

Leave of Absence

Friday, May 16, 1997

HOUSE OF REPRESENTATIVES

Friday, May 16, 1997

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from the Member for Arouca South (Mrs. Camille Robinson-Regis) who has asked to be excused from today's sitting of the House. This leave is granted.

**FILLING OF VACANT SEAT
(TOBAGO EAST)**

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from the Elections and Boundaries Commission to the effect that Dr. Morgan Job has been duly elected to fill the vacant seat for Tobago East.

In the circumstances, I call upon Dr. Job to take the Oath.

OATH OF ALLEGIANCE

Dr. Morgan Job took and subscribed the Oath of Allegiance as required by law.

[Applause from Public Gallery]

Mr. Speaker: For the avoidance of doubt, I simply wish to indicate to those people who are sitting in the public gallery that there are certain "do's" and "don'ts" in all parliaments. One of them that obtains in this Parliament and, indeed, many others, is that notwithstanding whether you agree or disagree with something, you are not permitted to applaud.

I know you did it in ignorance, but, please, in future, hold back your enthusiasm when you are sitting there. Even Members of the House have to do that. So, please. Thank you.

MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) BILL

Bill to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50, brought from the Senate [*The Minister of Works and Transport*]; read the first time.

Petition

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PETITION
Judicial Review (Piarco Project Report)

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I wish to present a petition on behalf of the Chief State Solicitor of No. 82/84 Queen Street, Port of Spain.

I now ask that the Clerk be permitted to read the petition and that the promoters be allowed to proceed.

Petition read.

Question put and agreed to, That the promoters be allowed to proceed.

1.40 p.m.

PAPERS LAID

1. Annual Report of the Legal Aid and Advisory Authority of the Republic of Trinidad and Tobago for the year ended December 31, 1995. [*The Minister of Social Development (Hon. Manohar Ramsaran)*]
2. Annual Report of the Central Bank of Trinidad and Tobago for the year ended December 31, 1996. [*The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung)*]
3. Report of the Auditor General on the accounts of the Cocoa and Coffee Industry Board for the year ended December 31, 1989. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
4. Report of the Auditor General on the accounts of the Cocoa and Coffee Industry Board for the year ended December 31, 1990. [*Hon. R. L. Maharaj*]
5. Report of the Auditor General on the accounts of the Cocoa and Coffee Industry Board for the year ended December 31, 1991. [*Hon. R. L. Maharaj*]
6. Report of the Auditor General on the accounts of the Environmental Trust Fund for the year ended December 31, 1996. [*Hon. R. L. Maharaj*]
7. Report of the Auditor General on the accounts and financial statements of the Rehabilitation of Access Roads and Reconstruction of Bridges Programme for the year ended December 31, 1996 as required by Loan Contract 700/OC-TT between the Government of the Republic of Trinidad and Tobago and the Inter-American Development Bank. [*Hon. R. L. Maharaj*]

Papers Laid

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Papers 3 to 7 to be referred to the Public Accounts Committee.

8. The Excise Duty (Compressed Natural Gas) Order, 1997. [*Hon. B. Kuei Tung*]
9. The Petroleum (Pollution Compensation) Regulations, 1997. [*Hon. R. L. Maharaj*]
10. Memorandum regarding the decision by the Government of Trinidad and Tobago to ratify the International Labour Convention No. 100 on Equal Remuneration for Men and Women Workers for Work of Equal Value, 1951. [*The Minister of Labour and Co-operatives (Hon. Harry Partap)*]
11. Report of the Auditor General on the accounts of the Princes Town Regional Corporation for the period October 1, 1991—December 31, 1991. [*Hon. R. L. Maharaj*]

To be referred to the Public Accounts Committee

ORAL ANSWERS TO QUESTIONS

Piparo Residents (Relocation of)

35. Mr. Eric Williams (*Port of Spain South*) asked the hon. Minister of Housing and Settlements:

Would the Minister state:

- (i) whether the Government has made a decision regarding the relocation of residents affected by the mud volcano at Piparo?
- (ii) the criteria to be applied in selecting the persons for relocation?
- (iii) the area identified for the relocation?
- (iv) the cost to the Government of relocating the residents?

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, immediately following the eruption of the mud volcano at Piparo, visits were paid by the Ministers of Housing and Settlements; Agriculture, Land and Marine Resources; and Works and Transport with a view to bringing immediate relief to those persons affected. A visit by the hon. Prime Minister followed, when the assurance was given as to the provision of a measure of relief.

The Ministry of Housing and Settlements set about to bring immediate relief by identifying a site along Piparo Road—Stone Road—as well as lots in its housing estate in Buen Intento, Princes Town. A social survey of the affected residents of Piparo—that is to say, those whose homes were damaged—has been completed. The results have identified those who wish to remain in Piparo as well as those who opted for Princes Town.

Since the volcano erupted in Piparo, there have been numerous earthquakes which have caused serious damage in Trinidad and Tobago. Unlike the previous administrations, this Government is taking positive steps to provide a measure of relief to victims of natural disasters and which will not be restricted to Piparo or Tobago.

A National Disaster Relief Fund, and its administration, is being established under the Minister of National Security. The objective of the fund will be to provide immediate relief to victims of disasters and persons affected by the Piparo and Tobago phenomena will be treated within the fund's framework.

Mr. Williams: Mr. Speaker, I did not quite get the criteria, from the Minister, to be applied in selecting the persons for relocation.

Hon. J. Humphrey: Mr. Speaker, all persons who are affected by natural disasters and require a measure of relief.

Mr. Williams: Mr. Speaker, is there an income requirement or is it based entirely on need? What is the mix of criteria between need or means, or are there any criteria?

Hon. J. Humphrey: Mr. Speaker, that would be left to the expert committee that is being established to administer the fund.

Mr. Williams: Mr. Speaker, could the Minister at least suggest a broad policy guideline?

Hon. J. Humphrey: Mr. Speaker, when the exercise is completed we have an expert committee that embraces all the ministries that can in fact respond in one way or the other to victims of natural disasters. When this exercise is completed we would be able to finalize a policy framework.

Solomon Hchoy Highway

36. Mr. Kenneth Valley (*Diego Martin Central*) asked the hon. Minister of Works and Transport:

- (a) Would the Minister state whether the Government plans to extend, resurface, or rebuild the Solomon Hchoy Highway?

- (b) If the answer is in the affirmative, would the Minister state:
- (i) the source of financing for this project?
 - (ii) the name of the firm which has been awarded the tender and the amount of the tender?
 - (iii) whether the firm selected was the lowest tenderer for the project and, if not, the name of the lowest tenderer and the amount of that tender?

The Parliamentary Secretary in the Ministry of Agriculture, Land and Marine Resources (Mr. Chandresh Sharma): Mr. Speaker, Members would recall much talk about work on the Solomon Hochoy Highway. As you are aware, 1997 has been declared the year of delivery.

I am to announce the reconstruction of the southbound carriageway from the 13 to 25 kilometre marks and the northbound carriageway between the 0 and 12.7 kilometre marks. This is from the Preysal flyover to the Tarouba Link Road. Also, the extension of the Solomon Hochoy Highway from St. Joseph Village to Retrench Village. This phase is expected to go out for tender shortly.

The extension of the Solomon Hochoy Highway from Retrench Village to Point Fortin for which a feasibility study is expected to commence in June 1997.

The reconstruction work from Preysal to Tarouba Link Road is being funded by an European Economic Community grant of ECU \$11.52 million and a loan of ECU \$6 million. The extension of the Solomon Hochoy Highway to Retrench Village is being funded by the Caribbean Development Bank and the Government of the Republic of Trinidad and Tobago. The feasibility study for the extension from Retrench Village to Point Fortin is to be funded from the Multi-sectoral Pre-investment Programme Funds provided to the Ministry of Planning and Development.

Mr. Speaker, no contract has been awarded for any of the works to be done so far. A Tenderer Evaluation Committee has recommended that the lowest tenderer joint venture Cubierlas/FCC be awarded the contract for the construction work at a revised tender sum of \$110,090,136.22 based on curtailment of the original contract.

The joint venture indicated its unwillingness to sign the contract agreement because of its dissatisfaction with the reduced tender sum. The contract agreement was terminated and the tender bond forfeited. The second ranked contractor joint venture Comlysa/Lain has been awarded, and has accepted, the contract under similar conditions as applied to the lowest tenderer.

Mr. Valley: Mr. Speaker, could the Member inform the House whether it was a fact that the lowest bidder tendered that price and subsequently withdrew?

Mr. C. Sharma: Mr. Speaker, the Member for Diego Martin Central would appreciate the accurate response just presented. I would answer that in one week's time.

1.50 p.m.

**OPPOSITION LEADER'S OFFER
(ASSISTANCE TO FISHERMEN)**

The Prime Minister (Hon. Basdeo Panday): Mr. Speaker, I have been advised and authorized by Cabinet to inform this House of a letter which I have written to the hon. Leader of the Opposition. It is dated May 14, 1997 and it reads as follows:

“Honourable Patrick Manning
Leader of the Opposition
Chepstow House
Frederick Street
Port of Spain.

Dear Sir,

I have read in the newspapers of your offer to assist the Government in resolving the problems confronting our fishermen.

I wish to inform you that I accept your offer. Please let me know how you wish to assist, the part you want to play and your proposals for resolving this issue.

Yours sincerely
Basdeo Panday”

Mr. Speaker, with your leave, I have not received any reply.

**TRINIDAD AND TOBAGO ECONOMY (1996)
(PERFORMANCE)**

The Minister of Finance and Minister of Tourism (Sen. The Hon. Brian Kuei Tung): Mr. Speaker, the Central Bank Report and the Annual Economic Survey was laid in the Senate on Tuesday May 13, 1997 and was laid by me today in this honourable House. Consequently, I now wish to make a brief statement on the performance of the Trinidad and Tobago economy for 1996. The Trinidad and

Tobago economy has entered a new growth phase with real gross domestic product increasing by 2.8 per cent in 1996. We expect that real growth will accelerate to an average of 5.9 per cent over the 1997—1999 period.

The expansion in output in 1996 can be attributed to further growth in both the petroleum and non-petroleum sectors. Real value added in the petroleum sector expanded by 1.7 per cent compared with 0.7 per cent in the preceding year, while real output in the non-oil sector grew by 3.4 per cent, compared with 3.0 per cent in 1995. The share of the non-oil sector in gross domestic product reached 71.6 per cent, pointing to further progress in our economic diversification efforts.

Leading the growth in the petroleum sector was the petrochemicals sub-sector where output increased by 15.4 per cent in 1996. This reflected increased production from the start-up of new plants in both methanol and ammonia. In addition, both refinery throughput and natural gas production were considerably higher than in 1995. These gains more than offset the decline in crude oil production consequent on the continued maturing of the existing oil wells.

In the non-petroleum sector, the improvement was led by strong performances in the distributive, construction and agricultural sectors which achieved growth rates of 9.7 per cent, 7.6 per cent and 7.0 per cent respectively in 1996. The heightened activity in the construction sector was to a large extent due to a number of projects being undertaken in the energy sector, as well as public sector projects including the Roads Rehabilitation Programme, the Squatter Regularization Programme and the construction/renovation of police stations and other public offices.

The continued growth of the economy impacted favourably on the creation of jobs during the year with the unemployment rate falling to 16.3 per cent, compared with 17.2 per cent in 1995. This has been the lowest level for the past 12 years. While the labour force grew by 9,400 persons, 12,600 net new jobs were created. A significant portion of these new jobs was related to the services sector.

During 1996, monetary policy focussed on the maintenance of a sound financial system, a stable domestic price level and a stable foreign exchange rate. As a result of the large build-up of liquidity during the year, the Central Bank tightened monetary policy by instituting a 5.0 per cent special reserve requirement on commercial banks in February; introduced open market operations in September and increased the primary reserve requirement for both commercial banks and non-bank financial institutions, in October. These resulted in the total reserve requirements of commercial banks increasing from 20.1 per cent of

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deposits at the end of 1995 to 28.0 per cent by the end of 1996, and the cash reserve requirements for non-bank financial institutions increasing to 8.0 per cent at the end of the year.

Following on these liquidity tightening measures, average prime lending rate of commercial banks increased by 350 basic points to end the year at 17.5 per cent. This notwithstanding total bank credit to the private sector expanded by 12.5 per cent, compared with 11.8 per cent in the preceding year. Recurring high liquidity conditions put some pressure on the exchange rate. The policy actions of the Central Bank, coupled with sales of US \$102 million by the Central Bank to commercial banks during the year, led to the stabilization of the exchange rate at about TT \$6.25 at the end of the year. With an improvement in supply flows, conditions on the foreign exchange market have remained relatively stable in 1997.

Mr. Speaker, the country has benefited considerably from the liberalization of the exchange regime, particularly with respect to the strengthening of the country's foreign reserve position. I wish to emphasize that this Government is committed to a floating exchange rate, and equally important to the stability rate. It should be noted also that Government does not exercise any direct control over the exchange rate. It is determined by the level of demand and supply for foreign currency as well as other market conditions. Notwithstanding the developments in the foreign exchange market, the rate of inflation for 1996 measured 3.3 per cent compared with an inflation rate of 5.3 per cent for the previous year. The lower rate of inflation compared favourably with inflation rates of our major trading partners.

On the fiscal account, tight expenditure management together with strong revenue growth resulted in a fiscal surplus of \$447 million by Central Government, equivalent to 1.4 per cent of gross domestic product. This was significantly better than the surplus of \$53.3 million or 0.2 per cent of gross domestic product realized in 1995. Oil revenue continued to be the largest contributor of Government's revenue accounting for 31 per cent of total revenue.

Notwithstanding a reduction in the rate of corporation and individual income taxes in 1996, revenues from both these sources also expanded to \$913 million and \$1,813 million or by 22 per cent and 18 per cent respectively, reflecting the effectiveness of Government's efforts in strengthening tax compliance and enforcement. Increased collections were also recorded from taxes on goods and services from Value Added Tax and non-tax revenue sources.

In respect of Government's expenditure, current expenditure expanded by 9.7 per cent during the year. This reflected in large measure the issue of \$281.9 million in bonds, as payment of arrears to public sector employees.

The stock of Central Government domestic debt contracted in 1996. As a result the ratio of domestic debt to gross domestic product declined to 19.2 per cent in 1996 from 20.5 per cent in 1995. Following on a one year absence Government returned to the international capital market in 1996 and sourced US \$150 million on the Eurobond market. In view of the country's upgraded international credit rating these funds were obtained at an interest rate of 8 per cent, the lowest rate ever achieved by this country on the international capital market. Notwithstanding this borrowing, the public sector external debt fell to US \$1,858.8 million at the end of the year, with the ratio of external debt to exports of goods and services declining further from 17 per cent in 1995 to 13.3 per cent in 1996.

2.00 p.m.

At year-end 1996, the balance of payments generated an overall surplus of US \$211 million or 3.9 per cent of GDP, compared to an overall surplus of US \$32.5 million or 0.6 per cent of GDP in 1995. This represents the highest surplus recorded in the last four years.

This favourable performance reflected the strengthening of the capital account, which recorded a surplus of US \$44.2 million, compared to a deficit of US \$27.5 million at year-end 1995, and a significant net positive reflow of capital. A current account surplus of US \$53 million was also recorded. Further, gross international reserves which stood at just over US \$360 million or 2 months of imports at the end of 1995, climbed to US \$600 million or just under four months of imports.

Mr. Speaker, it is with a sense of pride that I have made this statement on the nation's economic affairs for 1996 as achieved by this Government. Government intends to continue on the path it has embarked upon in maintaining co-ordination of fiscal and monetary policies, and in facilitating the necessary enabling climate that will provide for a sound economic system with its attendant economic and social benefits. Of course, it is well appreciated that investment is key to this effort, and I am happy to report that a total of about US \$4 billion in private foreign investment is planned for the energy sector over the next three years.

This is based largely on the country's large reserves of natural gas deposits and the confidence of foreign investors in the policies of this Government. This type of

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investment when coupled with our own domestic initiatives can be expected to impact favourably on all the macro-economic indicators, and to pave the way for a strengthening of the growth process.

I thank you.

**TRINIDAD AND TOBAGO/VENEZUELA AGREEMENT
ON CO-OPERATION IN FISHERIES SECTOR**

The Minister of Foreign Affairs (Hon. Ralph Maraj): Mr. Speaker, as far back as April, 1995, in a meeting at Macuro, Venezuela, between the Foreign Ministers of Trinidad and Tobago and Venezuela, it was decided that a new fishing agreement between the two countries had to be expeditiously negotiated. That meeting also decided that in order that the negotiations be properly informed, a joint scientific seminar should be held to determine the maximum sustainable yield of fish and shrimp stock in the waters of both countries, especially in areas pertinent to the old agreement, in order to prevent their exploitation.

Intervening events caused a significant delay in the holding of that seminar which took place not too long before the last administration demitted office and it was left to the new administration to start negotiations for a new fishing agreement.

As Minister of Foreign Affairs, I launched the eighth round of negotiations for a new fishing agreement in February, 1996, close to one and one-half years ago. Following on that session, information was requested, received and analyzed on both sides. Serious efforts were made to expedite the process, but no real progress was made towards a satisfactory conclusion. In fact, I am of the view that we had reached a deadlock.

