

THE  
**PARLIAMENTARY DEBATES**

**OFFICIAL REPORT**

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

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**HOUSE OF REPRESENTATIVES**

*Wednesday, September 2, 1998*

The House met at 10.30 a.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I wish to advise that I have received communication from two Members who have asked to be excused from today's sitting. They are the Member for Port of Spain North/St. Ann's West who has asked to be excused up to October 9, 1998, and the Member for Naparima who has asked to be excused up to September 6, he being away on official business. Both Members are granted the leave of absence which they seek.

**FINANCIAL YEAR BILL**

*Order for second reading read.*

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

That a Bill to prescribe for a new date of commencement of the financial year pursuant to section 3 of the Constitution of the Republic of Trinidad and Tobago and to provide for consequential amendments to certain other written laws be now read a second time.

Mr. Speaker, the purpose of this Bill is to prescribe a new date of commencement of the financial year and to make certain consequential amendments to pieces of legislation listed in the Schedule to the Bill. The present financial year commenced on January 1, 1998. Section 3 of the Constitution of Trinidad and Tobago defines the financial year as:

“...any period of twelve months beginning on the first day of January in any year or such other date as may be prescribed;”

Mr. Speaker, the financial year for Trinidad and Tobago has been from January 1 each year to December 31. The Bill proposes to change that for the financial year

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to commence on October 1 and it will obviously be for 12 months so it will go until September 30.

This law could have been effected since 1992 when the last administration introduced a similar Bill, although it then purported to alter the Constitution. It is because the then administration refused to accede to a request by the Opposition to introduce institutions and machinery for financial accountability and management of the government, they, therefore, obstructed that piece of legislation from being made law. As a matter of fact, the then government's obstruction is responsible for a lot of development which could have occurred in Trinidad and Tobago from 1992 to now because of these measures not taking place.

I propose to read in this debate, the contributions made by the hon. Member for Couva North and the Prime Minister of Trinidad and Tobago as he now is, in 1992 in this measure in which he stated that the Opposition was prepared to support the Bill if the Government was prepared to introduce reforms for the committee system and to make government more accountable. I also propose to read from the contribution I made as Member for Couva South in that debate, to show that we indicated we were prepared to support the Bill if the Government was prepared to introduce measures of accountability.

Mr. Speaker, it is a matter of record that the then government was not prepared to reform the committee system in order to make the Government more accountable to the people of Trinidad and Tobago. As a matter of fact, this measure that we are introducing today, is part and parcel of a package of legislation which we have brought to this House in order to make Government more accountable. As a matter of fact, I will refer later on to a measure which is now before the Parliament, the Constitution (Amdt.) (No. 1) Bill, by which the committee system in this Parliament would be reformed; in which committees comprising both opposition and government Members would have the powers of a commission of enquiry and have advisors and, in effect, people to advise them on expert matters in order to make government more accountable. Under that measure, every Government department and ministry would be accountable to the Parliament. That is what the last administration did not want. They opposed it. They preferred for the Bill to fail than for that commitment to be given and for those measures to be introduced in order for the people of Trinidad and Tobago to have more say in the financial management and administration of financial resources of Trinidad and Tobago.

Mr. Speaker, what I propose to do in my contribution is to show, one, what are the objectives of this Bill; and two, to show that this Bill does not alter, or purport to alter

the Constitution of Trinidad and Tobago. On the contrary, the Bill attempts to give effect to section 3 of the Constitution which says that a new commencement of the financial year may be prescribed. I will show that prescribe means prescribe by law not by government *fiat*.

I propose to show that when the last administration attempted to bring this measure, it attempted to say it needed a specified majority. It is our view it does not. When this administration published a Bill in 1998, it was published not with a specified majority but as a way it was going to alter the Constitution. Having looked at it and having studied it, we are of the view that it is not a Bill to even alter any of the other clauses of the Constitution. So it is a Bill which requires a simple majority. We are doing this because we believe this is the correct way to do it.

Mr. Speaker, what I intend to show also, is that the Bill does not in any way alter section 3 of the Constitution insofar as it relates to the financial year in its application to any of the provisions of the Constitution specified in section 54(2)(a). I intend to go through some of the measures we advocated in 1992 in order to show that the Opposition is responsible for obstructing the progress of Trinidad and Tobago in this field.

Mr. Speaker, where do we start, therefore? What are the objectives of this change?

