his positions. However, we will take care of that in a few weeks' time at another forum.

Again, I wish to give support to the Motion brought here and urge the other side to do same because if they do not they will not be able to come to Tobago in the next few days.

I thank you.

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, when a motion was moved in this House at an earlier time in this session, I made a short contribution, with all sincerity. I said that I looked forward to a day in the very near future when we would be debating in this House, a bill or any measure, the intent of which would be to give Tobago as much autonomy as possible within the context of our Constitution. If I did not say it then, I want to say it now: nothing will give me more pleasure than to be able to have my name recorded against a vote in favour of a measure to give Tobago that autonomy.

I want to say to my esteemed colleague from Tobago East that he can count on my support totally and absolutely for any autonomy for Tobago, within the context

of the Constitution of Trinidad and Tobago and within the context of the practicality of the provision. Mr. Speaker, as a Member of Parliament I will not be encouraged to talk foolishness or support nonsense in or out the Parliament, or be threatened to take a position because it will please other persons. I will take my position on this matter and so be it and if there are those who believe if one takes a position on a measure one is against Tobago, well then that is their interpretation.

I want to say that there is much in the attached draft bill which represents the thinking which formed the basis of that document which I had helped to prepare last year September in Tobago when the Tobago House of Assembly and the Central Government met. We had a lot of common ground. We had a few areas where both sides were not entirely happy, but we agreed to take a middle-of-the-road position. Even then, our position was that if it could be improved, then let us improve it. Much water has passed under the bridge since, but the bridge is still there and we want to build and strengthen that bridge.

Mr. Speaker, I must say this afternoon that I am very disappointed to have to sit here and listen to the substance of the arguments, particularly those of my colleagues who argue that this is not being done right. It is not that we are against putting this in place for Tobago. We are saying that we want to support it, but it is not being done properly.

My colleagues on the other side seek to give the impression that it is being done properly and seek to justify the route that is being taken.

6.15 p.m.

Mr. Speaker, my understanding of this is that if a Joint Select Committee of the Parliament is meeting to deal with any matter, and that committee schedules a meeting for a particular day, and on that day there is no quorum and the Chairman of that committee has to meet deadlines in the Parliament, it seems to me that the proper thing that should have been done was rather than come to the Parliament and say that substantial work has been done and therefore the matter can be concluded in the Parliament, the committee should have reported the measure of progress attained to date and the Parliament would allow the committee to go back and continue taking whatever time is required to bring it to conclusion. [*Desk thumping*]

I find it very strange indeed, Mr. Speaker, that what we have been told, is that the committee met, had a meeting, left, went to their respective homes and agreed to meet again at another date. They met and did not have a quorum and then what?

Let us go to the Parliament and conclude the proceedings. I want to draw attention, in the context of what I have said, to the advice of those who cannot be accused of having any political axes to grind, because I have heard it said many times that if politicians are held in low esteem in this country and elsewhere, it is largely as a result of the behaviour of the politicians themselves, and those persons who reviewed the arrangements, most of them were not politicians. In fact, four-fifths were not politicians and this is what they have said, Mr. Speaker.

[Mr. Robinson leaves the Chamber]

Mr. Valley: Do not run nah man.

Dr. K. Rowley: In the minority report of Justice Guya Persaud—and he is no ordinary citizen; if my memory serves me right, he is the Chairman of the Law Reform Commission of this country—after tabling his minority report on the review exercise, this is what he has put there, and I think he has put it there for the benefit of those of us who call ourselves politicians. He says:

“We feel that consultation and goodwill will go a long way towards a happier relationship and towards the success of the Unitary State of Trinidad and Tobago...”

And he has prefaced that by saying:

“...much of the uneasiness that seems to have been engendered in the minds of members of the THA was borne out of lack of trust and confidence nurtured throughout the years by the politics of the season.”

That is Justice Guya Persaud giving his thoughts on the matter; and what are we doing? We are being told this afternoon by the mover of the Motion, chairman of the committee, that the committee did not have its last meeting because there was no quorum to bring it to conclusion because of the throes of an election in Tobago. Today is November 14, 1996 and the election is scheduled for December 9, 1996 and they are being told to do this. I am saying to my esteemed colleague from Tobago East, had he been sitting on this side, and anyone else had been sitting on that side who would have tried to do this, the person would have had hell to pay from him in this House. *[Desk thumping]* On more than one occasion, when governments attempted to move quickly on matters by circulating papers, I have seen him pick up his papers and walk out of the House many times, so strongly does he feel about doing things properly.

I am saying that something is radically wrong with this. If the last meeting of the committee did not take place because there was no quorum, then it is improper not to come and report to us, and seek to hoodwink people and tell us that it came to a conclusion and we should proceed, especially with the justification that an election is taking place in Tobago. Let the election go on in Tobago. But let this exercise also go on within reasonable time-frame and exhaustive debate.

Mr. Speaker, I have heard many comments this afternoon, and I have many files. I have brought an old brief case with a rusty handle, because I have not used this briefcase nor these documents for a long time but I knew it would come up again. I like to keep my thoughts and statements based against facts, not emotion and personality. I have never taken that position in politics. Facts! This is the NAR Manifesto of 1987. My esteemed colleague from Tobago was the Prime Minister, and he had 33 seats in the Parliament in September, 1987. Listen to what the country was being told for the local government election. It says:

“A new relationship has been established between the twin-island communities of Trinidad and Tobago which is shortly to be given expression in legislative form.”

Yet this evening I sit here and I am being told that in 1965 that I was a boy in short pants, or whatever. The bottom line is, if there is any blame to be shared, let us share it copiously and not be sanctimonious in pointing fingers at people. If in September 1987 a commitment was given that shortly it will be done—and the Member did not have to ask any Opposition to agree to anything because he had 33 seats, and that is a fact—my concern, when I talk about being unhappy about the way things are going, is that I believe that there are too many loose strands. Again, the committee spoke about wanting to do this and there is a very excellent phrase about getting Tobago an improved relationship without rupturing the fabric. Nice language, the tapestry. Therefore, I want to speak in terms of strands. There are too many loose strands.

The committee does not meet but the report comes in a hurry. A Motion is moved in the committee to ask that the committee goes to Tobago to meet with the Tobago House of Assembly, not once, not twice but repeated times and the Motion was not put to the vote. I am not making this up, it is there in the minutes. So what are we faced with? We are being asked to conclude this matter in this way against the protestation of the Chairman of the House of Assembly for whom I hold no brief, except to speak on his behalf as a state administrator like myself. And the same people who for years have said to respect the Assembly, especially

the office of the Chairman of the Assembly, are pushing that. How can I agree to that? [*Desk thumping*]

I am being told that they met with the Assembly and my good Friend from Tobago West for whom I have the highest regard, says that she has changed her position because she discovered that they had met with the Assembly. When the team met with the Assembly, it was for courtesy. There was no document before the Assembly, there was no Assembly's written position and no position from the team; it was simply a courtesy meeting which accomplished absolutely nothing because there was nothing to discuss. The meeting of the technical team can in no way substitute for a meeting of the Joint Select Committee of the Parliament with the Tobago House of Assembly, and there can be no excuse for that. Therefore, we cannot agree with the approach and therein lies the substance of our minority report.

I have a problem because this matter did not arise with the mailman dropping it at our step, and we are not discussing this to remain within the confines of these walls. It has a history and after we have done whatever we do in this House, it has to go out there and have a life. I have a very peculiar position and it is from that standpoint that I think I am duty-bound to say what I have to say, because I am probably one of the few persons in this country who get slammed politically both in Trinidad and Tobago.

6.25 p.m.

Mr. Speaker, if I go to Tobago to contest an election they tell me I am a Trinidadian because I have lived there most of my life. If I come to Trinidad to contest an election they tell me to go to Tobago because that is where I was born. I am the only person in the politics of this country who has been to the people of Tobago and to the people of Trinidad and got a good response on both sides. [*Desk thumping*]

I contested an election in Tobago West and I lost marginally. [*Interruption*] You lost your deposit. [*Laughter*] I got more votes in Tobago West than you would have had hot dinners, I got thousands of votes there. I represent a constituency in Trinidad—and there is something that has been missing from this debate, not only today, but for years—and while we agree that there is need to upgrade the statute of the Tobago House of Assembly, there is need to improve the relationship. There is need to give the Tobago House of Assembly more elbow room to facilitate the growth and development of Tobago. I am putting it to this

House that a matter of that nature cannot simply be a matter for the people and Members of Parliament for Tobago; that matter has to be for the people of Trinidad and Tobago. [*Desk thumping*] I will repeat that. A matter like this, to amend the Constitution, has to be a matter where the interests of the people of Trinidad and of Tobago are seen in totality at all times. [*Interruption*]

Mr. Speaker, it cannot be that I am threatened by the Tobago House of Assembly election because as I stand here today that is the least of my worries. A friend of mine said, when there was a shortage of rice and he went to a shopkeeper who hid the rice and said there was none, he picked up the bag of rice and left. He said, "well you said you have no rice, so you cannot lose any rice." [*Laughter*] Mr. Speaker, do you understand that? As I stand here I have nothing to lose in Tobago as yet. Therefore the threat about what would happen in the election is not a concern to me. My concern is that if we do anything in this House to facilitate, in any small way, anything other than an improved relationship, or worse, a tearing of the tapestry, when my children are old enough to understand it, they must not ask me: what stupidity did you do in the Parliament on November 14, 1996? [*Desk thumping*]

Mr. Speaker, as I am noting what this report contains, I am hoping that those who are chuckling on the Government side, when they intervene in the debate, would explain to me the matters that I am concerned about. I am giving the assurance that if they explain it in a way to convince me that there is nothing to be worried about, my support would be the first they would get on this side, but there are many things they would have to explain.

The Constitution of Trinidad and Tobago says certain things and the committee's report says on page 3:

"To this end, the entrenchment of Tobago's right to self-determination in the Constitution while respecting primacy of Parliament as the law making institution in the country forms the conceptual foundation of the Bill."

It says that whatever we are doing here is rooted in the Constitution. With your indulgence, Mr. Speaker, I will read section 75 (1) of the Constitution. It says:

"There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible therefor to Parliament."

That is the Constitution of Trinidad and Tobago and I do not need any lawyer to explain that to me. That is simple and straightforward English.

If that is so, how then do we explain a possible scenario like this where, when one looks at the attachment of this report, the draft Bill, clause 25(1) says:

“The Assembly shall, in relation to Tobago, be responsible for the formulation and implementation of policy in respect of the matters set out in the Fifth Schedule and in respect of such responsibility the Assembly shall give due consideration to the national policy.”

Look at this scenario, Mr. Speaker. We pass this Bill as is—let me clarify by saying that I have no problem with the Tobago House of Assembly having as much latitude as possible, but this wording as exists here is trouble—what if the Assembly is about to do something as an item under the Fifth Schedule and says, “we spent the whole night looking at national policy, we have given it due consideration, but you are going left and we decide to go right,” they would have complied with the law. They would have given it due consideration. They would go ahead and do whatever that thing is.

What happens, Mr. Speaker? Somewhere in the country there is a Cabinet responsible—as per section 75(1) of the Constitution—for Trinidad and Tobago, general direction and control. I want anyone on the other side to tell me, under the proposed clause 25(1), how will any person acting as a Member of the Cabinet exercise general direction and control of the Government of Trinidad and Tobago under these situations? What is the avenue by which the Cabinet will exercise that general direction and control?

Mr. Humphrey: Give us an example.

Dr. K. Rowley: For example, we have said, in this country, as a national policy, that all children should be vaccinated before they start primary school. In fact, if one’s child is not vaccinated he or she would not be allowed in school. Suppose some smart aleck in Tobago decides, that is not required in Tobago because the climate is so salubrious, or it costs too much money, or that he does not like babies injected and so forth and then says, “I have taken note of the national policy to vaccinate all the children but I am not doing that”, and does not proceed to do it in Tobago, who, in the Cabinet is going to enforce that? Who is going to carry out the responsibility of section 75(1), “to exercise general direction and control”? Who, Mr. Speaker? How, and by what avenue?

Let me give another example. National policy is that, under the law all children should be in school to age 13 under the truancy considerations. Suppose persons in Tobago decide that is not good enough, we want our children to leave school at

age 10—which is unlikely—or even more likely, that we think that it should be at age 17 and they say, "we have taken note of 'due consideration and national policy', but we are going to do that", whatever the item is, my concern is that there is no practicable way for persons operating in public administration in Tobago to demonstrate that they have given, "due consideration".

In fact, if they do not agree with any aspect of Government's policy, all they have to do is say, "I have given due consideration and I have dismissed it." I am saying that is going to be out of step with section 75(1) of the Constitution of Trinidad and Tobago where another body is charged to exercise, general direction and control. *[Interruption]* I said, whatever the action is, the way this is worded it leaves the Tobago House of Assembly with an opportunity to ignore Central Government policy by simply saying, "I have given due consideration to it."

6.35 p.m.

Whereas the Constitution says, that Cabinet is accountable to Parliament, a question follows: To whom is the Assembly accountable? In a scenario where something like that happens where Government *[Interruption]* By the same token the Cabinet could take the same approach—they are two separate bodies.

Section 75 says:

"There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible therefor to Parliament." *[Interruption]*

I am not arguing that Tobago should not be given that. I am saying that if we are to agree on that, then the Bill to amend the Constitution to entrench it, is incomplete. We have to go now and amend section 75(1) to say that there shall be a Cabinet for Trinidad which shall have general direction and control for the Government of Trinidad and shall be accountable to Parliament. Therein, lies the crux of this matter. Mr. Speaker, if you do not agree with me—

It is in the light of that interpretation that I am saying it is unfortunate that we are proceeding in this way, where the committee, having not concluded this matter properly—without a quorum at its last meeting—we are rushing this matter through the Parliament when the kernel of this matter is going to be the subject of interpretation. I am not prepared to take any legal advice or interpretation from anybody on that side; because they are the same people who advised us that the Rent Restriction Bill did not lapse. There were all kinds of legal interpretations and

they came back here with egg on their faces later to pass another Bill to do what a school child could have seen should have been done in the first instance.

On this occasion, we are talking about amending the Constitution to create a Cabinet that is confined to Trinidad because if this thing is passed as is, that would be the effect of it, the Cabinet of Trinidad and Tobago would be confined to Trinidad and the Assembly would be the Government of Tobago. I am not raising a case as to whether it should be so, I am saying if that is how it is going to be, let us amend section 75(1), because section 75(1) says what the Cabinet should be responsible for. When any Member on that side gets up to speak, kindly explain to us on this side how any Member of the Cabinet or the Cabinet as a whole will exercise that general direction and control over the Tobago House of Assembly. If they could show me that, I guarantee that they would have my support. Show that to me. I am saying if that is what we want to do, let us ensure that we are doing that properly.

I will mention something else too—under our laws it is said that anything which offends the Constitution is null and void to the extent that it does not comply. Could it be that if my concerns are correct and we pass this arrangement as is, because it is inconsistent with section 75(1), that it would end up being of no effect? I am asking the Government to demonstrate to me that my concerns are not real.

Let me give another example; section 30 says, “the Prime Minister shall invite the Chief Secretary to attend meetings of Cabinet.” I do not want to argue the political consideration of that, but the Constitution says how the Cabinet of this country is formulated. It says:

“The Cabinet shall consist of the Prime Minister and such number of other Ministers...”

A Cabinet is to be made up of Ministers—that is in the Constitution. Yet, we are going to pass the Tobago House of Assembly Bill here and a non Minister, under law, will sit in the Cabinet at his instance [*Interruption*] In his opinion when he is invited he will stand [*Interruption*] Mr. Speaker, I am not arguing that point. I am saying the Constitution says how the Cabinet is constituted. If we are saying that the Tobago House of Assembly’s Chief Secretary should sit in the Cabinet, then we must amend section 75(2) so that it is not only specific to Ministers. That is what I am saying. If a non Minister is there then the Cabinet is not properly constituted [*Interruption*] Let me ask a question—again, I am asking for help:

How is this going to work? Would the Chief Secretary receive Cabinet papers?
[Interruption]

Mr. Robinson: Mr. Speaker, would the hon. Member give way? Just to assist—can I say that I have sat in the Cabinet many times as a Constitutional adviser to the Cabinet?