It became clear to us that the old fundamentals were no longer workable and applicable because of disastrously depleted stocks. No side was willing to give what they had given under the old agreement. A new direction had to be found if Trinidad and Tobago and Venezuela were to conclude a new fishing agreement.

In light, therefore, of this paradigm shift, evidenced by the denial of access by both Governments, to fishing grounds of primary interest to the other, it was considered imperative to determine a new basis for maintaining a structured relationship between the two countries in the fisheries sector. The basis for the new fisheries co-operation agreement focussing exclusively in the area south of Trinidad and north of Venezuela, was prompted by the recognition that Trinidad and Tobago and Venezuela as neighbouring states share common fish stock and

that it was essential to develop and strengthen a collaborative approach to the sustainable management of these resources and with respect to their rational exploitation.

This approach was agreed to in principle by myself and Venezuelan Foreign Minister, Miguel Burelli Rivas, and was later endorsed by the hon. Prime Minister and President Caldera, during their summit in Caracas on May 6, 1997, and which gave that process the energy and clarity it needed.

I am pleased to inform this honourable House that after deliberations held in a very cordial and friendly environment, our two teams have reached the end of their deliberations and have presented us with an initialled agreement which is to be considered by both Governments, signed and brought into force. The proposed agreement will have an initial duration of two years. It will establish a joint management regime area in the waters of the Columbus Channel south of Trinidad and north of Venezuela. In that area all small artisanal and larger nautical vessels of Trinidad and Tobago and of Venezuela will be able to engage in fishing and shrimping activities year round on either side of the maritime boundary without the need to first obtain a fishing licence. The Icacos/Cedros-based fishing vessels which have traditionally shrimped for six months of the year in Venezuelan waters will now have the opportunity to devote a greater part of their efforts to fishing in this joint management regime area. The possibility also of co-operative arrangements and the encouragement of joint ventures in catching, processing and marketing of fish and fish products leaves open the way for engaging in profitable business opportunities between interested parties.

The conduct of fisheries research in order to properly conserve and manage shared resources is also a shared component of this new agreement. In this regard, provision is made for operationalizing the Trinidad and Tobago/Venezuela Fisheries Research Commission established under a 1989 Protocol on fisheries research between the two countries, so that this body can undertake, *inter alia*, the necessary programmes of bio-economic and fisheries research in the joint management regime area.

With respect to maritime law enforcement, and while remaining within their respective national maritime jurisdictions, the new agreement envisages that units belonging to the Trinidad and Tobago Coast Guard and the Guardia Nacional of Venezuela will develop operational contacts and procedures which will enable them to co-operate in the surveillance and control of the joint management regime area in a co-ordinated manner. In this regard, and while we would hope for a

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reduction in fishing incidents, should an incident occur, the proposed agreement incorporates, by reference, the mechanism of the Trinidad and Tobago/Venezuela Joint Commission for the Prevention, Investigation and Resolution of Fishing Incidents and treats it as the body to deal effectively if any such incident may arise.

Finally, the new agreement will re-establish the Trinidad and Tobago/Venezuela Fisheries Commission as a treaty organ mandated to supervise the effective implementation of the agreement; to determine the modalities of the fisheries research to be undertaken by scientists of both countries; and to make recommendations to the two Governments regarding the extension of the initial two-year duration of the agreements or its renegotiation.

Mr. Speaker, there is no doubt that we have made a sea-change in our fisheries relations with Venezuela. The proposed new agreement is a modern one, based on management, research, sustainability, security and joint venturing. It has the potential for making a lasting contribution to the development of a thoroughly modern fishing industry in Trinidad and Tobago.

I would like to pay tribute to all of our nationals who worked on this agreement, in particular His Excellency Mr. Philip Sealy, Trinidad and Tobago's Ambassador to Venezuela, the leader of the negotiating team, who was ably supported by personnel from the Trinidad and Tobago Defence Force, Ministry of Agriculture, Land and Marine Resources, Ministry of Foreign Affairs, Ministry of Energy and Energy Industries, the Tobago House of Assembly and the Institute of Marine Affairs. The persons who comprised the team are:

Captain Anthony Franklin

Lieutenant Commander F. Weekes

Ms. Ann Marie Jobity

Mr. Krishna Gooriesingh

Mr. Carlisle Jordan

Mrs. Sita Kuruvilla

Mr. David Edghill

Ms. Delia Chatoor

Mr. Errol Caesar

Ms. Carolyn Roberts

Mr. Allan Goodridge

Ms. Wendy Ramkerrysingh.

I thank you.

2.10 p.m.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House proceed with Bills Second Reading, and may I announce that in respect of Bills Nos. 1, 2 and 3 we have agreed that contributions shall be made in respect of all and we will deal with each in the committee stage.

Agreed to.

LIQUOR LICENCES (AMDT.) BILL

Order for second reading read.

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

That a Bill to amend the Liquor Licences Act, Chap. 84:10, be now read a second time, and the Registration of Clubs (Amdt.) Bill, and the Theatres and Dance Halls (Amdt.) Bill 1996—

Hon. Member: One at a time.

Hon. R. L. Maharaj: I know. These two other bills together with the Bill which is being read a second time—the Liquor Licences (Amdt.) Bill 1996—seek to amend the principal Acts, namely the Liquor Licences Act, Chap. 84:10; the Registration of Clubs Act, Chap. 21:01; and the Theatres and Dance Halls Act, Chap. 21:03 by making it unlawful for a licensee to discriminate against a member of the public who has access to the licensed premises on grounds of race, colour, religion or sex and to empower the Licensing Authority or committee to suspend or cancel the licence in the case of a club, by striking its name off the register if found guilty of discrimination. It also gives the right of appeal to the Court of Appeal against an order of the Licensing Authority or committee. The genesis of these amendments came about as a result of complaints received in respect of the operations of some of these clubs. These complaints were investigated, and from the investigations, reports from the police proved that racial discrimination was being practised by certain clubs and places of entertainment to which the public has access. It was observed, however, that the present law was deficient in its

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application to curb or prevent such racial practices and hence the attempt to amend these Acts.

Mr. Speaker, after these Bills were drafted, the public was invited to submit comments which were considered. May I mention that there were also comments relating to matters that are being addressed, which were not in the Bill like those related to the loud level of noise and the volume of music which occur at some of these clubs and entertainment houses. The Government of Trinidad and Tobago, as well as the Minister of Planning and Development is looking at that and we would bring legislation in due course to deal with that aspect of the matter.

The central theme of these Bills is the prohibition of discrimination against persons on grounds of race, colour, religion or sex. The Licensing Authority or committee, on a complaint by an aggrieved person, is empowered to suspend that licence for a given number of days, and cancel or revoke the licence if conditions imposed have not been met and in the case of a registered club, to make an order to have the club struck off the register.

The Liquor Licences Act was first enacted in November 1955; it was a measure to control the sale of intoxicating liquor by licences. Many amendments had been made to the Act since then but none dealt with the problem of racial discrimination practised by the licensee. Today, it has become necessary to deal with that problem.

By clause 3 of the amendment Bill, the Act is amended by inserting three new sections therein. Section 21A(1) which deals with the suspension and revocation of a licence states:

"A licensing committee may, on complaint made in writing by a person to whom this section applies, suspend or revoke a licence, if it is satisfied by proof on oath before it that the conduct of any trade or business on licensed premises to which the public has access is contrary to the provisions of section 21B."

Section 21A(2) states:

"A licensing committee may—

- (a) attach such reasonable conditions to the terms of any suspension imposed under this section as would, in its opinion, ensure that section 21B is complied with, so however that no suspension of any licence shall exceed a period of more than twenty-one consecutive days or

forty-two days altogether in respect of any one complaint or group of complaints;

(b) revoke any such licence if the conditions imposed by it have not been complied with."

Section 21B, deals with discrimination on licensed premises and section 21B(1) states:

"Discrimination on licensed premises by the owner or occupier or by any of his servants or his agents or by his associates on the ground of race, colour, religion or sex is hereby prohibited."

The section includes the definition of certain relevant words like "associates", "discrimination" and "licensed premises".

Section 21C deals with appeals from an order from the licensing committee to the Court of Appeal.

The Registration of Clubs (Amdt.) Bill 1996, like the Liquor Licences Act, was enacted in November 1955 and relates to the registration of clubs and the control of supply and sale of intoxicating liquor in clubs. The control is achieved by licensing committees constituted under the authority of the Liquor Licences Act.

Clause 2 of this Bill amends the principal Act by inserting three new sections: Sections 14A, 14B and 14C.

Section 14A deals with the striking off of a club from the register and makes the provision for doing so by the Licensing Committee. Section 14A(1) says:

"A Licensing Committee may, on complaint made in writing by a person to whom this section applies, make an order directing the club to be struck off the Register if it is satisfied by proof on oath before it that the conduct of any trade or business on premises to which the public has access is contrary to the provisions of section 14B. "

Section 14B(1) also deals with discrimination on the premises of a registered club under the Act and it states:

"Discrimination on premises of a club registered in pursuance of this Act by the owner or occupier or by the members of a committee appointed by the members or their servants or agents or by their associates on the grounds of race, colour, religion or sex is hereby prohibited."

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Like the Liquor Licences (Amdt.) Bill, the words "associates" and "discrimination" are defined in similar terms. Section 14C gives the right of appeal of an order by the Licensing Committee to the Court of Appeal.

2.20 p.m.

Mr. Speaker, the Theatres and Dance Halls (Amdt.) Bill, 1996—of these three principal Acts—is the oldest. It was enacted in January 1935, some 62 years ago. Its purpose was to regulate the use of theatres, dance halls and other places of entertainment and to provide for such use under licence.

Clause 2 of this Bill is proposed to amend the principal Act by inserting the following new clauses: 4(a), 4(b) and 4(c).

Clause 4(a) empowers the Licensing Authority to suspend the licence for 21 consecutive days or 42 days, altogether, for one complaint or group of complaints; to attach conditions to any suspension imposed and to cancel a licence if the conditions imposed are not complied with.

Clause 4(b) deals with discrimination on licenced premises by the owner or occupier, or by any of its servants, or agents, or by his associate and makes provision for the prohibition of such discrimination on the grounds of race, colour, religion or sex. Under this clause, the words “associates” and “discrimination” are defined in similar terms to those in the two previous Bills.

Clause 4(c) gives the right of appeal from an order to the Court of Appeal.

Mr. Speaker, I think, I should state what discrimination is defined as: “‘discrimination’ means any inequality of treatment that is less favourable than that accorded to any person or group of persons and which is indicative of an intention to deal with that person or group of persons in a manner that is different from that in which the majority of other persons or a substantial number of such persons on any one occasion are treated or dealt with in that respect;”

These allegations of discrimination in night clubs have been going on for several years and several governments were confronted with them. The policy of this administration is that these allegations of matters relating to racial discrimination, or discrimination in any form whatsoever, should not be swept under the carpet. There must be machinery to deal with these allegations. If persons are found guilty, there should be consequences.

Mr. Speaker, as a matter of fact, when one looks at the history in respect of these matters, one sees that there have been complaints also with some of the terms and conditions of leases which were given in respect of the lands at Chaguaramas. The leases were given in such a way that the lessees were able to practise discrimination and there was no redress for such.

May I also announce, that in keeping with the policy of this administration to promote equality and to attack any form of inequality, the Cabinet of Trinidad and Tobago took a decision on March 22, 1997, in respect of leases relating to lands to be leased by the Chaguaramas Development Authority, that all those leases would have to be reviewed by the office of the Attorney General and public consideration would be taken to ensure that the leases contain clauses which would ensure that the lessees would not be able to practise discrimination or deny public access to the lands which are to be used.

One would see, therefore, that this administration has decided to set up institutions and mechanisms to deal with allegations of discrimination. This is not unusual in relation to what is happening in the world. As a matter of fact, in South Africa, racial discrimination was practised in such a form that, I think, was unprecedented. The new South African Government has established a Truth and Reconciliation Commission in which all the allegations are being exposed and investigated. The nation is purging itself to come to grips with what has happened and with what to do for the future.

I was in South Africa about two months ago and I had the pleasure of meeting the Minister of Justice, Minister Omar. He is the Minister responsible for the Truth and Reconciliation Commission. From the work that this commission is doing, one saw that when allegations of racial discrimination and discrimination in other forms are exposed while the commission is sitting, mechanisms are being put in place in order to appease those situations to ensure that the public believes that something is being done to get rid of discrimination.

When one looks at what the United Nations has done, the international tribunal which is sitting to investigate the acts committed against humanity in respect of Rwanda and Yugoslavia, one sees that the policy, even at an international level, is that allegations of discrimination and allegations that lead to ethnic violence and those which, in effect, amount to discrimination which can divide countries and nations should be exposed and investigated publicly.

One can also learn much from South Africa. In South Africa, there is an Act which has been passed called the Promotion of National Unity and Reconciliation

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Act. Part and parcel of the objective of that Act is for the pursuit of national unity, so that the well-being of the South African citizens can be promoted. I have a copy of that legislation, it is No. 34 of 1995. I would read from the first page of the legislation—the objective of the Act—just to illustrate, to some extent, what I am talking about. It states:

“And since the Constitution states that the pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society;”

Under the Constitution of South Africa, the new South African Government has set up an Equal Opportunities Commission. The commission has been set up to deal with allegations of discrimination on whatever basis. The rationale for that is that there must be a mechanism where people could get redress for acts of discrimination. It is not the kind of commission which operates like a court of law, it is the kind of commission which will operate in a summary way at times and which would be able to give its decisions very quickly. It is in that context that one would have seen from the policy of this Government, that it decided that it was going to set up a joint select committee of Parliament in order to look at the whole question of an equal opportunities commission.

Mr. Speaker, you would recall that there was a working paper prepared by the Law Commission in which the whole question of an equal opportunities commission was discussed. That paper was before the Parliament. The commission has been constituted and the Government has already drafted legislation for public comment for the setting up of an equal opportunities commission.

2.30 p.m.

Mr. Speaker, the policy of this Government is that there should be an equal opportunities commission, but as to what form it would take; what procedures would be used; what would be its jurisdiction; that is a matter which is being examined both by the Parliament and by the public, generally. What we are doing here in these Bills is to promote—what should have been done a long time—some mechanism to combat the problem. If not, it is not going to solve all the problems but what it is certainly going to do, if this Parliament agrees to it, is set up a machinery that if licences or owners of clubs or these night places discriminate and it knows of this discrimination, a court would be able to examine the evidence and make decisions of cancellation of licences or with respect to the suspension of licences.

I trust that the Opposition would support these Bills. This is not a partisan matter; it is a national issue which affects the fabric of the life of Trinidad and

Tobago. The right to the equality of treatment is a guaranteed right under the Constitution of Trinidad and Tobago. It forms the basis of the preamble to the Constitution, in any society in which there can be discrimination and there can be no means of redressing that discrimination. Where, in a plural society, the population can be separated and can be fragmented, it would affect the human development and the growth of that nation. This Bill is an effort to promote equality of treatment and to set up mechanisms to deal with breaches of that principle.

Thank you very much, Mr. Speaker.

Question proposed.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, from the outset, I wish to say on behalf of all of us on this side that we, indeed, welcome the Government's effort to rectify a problem that existed for quite some time but within recent times reared its rather ugly head. I wish to commend the Attorney General for his swift response to this rather urgent and pressing social problem.

Notwithstanding, the Constitution of the Republic of Trinidad and Tobago, at section 4, in broad terms, dealt with the question of discrimination on the bases that the Attorney General highlighted as these amendments attempt to address. Mr. Speaker, I wish to read section 4 of our Constitution. It says:

“It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely—”

That section goes on to list a number of rights and freedoms including;

“(j) freedom of association and assembly; and...”

I need not read all of the other rights, it is there for all to see.

Notwithstanding, it is quite clear and it is established in the principles of our constitutional law, that only the state or an arm of the state, exercising coercive powers can infringe a person's constitutional rights, in general. Therefore, it is quite necessary that there is specific legislation where there are threats to person's rights bearing on the provisions of the Constitution that I have just read.

Mr. Speaker, we, of the People's National Movement, do not attempt to be self-serving but from the time this party was founded many years ago, we enshrined, if you like, in our party's Constitution, a recognition of the protection of those rights. In fact, Article II of our constitution makes this quite clear. It says:

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“The P.N.M is a political organization pledged to the maintenance of the rule of law, founded upon democratic principles, basic human rights and dignity, and dedicated to the raising of the moral and material standards of the citizens of Trinidad and Tobago, and the promotion of their progress in all fields—political, economic, social, moral and cultural.

To this end, the P.N.M. specifically pledges itself to give special emphasis to the following, namely;

10. The elimination of all forms of discrimination in public life;
11. The integration of the many racial and cultural strains which have contributed to the development of our cosmopolitan society.”

These provisions and the purport of this legislation are in total harmony with the dictates, firstly, of our Constitution and, secondly, of our political party, and all that we stand for in the People’s National Movement. Notwithstanding, it is a very sad day indeed that it has become necessary for us in this honourable Chamber to have to deal with the kind of social problem that is attempted to be redressed in these proposed amendments.

Indeed, much is very wrong with our society. We have seen excessive amounts of crime; obstinacy, sloth and within recent times, a level of public lying for which it is hard to find precedence. Mr. Speaker, we must continually work to address problems as they arise. I take note that in these proposed amendments, in particular—we are taking them together so I am reading from the Bill to amend the Theatres and Dance Halls Act, Chap. 21:03—clause 2 which amends section 3(a) of this Bill which states—just like the Constitution—and I paraphrase—it attempts to deal with discrimination on the grounds of a person’s race, colour, religion or sex.