**Mr. Valley:** So brass-faced!

**Hon. R. L. Maharaj:** Do you want to say something?

**Mr. Valley:** Yes. I want to say you are so brazen and brass-faced.

**Mr. Speaker:** No, Gentlemen—

**Mr. Valley:** You are so brazen and bold-faced. Sorry about this, Mr. Speaker, my apologies. The Member asked me whether I wanted to say something.

**Hon. R. L. Maharaj:** In accordance with the Standing Orders.

**Mr. Speaker:** The Member for Diego Martin Central knows that we cannot conduct the business of the House like that. Please.

**Hon. R. L. Maharaj:** I am much obliged to you, Mr. Speaker. [*Member's chair falls*] He has the effect of throwing down my chair. Mr. Speaker, I am much obliged to you and, yes, we are bold-faced and brazen-faced. We do that in order to demonstrate to the population that the Opposition comes to this Parliament in 1992 as a government, and they say that they want to have financial management of the country improved; that they want to administer the financial resources better. We said in Opposition as the alternative government, "Yes, we are prepared to support you, but if you are genuine about that, what are you going to do about

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accounting for the finances of the country? What are you going to do about introducing measures so that the people through the Parliament would have a say in your management of the financial resources?" And what does the then government say? They said, "No, we are not prepared for that. You either vote for this Bill or not. This is to change the financial year and this will be the salvation for the financial resources of Trinidad and Tobago."

**Mr. Joseph:** We never said that.

**Hon. R. L. Maharaj:** That is the attitude the then administration adopted. It is on record in *Hansard*.

Mr. Speaker, what are the objectives of the Bill? The objectives of this Bill are to facilitate the more efficient planning, designing and implementation of certain projects before the onset of the rainy season. It enables state enterprises to take into account Government policy directives in planning operations for their upcoming financial year since the financial year of a number of agencies coincides with the Government's financial year. It avoids the concentration of budgetary activities in the month of December and so reduces the demand on parliamentary time and on the public service.

Mr. Speaker, budgets are normally presented in December or January. The House of Representatives then debates the budget speech and debates the Appropriation Bill. Government institutions and bodies sometimes have to wait until the end of January before they can design and plan new projects. The onset of the rainy season adversely affects many of these projects. The Bill would give more time to plan, design and carry out the projects before the onset of the rainy season. It will also, in effect, prevent all the activities occurring in the month of December which are sometimes very counterproductive.

Mr. Speaker, it should be noted that the Bill does not alter the functions and duties of the Minister of Finance under section 113 of the Constitution which requires the Minister to:

"...cause to be prepared and laid before the House of Representatives before or not later than thirty days after the commencement of each financial year estimates of the revenues and expenditure of Trinidad and Tobago for that year."

Mr. Speaker, if the new financial year is from October 1 to the end of September next year, this Bill does not relieve the obligation of the Minister of Finance before or within 30 days after the commencement of the financial year of laying in this House the estimates of revenues and expenditure for Trinidad and

Tobago for that financial year; that is, for the financial year from October 1998 to September 1999.

**10.45 a.m.**

Mr. Speaker, in relation to the financial year, section 113 of the Constitution is very important; it creates that obligation. The other aspect of section 113 which is not affected by the change of the financial year is section 113(2) which imposes the obligation for the Appropriation Bill and under subsection (3) in respect of any Supplementary Appropriation Bill where there are insufficient allocations, no allocation made, allocations in excess or allocations are not provided for. Under section 113 of the Constitution the obligations of the Minister of Finance and of the Parliament in respect of any of the functions are not affected.

The obligation under section 114 I think is not pertinent at this stage.

Section 116 which deals with the Auditor General and the public accounts of Trinidad and Tobago, that also is not affected. What section 116 says is:

“The public accounts of Trinidad and Tobago...shall be audited and reported on annually by the Auditor General...”

It creates an obligation for the Auditor General to audit and to report annually on the public accounts of Trinidad and Tobago.

It is significant to notice that no where does it say that the public accounts must be for a period of 12 months. It is the accounts which have to be audited annually and reported on annually.

Mr. Speaker, the functions and duties of the Public Accounts Committee, as mentioned in section 119, and of the Public Accounts (Enterprises) Committee are not in any way affected. They would still have to perform their functions as enshrined in the Constitution.

This Bill—if I may attempt to explain this—section 53 of the Constitution of Trinidad and Tobago specifies what the powers of Parliament are:

“Parliament may make laws for the peace, order and good government of

It also says insofar as the Constitution of Trinidad and Tobago is concerned, the provisions of the Constitution may not be altered except in accordance with section 54 of the Constitution.