Dr. K. Rowley: The fact that the Member has sat there, other people who have been to Cabinet are aware of that—I am talking about putting something into law which is inconsistent with an existing clause in the law. That is what I am saying. The fact that one has done something before does not make it right. If the Member is saying to me that we are prepared not to interpret section 75(1) and (2) of the Constitution then say that. I am saying insofar as section 75(1) and (2) would remain as it is, the provisions as suggested by the committee would have some difficulty.

Mr. Speaker I want to go a little further—as I said, there are too many loose threads—I am not accusing anybody of anything, I am simply doing it for my own comfort. When I look at some suggestions in the Bill I see a tenor that runs through the draft Bill which causes me some concern. My biggest concern is section 25(1), as I have outlined, where the Assembly showed due consideration to be at variance with the national policy. Mr. Speaker, when I see a suggestion that we compensate a secretary on the same priority as a Minister, my concern that we are creating two governments is further strengthened, because why would anybody regardless of where one lives—whether it is Trinidad and Tobago, if there are two separate jobs and two Houses, why is it that I am being asked to agree that the Member of Parliament—highest court in the land—for example, the Member for Tobago West—should earn for her efforts the same emolument as a person who represents one-sixth of her charge? That does not make sense in any industrial relations or any partitioning. That cannot be justified. I am not saying what the Assemblymen should not earn, whatever figure they earn, I am saying the parity; whether it is \$8,000 or \$10,000—*[Interruption]*

Mr. Humphrey: It is not a different job.

6.45 p.m.

Dr. K. Rowley: It is not a different job. It is representing people. I am saying if a Minister is an Executive—

Mr. Imbert: What does an Assemblyman do?

Dr. K. Rowley: An Assemblyman who is a Secretary—the suggestion is that such a person should get the same salary as a Minister. I am saying if a person is a Member of Parliament who is a Minister for the national Executive under clause 75(1) of the Constitution for the whole country, exercising general direction and control over the whole country, do you want to pay that person the same emoluments as somebody who is representing 40,000 people? No! If the MP is not a Minister, you are saying that an Assemblyman who is not a secretary should earn the same emoluments as the Member of Parliament? That does not make sense! What you are telling me, then, the mind-set is that you have equated the Government of Trinidad with the Government of Tobago and, therefore, if a person is serving in the Government of Trinidad as a Minister and getting X dollars, then a person serving in the Government of Tobago must get the same thing. That is what it is saying.

Mr. Manning: What is the Chief Secretary getting? The same thing as the Prime Minister?

Dr. K. Rowley: That is what it is saying. You have to be blind not to see that. And I am asking, why would anyone want to push that kind of head?

Mr. Imbert: Nonsense!

Dr. K. Rowley: First, there is a clause which says that you can bypass national policy and the mover of the Motion, my esteemed colleague from Tobago East, this afternoon sought to make a distinction. In fact, he sought not to make a distinction between “due consideration” and “in the context of”. Mr. Speaker, I put it to you that in this context and in any context, there is a huge difference between “due consideration” and “in the context of”.

Mr. Robinson: May I say, Mr. Speaker, I did no such thing. There is an obvious difference between the two. I would not attempt to say there is no difference between the two. Never did.

Dr. K. Rowley: When the Member spoke about Prof. Spence’s concern, the gist of what he was saying is that Prof. Spence said “in the context of” but we are saying “due consideration”. No big thing. That is my interpretation. I am saying that is a fundamental point, and in fact it is probably the most fundamental point in the whole Bill. If we go with “due consideration”, and I am not saying that there are not other formulations that might have achieved what we want to achieve, but I am saying this formulation of “due consideration” opens up a possibility for a subordinate administrative agency, the Tobago House of Assembly, to go off on a different tangent to national policy. I am saying I cannot support that.

If one says that the Assembly would have the widest latitude in the context of national policy, or any wording that gives you that gist, that is supportable. But the two things are fundamentally different.

Mr. Robinson: For clarification, let us just understand what is being said. How would you define national policy?

Mr. Manning: Our Bill has it laid out.

Dr. K. Rowley: National policy is the policy of the Government in Parliament.

Mr. Imbert: The Cabinet and the Parliament.

Dr. K. Rowley: You see, the Constitution gives the authority for national policy to the Cabinet and the Cabinet is accountable to Parliament.

Mr. Robinson: What is national policy?

Mr. Manning: How do you mean, what is national policy?

Mr. Robinson: Define it.

Mr. Manning: As defined by the Cabinet of Trinidad and Tobago.

Dr. K. Rowley: That is why I gave the examples that I did about health and education, and I implore the Prime Minister to listen carefully. Here we have an attempt to have the Assembly being totally unfettered by that “due consideration” clause. The next thing we have is parity in salaries for those who work in the Assembly and those who work at national level. What is the next thing we have?

Mr. Narine: Local Government.

Dr. K. Rowley: The next thing we have is the history because, Mr. Speaker, I want to reiterate what I said. If we pass clause 25 (1), it would *de facto* have the effect of creating two separate governments in this country. That is what we will be doing and, in fact, while all of us here would be encouraging an explosion of self-determination in Tobago, other people, some time in the future, could use this to create mayhem in this country. That is my concern.

You see, Mr. Speaker, I told you I kept this file in a brief case for a long time. I want to go back to 1988 when my esteemed colleague from Tobago East was the Prime Minister. I kept a copy of the *Hansard* of a Senator who was a Parliamentary Secretary. The reason I kept this copy was because it was the first time since 1977, when this debate started, that any person in opposition to the PNM had spelt out which model of inter-island relationship could be applicable to the Tobago situation.

Sen. Hochoy Charles, speaking in the Senate at 4.30 p.m. on December 29, 1988, made the first commitment to the model that Tobago would like to see implemented to treat with this matter. He was saying that we have lost the opportunity to demonstrate to the world how to do it, because St. Kitts/Nevis beat us to it. He said: “We have lost our chance to St. Kitts and Nevis. They have a workable model.” A model that is workable. Those are his words. St. Kitts/Nevis has a model that is workable. That is why I kept it, because up until then nobody had said what it should be. They had talked about self-determination, self-government—all that.

So, I started to look at St. Kitts/Nevis, because again, I do have a little distinction in this matter. While I said I did have the political cross-over, I also can challenge Members in this House that I might be the only person in this Parliament who has had direct exposure to St. Kitts/Nevis and, in fact, I sat in the Parliament in St. Kitts when the nuances of this model were debated on many occasions.

You see, here is a major spokesman in Tobago, who is still a Member of the Assembly. The same Assembly we have not gone to talk to with this draft. He is still there. I cannot pretend to know what his thoughts are. I do not know if he still thinks that the St. Kitts model is the same model we should follow. I would have loved to hear what he had to say about it. What I do know is that because the St. Kitts model is one for a unitary state, and the one that we should follow according to him, *The Labour Spokesman* of the following year, May 10, 1989, six months after he was telling us what a wonderful model St. Kitts had, which we should follow, the headline from the newspaper in St. Kitts, Basseterre, read: “Premier Daniel Sets Secession Date for Nevis—October 26.”

The date for Nevis to secede had been set six months after we were told that was the model that we want for Tobago. I was a little concerned because politicians have a way of doing things today, and forgetting about it tomorrow. In fact, some of them even do things—policy on the move. Let me read for you, Mr. Speaker, under this beautiful model of St. Kitts/Nevis, what the paper says:

“Friday 26th October, 1990 is the official date when Nevis will formally secede from the federation of St. Kitts. This is according to the Premier of Nevis the Hon. Simeon Daniel, who made the disclosure at a public meeting of the co-ruling Party...April 29 in Charlestown. Premier Daniel’s forthright call for the secession of Nevis from St. Kitts is reported to have stunned his audience and surprised the people of Nevis.”

So there we have it, the model which, incidentally, has a clause to facilitate secession. Here is one politician getting up one day and telling the people of St. Kitts, "we are going".

6.55 p.m.

As you know, Mr. Speaker, right now one of Caricom's concerns is trying to hold Nevis in the federation of Nevis/St. Kitts. That is attracting the attention of Caricom Heads of Government. But, of course, we will be told that that cannot happen here. But what has been the history of this thing? The history of this thing—

Mr. Humphrey: What if it does happen?

Dr. K. Rowley: I will take an aside. Those who prepared this review said that the strength of it is that it sought to put in the stasis to secession. Maybe they should not have said that. If we take that position, maybe they should not have said that.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Diego Martin West has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Miss P. Nicholson*]

[*Dr. Rowley rises*]

Mr. Speaker: I know it is taken for granted, particularly when it comes from the other side.

Question put and agreed to.

Dr. K. Rowley: Thank you, Mr. Speaker, and I thank all Members for the courtesies extended.

Those persons who did the review went out of their way to make the point that there is a need to have stasis to secession and I agree with that, because we do not know from where the mischief will come in the future. Therefore, we should not put anything to facilitate it if we are in agreement that we are better off together than separate. That is all I say on that.

But as soon as it was said that a bill had been drafted and that a draft existed, the leader of Assembly business in Tobago, one Mr. Jerry Mc Farlane, said that the only problem he had with the draft was that it did not have a clause for secession.

Miss Nicholson: That is a personal thing.

Dr. K. Rowley: It is not personal. This is the leader of Assembly business, so when he speaks I have to take what he says seriously. Here is one other member of the Assembly saying he wants the St. Kitts model which is one where it facilitates secession; another member of the Assembly, leader of Assembly business, says the only problem he has with the bill is that that escape clause is not there. Yet another member of the Assembly is on record as moving a motion some time ago calling for secession. Let me read what it says, Mr. Speaker, because it must go into the record. On September 30, 1982, a motion was moved in the Assembly by a member who is still in the Assembly—a third member I am talking about, Mr. Jeff Davidson, and the motion said:

"BE IT RESOLVED that this House of Assembly take all proper and necessary steps to terminate the present unjust union of Tobago with Trinidad and to secure either its replacement with a union based on terms and conditions acceptable to the authorized representatives of the people of Tobago or THE FULL INDEPENDENCE OF TOBAGO WITH SECURE TERRITORIAL BOUNDARIES."

It would be foolish for us to say that the possibility of secession is not a part of these considerations. Foolish. I am not saying that that is what is on the table at this point in time. I am saying that it is part of the consideration. There are three persons in the current Assembly taking positions where they seem to be preoccupied with certain terms and conditions, and when that motion was passed in the Assembly, the mover of the current motion, sent that motion to the then prime minister and in his communication said:

"I, as Chairman of the Assembly, did not vote, I am in favour of the resolution."

The mover of the motion today; the motion with which I am concerned, that if this clause is passed in the way in which it is drafted, it will have the effect of creating two separate governments.

Miss Nicholson: Yes. But if you deal with the unjust situation, you have no problem. That is the motion.

Dr. K. Rowley: Okay. Okay. All I am saying is that the minority report of this side says that we should have consulted with the Assembly before we proceed in this way. Mr. Speaker, I have drawn to your attention, that having not consulted with the Assembly after this draft had been completed, we on this side have no way

of knowing that when we pass this, that it will still not fall under the category of unjust union, therefore the motion of Mr. Davidson will still be in effect. I do not know that.

Had we consulted the Assembly and the people who had taken those positions had said, "We relinquish that position and we are in support of this", I would be comfortable, but having not spoken with the Assembly, having gone out of our way not to speak to the Assembly, I am now to confine myself to the last known positions of those persons who are still in the Assembly. I think that is reasonable. How do we know that when we pass this here, it will meet with the approval of those persons who, hitherto, thought that leaving the union was a solution to the problem?

Mr. Speaker, a Senator on the Government side resigned over this matter. Unprecedented in this country to the best of my knowledge; that a Government Senator resigned in this Parliament over an issue which is before the Parliament.

Miss Nicholson: Did you not carry an unprecedented fight in your party?

Dr. K. Rowley: That Senator is on record. I draw your attention, Mr. Speaker, to an article in the *Daily Express* of Monday, April 3, 1989 under a headline "TOBAGO WANTS THE RIGHT TO SECEDE". It states:

"Not only must Tobago's right to self-government through the House of Assembly be enshrined in the Constitution, but so too should be the right of either Trinidad or Tobago to either opt out of the present unitary state should the people decide this is in their best interest."

Reasonable.

"'We cannot get away from it... let us face facts,' declared Deborah Moore-Miggins..."

This is the same person who subsequently was appointed a Senator and has resigned over this matter. I am not yet clear as to why she resigned or what her agenda is, but what I do know is that mischief-making by politicians is not confined to any particular political party.

In 1990, when we had our difficulties, look at what was paramount in the mind of that group. The headline in the *Daily Express* of October 18, 1990: "Set a date, says GROWTH—TOBAGO MUST SECEDE". I say that one of the loudest voices in that group called GROWTH was the said Senator who has just resigned.

7.05 p.m.

It says:

"Tobago should seek and set a date for its independence.

That is the gist of several recommendations coming from the Group with Tobago at heart (GROWTH)...

"The best solution is for Tobago to set itself a target date for its independence. In the interim, steps will be taken to hold deeper dialogue with the people of Tobago, to prepare a financial/developmental plan to be approved by them..."

And GROWTH goes on to say:

"Those who before had rejected any notion that Tobago can exist without Trinidad as a crutch must understand as of 1990 that it is possible to exist without Trinidad'."

Mr. Speaker, I tell you this to confirm that there is a strong body of opinion among persons in Tobago who see separation as a viable option. How viable is the option? The option is viable on the basis [*Interruption*] I am not saying that, I am asking are we facilitating it or are we strengthening the union?

I have been telling you about those who may see that as a viable option. If you agree that is not what is best for both sides, Trinidad and Tobago, then we should do nothing to encourage those who would proceed along the line of separation. That is why I was saying if the draft has provisions to create that kind of operational approach, then we should not facilitate it, because we have agreed that the best arrangement is for us to stay together.

I do not want to stand here and give my qualifications, and so forth, but what I can tell you, that I am qualified to refute—I have a copy of the document too; mine is older than the hon. Member's. It is the same document which was quoted from by the mover of the Motion. It is called, *Internal Self-government—Full Text*. I want to quote from somewhere else in the text, because my esteemed colleague quoted from the last paragraph, and I must commend him. That was an excellent conclusion. I think it was very succinct and it put the matter in its correct perspective. However, I am afraid as a geologist, I have to debunk some mischief that was contained in the earlier paragraphs, because, you see, in seeking to prove the viability of Tobago's separate existence, he says Tobago has, and I quote:

"Mineral indications of chrome, of copper, of petroleum—not castor oil but petroleum."

I can tell you as a geologist of many years standing, senior in years to my colleague in the back row, there is no geological basis for any person, politician or otherwise, to say that Tobago has chrome, copper, and in fact it would be stretching it a bit to go on to talk about petroleum, especially when one talks about petroleum in this way. Listen to what he said:

"I have in my possession the actual area where wells had been drilled, where oil and natural gas have been found. Well LL9. You ever heard of LL9? LL9 is north-west of Buccoo and Plymouth. This is estimated to have 38.8 million cubic feet of natural gas. There is another well. It is called Maracas 1. But the name is deceptive. Maracas 1 is off Tobago. It has tested oil and oil in commercial quantities."

Unless one of my colleagues is not accurate, either the Member for Port of Spain South or my Friend from Tobago East, one of them is not correct. If I have to believe anybody, I would believe my Friend from Port of Spain South and I would believe my own professional existence which tells me that this is not correct. [*Desk thumping*]

One thing I admire about my esteemed colleague from Tobago East, he is extremely effective. He went on to say, and he is telling my Friends in Tobago:

"On Boxing Day, I went to a place called Barbados Bay and for a quarter of a mile I (was walking in oil)." [*Laughter*]

Hon. Member: It is oil spill.