Mr. Speaker, at a first reading many years ago before I read more and more into that document, I wondered why a provision dealing with race and colour and I recall my thoughts at that time, but I understand that some of the persons to whom this legislation is directed, race was not entirely the problem. For example, in terms of the African race, we are well aware of the varied strains in terms of tonation and all of the physical attributes. I am told that the difficulty in some of these night spots that we have read of in recent times, was not so much the race but the colour. That is to say, an African with my beautiful skin tone may have had difficulty attempting to enter, but an African with a lighter skin tone would not have had such a problem. At any rate, no African should have a problem; no Indian

should have a problem; no Syrian. As a matter of fact, no one should have a problem. It affects that which is provided for in our Constitution.

2.40 p.m.

I understand very well what is intended and therefore I suspect that this is the Attorney General's attempt to address that problem of discrimination on the basis of colour, and that, too, sadly but truly, has to be welcome. In terms of discrimination on the grounds of sex, I am verily informed that there still, very sadly, exist in our society, clubs which are exclusively for the participation and membership of males. I had not been able to secure the names of any, and even if I did, I did not think it appropriate to mention those names here.

At any rate, Mr. Speaker, I am sure the many women of our society would take strong offence to learn that still is the case, and I see that the amendment attempts to deal with that, and I hope that it seeps into the cracks and crevices so that the problem could be redressed in those particular areas. A very forward move here, and I am sure all the women of our society—not the least the Member for Siparia—will welcome this. *[Interruption]* I was coming to the Member for Tobago West. I reserve a special place in my head, in my heart, and in my contribution for the Member for Tobago West.

This legislation is beautiful in its purport, but I see certain elements of difficulty. For one thing, the Licensing Committee, in respect of the liquor licensing legislation, now finds itself saddled with a rather new responsibility. This would no longer be the case where they sit and look to see whether the form has been properly filled out; whether the necessary licensing fee has been paid; whether the Fire Service or the Police Service, who are expected to be at the particular function for which they seek opportunity to use or sell liquor, is already catered for.

This legislation adds a new responsibility to such a licensing committee. It now places upon them a responsibility to assess, having received a communication, in writing, from some aggrieved party, whether, in fact, discrimination on the grounds of colour, race, sex or religion was perpetrated against that aggrieved individual. Now, Mr. Speaker, here is one of the reasons why attempts at legislating for race relations have proven to be very difficult all over the world. I think it was in 1976 in the United Kingdom, that there was the first Act dealing with race relations: the Race Relations Act, 1976. That Act was purely educative. That is to say that it carried no sanctions; there was no provision for a fine or any such thing. It was designed as late as 1976 in modern-day Britain. It was designed to educate persons as to their responsibility in what was recognized then as fast becoming a

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multicultural, multireligious society and many persons criticized it as having no teeth. Some time later, I think it was in 1981, they put in place amendments dealing with fines where the offence was consummated.

Mr. Speaker, the Licensing Committee now has to deal with assessing whether in fact discrimination on any of those grounds took place, and that in itself is a new responsibility and, therefore, will probably pose fresh difficulties for them. In the United Kingdom, and in all parts of the world, where people are being taught to deal with the problems of race relations and to take a new approach to race relations in a modern world in civilized society, it has been found necessary to send, and to arrange for, those persons to be the beneficiaries of lectures and seminars so that they could understand the experience of those who are aggrieved, who claim to have been discriminated against.

By way of example, as recently as about two years ago, the judges of the United Kingdom, having to deal with this issue more and more through the courts, were sent on weekends to training seminars so they could understand the experience of the young West Indian who had come to settle in North London. Perhaps it may be necessary—notwithstanding the very small size of this jurisdiction and the fact that we all feel we understand everything—for the persons who are involved in the grant of licences in the particular case, to be exposed to some kind of training. It is a matter about which I am sure the Member for Couva South, ably assisted by the Member for Siparia, will give serious consideration.

This brings me to a second area of difficulty. The Attorney General made mention of the question of guilt in his contribution. He said that if the perpetrator is found guilty—the use of that word immediately lends the impression that there would be some kind of trial, some kind of opportunity for the facts to be ventilated and a conclusion arrived at by the person or the committee listening to those facts. The provisions before us made no specific mention of any opportunity for that exercise. Therefore, a person who is aggrieved, or believes that he or she is aggrieved, approaches the Licensing Committee and expresses a particular fact pattern, explaining: “On Saturday night, I attempted to get into club X and could not get in because of my skin colour”.

According to the Registration of Clubs (Amdt.) Bill, and I read in particular, clause 2, subclause 14A(1):

“A Licensing Committee may, on complaint made in writing by a person to whom this section applies, make an order directing the club to be struck off the Register if it is satisfied by proof on oath before it that the conduct of any trade

or business on premises to which the public has access is contrary to the provisions of section 14B.”

It says “proof on oath”, but it does not necessarily indicate that “on oath” must be from the answerer to the allegations as well.

Now, lawyers, and I am sure the citizenry of this country, must now be very well aware of the principles of natural justice; breaches of which judicial review can be sought. In a proceeding for judicial review, a superior court is expected to have a look at the conduct of the inferior court or tribunal, and decide on certain principles, whether they acted fairly, unreasonably, properly, illegally, whether there was some procedural impropriety. Mr. Speaker, that is inherent in, if I may say so, all of the functions as they are exercised. It is an inherent jurisdiction of superior court and, therefore, it requires no special legislation to give a superior court jurisdiction to deal with a matter when the need for judicial review arises. It is also a well-known principle that one cannot approach a court to seek the remedy of judicial review if he or she has not exhausted all of the other remedies available to him.

I take note that in these proposed amendments, this Bill is proposing that if one organization, club, theatre, or dance hall operator feels that the decision to which the committee has come was not arrived at on a proper basis, then he can—and he has by way of another provision here, he has by way of his remedy—appeal to the Court of Appeal. I am submitting that a complaint about an alleged act of discrimination is made to the Licensing Committee and the committee listens to the complaint upon oath. It may or may not seek the input—and I suspect that it would; I hope that it does—of the person against whom the allegation has been made. If it did not, it would certainly give rise to the situation where, as a competitor in the dance hall industry, or as a competitor in the night club industry, I may simply go to the Licensing Committee and lodge a complaint upon oath.

2.50 p.m.

Then the committee acts, suspends my licence or, imposes conditions as the provisions stipulate, and if I do not satisfy those, cancel my licence, revoke it and then I am up for ‘grabs’—to use a colloquialism—and out of business. These businesses are not in here for the mere fun of it. I accept that some element of fun is inherent in all of it, but the operators of these businesses are in it primarily to make money. It is business and this is a serious business risk. So that the procedures that we attempt to put in place to resolve certain problems, we must

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ensure that as we do that, we do not open up other cans of worms and create further problems for the operators of these businesses.

So, I submit on that particular point that we need to be rather specific in terms of the responsibility of the licensing committee. Bearing in mind—and I know that the Member for Couva South, I understand fully well how his mind, at least, in small part, operates—against the background of the fact that one can only approach the court for judicial review having exercised your other available remedies, by the time one gets to the Court of Appeal, given the other problems that we know, and the other problems that we have attempted to address in this Chamber earlier in this parliamentary term, we know that it may take a very long time before the issue is ventilated at the Court of Appeal. Meanwhile, Mr. “X” could not conduct his business and he suffers tremendous loss. I hope the Member for Couva South, the Attorney General, will take note of that and attempt to address it at an early stage.

Mr. Speaker, I have already alluded to the fact of the appeals as provided in clause 4(c) of the Theatres and Dance Halls (Amdt.) Bill and the others in there because we are taking them together. So, apart from those two observations, we on this side welcome the efforts as expressed in this Bill. We simply say that we must be careful not to create any unnecessary business risks for those against whom these allegations may be made.

While we are talking about the question of race relations and living in greater peace in Trinidad and Tobago and having, sadly, to do that today, I recall a long time ago that the Member for Couva South promised this honourable Chamber that we would have seen some legislation instituting an equality commission and a commission to deal with the question of racial equality in the society. I remember him saying so, whilst on the hustings, as soon as we came to this Chamber. I am all too aware that a paper has been made public and public comments have been invited, but in the months that have gone by since he stated, loftily, this objective, much more has been happening in our society.

We are starting to hear people complaining openly. As the Member of Parliament for Laventille East/Morvant, a constituency peopled with a largely homogeneous group in our society, in terms of their ethnicity, I have started hearing rumblings, complaints about various allegations of discrimination in night clubs, in employment situations and I express, on each and every occasion, how rueful it is to have to deal with this, how sad I am that we have to deal with this;

but I cannot ignore that there is, like an incoming tide, a surging tide of complaints and serious concerns about race questions in this country.

It is a fact for all to see, that notwithstanding the provisions I read earlier in our constitution, notwithstanding all of the efforts taken by previous administrations, to ensure that peace and harmony and good race relations exist, subsist, and continue to exist in our society, the time is now with us and the reality is that the question of race is as high on the national agenda as we could ever have it. People are expressing deep fears and, while I comfort many of my constituents, I sometimes feel a bulging at the side.

I welcome this legislation on behalf of the Members of this side and I hope the Government will not attempt to write new legislation into the books, but that it would, just like previous administrations, and in particular, previous PNM administrations—I was about to say continue, but I think that would be far too generous—observe the spirit of the Constitution, observe the spirit of this legislation and do all that it can as a Government, for the short while it remains in Government, to ensure that Trinidad and Tobago continues to be the peaceful and harmonious society that all of us who seek genuine and true unity will enjoy and live comfortably therein.

Mr. Speaker, with those rather few words, I thank you.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, no one can have any argument with the purpose and intent of this legislation, but there are some issues I would like to raise with the Attorney General. In reading the legislation, I am not certain that it addresses the real problem. Firstly, and this is somewhat off the point, I do not know if the wording has been taken directly from the Constitution in terms of discrimination against persons for reasons of colour, class, creed, *et cetera* and that is why it is restricted.

3.00 p.m.

Mr. Speaker, I believe that if we are to pass legislation of this type we should prohibit discrimination in respect of entry or service in dance halls and so forth, on any grounds. I would ask the Attorney General to consider an amendment to the relevant clause, that discrimination on any grounds be prohibited, in respect of the matters we are dealing with today.

Mr. Speaker, a good example of discrimination is in the area of political persuasion, beliefs and physical deformities. I was struck by a letter I read in the newspaper some time ago, about a young lady who was attending to the public at

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the British West Indian Airways (BWIA) service counter at Piarco Airport, who was strongly abused because of her physical deformity. I think we have to be conscious that the Bill does not cover all of the areas where discrimination is practised. Therefore, I ask the Attorney General to look at this and add a clause to the effect, that discrimination will be prohibited on any grounds, not just on the grounds of class, colour, creed, *et cetera*.

Mr. Panday: I do not think you have got the definition clearly. If you did, you would not make that stupid statement.

Mr. C. Imbert: I am not disputing that, Mr. Speaker. I just want it clear for the avoidance of all doubt. This Bill does not address the real problem. The problem has arisen because persons who operate members' clubs are using a device to pretend that membership in the club is the requirement for admission and non-membership is a reason for debarring admission. I cannot see that this Bill is going to deal with that.

Let me give you an example. Persons may come up to the gate in one of these members' clubs, different types of people in class, age or whatever. Some are granted admission, others are not. We have all read what is taking place in these clubs. Certain persons gain entry and others are told that they cannot enter because this is a members' club. The person may protest and say that you allowed Mr. So and So in, or you let that lady in just now and I am satisfied that they are not members. All sorts of imaginative devices are then used and membership is immediately issued to the person, or the person may say, "How do you know that the person is not a member?" Thus this Bill does not deal with the real problem.

The reason for this legislation, is that certain persons operating members' clubs have been manipulating the whole concept of membership in a club to debar persons whom they do not wish to enter. It is not just race or colour, all sorts of frivolous reasons are advanced—such as the way the person is dressed—to debar persons from entry to these membership clubs.

The Bill has a clause which refers to admission to members' clubs where the public at large is going to be granted access. That is an attempt to deal with the problem but it does not address it. The membership clubs can be admitting the public at large but by deception. They can be admitting those people whom they choose to allow in, using the devices I have mentioned and there is nothing in this Bill that prohibits or tightens up the loopholes in the law, so that an aggrieved person can say: "I approached the gates of this club, was debarred entry and I believe that I was denied entry unjustifiably, because the club was allowing

members of the public in and used the excuse that this was a membership club and I was not a member." I cannot see anything in the legislation that is going to deal with that problem. It is going to be a question of interpretation in the court and evidence.

I notice that the Members for Couva North and South think this is very amusing, but they will realize after this legislation is passed, certain very clever persons will be able to manipulate this legislation and continue their objectionable practice of debarring people from entry into members' clubs. This legislation does not address that. I would like the Attorney General and the Prime Minister, instead of engaging in frivolity, which is their usual practice when serious matters are brought to their attention, to put their fine legal minds to address this problem.

Mr. Bereaux: Fine meaning small.

Mr. C. Imbert: There is nothing in this legislation that will prevent owners of members' clubs from debarring persons on frivolous grounds and for mischievous, dishonest reasons. To simply bring a Bill to say that we are actually dealing with a problem and acting promptly to address a social injustice, is not good enough. The legislation must deal with the problem. All this legislation would do is solve a problem in open dance halls, theatre halls, clubs and liquor halls—I am speaking about the series of legislation because the amendments are similar in all of them—the discrimination would be prohibited, but the root of the problem is in these so-called members' club. I am asking the Attorney General to please consider what I am saying seriously, do not engage in the usual frivolity and come up with amendments to address this very serious problem because we are passing defective legislation.

Thank you, Mr. Speaker.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, I simply want to follow from where my colleague left off because I see this as a fundamental problem which we are dealing with today. What we are faced with is, that there are certain business houses which are using the Registration of Clubs Act to avoid the payment of taxes. That is what is causing us the problem. Chap. 21:01 allows for the registration of members' club and defines it as:

“members' club' means a club not constituted for the acquisition of gain, the members of which contribute to the funds out of which the expenses of conducting the club are paid and are jointly entitled to all the property and funds of the club;”

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If one has to be registered under clause 9 it says:

"(d) no persons shall be allowed to become honorary or temporary members of the club, or to be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the rules..."

Mr. Speaker, you would know that we have these traditional members' club such as the Portuguese and they are not causing us any problems. We also have the community and recreation clubs. On the last day when we were dealing with the Finance Bill, a situation developed where certain persons who want to go into business to run casinos, registered under the umbrella of a members' club because they wanted to avoid paying taxes and were causing all types of difficulties. We have the traditional clubs which are registered as members' club which is fine. But we have the development of certain persons who want to go into the business of parties, selling drinks and who have liquor licence signs, but they are not paying taxes because they are registered under these members' club. Then they start determining who can enter. It is really a public business but they want to determine who can come in. I think that the simple solution is to disallow the registration of that type of business.

3.10 p.m.

It is something similar we have to do, Mr. Speaker, with respect to the casinos, which, even with the amendment the Minister of Finance made, is still breaking the law. When one looks at the requirement of the members' club, one says if a members' club operates a casino, it is still in breach of the law.

Similarly, if one of these public clubs, even though they are registered as a members' club, takes in persons from the public, it is in fact, breaking the law because the law says quite clearly that the club is for members and their guests and that no visitor should be on the premises of a members' club more than four times a month. Therefore, the solution is quite simple; these are business places, they must be made to pay taxes and then we will avoid all of these problems.

Mr. Speaker, I thank you.

Mr. Hedwige Breaux (*La Brea*): Mr. Speaker, I want to make a very brief intervention in this debate on the three Bills—a Bill entitled an Act to amend the Liquor Licences Act, Chap. 84:10; an Act to amend the Registration of Clubs Act, Chap. 21:01 and an Act to amend the Theatres and Dance Halls Act, Chap. 21:03.

The motto of Trinidad and Tobago says, 'Here every creed and race find an equal place'. That motto, Mr. Speaker, unfortunately, is more honoured in its breach than its observance. What we are doing here today, I applaud it, but at the same time, I believe it is an exercise in frivolity because we are seeking to prevent the club owners from discriminating against young persons who attempt to get into clubs because of race, colour, religion, *et cetera*. We are seeking to prevent that but, in fact, what we are trying to prevent—there are some religions which believe one should not even drink, and we are moving away from the kernel of discrimination in this country.

I have, from time to time, had to take this Government to task on its ambivalence. Here is a Government; I represent a constituency of which a large proportion are people of Afro-Trinidadian origin who are being discriminated against for work; they are not being given opportunities to earn a living and we in this Parliament are discussing whether they should go in a place to fete. I cannot understand that.

When this Government came into power, Mr. Speaker, it particularly went ahead and removed a number of African CEOs—people of African origin—from positions. [*Interruption*] I name Malcolm Jones, George Charles, Henry Sealy and a number of others. Mr. Speaker, I am saying that rather than deal with that, if we are going to have equal opportunity legislation in this country, let us get down and deal with that. Let us put it all on the table first, but do not come and paper over the cracks. If we are all given an equal opportunity to earn a living, we could choose where we want to go, but do not tell me we paper over the cracks and quickly pass legislation in order to allow entry into a club. I do not need to go into a club; we will form our own.