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Section 54 of the Constitution specifies what provisions of the Constitution may be altered but can only be altered with a certain specified majority. In section 54(2)(a) of the Constitution it deals with some of the provisions which can only be altered by a vote of not less than two thirds majority.

In section 54(2)(b) it says “section 3” of the Constitution but it does not merely say section 3 of the Constitution, it says:

“section 3 in its application to any of the provisions of this Constitution

So that, section 3 in its application to any of the provisions of the Constitution mentioned in 52(a) cannot be altered except by a specified majority.

Mr. Speaker, alteration is defined in section 54 of the Constitution to state that alteration:

“...include references to repealing it, with or without re-enactment thereof or the making of different provisions in place thereof or the making of provision for any particular case or class of case inconsistent therewith, to modifying it and to suspending its operation for any period.”

The Constitution is quite clear that section 3 which defines financial year states that:

“‘financial year’ means any period of twelve months beginning on the first day of January in any year or such other date as may be prescribed;”

According to the provisions of the Constitution itself, it recognizes that the financial year can be changed from January 01 to any other date as may be prescribed.

Prescribed is defined under that same section to mean prescribed by or under an Act of Parliament. It does not say prescribed by altering the Constitution since the Constitution expressly provides that the commencement of the financial year can be changed and it expressly provides that section 3 in its application to any of the provisions of this Constitution as specified in 54(2)(a) cannot be altered. That is why the Bill’s purpose, as drafted, is to prescribe a new date of the commencement of the Constitution pursuant to section 3 of the Constitution. This provision does not create a new provision of the Constitution; it does not modify any provision of the Constitution; it does not put in place another provision of the Constitution. What this provision does is give effect to what is authorized in the Constitution that one can prescribe, by an Act of Parliament, a new date for the commencement of the financial year.

Mr. Speaker, it obviously would have the effect that since the financial year—it is recognized that any financial year, if it has to be prescribed, that there would be, to some extent, a lapsing of the current financial year whenever it is done. The Bill obviously would have the effect, if it becomes law, that the existing financial year would lapse on September 30, 1998. What these measures, therefore, do is try to effect this change in a way in which it is authorized by the Constitution to do so.

It is very important for me to go back to 1992 and for me to give to this honourable House what happened in 1992. In 1992 the then government by Act No. 20 of 1992 on August 28, 1992 attempted to enact a Bill to amend the Constitution and certain Acts to give effect to a change in the financial year and for related purposes.

The Bill which was introduced to the Parliament at that time was a Bill which purported to require a specified majority as altering section 3 of the Constitution. The Bill, as this Bill, did not attempt to change the tax year. I should mention that this Bill does not attempt to change the year for income tax purposes, corporation taxes or petroleum profit taxes. The Bill attempted to change the financial year and to make consequential changes and there are a lot of the matters mentioned in the schedule to that Bill.

Mr. Speaker, the then Bill was introduced by the then Minister of Finance, Minister Wendell Mottley. After he introduced that Bill on August 28, 1992—the second reading of the Bill—the Member for Couva South made a contribution. As promised, we want to put on record what we told the then government:

“Madam Speaker, the Financial Year Bill has obviously been introduced by the Government in what it calls its attempt to plan better, implement and serve the public interest better as far as the finances of the country are concerned. Obviously, it would not be responsible for a Member of any party not to support a measure which has this aim. But if it is felt that the Bill, as drafted, cannot effect what it aims to do, then it is the duty, in my respectful view, for us to support it on certain conditions.”

What were the conditions? Mr. Speaker, several amendments were lodged with the Parliament and the amendments had to deal with proposing amendments and saying that we were quite prepared to be flexible in order to introduce some form of reformed system of accountability.

It went on at page 5 of the *Hansard* on that said date:

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“Madam Speaker, I think what the Government has to decide to do, if it is serious about telling the country that this Bill is intended to improve the administration of finances in this country, it has to go much further than this. They cannot merely come here to say, ‘listen we have this intention; this proposal is to do this’, and merely come with a superficial amendment. We have to go much deeper than that.”

We dealt with some of the deep things that they had to do at page 7.

“Now, it cannot be said that the Government would be obstructed in its views, but what happens is that democracy is public scrutiny. So when it comes before the event contemporaneously with the event, the public would have an input and the government would then decide, in spite of what has been said and put to it or that the public interest might be jeopardized...”

What we were asking for is amendment to existing legislation or some legislation or some machinery so that the Parliament and the public would have a machinery contemporaneously with the event to be able to scrutinize the finances and the administration of the public finances.