Dr. K. Rowley: One thing I must say, he did not tell them where the oil came from, so one cannot say that he misled them, having said that immediately after telling them about LL9 and the oil around Tobago. Mr. Speaker, he is brilliant.

What really concerns me in this document is not the question of oil; I would love to hear we found some oil off Tobago, but technically, there is no real basis for saying that.

Hon. Member: Condensate. [*Laughter*]

Hon. Member: He said dry gas; no liquids.

Dr. K. Rowley: You see, Mr. Speaker, the real problem I have with it is, there is a comment in this document—having listed the tremendous resources of Tobago, the Member went on to say:

"It is quite clear, absolutely clear, that the time has come when the people of Tobago must have a say in the development of their resources and in their own future..."

The ones I just mentioned, the copper, the chrome, the oil. And he says:

"Why do you not want it? Do you not want it for yourself? You mean to say you are happy to sit there in a Trinidad Cabinet?"

Mr. Speaker, that is the phrase I have a difficulty with, because you see, he did not say, the Cabinet; he was talking about the PNM suppressing Tobago's development because all the resources were there and they were being suppressed.

Hon. Member: It is true!

Dr. K. Rowley: That is arguable. I am not arguing that. I am saying, the fact that the reference is made to the Trinidad Cabinet, not the Cabinet, or the Cabinet of Trinidad and Tobago—the Trinidad Cabinet, anybody who acknowledges the role and responsibilities of the Cabinet under section 75(1) cannot reasonably take a position of a Trinidad Cabinet unless you have separated in your mind the role of the Cabinet, its responsibility for Trinidad *vis-à-vis* Tobago. I am saying that is what has governed the thought process in this Bill, to allow this clause to come in to effectively give the development of two separate governments with equal salaries on both sides. That is what I am saying. [*Desk thumping*]

Much has been said about Senators coming from Tobago. I have absolutely no problem with a number of Senators having to be appointed from Tobago. The difficulty I am having is this: In seeking to accomplish that, we are seeking to recreate a past that we have rejected. In 1956 the legislature of this country was largely an appointed one and we fought against that. In fact, I did not, but those who went before me—my esteemed colleague from Tobago East must have been a part of that—argued with the Colonial office, making the case for greater democracy and to give greater weight to the elected as against the nominated. I supported that, and I am sure he argued eloquently, as he always does, on that score. Look at what we are being asked to do now. We are being asked to put into the Parliament more nominated persons than elected persons. I am not arguing about how they are apportioned, but the Parliament of Trinidad and Tobago as a governing body, in seeking to put more Tobagonians in the Parliament under law, we are saying, let us have more persons who are nominated than those who are elected.

7.15 p.m.

I am saying that runs counter to our history. I am saying I agree—

Miss Nicholson: There will be two Tobagonian representatives in the Upper House.

Dr. K. Rowley: Wait. Wait. I agree with that. Listen to another suggestion. That is not the only way to do it. The only way to do it cannot be to increase the Parliament so that we would end up with more nominated than elected persons.

Why not under law, amend the Constitution to say that of the 31 people in the Senate, the Government would have 16 and of that 16, two must be Tobagonians?

Miss Nicholson: Why?

Dr. K. Rowley: Because the objective is to ensure that Tobagonians are in the Upper House. That is the objective, and if that is the objective, I agree with it. I am saying let us go the route of saying, "Let the Government appoint two from their 16, the President appoints nine, one must be a Tobagonian who resides in Tobago and the Opposition appoints six, one must be a Tobagonian". In that way one is guaranteed that there will be at least four from Tobago and the Senate will not be converted into a body with more persons than there are in the Lower House.

Mr. Speaker, let us look at Tobago and the irony of it. If we go along with this suggestion, in the highest body of the land, the Parliament, we would have two MPs in the Lower House, but would end up with four Senators from Tobago. In other words, Tobago's representation would be weighted in the voice of a nominated body of four as against an elected body of two. That runs counter to our history. We have moved away from nominated bodies to elected bodies.

I find it strange that we could be reversing ourselves because we believe that it is sufficiently important to do it in this way. I am saying that is not the way to do it. I agree that we should have a commitment to have Tobago voices in the Senate, but not by increasing the number in the Parliament so that we end up with more persons in the Parliament being nominated than those that are elected. [*Desk thumping*] You cannot do that.

Mr. Speaker, how much more time do I have?

Mr. Speaker: Four more minutes.

Dr. K. Rowley: Mr. Speaker, I want to close on this point. I believe my Friend, the Member for Couva North, who is sometimes affectionately called the Silver Fox agrees with everything I have said this evening. I believe so. I also believe that he understands what could happen if we do not review the clauses that we are asked to take note of, especially clause 25.

I think he knows full well what is out there waiting to pounce on us if we approve as we are being asked to note. He knows that if we do not put the safeguards in place, and if what I am concerned about does come to pass, he is better off, politically.

Mr. Speaker, finally, I give the commitment that the fullest support will come from this side, especially from me, for any measure which reasonably gives Tobago the widest breadth of autonomy without running counter to section 75(1) of the Constitution where the Cabinet of the country is given general direction and control.

If we put it in a way to ensure that general direction and control can be in existence—because we were told that one is general and one is particular, with which I agree—how is the general to work? How is it going to work? Under what arrangement?

We see here that the estimates for the finance have to go to Parliament by a certain time. Who is to carry those estimates there? Every Cabinet Note has to go to Cabinet in the name of a minister, which minister is going to take a Cabinet Note of the Assembly to the Cabinet for it to be approved? It has to have Cabinet's approval before it comes to Parliament. I am asking: How is it going to work? It cannot be that we just pass it and leave it. I am asking: Which Minister in the Cabinet will have the responsibility? A deadline is placed there to have it approved by Cabinet. Suppose no minister does that, who will be responsible? The Chief Secretary? He has no "parole" under this Constitution. It does not exist in here. The Constitution says the Cabinet has the responsibility for Trinidad and Tobago and if Tobago's estimates are not brought in time, one cannot hold the Chief Secretary responsible. The Government has to be responsible.

If that is not the case then let us amend section 75(1) and say exactly what we are doing. We are creating two governments, one for Trinidad and one for Tobago. I do not think that is the intention, but I am saying that will be the effect if we do not adjust clause 25(1).

Mr. Speaker, I look forward to some time in the very near future when we could get this thing concluded. This debate should be adjourned at some time, not

taken to its conclusion, have consultation with the Assembly, take the points raised here today and we would come back here in the very near future—disregard the fact that the election is due on December 9. We cannot operate only on the basis that an election is due on December 9. That is the real premise. *[Interruption]* They should go to the people. They could discuss their proposals, but let us not try to enact it into law in time for that election because it is not ready. There are provisions that are not consistent with the Constitution and there are provisions which could facilitate mischief; and rather than have a better relationship with Trinidad and Tobago, sometime in the future when maybe other persons would be in charge, we could have mischief instead of an improved relationship.

Mr. Speaker, I thank you.

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, I am very pleased to join in this debate on the Motion:

"Be it resolved:

That this House take note of the Report of the Joint Select Committee appointed to consider and report on the *Report of the Committee appointed by the Cabinet to review the Constitutional and Legislative Arrangements for Tobago.*

First of all, Mr. Speaker, in a previous debate I had lamented the poor performance of the Opposition after one year of sitting on these Benches, but this evening, I must congratulate the three Members on the other side who made contributions: the Member for Arouca South who spoke with some suppressed passion; the Member for Port of Spain South, who in his usual dry way was able to be technical, but at the same time spiced it with some humour; and the Member for Diego Martin West who spoke like a statesman. Maybe, he is the true leader of the People's National Movement. He spoke with such controlled *élan* this evening that I was very pleased to listen and be entertained and even informed by some of the views that he presented on this Motion.

I was somewhat disappointed, though, that the three Members had taken the debate almost beyond the Motion and begun discussing the actual draft Bill which I believe, although is part of the report, is going to be debated on a subsequent occasion.

I wondered, as I sat here, what will they say on the next occasion, having exhausted, perhaps—

7.25 p.m.

Dr. Rowley: Thank you for giving way. The intention was not to be mischievous. I said we are hoping that you can take these comments into account and adjust the Bill so when it comes to debating it, the objections of the clauses will not be there and we can all totally support it.

Hon. M. Assam: Thank you very much. I accept the point the Member is making. I still say that when we come to debate the actual Bill, I do not know how much more could be said, having exhausted all of the arguments this evening. I am being told, I do not know whether the position of the Member for Diego Martin West reflects the position of his party, and in particular, his Leader, the Member for San Fernando East.

Mr. Manning: It does.

Hon. M. Assam: As I listened carefully to the three Members on the other side, I was not too sure where they stood, although the Member for Diego Martin West was a little more positive in his contribution. I was not too sure where they stood in relation to what kind of structure they wanted for Tobago and what kind of constitutional relationship they were advocating for Tobago.

The history of the modern world is one that is very much concerned with autonomous communities, devolution, decentralization, deconcentration of power, decolonization. I was hoping that these were some of the concepts that Members opposite might have been discussing this evening as we seek to come to terms with an historical problem which has existed even more than 20 years but certainly came into the political arena about 20 years ago—how Trinidad and Tobago could operate a democratic unitary system with each having its own set of responsibilities and each community attempting to forge for itself the various objectives, the various hopes and aspirations for each of their communities within the constitutional arrangements, as dictated by the Constitution of the Republic of Trinidad and Tobago.

[MR. DEPUTY SPEAKER *in the Chair*]

Within recent times we have seen a number of countries atomized into smaller states. For example, the Soviet Union is now a collection, an association of several states that was hitherto one large country. We have seen the same in Yugoslavia. Even in England, which by an act of union sometime during the 17th Century was supposed to have been a unitary state, has given enormous autonomy to its

component geographic parts. I was really surprised that the Member for San Fernando East, a former Prime Minister, would rise to ask the Member for Tobago West whether she wanted to share the number of seats in the Senate on the basis of geography. Geographic representation is an integral part of any constitution-making in all countries of the world.

According to the polls in the United Kingdom, the Labour Party is well ahead of the Conservative Party and likely to form the next government, with Mr. Blair, the leader of that party as the next Prime Minister. When one looks at all the important documents emanating from the Labour Party, enormous autonomy is being advocated for Scotland and Wales, giving them independent parliaments and the ability to make laws in respect of Scotland and Wales. Even before that, Northern Ireland had its own Parliament, the Stormont, but it was suspended because of hostilities and terrorism. Even small communities like the Isle of Man, Guernsey and those small-island communities have their own assemblies and have the power to make laws and regulations governing their own communities. Therefore, I am absolutely surprised that the Members opposite would not want to confer on Tobago that measure of autonomy that many other countries already devolved upon their island states or their communities that they govern either within a federation or a unitary system of government. *[Interruption]* I know the Member does not understand what is good elocution. I remember when it was being touted that he was going to be the next Minister of Trade and Industry in the last administration, it was said that one “Chinee” is being replaced by another. Why? It was said “Minister Tie Tongue coming there now.” I am not surprised.

Mr. Deputy Speaker: Hon. Minister, could you direct your comments to the Chair, please?

Hon. M. Assam: I am not surprised that the Member for Diego Martin Central is attempting to tease me because he detects a certain kind of superiority in language and elocution. I am accustomed to the teasing. I have been here for one year and I am called all sorts of names, court jester and so forth. It does not matter to me. My skin is like that of a turtle; it is impermeable to the Member’s taunts.

When one looks at the history of evolution of what is taking place in the modern world, one would see what we are attempting is nothing that is different, nothing that is *[Interruption]* I have a Master’s Degree in International Relations and an Honours Degree in Political Science and Economics from the University of Toronto. *[Interruption]* I do not show off like them. They are always talking about their degrees and where they went.

I do not know why they do not wish to confer on Tobago the same kinds of developments, constitutional and otherwise that other countries—

Mr. Deputy Speaker: Hon. Members, the *Hansard* reporters are having difficulty recording all the asides.

Hon. M. Assam: Thank you, Mr. Deputy Speaker. The Member for Diego Martin East calls me a fraud but do you know he said he taught management, that is fraud. It is happening all over the world.

What do the Members opposite want this Government to do? To prolong a situation for another 20 years before one reaches conclusions with respect to the kinds of constitutional arrangements that would take place between Trinidad and Tobago to preserve the unitary state, to establish a permanent harmony and to allow the people of Tobago to govern themselves within the Republican Constitution, giving them some more autonomy within the Tobago House of Assembly so they can achieve their hopes and aspirations, their social, economic and cultural potential and do not have to depend continuously on Trinidad? That is the simple matter we are trying to achieve.

Mr. Deputy Speaker, the Opposition is talking about the speed and haste with which this matter is being undertaken. The Member for Port of Spain South even spoke about something that is invalid and quoted a definition of what a quorum is in some dictionary that was 1990, and he does not understand that 1990 is quite old in terms of dictionaries. The lexicographers are working day and night, and the language is so dynamic and changing and philology has a way of moving from one kind of meaning to another within short spaces of time.

7.35 p.m.

To quote a 1990 dictionary, like the Member for Diego Martin East who comes with outdated statistics, he is coming with outdated definitions. He is not a language student. He knows nothing about linguistics. He should stick to geophysics and geology. He should not dabble with language. I am telling the Member for Diego Martin East not to dabble with economics, statistics and political science. He knows nothing about these things.

The Member for Tobago East outlined exactly what took place in the five meetings of the Joint Select Committee. Notwithstanding the fact that the last meeting could not attract a quorum, it was not the fault of the chairman.

Mr. Manning: It was! It was! You were not there!

Hon. M. Assam: It was not the fault of the chairman that there was no quorum. It is not a question of this particular Bill being dictated by an impending election. The people of Tobago have waited for 20 years. If we do not seek to institutionalize the relationship between Trinidad and Tobago in the Constitution of the Republic of Trinidad and Tobago, we fear that this exercise may never materialize.

They speak of speed. They almost suggested a certain stealth because of an impending election. Do you know what happened last year? The former Prime Minister, the Member for San Fernando East and Leader of the Opposition, disclosed that he knew that he was going to call the general election in November, 1995. On the eve of the election, in a very clandestine way he went about attempting to craft some document between the PNM and the Tobago House of Assembly promising—beware of the Greeks who bring gifts—car, house and perks. It almost got through, had it not been for the intervention of providence in the first instance, and then the UNC/NAR in the second instance, to stop that kind of cook up of a bill between the PNM and the Tobago House of Assembly. On the eve of the elections he went about signing contracts for WASA, LNG and the Omnibus Agreement. They have the temerity to talk about speed and we are trying to do something because of an impending election. Before the 1995 general election they did so many things which were perhaps bordering on the grey areas of impropriety.

I was quite surprised that the Member for Arouca South did not seem to understand some of the provisions of this Bill. I was also surprised that the Member for Diego Martin West introduced so many fatuous examples of what could possibly take place if this draft Bill is enacted. He told us about inoculation, a health matter, or whether the Tobago House of Assembly would reduce the school age from 16 years to 12 years. I could not believe that an intelligent man—although generally his contribution was a good one, I must admit, it was spoilt to some extent by these unfortunate examples.

I am no lawyer like himself but perhaps he did not read the Tobago House of Assembly Bill. Clause 4 states:

“No provision of this Act or of an Assembly law shall be construed or interpreted so as to authorize—

- (a) anything which is inconsistent with, or contrary to or in derogation of the Constitution of the Republic of Trinidad and Tobago, or

- (b) any extra-territorial operation or any operation beyond the confines of the island of Tobago, or any Assembly law; . . .”