Mr. Speaker, there are big businesses in this country which refuse to hire—I can tell they have gotten Government contracts—any people of African origin. I am not going to name them here.

Mr. Panday: Name them.

Mr. H. Bereaux: I am not going to do that, I will name those whom you have attacked. Mr. Speaker, I am saying that this Government is a government of hypocrisy. When you are coming with this kind of legislation, come better than that because I am not interested in whether I could get into a club or not. I have a son—a young man—who goes to those clubs from time to time. He does not care; whenever he wants to go he goes because he is earning well. If one is not earning

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well and is being discriminated against from earning well, then one has a problem. That is why I am saying to bring the equal opportunity legislation and let us deal with it; let us deal with those companies—prevent them from getting Government contracts—which do not hire on an equal opportunity basis and we will deal with it. Mr. Speaker, I want to say here today, whereas I support this Bill—I see what it is—it is really a subter-Cerberus.

Mr. Speaker, I thank you.

Mr. Roger Boynes (*Toco/Manzanilla*): Mr. speaker, I rise to make a brief intervention in this debate. Let me mention at the onset, that we on this side have no difficulty with these pieces of legislation, in principle. However, we have just a few suggestions to make in order to strengthen same, for the benefit of the people of Trinidad and Tobago.

Let me just indicate that sections 14B, 4B, 21B deal primarily with the actual prohibition of discrimination as it relates to the Theatres and Dance Halls Act, the Registration of Clubs Act and the Liquor Licences Act.

Mr. Speaker, the whole concept behind this, simply, is to ensure that in Trinidad and Tobago, a man or woman can go into a pub or a club and not, because of the colour or texture of his skin, be prevented from gaining entrance into that particular pub or club. I would bring my personal experience, at this time, into this. One has found that over the period of time in Trinidad and Tobago, even though our Constitution has provided and, if I may be obliged to quote section 4 of the Constitution which is enshrined, it states:

"It is hereby recognised and declared that in Trinidad and Tobago there have existed and shall continue to exist, without discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms..."

So this preamble, Mr. Speaker, provides for the treatment of an individual to be equal in terms of his colour, sex, *et cetera*. The Constitution provides a blanket, but over the past years, one has observed that this has not been the situation in Trinidad and Tobago.

Certain night clubs have, in fact, discriminated against persons because of the colour of their skin and the texture of their hair. That is a fact, Mr. Speaker, and some of them try to hide under the umbrella of this very said section, where it

provides for freedom of speech, association and assembly. They call us “golliwog” and “dhal” and would you believe that in Club Coconuts they have provided for “dhal and golliwog nights”? And then they hide under the umbrella of freedom of expression.

3.20 p.m.

Freedom of expression as enshrined in the Constitution is not an absolute freedom and the hon. Attorney General would know that. One must understand that that freedom must be exercised in such a manner that it would create normalcy in the society.

Mr. Speaker, I remember the Friday night when I had just written my university exams, we were all bubbling with excitement and decided to go to Club Coconuts. When we approached the entrance of that particular club we were informed that it was “members’ night”. We had no difficulty with that, but as we were about to leave we saw two Italian sailors waltz through the door of the said club. I have a problem with that! That is why I am glad we are here today because we on this side understand the need for anti-discrimination legislation in Trinidad and Tobago.

Clause 14 of the Registration of Clubs (Amdt.) Bill states:

- “(2) For the removal of doubt it is hereby declared that subject to subsection (3) nothing in this section shall be treated as having application to a members’ club registered under this Act.
- (3) Where a members’ club, whether generally or on special occasions, gives access to the public at large or any section of the public to the whole or any part of its premises, any trade or business conducted thereon shall be done so as not to contravene section 14B.”

One of the problems in this country is that several club owners hide under the umbrella of a private members’ club and they make it acceptable for certain members of the public to have access to these clubs, so that is why, interestingly, I am pleased with section 10. In order to curtail this form of escapism that owners of these private members’ clubs use in this country, what has to be done is that this particular section must be enforced properly.

When a members’ club opens its doors to any member of the public, it must be subjected to the anti-discrimination legislation as contained in this Bill. So, I will

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ask the hon. Member for Couva South to ensure that in the administration and enforcement of this particular piece of legislation, one looks out for the club owners who try to escape through this route, because once it is properly enforced, this Bill has the teeth and ability to deal with those club owners.

Mr. Speaker, discrimination is not unique to Trinidad and Tobago. There was slavery throughout the world. Before the Civil War in the United States of America—and that was a bloody war which was fought for the emancipation of the minority of people in that country—a judge in the Plessy Case actually described the African as three-fifths of a human being. Discrimination is universal. Look at the number of Jews that were killed in the Holocaust and the situation in South Africa where Africans were discriminated against. Look at the plight of young students in Tiananmen Square in China who were killed because they were trying to exercise their freedom of expression. We also understand the plight of the Aborigines in Australia.

Mr. Speaker, there are several conventions throughout the world which have attempted to deal with this particular situation—the European Convention on Human Rights and the African Charter of Human and Peoples' Rights.

The Human Rights Committee in its general comments No. 18 when it dealt with non-discrimination in African Charter of Human and Peoples' Rights define discrimination in the following manner:

“Any distinction, exclusion, restriction or preference which is based on any grounds such as race, colour, sex, language, religion, political or other opinions, natural or social origins, property, birth or other status and which has the purpose or effect of nullifying or ensnaring the recognition, enjoyment or exercise by all persons on an equal footing of all rights and freedoms.”

3.30 p.m.

I am suggesting that we look at the definition of discrimination here. When we compare it with the definition as obtains in the three pieces of proposed legislation, what we come up with is that we find it is lacking. It is not as we would like it to be. Discrimination, as it obtains in the Registration of Clubs (Amdt.) Bill means:

“...any inequality of treatment that is less favourable than that accorded to any person or group of persons and which is indicative of an intention to deal with that person or group of persons in a manner that is different from that in which the majority of other persons or a substantial number of such persons on any one occasion are treated or dealt with in that respect.”

Clause 14B(1) states:

“Discrimination on premises of a club registered in pursuance of this Act by the owner or occupier or by the members of a committee appointed by...”

That is what is to be prohibited.

The point I am making is that they have defined discrimination in those terms, and I am suggesting that the definition is not appropriate. Because if a person is not dressed as the owner of a club would like him to be and he decides to deny him entrance into that club, do you know that the person who has been refused entry may choose to make an allegation that he has been discriminated against, and he was in a short pants and “barefoot”?

The point we are making is that this definition of discrimination lends itself to abuse and it should be tightened, especially as we look further in this piece of proposed legislation and we realize that built into this legislation, we observe that there is not the right to be heard by the owner of the night club, save and except until he approaches the Court of Appeal.

I am saying that there should be a clause here which deals with the club owner having a right to be heard as well. Before his licence could be suspended he should have that opportunity to present his case upon oath, as the alleged person. The person who is claiming he has been discriminated against, has that right under this piece of proposed legislation to state his case.

I am simply suggesting that if the Member for Couva South could be so kind enough to give the club owner that entitlement, it would certainly add to the strength of this proposed legislation. I listened patiently to the Member for Couva South when he was talking about the Equal Opportunities Act and he made mention of some other country. I want to direct his mind to the Equal Opportunities Act, 1984, of Australia. That provides for the setting up of a commissioner for equal opportunity and an equal opportunity tribunal. It provides for the right of the person to be heard, like the club owner, who is said to have discriminated. I am suggesting simply that we should have that included in the proposed piece of legislation.

Discrimination is a serious thing. People throughout the world have fought hard. In the United States of America there was a bloody civil war which claimed the lives of over 600,000 men and women. When one appreciates the fact that this actually obtains in Trinidad and Tobago, one cannot help but become very much alarmed and annoyed.

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In 1963, when Martin Luther King led over 200,000 people in Washington and when he gave that compelling speech about him having a dream, and the dream was that he could actually see four little black girls walking down the road and sharing the dreams of the white people in the United States of America, one has to understand the significance of racial discrimination. Do you know, 18 days after that speech was given, four little black girls were bombed in a church in North Carolina? One has to understand that racial discrimination is a serious thing. Everyone feels very passionately about this, the accuser as well as the accused.

I am simply suggesting that we look at this proposed piece of legislation. I hope it is only the start of more legislation to come. I must say that the intention is applaudable.

Before I close, I wish to re-emphasize that the description of discrimination should be tightened in this particular piece of legislation. I did not have the opportunity to circulate the amendment, but the definition that I had mentioned earlier in my contribution is a very good start. What can be done is that the definition for discrimination and what constitutes segregation—those two particular clauses—and if I may refer to the Liquor Licences (Amdt.) Bill, section 21A(5) which describes discrimination, and I am also referring to section 21B(3) which states:

“For the purpose of this Act, segregating a person whether by place or position or by time or occasion from other persons...”

Those two clauses could be joined together and come under the umbrella of discrimination. The definition for discrimination could be so widened for these particular pieces of legislation that it would include not only race, colour, sex, but also geography and political affiliation. I do not want to go into a pub and be told, “So, you are a PNM...”, or “You are a UNC...”—as the case might be—“...you cannot come in here”. We do not want that.

If we are looking to put forward a proper piece of legislation, we have to do the correct thing. I am simply suggesting that we widen the umbrella for the definition of “discrimination” as captured by these three pieces of legislation, as they relate to this particular scenario,.

3.40 p.m.

Mr. Speaker, before I take my seat, I must state that there has always been a problem, and the Member for Couva South alluded to it in his contribution. When

I look at the Constitution, it provides for “the right of the individual to equality before the law and the protection of the law”. In the same token the Constitution provides for the “freedom of thought and expression” and for the “freedom of association and assembly”.

It has been argued in the United States of America that the right to freedom of expression, association and assembly, as enshrined in the first amendment to the constitution, takes precedence over any anti-discrimination act unless it is lawless and incites lawlessness. For example, a man from the Ku Klux Klan could take a burning cross—and there is a well-known case for that—and plant it at the back of your garden, and the Supreme Court of the United States of America could hold that even though that was a racial suggestion on the Klansman’s part, the freedom of expression takes precedence over that discriminating action on the part of that Klansman.

Mr. Speaker, when one looks at the way in which the world is moving, we see that the freedom of expression is not an absolute freedom. We see that whereas the freedom of expression is enshrined in our Constitution, one cannot make anti-discriminatory remarks or conduct oneself to the detriment of the normalcy in the environment. So that when, for instance, the Member for Couva North says that calypsonians are making remarks that are encouraging racism in this country, one must look at the context in which that obtains because of the fact that those remarks refer to a person who is in public office. They are directed to somebody in public office, they are not directed to the population, or a certain segment of the population, as a whole. One must understand that. I have come into office and am prepared to take my licks. When one looks at that, as a person in public office, if one is offended, does that cause a whole segment of the population to be offended or feel attacked? Is that going to cause riot in the country? No, Mr. Speaker.

One must understand that, yes, while there is a right to equality, protection and fairness of the law, and a right to be treated equally under the Constitution, and that *vis-à-vis* the right of the freedom of expression, they must work hand in hand for the betterment of life in Trinidad and Tobago.

Mr. Speaker, we on this side—make no mistake about it—applaud the efforts and the principle of these pieces of legislation. We suggested ways in which these pieces of legislation can be strengthened in order for there to be good relations throughout the length and breadth of Trinidad and Tobago; because every creed

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and race have contributed significantly to the growth and development of this blessed nation. We on this side applaud every creed and race for so doing. Make no mistake about that, Mr. Speaker!

Mr. Speaker, we on this side are not going to tolerate any club hosting a night called “dhal night” or “golliwog night”. We are not prepared to do that! That is why we on this side, as professionals and as a proper reasonable acting Opposition—make no mistake about that—support this piece of legislation and kindly ask, in the best interest of development of this country and good relations between all parties, races and creed, that the Member for Couva South pay heed to our amendments that have been suggested.

Thank you, Mr. Speaker.

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, with your leave, permit me to mark this day in more ways than one, and to welcome Dr. Morgan Job to this honourable House. [*Desk thumping*]

Mr. Speaker, I quote from the *Hansard* of September 20, 1996, when the hon. Prime Minister made the following statement:

“It has been brought to the attention of Cabinet that there exists in this country a system of discrimination based on racial differences taking place at certain centres of entertainment run by people in the private sector.

The Government has made it clear from its inception that our human resource is our greatest asset; that our failure to advance as a nation economically, politically and socially has been due largely to our failure to mobilize that human resource; and that our failure to mobilize our people as one nation with one purpose and one direction has been due to the obnoxious practice of discrimination and consequently, alienation, on the basis of racial and other differences.

This Government makes it absolutely clear that it will not sit idly by and allow this society to disintegrate on the basis of racial and other forms of discrimination. In the circumstance, the Government intends to have these allegations investigated and appropriate action taken to nip in the bud this obnoxious and dehumanizing practice.”

That was the hon. Prime Minister to this House on September 20, 1996 just several months ago, and today—again, I say that we must mark this day specially because this legislation is historic—for the first time in Trinidad and Tobago there

is legislation that is dealing with the issue of discrimination on the basis of race. It is historic legislation to deal with that. *[Interruption]*

3.50 p.m.

Whilst we thank Members on the opposite side for supporting this piece of legislation, allegations were made against this Government about firing people on the basis of race. The Member for Toco/Manzanilla talked about discrimination being a problem worldwide, going back in colonial times. The point is that over all those years, this is the first time in this Parliament, this country is attempting to address the issue of racial discrimination.

While it may be seen as a minor attempt at dealing with racial discrimination, from the beginning, this Government brought a paper on the question of equal opportunities. The whole issue of discrimination, regardless of the grounds would be dealt with in a comprehensive manner in that report from the Joint Select Committee of Parliament dealing with equal opportunities. That report would guide us. We cannot pre-empt the Joint Select Committee of Parliament to deal comprehensively with the issue of discrimination. We remain committed to seeking to eradicate discrimination from this nation in public and private life.

Not only do these Bills deal with the issue of racial discrimination but also with the question of discrimination on the basis of gender. The report on equal opportunities legislation would also deal with that. These clubs have been operating for over 50 years in this country. As far back as 1988, we had been hearing about the allegations of racism. I refer to page 5 of the *Trinidad Guardian* dated July 31, 1988. There was an article entitled, "I get in easily but disco discrimination persists". It was about three young men who claimed that they were discriminated against and became the focus of obscene language to gain admission at two discotheques. At that time the word "discotheques" was used to describe the nightclubs. While we are saying that discrimination has been taking place in the society for a long time, the issue has been in focus prior to 1988.

Mr. Valley: I want to note that you are talking about nightclubs and not members' clubs. The point is that this legislation would not deal with the nightclubs. They are businesses.

Hon. K. Persad-Bissessar: He has raised an issue with respect to private members' clubs. Certainly, it is clear in our Constitution that while we have freedom to associate, it also means we guarantee the freedom not to associate. This is why we cannot legislate for private members' clubs. The issue has been

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raised by Members on the other side. I am sure the Attorney General will deal legally with it. In terms of constitutional law the freedom to associate is also not to associate. We cannot interfere with private members' clubs. It is the same way with respect to one's home. In one's private home, one is free to allow whom one wants. *[Interruption]* Sorry, I would not give way. You would have had your chance. I am sure he will have his turn.

These issues have been ventilated. We are heartened when we hear from the other side that they fully endorse in principle and would support these Bills. Today I was telling the Attorney General that he seems to be on almost every page in a particular newspaper. We on this side are cognizant of the fact that these pieces of legislation were driven by the Attorney General. I know from the very start that the Attorney General has been working with this piece of legislation. We compliment him and we are very happy to support it.

In the *Sunday Express* dated March 31, 1996, on page 9, there was an article by Dr. Selwyn Ryan. It stated:

“Indeed it could be argued that individuals and groups who proclaim most loudly there is no racial discrimination in Trinidad and Tobago are those who are most satisfied with the prevailing allocation of resources and the patterns of office holding. These are the ones who wish to maintain the status quo by pre-empting the challenge of others who are not satisfied that national resources are allocated equitably, and who therefore wish to have the social pie cut differently. One man's harmony and balance is seen by others differently situated, as disharmony and imbalance.”

As a responsible government, we cannot attempt to hide our heads in the sand. This is why we have tackled the issue and even though we are accused falsely of allegations of racism, I make it clear that this Government is committed to tackling the issue of racial discrimination head on. We would not bury our heads in the sand. We would take it on and where we can deal with it we would. That is exactly what these three pieces of legislation have done.

The purpose of the proposed legislation would establish the licensing committees with the power to refuse or revoke the operating licences of entertainment houses which discriminate on the basis of race, colour, religion or sex. The purpose of these proposed amendments to the legislation was definitely to deal with the tide of allegations of racial discrimination, especially at entertainment spots in Port of Spain and Chaguaramas. The reports in the media have been numerous and frequent over the past year. I heard the Member for Toco/Manzanilla

mention the calypsonians. Anyone who visited the tents this year would have heard many of the calypsonians singing about that issue with respect to what was happening at the nightclubs.

I give full support to this Bill and I ask hon. Members to endorse it.

Thank you.

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, it was not my intention to make a personal contribution to the debate, but to stand in support of my colleagues on both sides who seek to advance this laudable effort. Having listened to the Member for Siparia I am a little confused and I hope that in his winding up, the Attorney General would clarify the source of my confusion.