We were saying that the traditional methods of accountability through the Auditor General, the Public Accounts Committee and the Public Accounts (Enterprises) Committee were outmoded and we were saying remember the protest on the Hall of Justice by a member of the Public Accounts Committee that we had to have some reform and that is what we were asking for.

At page 8:

“If it is that the governing party is serious about accountability at all levels, as it said in its Manifesto at page 7:

‘Administrative framework:’”

I quoted from the manifesto of the PNM.

- ““ - There will be accountability at all levels;  
- The public service will be reorganized to facilitate greater effectiveness, efficiency, responsiveness and innovation.’

If it is that the Government is serious about this, then obviously in a measure like this, I would expect them to say, that they agree with the Opposition, they agree that this would bring accountability to the population of Trinidad and Tobago.



Madam Speaker, we have to understand and face the fact that the administration of financial resources directly affects poverty, unemployment, health, education, salaries, cost-of-living allowances and therefore, if we are faced with a situation of shortage of finances, it makes the situation even more urgent for us to be prudent in the administration of finances. If we are to be more prudent, we would want to ensure that moneys can be saved, accounted for, that there would be checks and balances on the spending, mismanagement, misuse or the abuse of the spending, so that the extra moneys which are obtained from those sources can be utilized to alleviate poverty, unemployment, to help with the problem of education and children.

**11.00 a.m.**

We were asking for measures for the Government not to be an elected dictator, but to be accountable to the population of Trinidad and Tobago, through the Parliament, so that the administration of the financial resources would be transparent.

Mr. Speaker, at page 9, it went on:

“We cannot get away from the fact that the parliamentary scrutiny of public expenditure is not only becoming important in the Commonwealth, but it is of great importance now in Trinidad and Tobago. I say that, because when one looks at the high level of public expenditure, the sizable overspending of parliamentary appropriations, the variations in Government’s spending from the amounts originally appropriated by Parliament...I would say that there is a crying obligation on the Government, there is a serious obligation, there is an urgent obligation,...”

Mr. Speaker, I was begging the last administration; I was pleading with it.

“...if the Government cares for the population of Trinidad and Tobago, it would include in this bill the appropriate amendments to ensure that there is effective people scrutiny, and parliamentary scrutiny, in the moneys which are expended that belong to the state, it would encourage public scrutiny and ensure that there have public scrutiny by this Parliament, not only in its tending powers, but in the execution of its borrowing and disposing powers of state assets.”

Mr. Speaker, that was the true role of an Opposition.

**Mr. Joseph:** There is now public scrutiny.

**Hon. R. L. Maharaj:** That was an Opposition saying. “Yes, we are going to support your Bill, but give the people the machinery.”

Mr. Speaker, at the end of my contribution, I said:

“Madam Speaker, I do not want to be long in my presentation but I merely wanted to make the point, that, yes, we agree that there is need for planning, we agree that there should be greater machinery for examining the implementation of the plans but we cannot start off with this Bill, without getting the other conditions which are conditions precedent for the passing of this Bill. In other words, if the conditions precedent are given by the Government then, obviously, we would support the Bill.”

What was the sum total of what we were saying? We would support the Bill, but we wanted to be told what measures and reforms would be put in place to reform the system whereby the people, through the Parliament, could now properly scrutinize and monitor governmental spending and activity.

It was not only the Member for Couva South who pleaded and begged, but the Member for Couva North. This is what the Member for Couva North said:

“Madam Speaker, let me make it abundantly clear from the word ‘go’ that this proposal to amend the financial year or the parliamentary year, has been a matter for which we have advocating for a long time. We want such a provision to be introduced and we have given our examples. I see they are now being copied by the hon. Member for San Fernando East and I congratulate him for that. It is a pity that he has been in the Government for such a long and had not seen the necessity for it...We have always advocated that if you pass a Budget in December or early January, by the time all the red tape has gone through, and votes had been taken, the dry season would be over and it would be very difficult to do any kind of developmental work and so on. So the arguments are there, I do not wish to repeat them. I want to make it abundantly clear this is a provision we would like to support.

First of all, I support the amendments of the Member for Couva South...Although it is important that the financial year be changed, it is much more important that the management of the country’s finances be looked after. Because, as my Friend says, if you are changing the financial year, it is not without purpose. The purpose of changing the financial year is to make the administration of the Government more efficient, to give them the necessary time, having regard to the climatic conditions in the country.