He went on to speak about the Chief Secretary sitting in the Cabinet. Quite frankly, I find that hilarious. Clause 30 of the proposed Bill clearly states:

“The Prime Minister may invite the Chief Secretary to attend meetings of Cabinet in order that the Chief Secretary may—

- (a) apprise Cabinet of decisions taken by the Assembly in the exercise of its powers under this Act;
- (c) represent the interest of Tobago in any matter having or likely to have an adverse effect on Tobago,”

That again is a matter of an invitation from time to time so that the Chief Secretary can report to Cabinet, or alternatively make representations on behalf of Tobago, in any matter that he feels adversely affects Tobago.

Dr. Rowley: He is missing the point I was making. I was trying to point out the potential for confusion. Remember the purpose of this Bill is to improve the relationship. When that clause is put in and the Prime Minister does not invite, and the Chief Secretary thinks he ought to have been invited, what do you think would be created? Political mayhem!

Hon. M. Assam: Apparently he does not understand the word “may”. It did not say “must.” In the discretion of the Prime Minister, he may. He said that I did not read clause 31. Clause 31 states:

“The Prime Minister and the Chief Secretary shall hold regular discussions with a view to formulating administrative and legislative mechanisms for the promotion of harmony in the affairs of Trinidad and Tobago.”

What is wrong with clause 31?

Dr. Rowley: That is okay. Clause 30 would cause mischief. Clause 31 is enough.

Hon. M. Assam: Why did he challenge that I did not read clause 31? To me, clause 31 is so simple and necessary.

I never expected that this Motion would have generated so much heat because it seeks to ask the House to note a report of the Joint Select Committee. The Members for Diego Martin West, Arouca South and Port of Spain South went off

on a fishing expedition. I suspect the reason they did that was to try to embarrass the Member for Tobago East.

Mr. Deputy Speaker: Hon. Members, the sitting is suspended for one hour.

7.45 p.m.: *Sitting suspended.*

8.43 p.m.: *Sitting resumed.*

PROCEDURAL MOTION

The Minister of Public Utilities (Hon. Ganga Singh): Mr. Deputy Speaker, according to Standing Order 10(11), I move that the House continues to sit until the conclusion of the matter under consideration.

Agreed to.

TOBAGO CONSTITUTIONAL AND LEGISLATIVE ARRANGEMENTS REPORT

Hon. M. Assam: Mr. Deputy Speaker, just before the dinner break I was trying to address some of the concerns raised by the Member for Diego Martin West when he attempted to introduce some examples that may cause some problems with respect to the proposed constitutional relationship between Trinidad and Tobago. He gave an example of health, education and the budgetary exercise. It is my view, Sir, that the native wisdom, the constitutional experience and the maturity of our people would obviously lead us in the direction whereby, should any of these matters arise, it would be addressed in the interest of our people.

Trinidad and Tobago has gone through a number of tests and perhaps in some cases, crises. We have seen the death of a Prime Minister, and the transition from one administration to another was smooth under the able leadership of the President of the Republic who quickly named a successor Prime Minister. We have seen the citizenry change governments in rapid succession. We had one Prime Minister in 1981, another in 1986, another in 1991 and in 1995 we have seen the election of yet another Prime Minister, all attesting to the constitutional evolution and maturity of this young, fledgling, independent republic.

We have seen attempted coups and, notwithstanding the trauma at the time they were occurring, Trinidad and Tobago came out of these situations with flying colours. Our people, more welded together and having learned from these constitutional crises and experiences, I am sure the future holds bright for all of us.

We have seen a number of matters that have tested the mettle of our people, particularly in terms of the administration of justice and the operation of our

courts. We have successfully overcome a number of them and we are better for it. I see no reason why the matters raised by the hon. Member for Diego Martin West, if they do arise in future, could not be addressed and solved in the most intelligent way, in the interest of our peoples. I doubt very much that any House of Assembly will want to deny inoculation or immunization. I know it was just an example. I am not knocking the Member or trying to belabour the point, but I know that no House of Assembly will endanger the public, particularly the youth of that island, by refusing to inoculate or immunize the young ones if the law of Trinidad and Tobago so dictated.

I am absolutely sure that no Tobago House of Assembly would want to reduce the age whereby children are supposed to be in primary or secondary schools, if the law of Trinidad and Tobago so dictated. I doubt very much that kind of insanity will creep into the minds of the political directorate. I am sure that the hon. Member for Diego Martin West will understand the intelligence, maturity, wisdom and prudence of the people from whom he came.

Dr. Rowley: Thank you very much for giving way. I really appreciate that. If I had told the Minister a few years ago that some of our colleagues in a Caribbean Parliament would have changed the law to allow the age of majority to be 14 instead of 16 to allow a Member of Parliament to escape a criminal charge, would he have believed that? Well it happened.

Hon. M. Assam: Of course, I cannot deny what the hon. Member has said because in every age, in every era, in every society there are aberrations. However, one must not use an aberration as the norm. It is like law. When one is trying to cure something one does not penalize the entire society. One deals with that problem in a manner that does not penalize the rest of society. One accepts that the majority of people are under the bell curve. There will be 5 per cent on either side, but the majority will be under the bell curve because we are a normal society. That aberration of which the Member speaks is not likely to arise. The probability of that arising in any society, in the most primitive or undemocratic, is still very, very low.

I come back to the other point the Member raised about the budget. He said, for example, if they do not present the estimates for the Tobago House of Assembly, under section 75(1) of the Constitution of Trinidad and Tobago, where the Cabinet has the general direction of the country, who is to enforce the Tobago House of Assembly following that particular prescription? This Bill, if it is passed,

goes into the Constitution of Trinidad and Tobago and becomes the primary law of the land, and if a member or the Chief Secretary of the Tobago House of Assembly violates the law of the land, he can be dealt with. Clause 41 says:

- “(1) The Secretary shall in each financial year submit to the Assembly for its approval draft estimates of revenue and expenditure respecting all functions of the Assembly for the next financial year.
- (2) The Assembly shall approve the draft estimates submitted in accordance with subsection (1), with such modifications as it thinks fit.
- (3) The Chief Secretary shall submit to Cabinet for its approval, the draft estimates approved by the Assembly in accordance with subsection (2).”

There is a constitutional provision and prescription and a method. *[Interruption]* There is the other provision that I have read before where the Chief Secretary confers with the Prime Minister on these matters, therefore any confusion which arises in the Member’s mind as to the orderliness of this process is already enshrined in the proposed clauses of this Bill. I see no reason why there should be any fear on the part of the Member for Diego Martin West with respect to the orderly submission and approval of estimates to the Cabinet by the Tobago House of Assembly.

The Member for Port of Spain South quoted very liberally from a newspaper article written by one Dr. Hamid Ghany whom he says is a political scientist. He was making the point that there should be no provision in a bill or in the Constitution for parties to appoint councillors to the Tobago House of Assembly. I do not know what is so radical, unconstitutional or improper about that provision. Does not the President of the Republic call upon the leader of the majority party after a general election to become the Prime Minister of the country? *[Interruption]* But the party has to exist. I honestly do not see the problem there at all. As a matter of fact, it is my respectful view that it is better for the party to effect these nominations than for an individual to do so.

Mr. Manning: Mr. Speaker, I thank the hon. Member for St. Joseph for giving way. Who will transmit to the President the view of the party and what will the President accept as the view of the party? Is it the view of the leader, the leadership, as in the case of the PNM of the Central Executive? Is it the view of the General Council? Is it the view of a convention annual or special? Is it the party’s General Secretary? Which one of the authorities of the party’s view will the President recognize as the view of the party?

8.55 p.m.

Hon. M. Assam: Mr. Speaker, all of the objections raised by the Member for San Fernando East—

Mr. Manning: Those were not objections.

Hon. M. Assam: All the concerns or questions raised by the Member for San Fernando East could be dealt with by a very simple drafting inclusion to the clause. I do not think that we should make a mountain out of a mole hill because I really do not see any constitutional problem.

Mr. Speaker, most of the objections raised, or the concerns expressed in my view, could be addressed very simply, but the thing that struck me most is that it was said—I think by the Member for Arouca South and I hope I am correct this time—that, by and large, the Bill contains the fundamental constitutional provisions and principles that the PNM document had when they attempted to forge some kind of—*[Interruption]* I am not saying it is theirs, I am saying that the Member for Arouca said so, and therefore, I do not understand why we should be here at 8.55 p.m when they are of the view that there is a large coincidence in terms of principle, content and intent between this proposed Bill, and the one that their leader did last September.

They are unhappy about the remuneration, and about how the council should be appointed and a couple red herrings were raised about how the estimates would be transmitted; if there is a health problem of immunization; and an educational problem of the lowering of the age for primary schools. Essentially, these are some of the differences that they have had and the concerns which they have expressed.

Mr. Speaker, it is my view, when we come to debate the Bill, as we will in the very near future, I am reasonably sure that if the arguments on the other side are sufficiently compelling and persuasive, and possess logic and do not lack any kind of meaningfulness, I am sure they would be taken on board in order to ensure what all of us in this House and indeed the entire country of Trinidad and Tobago desire, which is to establish a permanent harmony and a meaningful constitutional relationship between the twin island states within the democratic sovereign Republic of Trinidad and Tobago, so that Trinidad and Tobago can now forge ahead and the people of Tobago can now realize their cultural, social, economic and political potential within the unitary state and under the constitutional provisions that we are about to introduce. That is what we are looking for. Nothing more, nothing less.

That is precisely why we are here, to settle once and for all, this nagging problem whereby Trinidad and Tobago, as has been said, has been living in a state of tension and there is some kind of veiled hostility. It is the Member who said it, not me. I am merely repeating or paraphrasing what he said. Why should two islands in one state—people of the same origin who have suffered together; who have the same kind of ambitions; coming out of colonialism; indentureship and the ravages of all the exploitation of the Dutch, French, English and Spanish—continue to impose any kind of inequities and inequalities on our sister island? Why can we not allow them to flourish, nurture and bloom like the flowers of the field so that the people of Tobago can recognize us as their true brothers and sisters within the unitary state? That is all we ask, and I sincerely hope that we can accept the Joint Select Committee's Report on this constitutional provision for Tobago and when the time comes, and I am sure it is not going to be very long again, all of us will create history. As the Member for Diego Martin West said, when his daughters speak to him some time in the future, he would want to say to them, as I would want to say to my own, that I have participated and presided in one of the most dramatic, historical, political moments in this country whereby we have forever and ever welded the two island states together in a situation of permanence, harmony and unity.

Thank you, Mr. Speaker.

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, permit me to begin by recording my own appreciation for the standard which this debate has assumed. Indeed, over the last three sittings of this Parliament, the standard of debate here has been as high as I have ever experienced in my 26 years as a Member of this honourable House and in fact, if we continue along this line, then this Parliament is likely to be one of the best with which I have been associated.

I compliment all those who contributed and I would have liked to fully associate the hon. Member for St. Joseph with these remarks but, regrettably, conscience does not allow me to fully associate him with those remarks even though I will myself acknowledge that even his contribution maintained a certain minimum standard.

Mr. Speaker, the Motion before the Parliament reads as follows:

“Be it resolved that this House take note of the Report of the Joint Select Committee appointed to consider and report on the Report of the Committee appointed by the Cabinet to review the Constitutional and Legislative Arrangements for Tobago.”

It is the report of a Joint Select Committee, Mr. Speaker, and all we may be asked to do is to take note of that report. In the normal course, Mr. Speaker, what we on this side would have done was to comment on the procedures and the report itself, without going into the substance of the legislation that, in due course, will become the subject of deliberations before this honourable House.

We have taken an unusual step this evening to go into the substance of the legislation, because of the significance of some of the items that are included in the legislation, and because of our view—one that became very manifest as the debate proceeded—that the hon. Members of the Government side may not have paid due consideration to these pieces of legislation as they warrant, having regard to what is included in the items.

9.05 p.m.

Mr. Speaker, if at the end of this debate we succeed in sensitizing the hon. Members opposite to the fundamental departures from the norm that this legislation seeks to bring about, that these pieces of legislation that will, in due course, come before us are not simple matters, and that they relate fundamentally to the relationship between Tobago and Trinidad and, more than that, they fundamentally affect the concept of the unitary state, then the unusual step that we have taken would have been justified.

I would like us to get some procedural matters out of the way, because much of this debate has centred on a discourse on whether the Assembly should have been consulted or not, or whether what took place constituted proper consultation of the Assembly. It was the hon. Member for Tobago East who—time and time again in this Parliament, and in previous Parliaments of which I have been a part—has sought to convince us that he could speak for the people of Tobago.

Mr. Speaker, it is important to note that in the 1995 parliamentary election, the hon. Member for Tobago East attracted 5,254 votes and the hon. Member for Tobago West attracted 4,867 votes out of a total electorate of 16,299 in the case of Tobago East, and 17,001 in Tobago West. The total votes cast for both representatives constituted 30 per cent of the electorate of Tobago.

I was in this Parliament in 1971 and so were you, Mr. Speaker—happily in those days we were on the same side—when the hon. Member for Tobago East, who initiated the “no vote” campaign walked up and down the streets of Trinidad and Tobago, seeking to convince the national community that the then Government

was not legitimate because the total votes that it received, as a percentage of the electorate, was 28 per cent. I wonder whether the Member for Tobago East considers that the additional two per cent that he and his colleague from Tobago West would have attracted would materially change the whole question of representation and, therefore, the legitimacy of his own tenure and the contributions that they make here, in the context of the views of the people of Tobago. Mr. Speaker, let us debunk it once and for all.

To give the particular impression that because these two representatives are here—or for whatever other reason—that there is no obligation on the part of this Parliament to consult with the Tobago House of Assembly, is to seek to give a point of view that he, in an earlier dispensation, and in different circumstances, has sought to categorically and totally reject. The fact of the matter is that the Tobago House of Assembly is the only true representative body of the people of Tobago and it should have been consulted on this matter.

Secondly, and this is a procedural issue and I only raise it because we have new parliamentarians who may not be aware of the classic Westminster model, and therefore may not realize that by proceeding the way we are today, we are, in fact, departing from that system. The Joint Select Committee, under the classic Westminster system would only have been appointed after the Bill was introduced in Parliament, and after it was the subject of a first and second reading; that is to say, a debate would have transpired on the second reading and the different shades of political opinions would have been expressed on both sides of the House. When that is done then a joint select committee would have met, and in doing its work would have been able to conduct its business against the background of the debate that would have already taken place, taking into consideration all the views expressed. They would have taken, not only the views of the Members on both sides of the House of Representatives but those on both sides of the Senate and, in particular, those of the Independent Senators in respect of the other place.

I admit that this is not the first time that Parliament has proceeded in this way, it happened between 1987 and 1991 when the hon. Member for Tobago East was the Prime Minister of Trinidad and Tobago. It may well be that our parliamentary system, as we know it in Trinidad and Tobago, is evolving, but we ought to note at this stage—and I say it for the purpose of the record and for the benefit of all Members of the House—that the way we have proceeded on this matter is unusual in the context of the traditions of this Parliament and of the classic system of Westminster democracy.

Mr. Speaker, in 1992, as Prime Minister of Trinidad and Tobago, I visited Tobago and I had the pleasure of addressing the Tobago House of Assembly. What I said on that occasion is now history, but what is important is that offers were made to the people of Tobago, through the Assembly to settle the relationship between Tobago and Trinidad, once and for all, and to give the people of Tobago the level of comfort, to which we believe they aspire and which we feel would have set the stage for a proper relationship between the people of Tobago and Trinidad. The one caveat, Mr. Speaker, was within the context of the unitary state.

It is easy, and in some instances as it is in this one, it may well be convenient for us to take issue with what we consider to be a unitary state. When one comes to the Parliament today and says, as this draft Bill does in clause 25(1), that the Assembly is authorized to formulate and implement policy, giving "due consideration to national policy", rather than "in the context of national policy", Mr. Speaker, that represents a fundamental departure from the existing arrangements—as has been so eloquently pointed out by my colleague from Diego Martin West—and, in our respectful view, that impinges on the unitary state of Trinidad and Tobago.