When the Member for Siparia said that one cannot legislate for private members' clubs, up to that point, I was under the impression that was precisely what this Bill is seeking to do. That has led me to seek some clarification from the Attorney General, especially in the context of the point made by the Member for Diego Martin Central and the Member for Diego Martin East, whom I noticed was not thanked by the Member for Siparia. I do not know if there is any particular reason for that. I thought that she was discriminating on the grounds of height. [*Laughter*] The Member for Caroni Central would not tolerate that.

I would reiterate what was said by the Member for Diego Martin Central. There is legislation which applies to the members' clubs. We know what we expect in terms of members, of whatever ilk, associating under the ambit of that legislation. There are business houses that conduct business, enticing the public to participate in their fare for profit, registering under the private clubs arrangement and using that mechanism to discriminate against members of the public. That is the problem. If that were not happening we would not be here treating with this issue. I would like to find out from the Attorney General whether it was a slight over exuberance on the part of my Friend from Siparia, or a lack of clarity at some point when she said that we cannot legislate for the members' clubs. Do we want to control the members' clubs or exclude them and deal with those business houses that are discriminating against citizens as they conduct their profitable businesses, under the umbrella of the Act for members' clubs?

4.00 p.m.

If that is what it is, then the Attorney General, in winding up, must tell us how this legislation will prevent club owner "A"—[*Interruption*] I am happy to hear that because that is what I would like the Attorney General to be very clear on, how the clauses here will apply to the culprits who have done what we all know they have.

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We had a presentation from my Friend from Toco/Manzanilla. We have read the newspapers and, in some cases, some of us have had friends who have been exposed to this barbarism. Could the Attorney General tell us very clearly how the provisions of this Bill will deal with the particular problem? We would like to support this Bill and not just pass legislation for the sake of saying we have passed legislation.

I thank you.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I put on record our thanks to the Members of the Opposition for their contributions in this matter. I assure the hon. Members that I will respond to whatever problems they have with respect to this Bill.

May I say that it is unfortunate that the hon. Member for La Brea became so emotional on such an important issue that we are debating here today. It is even more unfortunate that he did not take the example that the hon. Member for Laventille East/Morvant set in such an historic debate. When one looks at the contributions made by the hon. Member for La Brea and the hon. Member for Laventille East/Morvant, one wonders whether there was any caucus meeting by the other side on this matter; whether they agreed and what was their principle. In one breath, one Member is saying tighten it, and in another breath, the other is saying widen it. One really does not understand. I think it is totally untrue for the hon. Member for La Brea to say that this Government is being hypocritical in this type of legislation.

Mr. Speaker, his use of examples of one Mr. Jones and other chief executive officers who were dismissed has not been supported. The records are quite clear. Chief executive officers are not removed by Government; they are dealt with by boards. *[Interruption]*

Mr. Speaker: Order! Order!

Hon. R. L. Maharaj: If persons are not appointed to boards, there can be no question of that being discriminatory, unless facts have shown that this was discriminatory. The hon. Member for La Brea has not produced such evidence.

The hon. Member for La Brea states that he supports the concept and the setting up of an equal opportunities commission, but his leader, the hon. Member for San Fernando East, whilst he was in government, objected. He said that it was not good for Trinidad and Tobago and that it was the policy of the PNM party not to have an equal opportunities commission.

Mr. Manning: Mr. Speaker, as is customary, the hon. Attorney General is once again trying to misquote us. The PNM's position on that is very clear. Before any such legislation can be introduced, it has to be examined very carefully. We were concerned that by introducing legislation of that nature, we may be legislating into place, discriminating practices. It was a caution. What we were saying is that before we could do any such thing, we needed much more discussion on the matter, and a consensus.

Dr. Rowley: In the light of the statement that the Minister has made about boards dismissing chief executives, is the Attorney General aware that before the chief executive of two state companies were fired, the Minister of Finance, a member of the Cabinet, publicly alluded to it and spoke about their heads rolling?

Hon. R. L. Maharaj: Is the hon. Member for San Fernando East saying that he had no problem with the philosophy, the policy and the concept of an equal opportunities commission but before such a decision could have been made he had to exercise caution? Is he saying that he was exercising caution for the entire period of time he was in government?

Mr. Manning: I am sure that the hon. Attorney General will recall that we had set up at the University of the West Indies, a Centre for Ethnic Studies and that question was put to the Centre and it has not come to a conclusion on the issue. That was our position.

Hon. R. L. Maharaj: Mr. Speaker, if the hon. Member for San Fernando East were here when I made my opening contribution, he would have heard me say that that accounts for the difference in philosophy between the Government and the Opposition. Our philosophy is that we should not bury allegations of discrimination in the sand. We should deal with them. What is he admitting is his way of dealing with the matter? Members on his side now agree that we are dealing with it in the proper way. The Member for La Brea is now saying that he is supporting it.

There was, as far back as 1969, a commission of inquiry into what is known as the 'Country Club Affair'. Since then, it has been known to the PNM, old and new, that this question of allegations of racial discrimination was undermining the fabric of our society. Justice Clement Phillips, in that report, had to deal with the question that although one had to recognize that the Constitution guaranteed freedom of association and that one could not compel a member to associate with another member because one would be infringing the Constitution, a government also had to deal with the problem. Is the hon. Member for San Fernando East

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saying that the PNM, from 1969, for the five terms it remained in office, was exercising caution, and that as soon as this administration got into office the caution criteria has been satisfied so that his own Members are now supporting the concept of an equal opportunities commission?

4.10 p.m.

The Member for Laventille East/Morvant mentioned that I had talked about an equal opportunities commission and we are in the process of setting that up. The legislation has been drafted, a committee is sitting, the Bill is out for public comment, and that is cogent evidence to show that we do not intend to bury allegations of racism in the sand. We are dealing with it.

Mr. Speaker, I do not think it is correct, and I would expect that the Member for La Brea withdraws the allegations that this Government is hypocritical in this respect. As a matter of fact, its actions and the laws that it is passing, its legislation which is out for public comment, and its action of having a joint select committee, provide direct and circumstantial evidence that this Government is seriously dealing with the question of allegations of discrimination. The hypocrites are the ones who sat down in the old and the new PNM government and did nothing about it; that is why I said it is very unfortunate that the Member for La Brea tried to take this debate in that direction.

Mr. Panday: Very unfortunate.

Hon. R. L. Maharaj: Mr. Speaker, this is a very serious matter and one knows that when one passes legislation, it cannot deal with everything at the same time. Legislation is not cast in stone, it is amended from time to time, but one has to start somewhere. Here we are attempting to have these pieces of legislation passed to deal with discrimination at night clubs and business houses which sell liquor and which are registered under the Clubs Act. We are attempting to do so by revoking and cancelling licences, and refusing to grant licences to persons who have been found to be discriminating on the grounds mentioned.

Mr. Speaker, someone died recently as a result of discrimination in a night club. I think we all remember the case of young Jason Johnson, and when that death occurred, there was a review in the *Daily Express* newspaper by Mr. Raoul Pantin on the discrimination which has been happening in Trinidad and Tobago for over 30 years. I refer to the article of September 22, 1996 on page 12 where Mr. Pantin reviewed that as far back as 1970—and he traced the history of the ‘Country Club Affair’—it showed where the government did nothing about it.

Here it is, we have come to introduce these three measures, and instead of the Members dealing with the issues in the way in which they ought to be dealt with, they are dealt with in a manner as if this administration is hypocritical and not genuine in dealing with these matters. Persons have died, some have been injured and have suffered loss of dignity, and the government had not done anything about it.

Mr. Speaker, one of the burning issues over the years—and I am dealing with the allegation of hypocrisy—was the question of the land at Chaguaramas, and the government sat idly by and did nothing about it. Leases were granted and there was no protection for the public and the government knew about them. As a matter of fact, the Member for San Fernando East would know that whilst he was in government, there were allegations that were before him and his administration did nothing about it.

In the short time that we have been here, we have taken action to ensure that all the leases that were granted would be reviewed, and the future leases would have clauses in order to protect the public's interest and to ensure that no licensee or lessee could discriminate on the ground of race. Yet they are accusing us of doing nothing about it and saying that we are not genuine.

Mr. Panday: He is seeing you through his own eyes.

Hon. R. L. Maharaj: Mr. Speaker, I am indebted to the Members for their comments, but if the Members on the other side had read this Bill and listened carefully to what the hon. Member for Siparia was saying, they would see that the Bill cannot deal with a private members' club and where the club is functioning as in section 3, but where the club is functioning in a way—and I read section 14A(3) where it says:

"Where a members' club, whether generally or on special occasions, gives access to the public at large or any section of the public to the whole or any part of its premises, any trade or business conducted thereon shall be done so as not to contravene section 14B."

Section 14B deals with the question of discrimination.

Section 3(1) of the Act says:

"The Secretary of every club which occupies a house or part of a house which is habitually used for the purposes of a club and in which any intoxicating liquor is supplied to members or their guests, or any other premises which are

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habitually so used and in which any intoxicating liquor is so supplied, shall cause the club to be registered in the manner provided in this Act."

The Act provides for proprietary clubs and members' club. In respect of Members' club, wherever the members' club is operating in a situation in which there is access to the public generally, or the whole or part of the premises, one cannot discriminate. The Bill deals with the question of clubs generally which would include proprietary clubs.

Section 14A(4) says:

"This section applies to any person aggrieved who has been discriminated against in any manner, including by refusal of admission or service or any facilities to or on any premises of a club registered in pursuance of this Act on the ground of that person's race, colour, religion or sex."

So the Bill deals with both the proprietary clubs and the members' club and with discrimination when the public has access to it. It does not deal with situations where the club is functioning as a private members' club in that capacity. As a matter of fact, if one does that, one will be infringing the Constitution of Trinidad and Tobago which guarantees freedom of association. One has the freedom to associate or not to and, as the Member for Diego Martin Central said, there are no problems with the Portuguese Club and others like it, so one cannot deal with that.

Mr. Speaker, when Justice Clement Phillips wrote his report on the Country Club Affair, he recognized that any action which any government has to take would have to be taken circumscribed by the provisions of that section which deals with freedom of association, and it is in that context that we cannot deal with legislation as to contravene the Constitution, we have to ensure that the legislation complies with the Constitution.

4.20 p.m.

At page 6 of Justice Clement Phillips' report he talked about freedom of association, about the case of Collymore and the Attorney General, about Phillips and constitutional law and he showed how one would have to recognize that there can be private clubs operating in that way. Yes, this Bill deals with a private members' club but it deals with a private members' club when it is having members of the public to sections of the club or when it is having public access to it. *[Interruption]* Mr. Speaker, I will respond to the Member but I ask him to bear with me until I complete my presentation.

The point was made that the meaning of the word “discrimination” is vague and it could lead to trouble. However, one has to understand that the word “discrimination” is defined but discrimination on premises is limited to the grounds mentioned. I would read from the Registration of Clubs (Amdt.) Bill. Clause 14B(1) states:

“Discrimination on premises of a club registered in pursuance of this Act by the owner or occupier or by the members of a committee ...on the grounds of race, colour, religion or sex...”

It is those grounds, which are in the Constitution, that we have to deal with in this measure. When we have the equal opportunities commission, if people are discriminated on any ground whatsoever, one would have some form of redress there. However, in dealing with this legislation with respect to the issue with which we are confronted, we have to deal with it in this form and that is why we have to define discrimination. What does: “Discrimination on the grounds of race, colour, religion or sex” mean? Clause 14B(2) states:

“‘discrimination’ means any inequality of treatment that is less favourable than that accorded to any person or group of persons and which is indicative of an intention to deal with that person or group of persons in a manner that is different from that in which the majority of other persons or a substantial number of such persons on any one occasion are treated or dealt with in that respect.”

There has been model legislation by the United Nations in respect of this kind of legislation. In 1996, the United Nations published guidelines and model legislation particularly with respect to race and other forms of discrimination, and this is what we have used to deal with this matter. One cannot get the culprits—if I may use that expression—or the offenders if it is dealt with in any other way.

Mr. Speaker, these draft bills did not come without being reviewed. They were subjected to extensive review by the Law Commission, headed by Justice Guya Persaud, and by the Chief Parliamentary Counsel’s department. There was a special team of lawyers looking at it to ensure that, if it is passed and there are applications before the committee, there would be no way that one would be able to find any loopholes. It is in that context that this legislation must be understood. This legislation has been treated as a very serious matter.

There is the allegation that the committee would have to give a right to be heard and that there is no right to be heard in these provisions. Mr. Speaker, one knows that these Bills amend the principal Acts. The principal Acts constitute

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licensing authorities. There is now a common law right to recognize that any licensing authority which has to do with revoking or cancelling a licence, automatically the rules of natural justice will be observed. That is not included in the legislation—under the Registration of Clubs Act and under the Liquor Licence Act we do not have that.

Mr. Hinds: I thank the Attorney General most kindly for giving way. I dealt with that particular point and I indicated that the right to which he has just referred by way of judicial review is only applicable after one has exhausted the other remedies available. This amendment avails a remedy of an appeal to the Court of Appeal and therefore, all I am saying is that the intervening period will yield untold and extensive hardship to the person against whom the allegation is made.

Hon. R. L. Maharaj: Mr. Speaker, if I misunderstood the Member I am very sorry.

It is quite clear that if a complaint is made that a business operator has been discriminating, under the law the committee has to give a hearing and there will be an adjudication. Let us assume that the committee makes the finding that the licence should be revoked, cancelled or whatever cohesive order is made, that does not mean that the owner does not have any remedy. As a matter of fact, it is known that the Act provides an appeal to the Court of Appeal. Under the rules that exist in Trinidad and Tobago with respect to the Court of Appeal, an application can be made by anyone, in favour of whom there is an appeal pending in the Court of Appeal, to ask the Court of Appeal, either a judge in Chamber, or the full court, to stay the execution of the order.

Let us assume that there is evidence that a club has been indiscriminately operating by businessman 'A', businessman 'A' is offended by his licence being suspended or cancelled, as the case may be, and he feels that the committee was unfair to him, he can then apply to the Court of Appeal and there are procedures where the Court of Appeal can, even in urgent matters, hear the matter in a night or morning court or even hear it at the judge's home. Those orders can be made either by a judge in his Chambers or the full court. If the judge in his Chambers makes an order and the person is dissatisfied, he can appeal to the full court and that could be heard within a matter of days.

Therefore, Mr. Speaker, it is not correct to say that this legislation can operate to the effect where a business person can have his business closed down. If the Court of Appeal finds that the evidence is so glaring that there should be no stay of proceedings, the court would be entitled to say, "no stay". If, on the other hand,

the Court of Appeal or the judge in Chambers finds that there is no evidence at all and it was a bad order—it was an order made without the support of any plausible evidence—the Court of Appeal would have a discretion to say that it is not making that order.

We must have a system so that when people are dissatisfied they can go to the court and, with the greatest respect, this has nothing to do with judicial review. Judicial Review is where a body acts—*[Interruption]* I will deal with it after—without jurisdiction or in breach of the rules of natural justice but as the hon. Member said where there is no other avenue for challenging the order. Therefore judicial review does not come into play. *[Interruption]* Mr. Speaker, I am not giving way. I have promised that I would answer the question.

With respect to the registration of clubs the Minister of Legal Affairs was totally correct. The Registration of Clubs Act in relation to its activities in respect of clubs under section 3, as when somebody is in one's home the court cannot interfere in that, but wherever clubs are, in effect, performing activities which relate to where the public has access—

Mr. Valley: I am talking about illegal activities.

Hon. R. L. Maharaj: There is where the Bill comes into play. Mr. Speaker, I do not know why they do not listen.

4.30 p.m.

Mr. Speaker, again, there was some criticism of the Act to amend the Theatres and Dance Halls Act and the hon. Member for Laventille East/Morvant was at pains to point out that the rationale of the Bill and the whole concept of the promotion of equality of treatment was, in effect, an important feature of the PNM Constitution. He also said that, in effect, is a demonstration of how the PNM is committed to this philosophy. I want to tell him that the United National Congress Constitution also has that philosophy.

The point is not whether you have it in your Constitution or your party's Constitution, or you have it in your head, or you want to act with caution, the fact of the matter is you have to be judged by what you have done in relation to implement the principles. This administration has demonstrated that it is not only interested in having it in the party's Constitution, on paper anywhere, or in its head, it is taking action to implement the principle of the promotion of equality.

Mr. Speaker: The sitting is suspended for tea for half an hour. Before we suspend, I simply want to indicate that some repair work in the tea-room has, in fact, started, and temporarily, tea would now be served in the room adjacent to it which was used on the previous occasion. I hope that Members would be able to find their way there.

Thank you.

4.31 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Hon. R. L. Maharaj: Thank you, Mr. Speaker. When the break was taken, I was responding to some of the criticisms levelled against these measures. Despite the fact that the national community and the Opposition had time to make comments on this measure, I do not want the fact that that opportunity was given to be a bar for the Government considering any proposals for reform or amendment. Therefore, I would not complete my contribution this afternoon. I have spoken to the Opposition Chief Whip, and I have indicated to him that whatever proposals for amendments he wants me to consider, he can send them to me and we will look at them. I will get the necessary advice and we would be able to come back.