Madam Speaker, equally important as changing the financial year, is the issue of management of this country's finances. In fact, it is more important. The country has gone for 30-odd years of independence, without changing the financial year, and, I am sure that has not been the most significant factor in the inability of the Government to perform. In fact, what has been a more important factor in the problem facing the country, has been the lack of financial accountability by the Government. This is a hundred times more important than this bill.

We support the proposal, but, we also make it clear that there are things which are more important than mere changing of the financial year. Year after year, we on this side, in this House, have complained about the absence of a system that ensures accountability of the country's finances. We have been complaining for more than a decade, in this House, that under the present system, there is no proper system that allows for genuine accountability of the Government.”

And the hon. Member for Couva North, then Leader of the Opposition, went on and on pleading and begging, but it was falling on the ears of a deaf government, on the ears of a dumb government, on the ears of a government which was impervious to change. It was falling on the hearts of government Members who were not interested in removing secrecy in governance, who were not interested in promoting transparency in governance, who were not interested in promoting accountability in governance. The hon. Member for Couva North went on to say:

“Sometimes I believe that the only reason why the Government does not agree to setting up an Equal Opportunities Commission is because they know that the people from Laventille, John John and La Horqueta will be the ones who will go to that Equal Opportunities Commission to make complaints of discrimination against them by this Government.”

Mr. Speaker, those kinds of mechanisms were important because in the presentation of a budget, the allocation of financial resources for the country were very important and the Opposition was saying there should be, not only mechanisms to scrutinize what Government is doing through a committee system, but there should be an Equal Opportunities Commission so that people, society and communities who believe they are being treated inequitably can go to that institution in order to have their grouses dealt with. These were some of the mechanisms about which we were talking.

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At the end of his contribution, the hon. Member for Couva North talked about consultation and he indicated that he would be prepared to support the measure provided we had these commitments from the Government.

Mr. Speaker, the Minister of Agriculture, Land and Marine Resources at the time, was one person who was not interested in this at all. As a matter of fact, when one reads his contribution—because we asked for accountability—he said that it is a platform of confrontation and hypocrisy of the highest order and we were subjected to personal attacks because we were calling for accountability for the people's money in the Parliament. Listen to what he said and I hope he will make a contribution in this House on this debate. He said:

“Madam Speaker, we cannot be irresponsible and encourage Members on the other side to so believe that we can so change our Constitution to put systems in place which clearly would not redound to the benefit of the people of Trinidad and Tobago.”

So, Mr. Speaker, the attitude of the then Government was that if you introduce an open and transparent system; if you introduce an Equal Opportunities Commission; if you introduce reforms of the committee system; if you introduce freedom of information legislation; then that would not redound to the benefit of the people of Trinidad and Tobago and that would be irresponsible.

Mr. Speaker, what this administration did, when it took office, it decided that this was a very important measure and the Minister of Finance got working on it very quickly. As a matter of fact, what we did was that a study was done; a bill was published for public comment; comments were received; a technical team was appointed; a study was done; Cabinet considered the report; Cabinet considered all the implications and Cabinet has come with this Bill.

But, the Government also decided that it would not only come with this measure, it wanted to keep its promise to the population that it would come with measures also, that promote accountability. That is why we have measures before the Parliament to promote accountability.

For example, we have a measure before the Parliament, the Constitution (Amdt.) (No. 1) Bill, which measure would create and appoint select committees on which each House would be empowered to appoint under its Standing Orders, select committees or joint select committees, to investigate and report to the House, or to both Houses as the case may be, on the methods, functioning and criteria adopted by any Service Commission, Ministry, statutory authority or state

enterprise owned and controlled by the state. The committees would have the same powers as a commission of enquiry which would be a major improvement in the powers which the committees now have. The committees would have powers to appoint sub-committees and each committee may itself appoint sub-committees and may have specialist advisors, either to supply information which is not readily available or to elucidate matters of complexity.

A Minister or chairman of a service commission may, in his individual discretion, determine whether or not to appear before the committee and a committee would be able to monitor every government ministry, department, service commission and state enterprise and would have the power to send for files and documents for justification to be given in the public interest.

This is the kind of measure we have been talking about and this would soon be made law in Trinidad and Tobago. It does not need a specified majority, because if it needed it, the Opposition would have voted against it.

We also have freedom of information legislation before the Parliament. The object of that legislation is to make available to the public, as of right, information about the operations of public authorities, in particular, ensuring that rules and practices affecting Members of the public in their dealing with public authorities are readily available to persons affected by these rules and practices.