I have no doubt that the hon. Member for Tobago East in his winding up would take up that issue and would talk—as I think he mentioned, in his presentation earlier this evening—about the fact that we have one judiciary and we have something else, means that the unitary state is intact but that within that context, one could do something else. However, I am saying to you, Mr. Speaker, as indeed, I would like to say to hon. Members, that we can take that view if we wish, but I am sure that when hon. Members leave here this evening, and in the quiet solitude of their respective homes they begin to reflect on what has been discussed here, that they, too, would come to the inescapable conclusion, that to give the Tobago House of Assembly the authority to formulate and implement policy, giving due consideration to national policy, that is to say, placing no obligation on the Assembly to be confined by a policy under the Constitution established by the authorized body, is indeed, to depart fundamentally from the concept of a unitary state, as we understand it in Trinidad and Tobago.

9.15 p.m.

It is my respectful view that the Government ought to examine carefully whether clause 25(1) does not require a special majority to be passed in this Parliament.

Mr. Speaker, the minority report that has been submitted by the Members on this side included two draft pieces of legislation; one is an amendment to the Constitution and two, a draft Bill, both of which were the subject of deliberations over a period of time by technical teams in the first instance and then political teams headed by the then Prime Minister of Trinidad and Tobago on behalf of the Government, and the other was headed by the Chairman of the Tobago House of Assembly on behalf of the Assembly. Those Bills were negotiated.

May I say straightaway, that the option the Government gave to the Assembly at that time was the option of the rate at which it would proceed. The Prime Minister at the time made it clear that it was one of the first things to be put on the table and it was for the Assembly to decide how quickly or how slowly it would like to proceed on these matters. If you wish to proceed quickly, the Government is in a position to do so; if you wish to proceed slowly the Government is also in a position to do so. The records will show that it was at the instance of the Tobago House of Assembly, and we concurred, that we should move with the utmost dispatch, to bring this matter to what we were hoping would have been a successful conclusion. I say it for the benefit of the record, Mr. Speaker.

Mr. Speaker, when the deliberations got underway in 1992, the Member for Tobago East, hon. Minister Extraordinaire and Minister of Tobago Affairs, in this dispensation, as the Tobago House of Assembly elections of 1992 were approaching, was moved to write to the then Prime Minister and the communication was reported in the *Tobago News* of Friday, November 06, 1992—the letter was written by the Member for Tobago East dated Tuesday, November 03, 1992. I would not read the entire article but with your leave and with the concurrence of hon. Members, I would quote the relevant sections of the article. The article was written by Compton Delph, the Editor of the *Tobago News* and it was entitled; “ANR Robinson writes PM Manning: Settle Constitutional Matters Before Assembly Elections.” It states:

“Former Prime Minister ANR Robinson has written Prime Minister Patrick Manning urging him to take parliamentary action to finalise the new constitutional arrangements for the Tobago House of Assembly so that Tobagonians ‘can be made aware of the kind of Assembly that will govern them.’

Robinson who wrote in his capacity of Member of Parliament for Tobago East, told Manning ‘the confusion engendered by the current situation makes a

mockery of democracy and is prejudicial to the establishment of orderly government in Tobago.

In his letter which was written last Tuesday, Robinson argued that since the constitutional arrangements have not been settled, 'electors are unaware of what will be the new powers, functions and structure of the Assembly,' and the calibre of persons who will be required to carry these functions and powers.

'In the absence of such transparency,' wrote Robinson, 'Tobago will once again be placed at a severe disadvantage and is certain to be saddled with weak and inferior representation susceptible to external manipulation. This could not be what you had in mind when you promised new dispensation for Tobago,' he told Manning.

'Following is text of Robinson's letter:

'Dear Prime Minister: Firstly—'

Mr. Speaker, there is a "firstly" which is not relevant to the deliberations here so let me go to "secondly":

"Secondly, I write concerning the situation in Tobago which is, for me, as a constitutional representative of the island and for many residents here, a matter of considerable concern. Residents on the island have taken seriously your avowed commitment to great devolution of power on the House of Assembly, improvement of its structure and expansion of its functions, as well as enhancement and entrenchment of the constitutional relationship between two islands.

They are aware that discussions have been proceeding between you and the Tobago House of Assembly and know that the outcome of these discussions will eventually have to be brought to Parliament. Meanwhile, the term of the Assembly is due to expire and elections will, in the normal course, be due to be held in the next few weeks.

However, since the proposed arrangements have not been settled, electors are unaware of what will be the new constitutional provisions, the new powers, functions and structure of the Assembly. Political parties are no doubt, hard put to write manifestos, and the situation in respect of candidates borders on chaotic."

Mr. Speaker, this is the Member for Tobago East writing to the then Prime Minister on the eve of a Tobago House of Assembly elections.

It continues:

“There is no firm basis on which residents can determine the calibre of the representative that will be required in the new dispensation, whatever it might be, and persons of stature who might be willing to leave their present occupations to offer themselves for election to the Assembly are unable to make any intelligent decision as to whether it would be worth their while to do so.

The consequence is that Tobago can very well be under threat of representation well below the standard the island needs. Voters are about to be asked to cast their votes in the dark in such a vitally important matter as governance of the island. I am sure you will agree that no people should be placed in such a position in a matter of such importance to their future well-being. Tobago has suffered enough in the past from disrespect, insensitivity, ill will and neglect. You have promised to use the powers and influence of your office to put an end to all of this.”

9.25 p.m.

The letter continues: *[Interruption]*

“The confusion engendered by the current situation makes a mockery of democracy and is prejudicial to the establishment of orderly government in Tobago. I therefore appeal to you to take the necessary steps to have the new constitutional and other arrangements finalised in Parliament so that voters can be made aware of the kind of Assembly that will govern them, the nature of the positions to be filled, the calibre of the persons who will be required to fill these positions and the powers, functions and conditions attaching to them.

In the absence of such transparency, Tobago will once again be placed at a severe disadvantage and is certain to be saddled with weak and inferior representation susceptible to external manipulation. This could not be what you had in mind when you promised the new dispensation for Tobago. It could not possibly be the intention of one who now carries the mantle of Chairman of Caricom with the new and sacred responsibilities the position entails.

Please be assured that I am available for any discussions you may desire on this matter, and as a former Prime Minister and a constitutional representative of the island, I pledge my full co-operation.”

Mr. Speaker, when you read a letter like that, I am sure that, like me, you will come to the conclusion that the person who is the author of that letter wrote it out of love and affection for the people of Tobago, and also out of love and affection for good order and propriety. He was concerned that an election was being called in Tobago and that in the absence of a settlement of the constitutional and other legislative arrangements there could be chaos and confusion in that election. He was talking about the selection of candidates—parties are unable to do so properly; persons of the requisite calibre who would like to come forward are unable to do so, in the absence of a settlement of these constitutional arrangements, and so forth.

What has happened is that an election date has been announced by the Government as December 9, with nomination day—which is Monday—being four days away, and a writ has been issued by His Excellency the President of the Republic. In the current circumstance, political parties are constrained to begin the process of nomination of candidates under the existing law, with matters as important as these pending before the Parliament at this time.

Mr. Speaker, those who wish to come forward do not know under which law they would be coming forward, or whether the legislation as it now stands will pass the Parliament. I draw to your attention the fact that sections of this legislation require special majority and that the last thing I would have expected, Mr. Speaker, is that the hon. Member for Tobago East—writing as he did in November, 1992 and expressing the concerns in the way he has very eloquently done—would be associated with the procedure with which this Parliament is now engaged in seeking to settle the relationship between Tobago and Trinidad. I ask him a question: What is going to be the salary of Members of the House of Assembly? The current salaries, or the new ones proposed in the law? Will the law pass Parliament?

Mr. Speaker, you know it is improper to anticipate the Parliament of Trinidad and Tobago, therefore we cannot assume that the Parliament will or will not pass it. We do not know. Yet the election is called and almost everything the Member spoke about in 1992 is even more applicable today. He talks about—and let me find it: “Tobago has suffered enough in the past from disrespect, insensitivity, ill will and neglect.”

Mr. Speaker, what greater disrespect to the people of Tobago than seeking to pass, in the Parliament, legislation of this gravity and import when you do not consult the Tobago House of Assembly. It is downright disrespect, Mr. Speaker. I commend the words of the hon. Member for Tobago East for his kind consideration. Disrespectful, insensitive, Mr. Speaker. We are selecting candidates too. People are asking us what are going to be the terms and conditions under which the Members of the House of Assembly will operate.

Mr. Speaker, there is a clause in the new legislation that mandates an election to be called within three months of this legislation passing Parliament. I ask the question: If the elections are held before the legislation passes Parliament, when the legislation passes Parliament, are we going to hold another election under different circumstances? Because there will be new legislation substantially different from the existing legislation under which the election of December 9 has been called, Mr. Speaker. Quite apart from trying to settle the arrangements and providing an atmosphere of good order in which to conduct the affairs of the people of Tobago, the legislation before the House today has been introduced into this Parliament in such a way as to bring about chaos and confusion. [*Desk thumping*]

Mr. Speaker, I want my colleagues on the other side to take note, because I do not think that they fully realize those with whom they are dealing. I do not think that hon. Members opposite fully understand that the agenda of some of the individuals among them may not be consistent with their own agendas, Mr. Speaker. There may be elements in agendas that may not be as exposed as some of them would like them to be. Mr. Speaker, take the hon. Member for Tobago East, for instance. When you trace his methods of operation over the years you come to the conclusion that he can only operate properly in a situation of conflict, and where such a situation does not exist, Mr. Speaker, he creates that situation of conflict.

Mr. Speaker, in 1980 when you and I were Members of this honourable House—by then we had parted our political ways, Mr. Speaker—following the debate that was initiated in 1977 and following the deliberations of the Parliament in this Joint Select Committee and the report of the Select Committee, legislation came to the Parliament. Mr. Speaker, all of us who sat as Members of Parliament then, saw that legislation as the culmination of the deliberations that began in 1977 and as an attempt to put into law what had been agreed by the Parliament of Trinidad and Tobago.

The Minister Extraordinaire and Member for Tobago East has always made it clear to this Parliament that the Joint Select Committee of 1978 or 1979, or whatever year it was, had its report passed unanimously by the Parliament. What he always conveniently omits to advise the Parliament is that the legislation, Act No. 37 of 1980, was also unanimously passed by the Parliament. He was there. You voted for it, Mr. Speaker. Do you remember that? You could answer me, Mr. Speaker. Not one vote was cast against it, Mr. Speaker! *[Interruption]*

Mr. Speaker, as a Member of Parliament, I came away from that Parliament in 1980 with the view that yes, we had had difficult deliberations in the Parliament. Yes, Mr. Speaker, these deliberations at some stage had become contentious and acrimonious. Yes, Mr. Speaker, it was a very trying and testing time for us, but at the end of the day, having regard to all the circumstances and considerations, we were able to achieve consensus in the Parliament on the legislation that would be introduced to dictate how Tobago related to Trinidad from here on. We were always conscious of the fact that the process, of necessity, had to be an evolutionary one; and that in due course, after the arrangement had been allowed to exist for some time we could, on the basis of experience and how that arrangement worked, modify it appropriately.

Mr. Speaker, the first Chairman of the Assembly was the hon. Member for Tobago East.

Mr. Robinson: And you came to Tobago to meet me.

Mr. P. Manning: Yes, and it was my pleasure to meet you, and I meet you in Trinidad now and I will meet you again. I want to assure you that I will meet you again, Sir.

Mr. Robinson: We are meeting now.

Mr. P. Manning: We will meet again, through you, Mr. Speaker, it is always my pleasure to meet.

Mr. Valley: And you met him in 1991.

Mr. P. Manning: Yes. Listen man, you name it! You name the battlefield and name the time.

Mr. Robinson: Do you want to get fired again?

Mr. P. Manning: Yes, any time you are ready. *[Desk thumping]*

Mr. Valley: You met him in 1991, and you were fired in 1991.

Mr. P. Manning: Let me leave him alone.

Mr. Speaker, after the new Assembly was set up, the very first thing that the Chairman of the Tobago House of Assembly did was to set up a system of secretaries in Tobago, something that was not included in the law—

Miss Nicholson: But should have been there.

Mr. P. Manning:—but something which immediately led to a situation of conflict between the House of Assembly and the Central Government, and which the hon. Member for Tobago East used so effectively, in a political context, in the years that followed. He set it up deliberately.

Mr. Speaker, I think I need to draw this to the attention of some of the newer Members of the House who are not familiar with the ways of my good Friend from Tobago East. He set up that conflict situation in 1980, Mr. Speaker.

9.35 p.m.

Mr. Speaker, in 1987, the hon. Member for Tobago East became the country's third prime minister and what I could never understand, having regard to this letter which the hon. Member wrote in 1992 which was subsequent to it, but which was consistent with the attitude he had been adopting before this, was when the hon. Member had an opportunity with a parliament of 33:3 and—more than that, when my good Friend from Couva North took his departure from the government, seeing its demise at that time incidentally, he did that.

Mr. Robinson: No. It was not you.

Mr. P. Manning: No, it was not. It was him. He did it.

Mr. Robinson: Well, speak the truth.

Mr. P. Manning: Mr. Speaker, I could not get the advice to speak the truth from a better man but I leave that also. I do not want this debate to descend to that level.

What excuse could the hon. Member for Tobago East have used? That he did not have the requisite majority in Parliament. It could not be that. We were wiped out. We were decimated and even after the Member for Couva North and his colleagues left, he still was able to boast about 26 seats in the Parliament. Unprecedented, except in an overt campaign; it is unprecedented in any election

which was properly contested in Trinidad and Tobago. The question must linger in the minds of those of us who have been examining the situation over the years. Why is it that in the face of this publicly uttered concern of the Member for Tobago East about the relationship between Tobago and Trinidad and the constitutional guarantees that the Tobagonians wanted, that the hon. Member for Tobago East took absolutely no step to bring this matter to a successful conclusion?

I would wish to suggest to you, Mr. Speaker, that the reason for that was that a successful conclusion to this matter he did not believe to be in his own interest. It is the only reason. He wants a conflict situation between Tobago and Trinidad all the time, because he had the foresight to know that he was likely to be out of government again.

Mr. Robinson: I did not know about the coup; you knew.

Mr. P. Manning: Mr. Speaker, I hear a voice crying in the wilderness. I think we should just ignore it. He had the foresight to know that he was likely to be in Opposition again and he set up things in such a way that he could ride the same horse for yet another time.

Therefore, it is against that background that we have to look at some of the provisions in the legislation that is before us. *[Crosstalk]*

Mr. Robinson: They cannot handle me. They have to shoot me.

[Mr. Manning sits]

Mr. Speaker: Hon. Members, the Member for San Fernando East wants protection. He would prefer to—

Mr. Panday: I could go and sit next to him, Sir.

Mr. Speaker: I do not think it is that type of protection he wants. *[Laughter]*

Mr. Assam: I thought he was running dry.

Mr. Speaker: He is entitled to ask that he be heard in silence without being heckled. Please continue.

Mr. P. Manning: Thank you very much, Mr. Speaker. I could have said as you said in this Parliament before, when the hon. Member for Couva North offered to sit next to me, I could invoke your own words—I do not like boys. Do you remember? That was— *[Laughter]*

Mr. Assam: I think the Member doth protest too much.

Mr. P. Manning: Why you would choose to say it in a place of privilege, I am in no position to say, but let us proceed please.

The conflict situation is a situation which the Member for Tobago East considers as essential to his successful political existence. Mr. Speaker, how does one read this whole question of salaries as it has been put in this legislation today? The Chairman of the Assembly—that is the chief secretary—the deputy chief secretary and all the secretaries will have the same salary? Can you imagine that? The chief secretary, the deputy chief secretary and all the secretaries will have the same salary, that of a minister. It did not start off that way.