We recognize the importance of having legislation drafted in such a way that the legislation would serve the objective for which it has been passed. The objective of these pieces of legislation include ensuring that persons who discriminate against individuals, where the public has access, will have to be penalized. The penalty under these measures would be related to the suspension, cancellation, revocation, or removal of their names from the list of clubs.

Mr. Speaker, I would not complete my contribution. What I would do is move the Adjournment of the House. There are some Motions on the adjournment, so I would continue my contribution on the next occasion. By that time, I would have the benefit of the proposals on the other side and I would then be able to deal with them and complete my contribution. My Friend, the Opposition Chief Whip, knows that we are quite prepared to deal with the legislation today, but we were not given any amendments. In draft form, certain matters were suggested, but one knows that one cannot deal with these matters unless we have the—*[Interruption]* We are so accommodating. Mr. Speaker, it shows how we believe in national unity; how we are committed to national unity; how this Government operates in a much different way.

I remember that when the hon. Member for San Fernando East was on this side, when we offered to assist the Government, he refused and he caused us to use expressions like “mango wood” and we were offering the olive branch, and so forth. We, however, have a different philosophy altogether, and we would like the hon. Member for San Fernando East to come if he wants. We made an offer and I hope that he will give his response today in writing.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move the adjournment of the House to Friday, May 23, 1997, at 1.30 p.m.. That day is Private Members’ Day.

Mr. Kenneth Valley (Diego Martin Central): Mr. Speaker, I just want to inform you—I know there was no consultation—that the Member for Toco/Manzanilla wants to have Motion No. 1 on the Adjournment postponed.

Mr. Speaker: Hon. Members, before dealing with the Motion for the Adjournment, I wish to advise that there are several matters for which I have given leave for them to be raised. Of course, the Members do know that the time in which one could present these is limited. I call, first of all, on the Member for Diego Martin Central.

Comptroller of Customs and Excise (Acting Arrangements)

Mr. Kenneth Valley (Diego Martin Central): Thank you, Mr. Speaker. I just want to thank you specially for allowing me to move this matter on the Adjournment. The matter concerns the dissatisfaction and loss of morale by the most senior officers on their being bypassed, in favour of the junior officers, to act in lieu of the retiring Comptroller of Customs and Excise on the recommendation of the Ministry of Finance.

The facts on this matter, as I understand them, are that the Comptroller of Customs and Excise went on pre-retirement leave on April 28, 1997. Before that, he had briefed the next most senior officer, informing him that he was the person to act as he had so recommended. His name was Mr. De Verteuil. On the morning of the 28th, however, subsequent to a telephone call from the ministry, a man by the name of Mr. Doopan went into the Comptroller’s office and informed Mr. De Verteuil that he was the person who would be acting for the Comptroller; that he was so informed. Subsequent to that, Mr. Doopan received a letter from the ministry informing him that he was acting.

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5.10 p.m.

What is strange about that, Mr. Speaker, is that on the same day, a letter was sent to certain senior officers of the Customs and Excise Division. The letter was signed by the Permanent Secretary in the Ministry of Finance and the letter informed the senior officers—I want to put this letter on the record:

“Mr. Kenneth Superville, Comptroller of Customs and Excise proceeded on pre-retirement leave on 28th April, 1997 and his retirement becomes effective on 12th November, 1997.

The Director of Personnel Administration has today advised, as directed by the Public Service Commission, that the provisions of regulation 25 of the Public Service Commission Regulations Chap. 1:01 of the Laws of the Republic of Trinidad and Tobago quoted hereunder, should be applied to the office of Comptroller of Customs and Excise immediately and that all applications and/or representations received in response to this directive should be forwarded to her within seven days of receipt:-”

This is regulation 25 of the Public Service Commissions Regulations and it states:

- “(1) Where an acting appointment falls to be made whether as a prelude to a substantive appointment or not, the Permanent Secretary or Head of Department shall notify those officers within the Ministry or Department who are eligible for consideration.
- (2) The Permanent Secretary or Head of Department shall, after notification as required by subregulation (1), allow a period of seven days to elapse before forwarding any recommendations in relation to such acting appointment, for the purpose of allowing the officers of the Ministry or Department to make representations on the filling of such vacancy.
- (3) Where representations have been made by or on behalf of any officer in the Ministry or Department, the Permanent Secretary or Head of Department shall forward such representations in their original form to the Director.
- (4) Where a vacancy occurs in an office and an acting appointment falls to be made for a period not likely to exceed 28 days as a result of sudden illness or other very special circumstances, the Permanent Secretary or Head of Department may appoint an officer to act for such period and the provisions of subregulation (1), (2) and (3) shall not apply to such acting appointment.

Since you are eligible for consideration for promotion to the post of Comptroller of Customs and Excise I shall be grateful if you will indicate your interest and provide justification, if you so desire, in furtherance of your claim.”

This letter got to the officers on the 29th. By that time of course, Mr. Doopan was installed, acting, and some of the officers consider it merely a sham, the decision having been taken to have some person act and some persons refused to respond.

Now, Mr. Speaker, I have with me the seniority list of the Customs and Excise Division for the year 1994 as at October 1, 1994. On that list Mr. Doopan is shown at No. 39 on the seniority list. Now, as a fact, a number of the early persons on the list, for example, just about 1 to 15, all have resigned or were about to resign, but Mr. De Verteuil, who was the next senior officer at the time is on the list as No. 17. There were quite a number of officers between No. 17 and 39. This is the 1994 list. I forgot to mention in passing that I think I see our colleague in the House, the Member for Chaguanas, is on this list as No. 222—very good thing he won an election in Chaguanas, he has made very good strides.

Mr. Speaker, I also have the list as of July 1, 1996 and on this list Mr. Doopan is shown as No. 20 on the seniority list, he has moved up from No. 39 to 20. But there are still persons, Mr. De Verteuil is now at No. 10 and there are officers who are at No. 11, 13, and so forth. The issue quite simply, is on what basis did the ministry make the recommendation to have this individual, who is junior to a number of officers, act in that post?

Mr. Speaker, rather interesting is another memorandum dated August 9, 1996 from the Permanent Secretary of the Ministry of Finance. That memorandum spoke about the need to fill the top positions in Customs and Excise Division and identified at that time four persons who were then acting as Assistant Comptroller, who were in a position to take over as Comptroller of Customs and Excise. Those persons were Mr. Ralph Newton, Mr. Neville De Verteuil, Mr. Lennel Chariandy and Mr. Herbert Corentin. Mr. Doopan's name is nowhere here, Mr. Speaker, and one is at a loss to understand, why were these officers by-passed and Mr. Doopan, who is very low on that seniority list, why has he parachuted, as it were, into the top post acting as the Comptroller of Customs and Excise.

One would have noted the requirements of the Public Service Commission. What the regulation says quite clearly is that if an acting appointment is to be made then the recommendation—first of all, officers who qualify ought to be informed

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and really, the regulation talks about their having to be informed some time before the time of the acting appointment so as to allow the persons to make their case, as it were, and that was not followed. As a matter of fact, my understanding is that the permanent secretary who wrote this letter to the persons at the Customs and Excise Division is not the same permanent secretary who wrote the Commission informing it to make the acting appointment. This letter was signed by Mr. Kong. I understand it is the other Permanent Secretary at the Ministry of Finance who dealt with it, someone in the ministry, as well as with the Director of Public Administration.

Mr. Speaker, what has happened is that there is now a high level of dissatisfaction, low morale and disorientation among the senior customs officers. Because they are saying, if we are now to believe that the top post in the Customs and Excise Division is now to be a political appointee, why are we working hard? What has been happening is that they are allowing the containers to pass freely. They are just saying go without doing their checks. Therefore, the Treasury is losing revenue and there is really a breakdown of the whole organization in the customs department.

More than that, they are saying that there is the feeling that this appointment has something to do with the fact that at the time when the Cherokee jeeps were imported into Trinidad, at that time there were 15 vehicles imported illegally. Those vehicles were not on the manifest, they were not declared, nobody expected them and, of course, the customs department decided that it would not release those vehicles. However, among the 15, were two BMWs and since then one of the BMWs has been released and is now in the possession of a very senior minister's wife. They have asked me to ask the Minister of Finance and Minister of Tourism who gave the authority to release that vehicle? They have asked me.

Mr. Speaker, they are making the point, that in Antigua, I think it was the Attorney General who was dismissed from office for a similar offence. They are saying, if in Antigua—where you know, we in the Caribbean tend to say all kinds of things happen in Antigua—that kind of action could be taken, are we going to take action in Trinidad, if it is found that some Minister were to be giving directives to the Customs and Excise Division, to release vehicles which are imported illegally? They have asked me to ask that.

5.20 p.m.

They are saying, therefore, that this appointment was made to aid some persons who wish to have a certain level of freedom in getting things through customs at the expense of the national treasury. Mr. Speaker, I am not seeing the

Minister of Finance, whom I understand has the responsibility for customs, here this afternoon, but I hope one of his colleagues can throw some light on this matter and inform us of the basis on which this appointment was recommended by his ministry.

Thank you.

The Minister of Social Development (Hon. Manohar Ramsaran): Mr. Speaker, I rise to respond to the Member for Diego Martin Central with respect to the Motion relating to the acting appointment of the Comptroller of Customs and Excise, which is before this House.

Dr. Rowley: Nobody asked you anything.

Hon. M. Ramsaran: I consider some of the statements made by the Member to be very mischievous. When he comes before this House, I would like to see some information, because whenever something is cleared in the customs there are documents. If the articles in question are not cleared properly there are various documents involved, checks and balances. Once the hon. Member wants to come to us, I suggest that he comes with the facts. It is my considered opinion that raising such an issue in the House of Representatives is most scandalous and disgraceful. It is a sign of people who are very insecure and resistant to change. It is also a sign of desperate men who make rules when it is convenient for them to do so, but choose to ignore these same rules for political advantage.

Mr. Speaker, the reason why I say this subject has no right in this honourable House, is simply because of the fact that the Member for Diego Martin Central who was a junior Minister of Finance in the last Government, should know that matters such as appointments, transfers, promotion and termination of employment of public officers, fall strictly under the ambit of an independent body, called the Public Service Commission. This body was created under the Constitution of Trinidad and Tobago and its powers are sacred and sacrosanct. My Government is committed to upholding the rule of law and respects the authority of the Public Service Commission—

Dr. Rowley: A department head is approved by the Prime Minister.

Mr. Valley: On a point of order, the Member is misleading the House.

Mr. Speaker: Could you indicate which one?

Mr. Valley: Number 36.

Mr. Speaker: Number 36 has several subparagraphs, to which one are you referring?

Mr. Valley: The whole body of Standing Order 36.

Mr. Speaker: If we go through 36(1):

"Subject to the provisions of Standing Order No. 12, (Adjournment—Definite Matter of Urgent Public Importance), debate upon any motion, Bill or amendment shall be relevant to such motion..."

It certainly could not be that, so I am against you on that one.

Mr. Valley: Yes, Mr. Speaker.

Mr. Speaker: It continues:

"Reference shall not be made to any matter on which a judicial decision is pending..."

I am also against you on that one.

"It shall be out of order to attempt to revive in any debate a matter or reconsider any specific..."

Again, I am against you on that one.

Mr. Valley: Mr. Speaker, you are correct. What I would have to do is to file a motion of censure against the Minister for misrepresentation in the House.

Mr. Sudama: Sit and go and take a course in Standing Orders.

Mr. Speaker: Order please. There are several things that Members can and cannot do. Would the Minister please proceed.

Hon. M. Ramsaran:—unlike the previous Government which tried to interfere with the working of every such commission and when it was unsuccessful in its bid, sought to disband the very commission. One's memory must be very short indeed.

Mr. Speaker, since appointments are made by the Public Service Commission, I would not like to usurp its function nor prejudice its decisions. Nevertheless, for general information, I will like to invite the attention of the Member for Diego Martin Central to the provisions of the Public Service Commission Regulations, section 18, Chap. 1:01 of the laws of the Republic of Trinidad and Tobago which deals with promotion and which in summary states:

Where promotion to an office that involves work of a progressively greater and higher responsibility and initiative, then greater weight shall be attached to that appointment on the basis of merit and ability rather than solely on seniority. The Commission in making its decision takes into consideration the following criteria:

1. general fitness;
2. seniority;
3. courses of training;
4. special courses of training
5. staff reports;
6. letters of commendation;
7. knowledge of the duties;
8. recommendation of the Permanent Secretary;
9. devotion to duty.

I invite the Member for Diego Martin Central to read these sections of the Constitution and if he cannot understand them, perhaps he can seek the assistance of either the Member for Couva North or Couva South, or Siparia, since these are qualified attorneys.

It is not an uncommon phenomenon for accelerated promotions to take place in the public service. As a former Customs and Excise Officer, I recall only too well, that in 1974, an officer by the name of C. L. Williams, was promoted to the post of Comptroller of Customs and Excise above some 60 officers. Maybe my 122 would have been there in two years, under that administration.

I understand that in 1988, another customs officer by the name of C. M. John was given the acting appointment of Comptroller of Customs and Excise above other officers. Similar occurrences took place in 1989 with Mr. Chuckaree. As recently as 1992, when the Member for Diego Martin Central was a junior Minister of Finance, the previous comptroller was put to act. He was an Assistant Comptroller at that time and by-passed three officers who were his seniors. This also happened with Mr. Doopan who by-passed two people who were senior to him. In fact, two of them were appointed, one as Deputy Comptroller and the other as an Assistant Comptroller. The rationale for such a promotion was based on the fact that these three gentlemen did not have longer than one year's service remaining in the Division. The choice was made, therefore, not strictly on the basis

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of seniority but, more so, on the ability of the incumbent to make a long term contribution and provide some continuity in the management of the Division.

Mr. Valley: I hope when I file the questions you can answer them.

Hon. M. Ramsaran: This Government, which was then in Opposition, never sought to waste parliamentary time by bringing such frivolous issues before the House. We understand and respect the Constitution and recognize that accelerated promotion is not peculiar to the Customs and Excise Division alone.

It is ironic that the Opposition can bring such an issue to this honourable House. Perhaps the loss of power and the internal struggles have left them suffering from a chronic bout of amnesia. It is public knowledge that this absent-minded Opposition, when in Government, sat in Cabinet and constructively and maliciously dismissed an appointed Comptroller of Customs in September 1992. This incident was well documented in the newspapers of the day and in the various newsletters that were allowed to circulate by their very minions. Imagine that this absent-minded Opposition told a senior public servant who had 42 years service, head of the Customs and Excise Division, that he should not report for duty and was no longer welcome at the Customs House.

5.30 p.m.

Mr. Speaker, termination of employment and suspension falls under the purview of the Public Service Commission but the Opposition felt, and apparently still feels, that it was and is mightier than the Constitution of Trinidad and Tobago. It proceeded with its vindictive act to ridicule the then Comptroller and make way for its own. To date, no evidence of impropriety has been forthcoming against the Comptroller that the PNM humiliated. Maybe retribution has taken its course and they have found their rightful place, not in exile, but in the wilderness forever.

Mr. Speaker, I would like to reiterate the appointment of the post of Comptroller of Customs and Excise falls under the sole ambit of the Public Service Commission and we are leaving it up to this independent and august body to make a decision. My Government respects the rule of law and we would abide by the decision.

Mr. Speaker, I thank you.

Carenage Regional Complex

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, the matter I wish to raise this afternoon has to do with the hardships being experienced by the residents

of the Carenage community in their attempts to make use of a public facility, so constructed in the area. In the western peninsula, there are three valleys each containing discrete communities. The most easterly of those to which I refer is the La Horquette valley, which opens out into the Point Cumana district. Then, there is the L'anse Mitan valley which has the L'anse Mitan district and then furthest west is the Carenage valley which has the village of Carenage.

Mr. Speaker, a site exists in Point Cumana for the construction of a community centre, public funds were provided for a small centre in L'anse Mitan but the main community in the area is Carenage. There is a site in Carenage which belongs to the Carenage Village Council by way of proper documentation made by the state. The community started constructing a centre on that site using a variety of methods, including self-help. In 1995, the Government of Trinidad and Tobago intervened, moved the failed construction of the community centre and under the programme of National Centre Construction, a new unit was built for the purpose of serving the Carenage community. That community centre was completed and made available to the state in October, 1995. Subsequently, there was a change of government. The centre remained locked up for one year and a motion was taken in this Parliament to have it opened about a week after the motion was filed.

Mr. Speaker, the community is now concerned that the current Government has designated the centre a Carenage Regional Complex and it seems to operate the community centre as some regional facility. Having appointed the board of management of the community, this resulted in persons from outside of the community of Carenage having the decision-making power over the centre. In fact, one gentleman who was put on the board with the responsibility of youth officer for the centre, comes from somewhere in Petit Valley or Maraval, virtually unknown to the Carenage community.

Mr. Speaker, as though that was not bad enough, the chairmanship of the board of the Carenage community centre was not selected from the village of Carenage in the Carenage valley, but from the neighbouring valley in the Big Yard/L'anse Mitan area, where a particular lady has a matrimonial home in Big Yard. Subsequent to the objections of the Member of Parliament and the community as to why such a person was put in charge of the board of the Carenage centre, in seeking to satisfy the fact that, really, a local should be in charge, interestingly enough, the person moved from the matrimonial home in Big Yard into another home in Carenage. But that really is not my problem, Mr. Speaker.