In the draft the Chairman of the Assembly will have a minister's salary as always and the secretaries would have the salary of a parliamentary secretary. That is what we put in the draft, but the minute we end up in a situation where the Chairman has one salary, the deputy chairman has that same salary and the secretaries have that same salary, what is seen? That the minute the ink is dried on that arrangement, there will be agitation for a differential in the salaries, and, of course, the salary of no-one can be reduced. There will be an argument to upgrade the salary of the chief secretary, perhaps to that of prime minister. Understand what is happening. It is not accidental. It is deliberately set up in that way.

Mr. Panday: Everybody in this House should have the prime minister's salary.

Hon. Member: Thank you, Sir. I need it.

Mrs. Robinson-Regis: We all want the salary of the Minister Extraordinaire.

Mr. P. Manning: It is true to form what happened in 1987 and what happened in 1987—1991, we are seeing exactly the same trend in the legislation that is before the Parliament today. I used the example of salaries but that is not the worst example at all.

The worst example centres around section 75(1) of the Constitution about the responsibilities of ministers. Section 25(1) of the legislation—what happened in 1987? The ability of the Assembly to formulate and implement policy giving due consideration to national policy, that is to say, not being constrained by national policy. A third section of the legislation, Mr. Speaker, authorizes the Assembly to make assembly laws. It was my colleague, the Member for Diego Martin West, who gave to this Parliament two examples of what could happen in a situation

where policy is being formulated by the House of Assembly in conflict with national policy. Permit me, with your leave, to give a third example. What is the policy of this Government in respect of casinos?

Mr. Panday: We have them.

Mr. P. Manning: You have them. Well, we do not want any *sotto voce* thing. We are going to put a question to Parliament and you will tell us that, but the current policy of the Government of Trinidad and Tobago until a new policy is announced, is that this country does not endorse casino gambling.

Suppose the House of Assembly decides that in the context of an enhanced thrust in tourism, it deems that as part of an investment package, it would like to see casinos in Tobago, then what this is saying is it will give due consideration to the national policy but at the end of the day that policy would be completely dismissed and the Assembly will pass a law allowing for casinos in Tobago.

9.45 p.m.

Miss Nicholson: What is wrong with that?

Mr. P. Manning: We are just pointing out what the implications are because hon. Members opposite, busy as they have been with their own portfolios, have not been paying due consideration to the matters that are coming before us.

It is very interesting to see how an Assembly law will operate. An Assembly law, under the legislation, must be transmitted by the Clerk to the Clerk of the Parliament and it is subject to the deliberations of this Parliament by negative resolution. That is to say, that it is placed before the House and is passed without debate, unless a motion is introduced into the Parliament which is the subject of debate and deliberations on that law.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes [Hon. B. Panday][Desk thumping]

Mr. Speaker: Again, it is quite obvious that the Leader of the Opposition has been taken by surprise and he is not even allowing me to put the question.

Question put and agreed to.

Mr. P. Manning: Mr. Speaker, I am grateful to you, Members of this House and particularly to the hon. Prime Minister who has taken me completely by

surprise. Even though he assures me that it is not a trap, perhaps you would permit me the latitude of a little Latin: *timeo danaos et dona ferentes*. Perhaps you may wish to translate, Mr. Speaker. I am grateful to the hon. Prime Minister for his kind gesture.

Mr. Speaker: I think, hon. Members, that at 10 minutes to 10 at night, when one is mutilating the Latin and English equivalent, it is necessary for me to intervene. The correct Latin is *timeo danaos et dona ferentes*, and you better believe that the English equivalent to that is: I fear the Greeks, particularly when, or especially when, they come bearing gifts. [*Desk thumping*]

Mr. Manning: Mr. Speaker, what would I have done without your esteemed presence in this honourable House? It is a pity that Latin is now a dead language.

An Assembly law can only be overturned in this Parliament on negative resolution by a motion being introduced into the Parliament, two bites at the cherry, and the motion must be passed by a two-thirds majority of the Parliament.

Hon. Member: The Member said three-quarters.

Mr. P. Manning: Is it three-quarters? Which one is it?

Hon. Member: This is two-thirds, but the Member said three-quarters.

Mr. P. Manning: Two-thirds, is it? Two-thirds. What that means is—for the Members opposite who do not understand what that means—that this Parliament can pass a law which this Parliament, having regard to the configuration of the Parliament, is unable to stop. In other words, they can authorize the Assembly to pass laws and there is a mechanism in there for this Parliament to overturn any law passed by the Assembly, but having regard to the Constitution of this Parliament, the Parliament may not be able to achieve that.

Hon. Member: Why?

Mr. P. Manning: The politics of it. You see, if the hon. Member for Tobago East wishes to bury his head in the sand, fine. It is 17-17-2.

Hon. Member: That is 36.

Mr. P. Manning: Okay, fine.

Hon. Member: You cannot get two-thirds out of 36?

Mr. P. Manning: The Member for Tobago East could say what he wants and I hope that those on the back benches of the Government are listening carefully

and understand the argument, "so what, you cannot get two-thirds out of 36?" Yes, you can. In political terms you cannot.

I ask this question. Suppose the Assembly passes a law—because the hon. Member for Tobago East is arguing that this Parliament is supreme and if the Parliament is supreme then the unitary state arrangement has not been valid. That is what he is saying. We have heard the argument before. What happens? If the Assembly passes a law—this is an Assembly law—it is the subject of negative resolution in this Parliament, but a motion is introduced and that law is upheld; in other words, the motion fails, what happens then if the Parliament now introduces its own law that outlaws the law that has been passed by the Assembly? Do you understand?

Hon. Member: The majority.

Mr. P. Manning: Which proper majority? Unless the law that we are introducing offends the Constitution, it will pass by a simple majority. What I am saying is this, that the hon. Member for Tobago East is aware of all of this, but a conflict situation is deliberately being set up. More than that. We talk about the chief secretary sitting in the Cabinet. I think somebody raised it in the debate. What happens if the chief secretary feels that he should sit in the Cabinet for deliberations on a particular matter and the Prime Minister feels he should not? It is not then a question of law; it is a question of politics, and he goes to Tobago and he starts to agitate. That is what the Member for Tobago East did.

What I am saying, hon. Members, is that the legislation as it is now before this Parliament deliberately has set up in it a number of situations that can engender conflict between Tobago and Trinidad. Of course, if we now pass legislation in this Parliament and shortly thereafter some Chairman of the House of Assembly decides to operate in a manner that brings about conflict between Trinidad and Tobago, do you know what is the argument next? The argument next is that "enough is enough; it is quite clear that the people of Trinidad and Tobago, at the level of the Parliament, are not understanding Tobago well; the time has come for us to take our leave of the unitary state of Trinidad and Tobago". That is what is being set up.

Miss Nicholson: What is wrong with that?

9.55 p.m.

Mr. Speaker, the Member for Tobago West is asking what is wrong with that. I am saying, as my colleague, the Member for St. Ann's East, that nothing is wrong

with that. However, if that is what they want to do, they must say so. It must be explicit, and the people of Trinidad and Tobago must know that that is what we are agreeing to. *[Crosstalk]*

Mr. Speaker: Order! Order! Order!

Mr. P. Manning: Thank you very much, Mr. Speaker.

Mr. Speaker, section 75(1) of the Constitution, and clause 25(1) of the legislation is giving the Tobago House of Assembly power to formulate and implement policy giving due consideration to national policy. *[Interruption]* Does the Member for St. Joseph wish to speak again?

Mr. Assam: It is according to Schedule 5 only.

Mr. P. Manning: Mr. Speaker, we have already argued in this Parliament, and elsewhere, that such a provision in the legislation runs counter to section 75(1). Assuming that it did not, it represents a fundamental departure from the existing arrangements and, therefore, constitutes a matter on which not only the people of Tobago should be consulted, but also the people of Trinidad. It is clear that it represents that.

I ask something else, Mr. Speaker. The Member for Tobago East has been talking about giving the Tobago House of Assembly that authority. What is the responsibility of the people of Tobago in governing their own affairs? What is the responsibility in dispensations in which there are causes of that nature? We are essentially looking at a federal arrangement. That is what happens. One is essentially looking at a federal arrangement and the one thing that is common to federal arrangements is that each element of the federation must pay its way. It is an essential commitment.

Is it that the hon. Member for Tobago East has been holding on to the argument of the unitary state purely because he does not wish the argument to arise that if it is that we are going that federal route, where we are giving Tobago that kind of autonomy, that Tobago ought not to be called upon to finance its own operation? The Government may not be seeing all of this. *[Interruption]*. What both sides? *[Interruption]* Mr. Speaker, I am not against it. What I am saying to the hon. Member for St. Joseph is that before we could agree to any of those provisions, the people of Trinidad and Tobago must be consulted. That is all we are saying.

Tobago Arrangements Report
[MR. MANNING]

Thursday, November 14, 1996

Mr. Speaker, the consultation does not have to be lengthy. In a period of three months that consultation could be out of the way. Therefore, I want to propose an amendment to the resolution that is before the House. The amendment is as follows:

"Be it further resolved:

That before further action is taken with respect to the recommendations contained in the report, that there be further consultation on the report with the Tobago House of Assembly and the people of Trinidad and Tobago."

Mr. Imbert: Mr. Speaker, without prejudice to my right to speak later in the debate, I wish to second the amendment.

Seconded by Mr. C. Imbert.

Mr. P. Manning: Mr. Speaker, I am grateful to my colleague, the Member for Diego Martin East.

Mr. Speaker, there is a conceptual point on which the House of Representatives has to come to a conclusion.*[Interruption]*

The problem was not so much giving more authority to the Assembly, because the Assembly, over the years, has not demonstrated its ability to properly discharge the functions under its care. It has not demonstrated that. Our concern was streamlining the administrative arrangements and clarifying all that is required in law so that the Assembly can properly discharge the functions with which it is entrusted. It is a conceptual difference, therefore, the laws as we have them appended to our minority report, reflects that approach as opposed to the one which is reflected in the laws of the majority report.

Mr. Speaker, we have spent some considerable time on this matter. Over the last few days we have debated an aspect of this matter, and today we have had a big debate again. When the legislation finally comes to the Parliament we would be debating it in detail. We have chosen to pursue it in this way because we are not unaware of the significance of all of this to the people of Trinidad and Tobago and we are very concerned that as of now the national community, particularly, the people in Tobago, may be aware to some extent; but that the people of Trinidad are not aware of the significance and import of the legislation that is about to be considered by the Parliament.

Thank you, Mr. Speaker.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, I rise to make a brief intervention in this debate. There are some issues that I think the Parliament needs to be aware of, and that is the role of Members of Parliament who represent Tobago after this legislation is passed; the role of ministers in the interaction with the Tobago House of Assembly and so forth. These issues have not been properly dealt with by the other side.

Exactly what will be the role of a Member of Parliament representing a constituency in Tobago after the passage of this legislation? What will be the nexus between a Member of Parliament representing Tobago and the Tobago House of Assembly? As far as I can determine, there will be none. In fact, what we are doing is conferring powers and authority onto the Tobago House of Assembly and diminishing the role of the Member of Parliament in Tobago.

My personal view is that there should be some provision in the legislation which allows Members of Parliament the opportunity to raise matters with the Tobago House of Assembly. I cannot say what that mechanism may be, but if, for example, a Member of Parliament in Tobago is not a member of the same party that has the majority in the Assembly—that is quite possible in the future—and that Member of Parliament is aggrieved or feels that the Assembly is doing something that he or she is not in agreement with, how does that Member of Parliament seek action or redress from the Tobago House of Assembly?

10.05 p.m.

As a Member of Parliament in this House, I can raise a question with a Minister. If, for example, I have a difficulty with the water supply situation in my constituency, I can ask the Minister of Public Utilities to respond. Similarly, the Ministries of National Security, Education, Health and so forth.

There is no provision for a Member of Parliament representing a constituency in Tobago to file a question with the Assembly and to call upon a Secretary in Tobago, for health, for example, to respond if there is a death in the hospital in Tobago. That Member of Parliament in seeking an explanation would have to go through the Minister of Health in Trinidad who will then tell him he has no jurisdiction in this matter because a law has been passed which has taken away all of his responsibilities for health in Tobago. If the Tobago House of Assembly is hostile to that Member of Parliament, he or she being from another party, the Member cannot do anything except agitate, demonstrate, maybe lead a protest demonstration around the Parliament, write a letter in the daily newspapers, or resign. This cannot be the proper way to go.

This is a very serious matter which has been completely overlooked in the deliberations of the Joint Select Committee. It has been completely overlooked by the drafters of the legislation because there is absolutely no mention of it whatsoever.

To disabuse my hon. Friend from St. Joseph of aberrations where there are overlapping powers and responsibilities in federal type arrangements, the hon. Member for St. Joseph is of the view that no assembly would be crazy enough to do something that would go against the grain of national policy and he views any such event as an aberration. Mr. Speaker, this is not so.

In fact, I am aware of a case in the Federation of St. Kitts/Nevis this year, 1996 where the Minister of Education for the Federation of St. Christopher and Nevis in following national policies—and the Minister of Education should listen very closely—that students attending school should conform to the rules and regulations relating to school uniforms, comportment—the Minister of Education in the Federation of St. Christopher and Nevis had debarred a certain student from entering school because he was not conforming to the rules relating to dress code. But the corresponding person in Nevis decided to admit the student.

It happened, in complete contravention of the policy laid down by the Minister of Education for the country, the unitary state of St. Kitts/Nevis. The Minister of Education for the Federation felt that all students should conform with the dress code established by the principal. The Secretary in Nevis said, he could have said what he wanted, but he was allowing students in Nevis to enter schools and that they do not have to conform to the dress code. This is just a simple example of the mass confusion that can take place if roles and responsibilities are not clearly defined and persons have a misunderstanding of their powers, authorities and responsibilities.

Mr. Speaker, I hear *sotto voce* coming from the Member for St. Augustine. He is saying what is wrong with having a different dress code. The point is it is not a different dress code. The Secretary in St. Kitts/Nevis was not interested in any dress code. There is a complete departure, there is a fundamental difference and there has to be something wrong with that.

It is clear that the Member for St. Augustine is not interested in thinking about what Members are saying in this debate.

Mr. Speaker: Hon. Members, could we have order please. Please continue.

Mr. C. Imbert: I am amazed. I saw a certain situation recently in the daily newspapers where the Minister of Education was taking a position with regard to discipline. I was glad that the Minister of Education, although he is not a very talented person, was finally coming into his own and asserting himself because of the whole question of a dress code. Look at how we comport ourselves in this Parliament. There is a dress code. It is to establish a certain standard of dignity and decorum in the House. Otherwise, we would all come here in merino vests and slippers, and as a result, the respect that the public has for this Parliament would diminish.

In the same way when the present Minister of Education stood firm and supported the whole question of a dress code, he was, in fact, reinforcing values of discipline in schools. A very admirable stand taken by the Minister of Education, but the Members for Oropouche and St. Augustine consider that to be fascist and Nazi-like. That is what I heard them say. It leads me back to my original point, that unless there is clear definition of exactly who is in charge of formulating policy, then there will be the Minister of Education establishing a dress code in Trinidad and the Assemblyman, "St. Augustine" allowing everybody to go to school in short pants and it is no big deal. This is the problem when there are loopholes, ambiguities, conflicting authorities and situations in law which are subject to interpretation.

Mr. Speaker, as a lawyer yourself, you will know that the problems which exist in our court disputes, conflicts and so forth, arise primarily out of differing interpretations of standards, laws, rules and regulations. Once there is a grey area within a law it is a recipe for chaos. I hope that the hon. Members opposite understand the points made by the hon. Members for San Fernando East and Diego Martin West, that under section 75(1) and(2) of the Constitution—as a matter of fact, under that whole section of the Constitution—Chap. 5, Executive Powers—certain authority is vested in the Cabinet of Trinidad and Tobago, the President and so forth.