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My concern as well as that of the Carenage community, is that having moved into Carenage, having been put in charge of the board, the ministry responsible permits the appointment to a position of the father of the individual and permits the person with whom this person is now residing in the Carenage Village—in local parlance, the "horner man"—to be put as manager of the centre, being paid \$3,000 per month by the state. So here it appears as though in order to have a role on the board of the Carenage community centre, one has to have some connections to a particular bed—either one is the father, the wife or the outside man.

Mr. Speaker, this is unacceptable to the village of Carenage and worse than that, at the same time \$3,000 per month is being paid to the gentleman who spends his days sleeping at home, who may condescend to come and open the centre, give instructions to the user to be finished by a certain hour because he is sleepy. Persons who are required to use the centre are being asked to pay substantial sums of money.

Mr. Speaker, the community police, which is doing a particularly good job in the area, fostering community relationships with a view to assisting the Government in reducing the crime level, wanting to use the centre for a programme with youths in the area, was asked to pay \$500. A primary school, wanting to have a graduation, is asked to pay \$500 and when it protests, arbitrarily, the figure is changed: "You could pay \$400; you could pay \$200; you could pay \$150." That is what is taking place in Carenage with respect to a public facility.

Mr. Speaker, clearly, this cannot be right. This is sowing the germ for serious dislocation in the community and there is great anger because the public facility is being mismanaged in this way and being handled by a particular clique of people. I dare say, the person who has been put in charge of the board, who has converted public administration to matrimonial connections, happens to be the defeated UNC candidate in the area. This is what we are talking about. Not a lack of discrimination, not national unity but pure nepotism and inappropriate behaviour on the part of the ministry responsible.

Mr. Speaker, how could it be that this centre was constructed for a purpose, the purpose being to provide a meeting place for all members of the community, groups and affiliates, who want a place to meet in furtherance of community development—that is why the ministry is called Ministry of Community Development, Culture and Women's Affairs. Out of state funds we have built this facility which now exists with a variety of sub-units. On one occasion the village

council, which is the premier organization, wanting to hold a meeting in the centre, was told by the board, "We, the board, are having a meeting in the open hall and you, the village council, cannot meet while we are having a meeting." There are a number of rooms in the structure and there is no reason why the board could not have met in one of those rooms and allowed the village council to use the facility. In fact, Mr. Speaker, one of the requirements for having access to the centre is that groups—steel bands, youth groups, *et cetera*—have to become affiliates to the village council, thus giving them access to the building.

When the village council executive is being treated in this manner by a board which is appointed in this way, I say, Mr. Speaker, that something is wrong. The practice is not in keeping with the intent. The ministry has erred by appointing a person as chairman from outside of the community. Such a person, with or without the connivance, compliance and assistance of the ministry, has sought to practise nepotism of the worst kind in the community and the centre is not being used for the purpose for which it has been designed and constructed, which is to facilitate the meeting of community groups in the area.

Mr. Speaker, at the moment, I would like to ask the Minister on behalf of the Carenage community, insofar as the board is seeking to exact fees from potential users of the centre and turning away the community police and the private school from using the facility for laudable purposes, what regulations are in place to govern the application of fees? Is it that the Carenage Primary School is being charged \$500 but in Port of Spain, Carapichaima or Tobago, another board is charging somebody else a higher or lower fee? This could not be right. If fees are to be charged, there has to be some rationale for it and it has to be consistent across the country.

5.40 p.m.

Mr. Speaker, insofar as these fees are being charged, how are they accounted for? Are they going into the coffers of the village council or the board to be used in the community or are fees exacted from primary school children finding their way back to the Consolidated Fund by way of remittances from the board to the ministry, back to the Consolidated Fund?

We have a case where a board is attempting to exact \$500 from a primary school to hold a school function, the fee finds its way back into the state's coffers but the state, in turn, pays the chairman \$3,000 per month. That cannot be right. It is counter-productive. In fact, it is my view that everything should be done by the

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state to encourage the use of these centres for productive means. The state should not put mechanisms in place which would act as deterrents to the use of the centres.

So far, in Carenage, Mr. Speaker, the actions of the board, both in terms of the behaviour of individuals who have found themselves in these positions of authority, as well as the fees that they seek to exact from an impoverished community, are having the effect of negating any potential benefits which the construction of that particular facility ought to have had on the Carenage community.

Mr. Speaker, is the hon. Minister prepared to consider looking at the structure and appointments of that board to ensure that persons of the Carenage community, particularly the village council, have greater representation on the board? I request that the chairmanship of the board of the Carenage Regional Complex resides with a responsible member of the Carenage community. I would also wish that acts of nepotism be discouraged by ensuring that insofar as paid posts are available in the structure of management of the system, that it is not done in the way as obtains in Carenage at the moment. Further, I want the hon. Minister to give the assurance that any management system put in place for the Carenage Regional Complex would ensure that the complex opens for the maximum number of hours per day, so that a number of activities can take place in the building at any one time; that any person who is hired as manager of the facility must be at work and available to those persons who wish to use the facility whenever they choose and if, in fact, the community chooses to meet at night or at lunch time, the complex should be made available. That is the purpose of the community complex. It is not a white elephant in Carenage; it was built for a purpose and at the moment the purpose is being undermined.

I would like the hon. Minister to indicate what is the rationale for the fee structure; what is the regime for the fee structure; where the fees are going and how are they related to the community's ability to pay and cost being extracted elsewhere from the Treasury which could have facilitated greater use of the centre.

Mr. Speaker, I brought this matter to this honourable House because I was invited to a meeting which was organized by the village council. There are a number of very angry people in the Carenage community at the moment. Their anger is marshalled and the protest is being channelled through the Carenage Village Council which is not being given the prominence it should be given in the management and operations of the community centre.

I look forward to the assurance of the Government that this matter would be attended to and the problems rectified as a matter of public urgency.

I thank you.

The Minister of Community Development, Culture and Women's Affairs (Sen. Dr. The Hon. Daphne Phillips): Mr. Speaker, the Carenage community complex is one of 12 new large community facilities which were formally opened in December 1996 to serve the communal needs of a number of villages. This is why they are referred to as "regional complexes".

The decision was taken that these large units which are different in structure from the traditional community centre and which are multi-purpose facilities would serve the communal interest of neighbouring villages. This decision was taken because of the lack of community facilities in several areas, so it was thought that since these facilities were multi-purpose they could serve the needs of a number of communities.

The Carenage Community Complex serves the villages of Carenage, Point Cumana and a number of areas. In contrast to this arrangement, the traditional single-purpose community centre is identified for a single village which is typically controlled by the village council in the area. The larger complexes are administered by a board which is drawn from the region in the same villages which it serves.

The board consists of seven members drawn from the surrounding villages. Only one member of the board is a member of the village council. The other members comprise representatives from youth groups, women's groups, religious groups, business, culture and community services. There are also representatives from the Division of Community Development and other government agencies which are relevant to this area.

A decision was taken that this arrangement would do a number of things. First, it would allow the community to share the facility. The facility would be administered by the community itself and the whole intention is that this facility must be open to all legitimate groups in the surrounding villages.

To put this in place, it was decided that a manager, a clerk and a janitor would be selected from the community. The procedure is that on a basis of directives given by the Ministry of Community Development, Culture and Women's Affairs, applications would be received and interviews would be conducted. On completion of the interviews, the curriculum vitae of the three highest would be submitted to the ministry for vetting before a manager is selected. This process did not take

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place in Carenage and it was brought to the attention of the Ministry of Community Development, Culture and Women's Affairs.

In the meantime, furniture and equipment were purchased and put in place in December and the early part of 1997. Activities from the community are encouraged in the facility.

5.50 p.m.

The vision of the ministry in this regard is really the intensification of community activities, not the retarding of them. The reason full time staff—and this is for the first time in the history of community development activities—is placed and, indeed, is now being placed in these facilities is to intensify community activity through the opening up of the facilities on a full time basis, because the typical community centre controlled by the village council, tended to be locked up and unavailable to other community groups. The whole vision and intention of this arrangement was to have a facility open at all times and available to all the groups, village councils and others, who may wish to use the facilities.

The trend of opening up community centres has also been extended to the smaller community centres where, already for 1996, 30 of these centres have been identified and targeted for full-time opening. The major problem with the community centres is that they were kept locked up. We thought that if we put an individual in the centre with the responsibility for keeping it open and for scheduling programmes, this will enhance community activity and have a facility where all groups can participate.

The ministry was concerned with the need for opening up and democratizing community activity, affording wide participation and encouraging access to all community groups whose members were engaged in legitimate community work. We have also put in place a process by which all community groups must be affiliated to the village council in the area. The village council is now being encouraged to open up to involve other groups in its membership. Eventually, the village council is the structure that is to be empowered by an Act of Parliament. So there is no discrimination against the village council. Because of its long history and because of its existence, the reformed democratic village council is to be, in our plans, the organization which is to be empowered.

These plans represent changes in the community structure and in arrangements which have far-reaching impact, both at the macro level of the wider community group structure and organization and at the micro level. The micro level is the level of administration of each facility. These represent changes.

The changes are, firstly, the village council members do not exercise full control over the facility. This change is one which, of course, would be resisted in some quarters. Secondly, a board is in place which is comprised of community members who are not necessarily well versed in this form of administration. Therefore, the members need guidance, tuition, workshop seminars, in order to be able to manage efficiently. Thirdly, full time staff is being employed. I must re-emphasize, that the process is still taking place, with interviews, and so forth. In none of these facilities is the staff yet in place.

This represents significant change and we know there is resistance to change and we also know that with change, mistakes will take place; there will be teething problems and persons will need additional guidance. This guidance is to be gained from, of course, the division of community development.

It is in these circumstances that misunderstandings emerged among the villagers of Carenage. The first problem was that the villagers of Carenage have been accustomed to controlling the facility themselves. I went there myself to install the board and there was some friction. When I explained to the members of the village council about the plans, they were very co-operative and there was no problem in their understanding the kind of procedures and the vision which we had. I re-enforced at that time that the village council is to be the organization which is going to be empowered in the community. It is in this context of change, of lack of maturity and of experience, that some of the mistakes are being made.

The ministry has already taken steps to correct this problem in the Carenage area and it has put in place additional guidelines for the direction of the board. Although workshops have already been conducted for all the board members across the country, instructions have been given for additional workshops and seminars to be conducted for the board, the village council and community groups, in relation to the new thrust. With this new thrust, we are insisting that the facility be kept open; that programmes of the ministry get put into the facility and we are contributing to the empowerment of the community and to employment as well.

In the specific situation of the Carenage complex, the ministry has identified a senior officer to assist the board in resolving its problems. Again I must reiterate that a member of the community development division sits on that board. A meeting was conducted between the board and the village council, with the senior officer as conciliator, and the position was adopted that the centre should be open to all community groups and all government agencies free of charge, except in the case of fund-raising activities.

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Fees are not to be charged for the village councils or any Government agencies such as schools; and fees are to be charged when the facilities are used for private purposes such as weddings and christenings. The board of management of the facilities must abide by the rules and regulations which are laid down by the ministry and submit reports on a continuous basis, so that they can be guided on what needs to be done.

Mr. Speaker, we have recognized that there is a problem at Carenage and we are dealing with it.

Dr. Rowley: Mr. Speaker, I thank the Minister very sincerely, firstly for giving way and secondly, the matter of fees. I want to be clear, is the ministry prepared to address the problem of nepotism that is aggravating the community?

Hon. D. Phillips: Mr. Speaker, I just pointed out the procedure that was put in place. The positions would be advertised; people would be required to apply; and there would be interviews. At the end of that process the first three highest performances would be sent to the ministry along with the curricula vitae and the results of the interviews. Certain steps will be taken against any board that does not abide by these procedures as soon as it comes to our attention. These procedures must be adhered to.

Thank you, Mr. Speaker.

**Gulf of Paria and Columbus Channel
(Persistent/Mortal Danger)**

Mr. Hedwige Breaux (*La Brea*): Mr. Speaker, there were two matters standing in my name.

Mr. Speaker: The first one is on the question of the “persistent and mortal danger”. That one.

Mr. H. Breaux: Mr. Speaker, there is the persistent and mortal danger now confronting citizens and residents of Trinidad and Tobago in the pursuit of their legitimate business activities within the territorial waters of Trinidad and Tobago in the Gulf of Paria and the Columbus Channel—I felt very elated when I heard over the television, and earlier today, that this matter appeared to have been solved, *moreso*, in respect of the fishermen. The shores of the Columbus Channel are very close to me, so I was very interested in that.

I heard the hon. Minister indicate that there was now a fishing agreement that had been agreed upon by the Venezuelan government which has solved the problem, but this appears to solve only one portion of the matter. As you would recall, it referred to the Gulf of Paria. The fishing agreement solves the matter in respect of the Columbus Channel, but we still have the problem of the boundary.

One would recall on April 11, I think, members of Guardia Nacional boarded Trinmar's Rig Marine IV in the Gulf of Paria. When the matter was reported, the Venezuelan Foreign Affairs Ministry indicated that the Marine IV was in Venezuelan waters. To use the words of the Venezuelan:

“After the boarding of the Trinmar's Rig Marine IV, Venezuela's Foreign Affairs Minister indicated that a special commission from the Boundaries Directorate of the Ministry of External Relations of Venezuela had visited the area in question and using high-precision equipment for Global Positioning, confirmed that although the platform had been moved in a north-easterly direction it was still positioned in Venezuelan waters.”

The Trinmar manager also indicated that Trinmar had global positioning system equipment and had checked it with Guardia Nacional as well as an independent third party, and that it was clear that the drilling was being carried out in Trinidad and Tobago waters.

Mr. Speaker, we have two parties, Guardia Nacional and Trinmar both using global positioning equipment and, yet, they have come to different conclusions. What is important is that Trinmar's manager, Mr. Sherwood, said Trinmar has a licence from the Government of Trinidad and Tobago to carry out works in that area and will continue to carry out works in that area. He further pointed out that Trinmar was not drilling in a new field. They were just drilling in a field from which they had already been producing oil.

Mr. Speaker, here we have two protagonists, both saying that they are correct. Although the hon. Minister—for all intents and purposes—appeared to have solved one matter, the question of the more important matter—the matter involving the boundaries of Trinidad and Tobago and the area properly to be utilized for oil production and exploration—has not been solved.

With all due respect to the value of fish, both for the diet and in terms of earning a living for the persons who are fishing and shrimping, when one matches the two in respect of oil, it pales into unfortunate economic insignificance. Whereas it appears that to some extent the dispute concerning the fishermen has been settled in respect of the Columbus Channel, there is still this boundary

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problem in the Gulf of Paria and the fishermen, but I will come to the fishermen's problem later.

The boundary problem has not even been solved in the Columbus Channel. In my letter which I was unable to read because it was too extensive and expansive, I had pointed out that the Government of Trinidad and Tobago had quite recently given a licence to an oil company to carry out exploration and production work in the S11 block, which is at the eastern end of the Columbus Channel. I happen to know, in another dispensation, that there is likely to be a boundary dispute involving the S11 again.

Whereas some danger appears to have been solved in respect of the Columbus Channel, we still have that important problem of the boundaries for oil exploration. We still have the problem both in the Gulf of Paria and the Columbus Channel.

6.10 p.m.

I visited Venezuela some time ago. There is a Venezuelan map in Tocopita which shows part of Trinidad as being Venezuelan territory. Of course we may say that is wishful thinking, but I have always found that the people with the bigger guns tend to carry out their will on the weaker side. As my good friend would say, "big fish eating little fish".

The hon. Minister said that there is now an arrangement to fish in the Columbus Channel. Following from what he said, I am to conclude that no arrangement has been entered into in respect of the Gulf of Paria.

The hon. Leader of the Opposition had written a letter to the Prime Minister. Apparently, the Prime Minister did not have an opportunity to read the reply which the hon. Leader of the Opposition wrote to him. That would inform the discussion today. I thought I would take the opportunity to read it if you would permit me, because it is on the point. It states:

"My Dear Prime Minister,

I thank you for your letter of May 14, 1997 which was received in my office today, May 16. Regrettably, I am now unable to assist, since yesterday your Foreign Minister concluded a totally inadequate fishing agreement between the Governments of Trinidad and Tobago and Venezuela. This agreement is not in the interest of Trinidad and Tobago's fishermen since they have now been excluded from traditional shrimping ground in Venezuelan waters.

In addition, the fishermen have advised that the new area provided can in no way compensate for the loss of the traditional ground. What this means then, is that we are likely to see more shrimping incidents in the Gulf, as Trinidad and Tobago fishermen seek to utilize traditional shrimping grounds which are now out of bound by agreement with your Government. This action is sure to be resisted vigorously by the Guardia Nacional.

At the same time, it is clear that Trinidad and Tobago does not possess the ability to effectively police waters on our North Coast and thereby exclude Venezuelan fishermen. In short therefore, Venezuela has now got the best of all worlds at the expense of Trinidad and Tobago fishermen, and your Foreign Minister continues to offend the local fishing community with his senseless claim of victory.

Patrick Manning
Leader of the Opposition”

That speaks for itself. As a petroleum person to some extent, I am interested in finding out the extent to which this boundary dispute is likely to be settled, because it would affect the ability of the oil companies of Trinidad and Tobago to explore and produce an important natural resource.

Thank you.