The Members opposite can laugh and be sarcastic, but I know they understand that what we are doing here is allowing a situation where a Minister will be responsible under the Constitution for the country of Trinidad and Tobago but who will have no mechanism whereby he can effect this responsibility in Tobago. In other words, a minister will be completely powerless and have no ability to deal with matters in Tobago but he will have responsibility. For example, if someone dies in the hospital and it is the view of a relative or a friend that person died as a

result of negligence, the Minister in Trinidad can be sued because under the Constitution he has responsibility. The Secretary in the Assembly can avoid responsibility and say, “do not sue me, sue the Minister in Trinidad because under the Constitution that person has responsibility. It is a very serious matter. This is not a laughing matter at all. There are many issues here.

10.15 p.m.

I see that under the Fifth Schedule the Assembly would have the responsibility for customs and excise. I am not sure I know what that means. Does this mean that they can establish duties? Can they establish custom duties in Tobago? This is what this is saying. It is obvious. I do not know if the Members of the Cabinet who were involved in this matter left it up to the Minister Extraordinaire and did not study the law. Clause 25(1) states:

“The Assembly shall, in relation to Tobago, be responsible for the formulation and implementation of policy in respect of the matters set out in the Fifth Schedule . . .”

I am surprised that the Member for Chaguanas made those remarks. He is a former customs officer. What does policy mean? Does that mean, as my hon. colleague for Diego Martin Central said, that in Trinidad and Tobago certain tariffs and duties would be set in relation to Caricom treaties, but in Tobago all that would be forgotten? I ask the learned luminaries for Couva North and Caroni East to think about that. What does it mean when the Assembly would be responsible for all policy matters relating to customs and excise? As far as I can interpret, it means that they can do anything they want with regard to customs and excise.

Let us look at clause 1. That is the raising and collection of revenue and the meeting of expenditure incurred in carrying out the function of the Assembly. What does that mean? Mention was also made about any other residual function not specified in the Sixth Schedule or other Schedule. It is unusual for a subordinate authority to have responsibility for residual functions. It is highly irregular! They have just said the Assembly would be responsible for those functions and the Cabinet would be responsible for these other functions. Some functions have not been mentioned. It is not resident in the supreme authority of the land, the Parliament, but resident in the Assembly. That is nonsense! How can residual functions be derogated to a subordinate body? *[Interruption]*

Mr. Manning: Why are you so noisy?

Mr. C. Imbert: He is a tautological disaster. *[Laughter]*

Let me go on. There are some other matters to which I think I should refer before I take my seat. We have raised certain issues relating to the number of senators. We are not playing a numbers game. It is not whether it should be 6, 10 or 18 senators. The framers of the Constitution established a certain balance of power in the country. They felt that for certain majorities the Opposition should always have a say. In the House of Representatives there cannot be a certain majority unless the Opposition gets involved. Similarly, in the Upper House the balance of power was put so that the Independent and/or Opposition Members would have to agree with certain legislation, otherwise it cannot be passed.

I believe that the ratio of Opposition to Government to Independent Members was carefully chosen to have a certain balance of power. Adding a senator here and there would upset the ratio and balance of power. I think that before we jump into something like that, we should consult the framers of the Constitution to find out why they came up with six Opposition Members, nine Independent Members and whatever it is. Find out what was going through their minds. It is clear to me that they were going to allow certain special majorities to pass through the Senate even if the Opposition was in disagreement, but with the larger majorities it may not be so.

We are interfering and diluting the authority and influence of the Opposition with this proposed amendment to increase the number of Independent and Government Members, while leaving the same number of Opposition Members. I cannot agree with that. As my hon. colleague for Diego Martin West has said, one could have come up with a different formula. It should be ensured that the ratio remains the same so that the balance of power would remain the same in passing certain special majorities.

There are aspects of this legislation which have not been properly thought through. Coming back to the whole question of the role of Members of Parliament representing Tobago, they should, as of right, have some link with the Tobago House of Assembly. I do not know whether they should be *ex officio* members of the Assembly, or table questions for a response before the Assembly. That requires consultation. In the same way that the Prime Minister could invite the Chairman of the Tobago House of Assembly to sit in Cabinet, in the same way the Chairman of the Tobago House of Assembly should perhaps have power to invite Members of Parliament representing Tobago to sit at meetings in the Tobago House of Assembly.

I believe there is a serious omission in this move to give Tobago more independence and autonomy towards the concept of internal self-government. None of us has a difficulty with that. Whatever we do should have the agreement of the people of Trinidad and Tobago. That is a very salient point. The whole question of Tobago's independence, autonomy, secession and self-government is being driven by persons from Tobago. So it should be, but this is a unitary state. We in Trinidad should have the right to say how we feel about alterations to the laws and actions which would affect the unitary state of Trinidad and Tobago. It is not just for Tobagonians; it is for Trinidadians, too. Tobagonians should not be bound by what Trinidadians say.

If there is a consultation in Tobago, there should also be one in Trinidad. I am not saying if there is a referendum, there should be one in Trinidad. Perhaps there should be only one in Tobago.

10.25 p.m.

However, in formulating such a referendum, the people of Trinidad should be allowed to have their say, and not simply through their representatives in Parliament as I have heard the hon. Member for St. Augustine say. It is a fact that the people are represented by the Members of Parliament in this House, but we cannot know exactly what are the views of the people on these matters unless we consult them. We are not oracles and fountains of wisdom in this House. Yes, we represent people, but in a matter as serious as this [*Interruption*] [*Member sits*]

Mr. Speaker: Once more, hon. Members, the Member is seeking protection. Can we please pay a little attention to what the hon. Member is saying?

Mr. C. Imbert: Mr. Speaker, I know it is late. I will not be long.

I go now to debates of the House of Representatives, First Session, First Parliament, Volume I, No. 15, Friday, January 21, 1977. What was the matter under discussion? Tobago's internal self-government. The *Hansard* record that I have here refers to contributions made by the hon. Selwyn Richardson, now deceased. He spoke about proposals regarding internal self-government for Tobago. Another Member also spoke, Mr. Raffique Shah, who is well known to the Member for Couva North and the Member for St. Augustine. The hon. Raffique Shah represented Siparia. Let me read what he said:

“Mr. Speaker, I wish to move an amendment to the motion which is now before the House as follows:

Delete the words "accord to" in line 3 thereof and insert in its place "hold a referendum to ascertain the views ..."

The motion would then read:

'That this Honourable House is of the opinion that all proper and necessary steps should be taken to hold a referendum to ascertain the views of the people of Tobago on internal self-Government for Tobago in 1977'."

Mr. Speaker, this was the view of the Member for Siparia, Mr. Raffique Shah, then a Member of Parliament representing the United Labour Front. Mr. Raffique Shah, in seeking to amend the motion, was following the lead of his political leader at the time, Mr. Basdeo Panday. So the Member for Couva North, as far back as 1977, 19 years ago, was of the view that on matters as important as this there should be a referendum. We are now moving with indecent haste to tamper with the Constitution to afford wide powers to secretaries and to reduce the role of Ministers of Trinidad and Tobago to almost zero in Tobago. We are giving the Assembly wide ranging powers to formulate policy on almost any matter. In my view there needs to be more thought on this whole Bill and on what exactly we will do in Tobago.

We have to decide whether we want a federal situation in Trinidad and Tobago. We have been beating around the bush. In the words of the Member for Tobago East, this matter has been on the public agenda for 20 years and for 20 years we have been beating around the bush about what we want for Trinidad and Tobago. We have to decide on whether we want a federal situation or whether we want a separation for Trinidad and Tobago, but this halfway house that is brought before us in this report just will not do.

For the benefit of the Members opposite, the graveyard shift is at 12.00 midnight. We have not yet reached there. As the hon. Member for San Fernando East has pointed out, Mr. Speaker, we need to have more discussion on this matter. That is why I seconded the amendment to the Motion brought by the hon. Member for San Fernando East. He has raised many salient issues such as the whole concept of whether there should be an election. *[Laughter]*

Mr. Speaker: Order! Order!

Mr. C. Imbert: Mr. Speaker, they are laughing their heads off over there, but let me read clause 77 for them. It says:

“Upon the coming into force of this Act, the former Assembly shall stand dissolved and within three months thereafter an election referred to in section 5(1)(a) shall be held.”

What does section 5(1)(a) say? It says:

“The Assembly shall be a body corporate and consist of:

- (a) twelve Assemblymen elected at an election held in accordance with the Representation of the People Act ...”

Mr. Speaker, you are a legal luminary. I have just read clauses 77 and 5(1)(a). My layman’s interpretation of that is that as soon as the Bill is passed, we go right back to square one. There must be a period of registration, a call for nominations, the President has to issue a writ and so forth, so that the whole process in which we are involved, if in fact this law is assented to before December 9, 1996, will be a farce because everything that has transpired *[Interruption]* I think I have to reinforce it through you, Mr. Speaker.

10.35 p.m.

Mr. Speaker, let me deal with something that was not raised. If this law is assented to after December 9, 1996, what about that situation; what happens then? Will there be another election in three months; is this part of a grander plan? Is that the plan, that we should have two House of Assembly elections over the next three months? No. Mr. Speaker, are they aware that there may be two elections and therefore, things may happen in Tobago that they are not aware of? There is one election on December 9, another one in February and then persons who have not presented themselves for election on December 9, may suddenly come forward for the election in February and we see a complete change in the composition, perhaps even of the Parliament?

I leave that with the hon. Prime Minister. There may be persons within this Parliament who may wish to be Members of the House of Assembly, maybe even chairman, and not on this occasion, but on the next occasion in February when it arises.

I therefore support the amendment to the Motion brought by the Member for San Fernando East and ask that this matter be deferred pending further consultation.

Thank you, Mr. Speaker.

Mr. Speaker: Hon. Members, we do have, quite apart from the Motion that is before the House, a proposed amendment to it and the position is that Members who have already spoken are indeed at liberty to speak further on the amendment if they so wish and the amendment would be put eventually, before the original Motion. So be guided accordingly.

The Minister Extraordinaire and Minister of Tobago Affairs (Hon. A.N.R. Robinson): Mr. Speaker, I am one who rises early in the morning.

Hon. Member: You can still rise? *[Laughter]*

Mr. Assam: You seem to have an obsession.

Hon. A. N. R. Robinson: If I do not, it is obvious Mr. Speaker, it is patent, that if I do not rise early in the morning then I cannot be here standing at night. *[Laughter and desk thumping]*

Mr. Assam: Yes. It is getting better and better.

Hon. A. N. R. Robinson: I must add my own words of appreciation for the contributions which have been made during the course of the debate and I want to emphasize as in the beginning, so it is now. The Government did not come with hard and fast positions, the whole process which we have adopted in relation to the measures before the House has been a process which would enable us to listen and have interchange and interaction with Members of Parliament and where necessary, with members of the public through the Joint Select Committee.

You will notice, Mr. Speaker, that even before the Bills were laid for first reading in the House, we had them sent to a Joint Select Committee and that was to enable the maximum amount of time for hon. Members to ruminate over them. This debate has demonstrated that a great deal of thought has gone into the matter as indeed it has over the last 20 years. One only has to look at the document.

Now the subject matter of debate is the "Review of the Constitutional and Legislative Arrangements for Tobago", and to take note of the string of documents which were considered by the Guya Persaud Committee. I think it is important to read them into the record so that the public will be well aware that this matter has not been approached in any superficial way, the stage that we have reached, has been achieved after profound and comprehensive study and deliberation.

So I quote from the Guya Persaud Report into the record, the documents, among others which were considered by the committee:

Tobago Arrangements Report
[HON. A. N. R. ROBINSON]

Thursday, November 14, 1996

“House Paper No. 6 of 1978

The Tobago House of Assembly Act No. 37 of 1980

The Seemungal Draft

The Wooding Constitution Commission Report, 1974

The Hyatali Constitution Commission Report, 1987.”

And note well, as early as 1987. May I say, Mr. Speaker, that the Report was actually presented in 1990, not in 1987, the Commission was appointed in 1987.

The reason for the appointment of this Commission was precisely because the government acceded to the demands of the Opposition at that time, meagre as it was. I could remember the Member for San Fernando East was then Leader of the Opposition and he was very insistent in his view that the Constitution should not be amended piecemeal but that there should be a comprehensive approach to the review of the Constitution. The Government listening to that plea, appointed the Hyatali Constitution Commission which dealt with, among other matters, the issue of Tobago and reported in 1990, the very month that the attempted coup took place. That is the real truth and the history of the matter. It is not that the government of 1986—1991 did nothing, but it acceded to the demands of the Opposition—thin on the ground and inconsiderable as they were—and appointed the Hyatali Constitution Commission.

The Guya Persaud Committee also took into account “The Tobago House of Assembly Bill, 1995” which I described at the commencement of this debate as “The Manning Bill”. The Committee also took into account:

“The Preliminary Proposals of the NAR Drafting Committee Relative to the Constitutional arrangements between Trinidad and Tobago (January 1996).

Draft Interim Report of a Cabinet appointed Committee under the Chairmanship of Sir Ellis Clarke Re: Negotiations for Improved Relations between The House of Assembly and the Central Government Within the Context of the Unitary State.

Cabinet Minute No. 94 of 1/11/1996

The Constitution (Amendment) Bill, 1995...”

Another “Manning Bill” —

“Status Report on Cabinet Decisions (September 1995) Re: Commencement/Improvement of Services in Tobago (January 11, 1996)

Two (2) extracts from the "Constitution of India" by C. L. Anand 2nd Ed.

Recommendations of the THA to the Prime Minister for Promoting a More Harmonious Relationship Between the Islands of Trinidad and Tobago.

Excerpts from the contribution of the Representative for Tobago East Honourable ANR Robinson in the House of Representatives on 96/23/2 re: the Unitary State of Trinidad and Tobago.

The Barbuda Local Government Act No. 15 of 1976."

All these, and other documents the Guya Persaud Committee took into account.

10.45 p.m.

The Guya Persaud Committee also consulted with the Tobago House of Assembly which, as the Member for San Fernando East indicated, had, as he put it, negotiated an agreement with him and his government, which resulted in the Manning Bills to which I made reference and which were fully taken into account by the Guya Persaud Committee.

Nevertheless, Government still appointed a joint select committee. The Joint Select Committee advertised for public comments. The draft Bills of the Guya Persaud Committee were published in the newspapers; *Trinidad Guardian*, *Daily Express*, *Tobago News*, *Gazettes* and in post offices. These Bills were distributed all over Trinidad and Tobago. Time was given for the submission of public comments in writing. The time was extended and the Joint Select Committee consisting of representatives of both Houses of Parliament, including the Independent Senators, sat in order to consider the matter at this stage. One can see the tremendous amount of material that has been taken into account in the evolutionary process of these bills, together with the views of the Tobago House of Assembly.

Meanwhile, the business of the people of Tobago proceeds. An election is to be held on December 9, 1996. Everybody knew that four years ago. I was very interested in seeing the Member for San Fernando East produce the memorandum that I wrote him on November 3, 1992, because I brought it with me. He is absolutely correct. The terms of the memorandum are as apposite today as they were in 1992. They are as relevant, the logic is as cogent, the description of the situation is as applicable as it is today. Are we now going to repeat the mistake that was made in 1992, to have an election with people voting in the dark, not knowing what provisions would govern the assembly, not knowing what powers

the assembly would have and what quality of person would be expected to exercise these powers and having no idea of the terms and conditions?

Dr. Rowley: Mr. Speaker, I am trying to follow the Member for my assistance. An election has been announced, nomination day is Monday, the writ for that election must have been under existing legislation. Is the member saying that the election of December 9, 1996, would not take place? Is a case being made for a postponement? Or, is the Member also saying that if the Bill is passed—could this be concluded in the Parliament before nomination day because by nomination day all the candidates' positions would have been sealed? Could this be completed before nomination day?

Hon. A.N.R. Robinson: The point I am making is that there is a great difference between 1996 and 1992. In 1996, the Bills were published and the intent to have an assembly with enhanced powers is clear. I do not think, from all the statements that have been made by Members on the opposite side, that anybody has refuted the argument that there is need for enhanced powers for the Tobago House of Assembly. That does not mean that the Bills are not subject to amendment. What it means is that there is a clear signal to the population of Trinidad and Tobago and to the whole country that the intent of this Government is that the Tobago House of Assembly should have additional powers, substantially, in any event, along the lines published by the Government in the Bills.