The Minister of Foreign Affairs (Hon. Ralph Maraj): Mr. Speaker, I welcome the opportunity to respond to my dear Friend from La Brea. May I say that a matter like this is a non-partisan issue. It is a matter on which both sides of the House can and should come to a common position because it concerns important interests of Trinidad and Tobago. I noticed that in his contribution there was no vitriol, bitterness, real condemnation or accusation, but concern. I commend him for that.

I do not think he should have read the letter of the Leader of the Opposition. That spoiled his contribution tremendously. That letter is *in tandem* with certain other statements which the individual would have made, that I do not think is becoming of a Leader of the Opposition in a country like this. History would criticize him very severely for making such statements at a time when the nation as a whole was facing a particular position, when co-operation, consensus, solidarity and a single position were needed.

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If I would be permitted to respond to the letter, I have said over and over and I would repeat what I said in Parliament today, based on a scientific seminar which was conducted. I deliberately made the point that that seminar was commissioned and conducted during the life of the last administration, as a prelude to the start of a fishing negotiation. The purpose of that seminar was to determine the level of fish and shrimp stock in the waters between Trinidad and Tobago and Venezuela, and in particular, those areas which were pertinent to the whole agreement. The results of the seminar informed the discussion which under this administration, I initiated in February 1996.

As soon as we got into the negotiation it became clear to us that it could not be business as usual. The old fishing grounds where our fishermen from Cedros and Icacos were accustomed to shrimp, and the north and east coasts on which we allowed Venezuelan trawlers could not be part of the bargaining of our new fishing agreement. The Venezuelans made it very clear to us that they were withdrawing that fishing area. I am sure my Friend from Diego Martin West would remember that the experts from the Ministry of Agriculture, Land and Marine Resources told us that under no conditions can we allow Venezuelan trawlers under a new fishing agreement to exploit the north and east coasts. I keep saying that.

For the Leader of the Opposition to write in a letter that our fishermen have now been excluded from traditional shrimping grounds, as though it belonged to Trinidad and Tobago, speaks of a level of immaturity, irresponsibility and ignorance that I cannot understand. The waters in Venezuela belong to Venezuela. Under a negotiated fishing agreement one is allowed to go in there. If one does not have anything to give, one has nothing to get. That is the situation.

I wish those on the other side who have a little more balance, sanity and understanding would inform their leader so that he would not continue to make a fool of himself. He continues to do it. I am sure there are those on that side who are totally embarrassed by the foolish superficial statements he makes on these matters.

My dear Friend from La Brea, who made a balanced contribution, ought not to have read his leader's letter.

6.20 p.m.

He said that he was elated. We are all elated. I understand that Mr. Esook Ali, who is the chairman of the fishing association in Cedros, was on television this morning saying that the agreement is a good and progressive one, based on the

recognition of certain realities. It is a modern agreement because it talks about sustainability, security, research, management, joint venture and so forth, based on a common area. It is a modern agreement that does not have many rules, so there is the possibility of the diminution of fishing incidents. I have no doubt that agreement will make a significant contribution to the modernization of, and give a new direction to, the fishing industry in Trinidad and Tobago. We make the point that we cannot negotiate a fishing agreement with any other country without taking into account the entire fishing industry.

May I say that my Friend, the Minister of Agriculture, Land and Marine Resources, is fully aware of the challenge facing Trinidad and Tobago and the fishing industry. I am sure that soon the national community will be presented with a plan for the revitalization and modernization of the industry based on sustainability, security and all of the other qualities I mentioned a while ago.

May I say also, that even though we have a new fishing agreement, it does not mean we have a complete elimination of fishing incidents. We live next to a country with which we share sensitive maritime borders and it is always possible that an incident or two will occur. However, it is the responsibility of both countries to collaborate and co-operate, and this agreement provides for this collaboration and co-operation between the security systems to eliminate, investigate and prevent fishing incidents.

May I say again, that it is the responsibility of Trinidad and Tobago, as an island with only maritime boundaries, to have a coast guard which can do its job effectively. We have never had that in the independent history of Trinidad and Tobago. This Government has made it very clear that it intends to capacitate the coast guard. The Minister of National Security has already indicated that he has plans to repair the boats and buy new ones, which will assist our fishermen in the Cedros area, in the first instance, and will also police the north and east coasts which is what we intend to do and must do, if we are to revitalize the fishing industry in Trinidad and Tobago.

My Friend also talked about the problem of the boundary. There is the delimitation treaty between Trinidad and Tobago and Venezuela, which is enshrined in law and which we all observe. May I assure him that I am exploring the part of that delimitation treaty which makes for the provision of buoys along certain paths of the sea to demarcate in very clear terms the boundaries.

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I share your concerns about the boarding of the Trinmar rig. For the purpose of this Parliament, let me say that immediately upon hearing of this boarding of the rig, a coast guard vessel was dispatched to the area and we determined that the rig was on our side—the Venezuelans were saying that the rig was on their side. We immediately called for a joint investigative committee to determine the location. They did not agree in the first instance, but they eventually did after the visit to Caracas.

That investigation is not dead. The shooting of Ralpheus Lewis is not dead. We have set up special meetings of the Mixed Commission for the Investigation and Prevention of Fishing Incidents to look into these matters and we have set a time-frame. If there is no solution at the end of the time-frame, I have already indicated what the options are for Trinidad and Tobago.

Dr. Rowley: Does the Government make any connection between the timing of the action of boarding the platform, which is being put across as an accident, and the recent expansion by Trinidad and Tobago of its economic interest towards our eastern borders? I understand that it is something which has not happened before but it has happened at a time when technology allows you to put a jewel stem back into a hole under the sea after you have taken it out. Suddenly we have a problem with our boundary. That accident is very strange. Is there any connection being made by the Government between that accident and the fact that we have recently made a lot of leases to people who are looking for economic interest in those areas? You do not have to answer if you do not think it appropriate.

Hon. R. Maraj: Let me respond by saying that the Government has its eyes and ears totally open on all matters with respect to these incidents. That is all I am prepared to say at the moment. I assure the Member for Diego Martin West and this honourable House that the matter is under investigation and the alertness and informed approach that is required is in place on these matters.

I think I have answered all the concerns of my Friend, the Member for La Brea, and I thank you very much for this opportunity.

**Parrylands Government School
(Health Hazard)**

Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, the other matter I have is about the danger posed to the health and welfare of the teachers and children attending the Parrylands Government School by noxious fumes emanating from Petrotrin's operations at Parrylands, Guapo.

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The Parrylands Government School houses some 187 students, eight teachers, two cleaners and two guards. Those children come mainly from the villages of Lot 10, which is in the constituency of La Brea, and Parrylands, which is mainly in the constituency of Point Fortin with a very small portion in the constituency of La Brea.

On February 25, 1997, through March and, more particularly, on April 25, 26, May 1, 2, 4, 5, 6, 7, 8, 9, and 12, the students and teachers of the Parrylands Government School suffered adversely from inhaling noxious fumes from hydrogen sulphide, H₂S, emanating from Petrotrin Parrylands Steam Flood operations. I heard the Member for Chaguanas ask if I tested it.

For the uninitiated, I would like to explain that the Parrylands Steam Flood operations are simple. Where there is heavy oil in an old oilfield, steam is injected into the formation by injection wells. There are off-take wells from which one gets production. The steam serves both to reduce the viscosity and to increase the pressure in the reservoir. However, steam is water vapour and the low API crude has a certain percentage of sulphur. Obviously, when the oil is produced either in the separator or stored in the tanks, there is H₂S gas on top of the tank or the separator, as the case may be.

The forensic pathologist, Dr. Hugh Des Vignes, who is attached to the Forensic Science Centre, said hydrogen sulphide is a very poisonous gas. It has the same smell as rotten eggs. I have smelled it and I have smelled rotten eggs many times.

6.30 p.m.

It can cause the lungs to become irritable and eventually lead to fluid in the lungs. Dr. Des Vignes said that the symptoms displayed by the students of the Parrylands School are similar to those displayed by persons who are exposed to the gas. In extreme cases, if one is exposed to a very high concentrate of this gas, one can go into a coma and death usually follows.

Mr. Speaker, I have smelled that hydrogen sulphide before, and I must say that its occurrence in steam flood operations is not uncommon. At one time the environmental and safety people reported to me that there was steam flood operations in Siewlal Trace, Central Los Bajos and Bennet Village, so it is not something that is unknown. The problem is that it has to be controlled.

What is worrying me is that the Petrotrin personnel are saying that they are not responsible, in spite of my informing them of what was happening at the school.

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The school reported that three teachers went to the Petrotrin Medical Clinic and were treated for nausea and vomiting; a number of children had appeared with rashes on their skin and had been treated; one child in particular, Kevon Jackson of Gonzales, his parents were informed by the doctor not to send the child to school; and the children are now out of school.

When the ministry officials get there, the steam flood operation is shut off and one cannot smell anything. Later in the night it is again turned on. As I said before, it does not take rocket science to control hydrogen sulphide emission. All one has to do is to run pipes from all the tanks or separators and have a flow up about 40 feet in the air to burn off the noxious fumes. It can be done.

I understand that Petrotrin is bringing in a Canadian expert to test the air. That air is tested with one's nose, one has to get some competent production engineers to create the flow to burn out the noxious fumes. No one from Canada has to be brought in for that, I could call three names of persons who are capable of doing it: Mike Charles, Ajib Razal or Surendra Solomon who have done it many times before.

Earlier when I made a comment in this House—maybe a bit impassioned, but nonetheless, I stand by it—people were complaining. Do you know who is now the acting Manager of the Environment and Safety in Petrotrin? A square peg in a round hole, a political hack, Mr. Speaker, Kelvin Ramnath, who does not know what he is doing—

Mr. Maharaj: Do not talk about my colleague like that.

Mr. H. Beraux He is my colleague too, but if he is not competent, what can I say? *[Interruption]* The point is that there are persons who can handle this matter. It is serious, and it must be dealt with.

At present, this is symptomatic of what is happening at Petrotrin, where a board with totally incompetent persons is running wild and frustrating good professionals. That is what is happening. So far in this matter I have been very soft with Petrotrin, because I remember I used to work there, so I really have a soft heart towards them, but if they do not behave, there are some things I will have to do.

The project is part of the IADB-funded heavy oil project in the crude field, and I am warning that the IADB project has an environmental covenant in it. I have not raised it publicly, nor do I want to do so, but if I have to, I will. I am advising the Parrylands Government School children who are in my constituency that on Monday they must go to school. I am going to be there to see if all goes well. I

will leave my telephone number because I am not far away and if the noxious fumes continue, we will have to take other action.

Mr. Speaker, you and the hon. Attorney General will know of the rules in *Ryland's and Fletcher* where a person who brings into his land and keeps there anything which escapes, or is likely to cause damage, is responsible for all the consequences of its escape. And whereas oil is a matter occurring naturally in the formation, the putting of steam into the ground causing noxious fumes of hydrogen sulphide to escape is serious. We have to stop persons from "breaksing". It is not something that cannot be controlled and it is definitely not something that should cause children to stay away from school 10 out of 21 days. It should not happen.

What is even worse, is that someone in the Ministry of Education said that the thing to do is to take the children from the Parrylands Government School to the Guapo School. That is about four miles away and the physical and economical hardships are too great, and we do not believe that should happen. The Parrylands Government School has been there for 29 years and the steam flood operation has been there for two or three years—if so many—so if there should be any shifting at all, it should be the steam flood operation. If one is suffering from a nuisance, one is under a legal obligation to seek to abate it, and I know how to abate it. I think it is something that we, as well as Petrotrin, can address.

The Supervisor from the Ministry of Education spent more than a day at Petrotrin—her name is Edwards, so you can check it, Mr. Minister—and there were no fumes because they had no operations. When she realized what was happening and asked whether the operation was shut down, they started it up and shortly thereafter, she too, had a headache.

6.40 p.m.

Mr. Speaker, I will tell you how serious this matter could be. Trintopec moved the Ishmael family from Seelal Trace and put some in Standard Trace and some in Quarry Trace. There is also another family there: I would not call their names because one member alleges that he has become impotent as a result. The hon. Attorney General represented Wahid Ishmael in a certain matter when he was in private practice and he lost—although he keeps saying I do not know anything about the courts. As I said, however, this is a serious matter and it should be treated with the seriousness it deserves.

The Minister of Public Utilities and Acting Minister of Energy and Energy Industries (Hon. Ganga Singh): Mr. Speaker, I commend and pay tribute to the hon. Member of Parliament for La Brea for highlighting this issue. It is clear to me that now, in his retirement period and in the twilight of his political years, he has become an expert on odours and fumes.

In my portfolio as the acting Minister of Energy and Energy Industries, I welcome this opportunity to bring before Parliament an update on actions taken with respect to the recent situation at the Parrylands Government Primary School. Over the past couple of weeks complaints have been made in the print and electronic media about the presence of fumes which are causing both teachers and students to fall ill at the school.

We share the concern for the health and safety of the students and teachers of Parrylands Government Primary School. Consequently, following the initial reports, a visit to the scene was made on May 7, 1997, by officials from the state-owned oil company, Petrotrin, together with an environmental officer from the Ministry of Energy and Energy Industries and officials of the Ministry of Education to investigate reports of the presence of noxious gases on the school compound. The team was in possession of a portable gas monitor. Readings taken in and around the school compound did not indicate any abnormality, either in the level of oxygen, or the presence of any noxious or combustible gases.

A tour was made of the premises and the following deficiencies were identified:

- (i) the ventilation openings in the washroom areas were blocked off;
- (ii) there were openings in the cover of the septic tank system; and
- (iii) cleaning agents being used contained a higher than normal percentage of chlorine.

These deficiencies, when taken together, could result in bio-gas escaping from the septic system and account for the odour. The abnormal wind conditions in the area of the school further worsened the situation. Recommendations were made to improve the ventilation and septic tank system and for the use of the brand of cleaning chemical used at the school to be discontinued.

On Wednesday May 14, 1997, the Environmental Management Authority conducted a visit to the site and met with the principal and senior teachers. Based on this visit the following, *inter alia*, was reported:

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- (i) the fumes were first noticed on February 26, 1997;
- (ii) since that time, several visits have been made to the school by officers of the Ministry of Education, Ministry of Energy and Energy Industries, Ministry of Health, Ministry of Works and Transport and by officials from Petrotrin;
- (iii) officials from both Petrotrin and the Ministry of Health indicated that a very probable source of the odours could be the washroom facilities. Arising from this, health officials recommended relocation of these facilities;
- (iv) Petrotrin has conducted testing every morning for the past three weeks;
- (v) the principal indicated that while classes have not been officially suspended for the school's population of 195 students, some parents have stopped sending their children to the school due to the health concerns.

On May 15, 1997, an official of Petrotrin was contacted by the Environmental Management Authority and was able to provide the following information:

- Petrotrin has diligently measured the ambient air quality over the past three weeks;
- it has checked every well within a 1200 foot radius of the school;
- whilst there was evidence of leakage, those wells were plugged;
- it has procured the services of a contractor to conduct independent testing.

Also on May 15, 1997, an official of the Public Health Inspectorate Division reported as follows:

- a thorough joint investigation was conducted by the Public Health Division and Petrotrin;
- results indicated that the washroom facilities are poorly situated with little or no ventilation. Indeed, the vent pipe is situated only about 4 inches above the roof level;
- resulting from this, there has been a build-up of fumes;
- the Public Health Department has suggested the relocation of these facilities as a solution to the problem.

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[HON. G. SINGH]

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Yesterday, the hon. Minister, Dr. Vincent Lasse, Member of Parliament for the area visited the Parrylands Government School accompanied by Petrotrin officials.

Mr. Speaker, as has now become obvious, contrary to some opinions, there has been significant activity aimed at investigating and resolving this incident. The response from governmental agencies and state enterprises shows the level of concern that this incident has raised. This is an indication of the overall positive approach that the Government is trying to inculcate when faced with such problems.

Over the past decade there has been a greater level of awareness of the relationship between the energy sector and the environment individually, nationally and globally. The Government has become increasingly involved in efforts to reduce the negative health, safety and environmental impacts derived from hydrocarbon exploitations and other related activities. These efforts have been undertaken unilaterally, through national health, safety and environmental policies and programmes, as well as through actions taken by the energy and industrial sectors.

It is evident that the Government has tackled health, safety and environmental issues and problems on a multi-level basis to ensure the health, safety and environmental welfare of our beloved nation. Consistent with Government's approach of pursuing economic growth with adequate attention to the environment, Petrotrin has contracted the services of an independent consultant, who will do a continuous 24-hour monitoring, for approximately one week for several parameters including: hydrogen sulphide, sulphur dioxide, carbon monoxide and any other dangerous fumes that would cause symptoms of drowsiness, throat-itching and nausea.

To facilitate this exercise, Petrotrin will suspend normal operations at their nearby plant and the consultant will conduct the monitoring exercise of the plants in both operational and shut-down modes. This is expected to begin tomorrow, May 17, 1997.

This is the type of prompt action one would want and come to expect from a responsible enterprise. The response by the various agencies must be lauded as we seek to bring about a resolution of this matter by seeking to establish, expertly, the cause of the concerns.

Mr. Bereaux: The point is, Mr. Speaker, if they shut down the operations then the production of the gas would stop.

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Hon. G. Singh: As I indicated, it would be done at the shut-down mode and also at the operational mode so the disparity, therefore, would be measured.

Mr. Speaker, I thank you.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.50 p.m.