Dr. Rowley: In the context of your concern, if someone offers himself by nomination day to be a candidate in the December 9, 1996 election but then if we do not have an agreement on the extent of those powers, or on the mechanisms of those powers that are not passed, what then is his position?

Hon. A.N.R. Robinson: The people in Tobago understand that substantially what is proposed are enhanced powers but this does not mean that there cannot be amendments. The Joint Select Committee has already come up with agreements on 62 clauses out of 78 and what remains is a matter that can be disposed of in open Parliament where the issues are raised and agitated.

Mr. Valley: Is it not a fact that the December 9, 1996 election would be held under the existing legislation whether or not this legislation is passed, and that when it is passed—even if it passed before December 9, 1996—a further election must be held within a three-month period?

Hon. A.N.R. Robinson: This is not legislation. These are draft Bills, so obviously a responsible Parliament takes into account the circumstances to which the Bills are to apply when they become law. Therefore if transitional provisions are required as indeed they would be—this draft was prepared four or five months ago—those transitional provisions would be drafted. *[Interruption]* That need not be passed. They are new Bills being brought to the House. *[Interruption]*

We listen to what is being said, we examine the situation before us and we deal with reality. This is not being done in the abstract. Members of Parliament are assumed to have rationality. Mr. Speaker, there is another Latin phrase that you would no doubt enunciate, *omnia rite esse acta praesumuntur*. I am sure the Member for Arouca South could tell her leader what that means.

Members of Parliament are assumed to do the right thing. In the same way as one has been advocating amendments to some clauses, other clauses can be amended; that is what Parliament is about. That is why we are here and that is why we appointed a Joint Select Committee.

Hon. Member: I am disappointed.

Hon. A.N.R. Robinson: Why are you disappointed over that? I thought you would be happy.

Dr. Rowley: I want to support this Bill with a clear conscience and a clear head. A writ was served, an election was announced for December 9, 1996, before these Bills were brought to the House— *[Interruption]* In which case I am misled.

Hon. A.N.R. Robinson: We understand, you were not in the House at the time, so you are excused.

10.55 p.m.

I hope that the hon. Members opposite, having heard what I have said regarding the flexibility that is available in the circumstances, would feel more at ease. I thought that is what they wanted. The point is, as a result of the publication of these draft Bills; as a result of a clear indication of the intent in respect of the Tobago House of Assembly, persons who normally would not have offered themselves for elections are doing so now. Did you get the point, Member for San Fernando East? Because they have faith in the Parliament; they have faith in the Government—*[Interruption]*

Mr. Valley: Mr. Speaker, could the Minister give way? Given that the Bill is to be amended and one of the amendments might be, for example, the terms and

conditions of service of the Members of the Assembly, if there are persons who would not come forward because they believe that their status would be enhanced to that of a Minister given that of the Secretary in the Assembly—if that clause is now amended—would that now affect those persons after the fact?

Hon. A.N.R. Robinson: They are not as mathematically calculating as the Member for Diego Martin Central, so they would not be saying, "if I do not get the salary of a Minister I will not go." That is just not how they are thinking.

Hon. Assam: You see they are only interested in the money in politics.

Hon. A.N.R. Robinson: Mr. Speaker, the point is, this was set by the colonial administration since 1958. In order to have the real development in Tobago you have got to bring the level of the administration in Tobago up to the national level. That is what they said in 1958. They pointed out what was happening in the Leeward and Windward Islands and they said that one of the reasons for the depressed state of Tobago was the low level of equality of the public services and they said you have got to bring it up to the national level. That is why they advocated even an administrator at the level almost of a Governor as existed in the other islands. That is why at one stage the PNM, under its first leader, introduced a Ministry of Tobago Affairs, so that there was a minister in charge and a permanent secretary. But that system failed because of the ease with which it could be abolished—the ministry was obliterated overnight because the people voted against the party in power.

Mr. Valley: Did you vote for the party?

Hon. A.N.R. Robinson: Yes. It is so difficult to get it across to the Members opposite because they have a mind-set. "A man convinced against his will is of the same opinion still." It is politically inconvenient for them to have the paradigm shift that is necessary. *[Laughter]* That is their problem.

Mr. Speaker, if you were to bring the administration up to the national level then at the top of the administration in Tobago you have got to have the Permanent Secretary level or Chief Technical Officer level. You cannot have one person because that old system has changed; the work is too much for one person. Therefore, you need to have several of those and if you have several of those they are the persons who would be under the secretaries. So the secretaries have to be at a level where they can deal with people at the level of permanent secretaries, otherwise you would not be doing anything for Tobago; you are making Tobago

subordinate and inferior. This is the argument. *[Interruption]* I thought the Member for Tobago West had been very clear in what she was saying.

Mr. Speaker, we in Tobago are very patient. Whereas in Trinidad, therefore, there are a small number of subjects grouped together under the Tobago administration which consists of some 40 different departments and units, such as atoms in the stratosphere—you group them together and when you group them together, the person in charge has to have a degree of skill which is much more and will have much more work than a person at a lower level. So you need to have a person at the appropriate level. That is the fundamental point.

Unless you can agree to that, then you are not subscribing to what the first President of this country said and which is what the national anthem emphasizes, two islands side by side—not one behind the other or one below the other as the case may be. Unless you accept that, then you will never understand what the situation in the smaller island is like. That is fundamental. That is non negotiable—to have an administration in Tobago at a level which is equal to the national level.

So the point I am making is that having regard to the experience of the past, it is more necessary than ever that the people of Tobago should be aware of the nature, powers and functions that are being devolved upon the Assembly and consequently, the quality of the person it requires in order to manage the affairs of the assembly and of Tobago.

The Member for San Fernando East insists that his government negotiated an agreement between political teams. I want to put it into the record—this negotiation of an agreement between political teams. There are two points which I would like to emphasize and they are: negotiation of an agreement and political teams. I have in my possession the teams that were supposed to have negotiated with each other and I think that it is important to put the names into the record to show the nature of the two sides that negotiated.

On September 29, 1995 at the Mount Irvine Bay Hotel, Members of the Assembly's team met with the Government's delegation, namely:

1. Mr. Lennox Denoon - Chairman
2. Mr. Benedict Armstrong - Deputy Chairman
3. Mr. Claude Benoit - Assemblyman
4. Mr. Kenneth Murray - Assemblyman
5. Ms. Pearl Solomon - Councillor

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6. Mrs. Beverley Ramsey-Moore - Assemblyman
7. Miss Dolores Edwards - Assemblyman
8. Miss Eutrice Thornhill - Assemblyman
9. Mr. William McKenzie - Assemblyman
10. Miss Pearl Pollard - Assemblyman
11. Mr. Robert Hislop - Assemblyman
12. Mr. Hochoy Charles - Assemblyman
13. Mr. Allan Richards - Clerk, Tobago House of Assembly.

Hon. A.N.R. Robinson: You will notice I have the list. You will notice not even a lawyer was there.

Mrs. Robinson-Regis: Deborah Moore-Miggins was there.

Hon. A.N.R. Robinson: And she walked out.

Now, listen to the Government's team, and more than that, the Government's political team:

1. Mr. Patrick Manning - Prime Minister
2. Mr. Keith Sobion - Attorney General
3. Dr. Keith Rowley - Minister of Agriculture, Land and Marine Resources
4. Mrs. Camille Robinson-Regis - Minister of Consumer Affairs and Lawyer
5. Mr. Stanford Callender - Parliamentary Secretary
6. Sir Ellis Clarke - Legal Adviser
7. Mr. Russell Martineau - Legal Adviser
8. Dr. John Prince, Adviser to the Prime Minister
9. Miss Merle Anderson - Permanent Secretary, Central Administrative Services, Tobago.
10. Mr. Ian Macintyre - State Counsel, Office of the Attorney General.

So you see at once the disparity, the inequality and the advantage which they took. *[Interruption]* So let the world know, Mr. Speaker.

Mrs. Robinson-Regis: They could have brought anybody.

Hon. A.N.R. Robinson: That is why you do not want to deal with the Member for Tobago East. You did not come. The Member for Tobago East takes on all of you. *[Interruption]*

Mr. Speaker: I would suggest to the hon. Minister that if he continues to speak to me, he would deflect a lot of the utterances on that side.

Hon. A.N.R. Robinson: It is a delight to speak to a Speaker like you. *[Interruption]* Mr. Speaker, I happened to be present when we were negotiating our Independence. I happened to be the Minister of Finance who had to prepare, in a matter of a few months, a budget for Independence. At the same time, having to assist in the preparation of a new Constitution for Trinidad and Tobago, at the same time that Trinidad and Tobago was negotiating its way out of a Federation. At the same time that we were seeking to reform our entire tax structure and, in particular, our tariff system. We had begun to prepare for membership of the Federation and we had to veer around, in order to change direction, to prepare both for Independence and for Independence in a manner which was separate from Federation. And we did it all in a matter of six months.

Mr. Valley: Bravo!

Hon. A.N.R. Robinson: Bravo! Yes. When it comes to Tobago they cannot do anything at all in 20 years! That is the point I am making. It is the lack of political will. *[Interruption]* When it was Independence—and we wanted Independence—it could be done in record time! *[Interruption]* I did not do it then, because I trusted you. You of the PNM!

Mr. Imbert: We were in school. I was just five years old!

Hon. A.N.R. Robinson: Is he abandoning his history? He has forgotten his father. He has given up on his ancestry. He has condemned and repudiated his ancestry. You have no “institutional memory”. That was it. Tobago trusted. Tobago wanted Independence and felt that in the context of Independence, Tobago would be treated fairly. But Tobago, in its innocence and lack of experience, trusted. *[Interruption]* And what was the consequence?

Let us have a look at development expenditure over the years, comparing the expenditure in Tobago with the national quota.

Miss Nicholson: That's right. Put all of them under pressure.

Mrs. Robinson-Regis: We are not under pressure.

Hon. A.N.R. Robinson: In 1973 Tobago received 5.2 per cent of the development expenditure, development programme.

Mr. Imbert: So what?

Hon. A.N.R. Robinson: In 1974, it was 3.44 per cent; in 1975, 2.38 per cent; 1976, 1.7 per cent; 1977, .96 per cent; 1978, 1.31 per cent; 1979, the height of the oil boom, .2 per cent; 1980, .25 per cent; 1981, .24 per cent; 1982, .27 per cent; 1983, .48 per cent. Total over the years, the Development Programme, .6 per cent.

Mr. Imbert: In 1987; how much?

Hon. A.N.R. Robinson: The long-term development fund established as a result of the oil boom—1976, .15 per cent.

Mr. Speaker: Hon. Members, it is 13 minutes past 11 o'clock [*Interruption*] No, no, I have my toothbrush. I have no problem with that, but this may make the difference between our going to 3 o'clock in the morning and not 5! That is all I am saying, and the Member is entitled to be heard. Whether or not we have our toothbrushes, he is entitled to be heard.

Hon. A.N.R. Robinson: I thank you, Mr. Speaker. In 1979, 1.87 per cent; 1980, 2.23 per cent; 1981, .78 per cent; 1982, 2.95 per cent; 1983, 3.85 per cent.

Mr. Imbert: 1987?

Hon. A.N.R. Robinson: Average from 1976 to 1984, 2.49 per cent.

Mr. Imbert: 1987.

Hon. A.N.R. Robinson: So let us put that into the record. That is why Tobago said, we cannot entrust these matters to you.

Mr. Imbert: A complete record.

Hon. A.N. R. Robinson: Tobago wants a chance.

Mr. Speaker: I also find that it is being made very difficult for the *Hansard* reporters. Think about it. It is extremely difficult for them to catch all of those

voices at the same time, and they are not really supposed to guess. They are supposed to give us an accurate report. Have pity on them, please.

11.15 p.m.

Hon. A.N.R. Robinson: Thank you, Mr. Speaker. That is why Tobago has been demanding a greater say in its own future. It has left its future to the party of the hon. Members opposite and the consequence has been gross underdevelopment and neglect. They have been arguing that members of the Assembly are likely to abuse their powers in all sorts of ways and they fear that the Assembly will succeed.

Let me indicate the kind of behaviour that gives rise to the insecurity and the fears in Tobago leading to the demand for internal self-government when in 1976 they voted against that party, the PNM. This is what the leader of the party said at a public meeting. I will read it into the record. He said:

"I said it in Tobago, if you want to go, go. We are not holding you. I am not going to send any coast guard, or ship, or army there to hold them back. What for? They want to go, go. It is a financial matter. What terms do we agree on without bitterness, without emotion? All they have to do is to tell me what and how to do it. I appoint somebody to do it. I have more important things to do so whenever they are ready, my friends, and they have voted one way, okay, it is not a crime."

That was the attitude. Then to show that he meant business, the then prime minister proceeded to dismantle the Ministry of Tobago Affairs and scattered limited responsibility among his ministries in Trinidad. Civil servants and files were ordered back to Port of Spain. Administrative chaos reigned. The hardships of the people intensified.

Mr. Speaker, you see why now they are afraid of the possibility of genocide, a sort of hutu and tutu behaviour. That is what they are afraid of, the kind of behaviour demonstrated tonight at 11.15 p.m. on that side of the House. Serious matters of this kind involving the smaller, vulnerable, weak community which needs protection. That is the attitude and yet, they talk about what? Tobago is to secede. If Tobago does secede, it is that attitude that drives it.

So, Mr. Speaker, we have introduced these Bills in good faith. We have given the whole country an opportunity to speak. We have received comments in writing

and considered those comments. They have been considered by a joint select committee and now the matter rests in the hands of the Parliament.

I thank you, Mr. Speaker.

Question, on amendment, put.

The House divided: Ayes 14 Noes 18

AYES

Valley, K.

Manning, P.

Rowley, Dr. K.

Imbert, C.

Lasse, Dr. V.

Robinson-Regis, Mrs. C.

Narine, J.

Hart, E.

James, Mrs. E.

Griffith, Dr. R.

Joseph, M.

Sinanan, B.

Boynes, R.

Williams, E.

NOES

Singh, Hon. G.

Panday, Hon. B.

Persad-Bissessar, Hon. K.

Robinson, Hon. A.N.R.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Nicholson, Hon. P.

Rafeeq, Dr. The Hon. H.

Assam, Hon. M.

Khan, F.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, R.

Amendment negatived.

Question, on original motion, put.

The House divided: Ayes 18

AYES

Singh, Hon. G.

Panday, Hon. B.

Persad-Bissessar, Hon. K.

Robinson, Hon. A.N.R.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Nicholson, Hon. P.

Rafeeq, Dr. The Hon. H.

Assam, Hon. M.

Khan, F.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, R.

The following Members abstained: K. Valley; P. Manning; Dr. K. Rowley; C. Imbert; Dr. V. Lasse; Mrs. C. Robinson-Regis; J. Narine; E. Hart; Mrs. E. James; Dr. R. Griffith; M. Joseph; B. Sinanan; R. Boynes; E. Williams.

Agreed to.

Resolved:

That this House take note of the Report of the Joint Select Committee appointed to consider and report on the *Report of the Committee appointed by the Cabinet to review the Constitutional and Legislative Arrangements for Tobago.*

11.25 p.m.

SARASWATI MANDIRAM (INC'N) BILL

Adoption

Dr. Fuad Khan (*Barataria/San Juan*): Mr. Speaker, I beg to move the following Motion standing in my name:

Be it resolved that this House adopt the Report of the Special Select Committee of the House of Representatives appointed to consider and report on a Private Bill for the incorporation of the Saraswati Mandiram and matters incidental thereto".

Question proposed.

Question put and agreed to.

Report adopted.

Saraswati Mandiram (Inc'n) Bill

Thursday, November 14, 1996

Motion made and question proposed, That the House to now adjourn sine die.
[Hon. G. Singh]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 11.30 p.m.