**11.15 a.m.**

This right of information would obviously not only give to parliamentarians the right under the committee system, or to give the people the right through the exercise of power by their parliamentarian, but it would give to the individuals in our society whether he lives in Laventille, Cedros, or Couva; it would give to the media whether it is the *Guardian*; the *Express*; the *Independent*; the *Bomb*; the *Mirror* or the *Nation*, whatever newspaper, the right to get information about matters of state including the administration of the finances of the country. That is not all. We also have an Equal Opportunities Legislation Bill which would provide for a commission to work towards the promotion of equality and ensure that even in respect of the distribution of the resources of the country there is no discrimination and inequality.

Mr. Speaker, no government in the Caribbean has done this and when we decided in Opposition that this measure was important, it was in the context of reforms of other laws. Now it is correct that when we advocated the amendments at that time, we also advocated other amendments, but what we were also advocating to the then Government was that it should tell us if it is serious and

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genuine in changing the financial year to better manage the financial resources of the country. We were saying, tell us whether this alone will solve the problem of mismanagement and abuse in the administration of the financial resources and we were saying that other measures in place were needed in order to complement what was happening with respect to the change of the financial year and this is what we are saying today.

Mr. Speaker, the last administration really did not place any great significance to the institution of Parliament and this Administration has recognized that Parliament is an important institution, which is the greatest watchdog for the rights of the people and, therefore, we were not only interested in reforming the institutions of Parliament, but ensuring that Parliament itself has its dignity even in respect of its building and its occupants.

It is this Administration which has taken steps to ensure that the Red House is cleared from all other offices and to be rehabilitated and restored so that the work of Parliament can be effectively carried out. It is this Administration which has decided that the management structure of the Parliament is not appropriate for the administration of Parliament and which caused a working paper to be done for the reform of the management structure of Parliament so that the administration can have greater autonomy and independence in its operation to more effectively manage the Parliament.

It is this Administration which has caused a joint select committee to examine that report which is now considered by the House Committee and the Government. It has shown its commitment not only to reform the administrative structures or institutions of Parliament, but also to reform the administration of the Parliament generally.

It is this Administration—because it recognizes that Members of Parliament who have to serve on committees have to have better facilities—which took steps to ensure that Members of Parliament would have computers, fax machines, photocopying machines, and other administrative assistance. This Administration has done all this because it recognizes the importance of Parliament.

Mr. Speaker, this Administration has taken steps to ensure the creation of additional posts of a Parliamentary Clerk 1 for committees; a Communication Officer; an Administrative Officer IV; a Librarian II; a Librarian Assistant II; a Research Officer; a Receptionist; Messengers; Information Technology Co-ordinator in the establishment of Parliament effective January 1999. It shows the

serious commitment of this Administration to uplift Parliament and the institution of Parliament.

I am saying this because I do not think that the Opposition has a culture of understanding that the Parliament represents the power of the people and the people, through Parliament and Parliamentarians, must have the power to watch on the Government's administration. Therefore, when the Opposition in 1992 clamoured, begged and pleaded to have these reforms done, it was not a joking matter, or one to treat in any trivial way, it was a serious matter which affects the life and blood of the Parliament and if they had treated it seriously, they would have not obstructed the development in Trinidad and Tobago which they had caused from 1992—1998 as a result of not having this measure in place. [*Desk thumping*]

Mr. Speaker, let it be clearly understood that the UNC in Opposition and in Government is committed to having parliamentary democracy promoted. It is committed to ensuring that there are effective mechanisms in place to have governmental accountability, not only in the administration of the financial resources of the country, but also in procedures and institutions for monitoring and scrutinizing the actions of Government.

Mr. Speaker, the Bill mentions in the Schedule certain other pieces of legislation and in section 79 of the Interpretation Act the financial year is defined as 12 months ending December 31 in any year. The proposed amendment alters the words "31st day of December" and replaces them with the words "30th day of September. This amendment brings the definition of the financial year in the Interpretation Act in line with the provisions of this new Bill.

Similarly, the definition of the words "period of account" in the Exchequer and Audit Act, Chap. 69:01, must be amended. This section is of importance to the provision of the Exchequer and Audit Act, section 24(1) which imposes a duty on the Treasury to be caused to be transmitted to the Auditor General the accounts showing the financial position of Trinidad and Tobago on December 31 of each year. The provision also makes reference to the period of account which brings January 01 to December 31.

Mr. Speaker, the proposed amendment to the definition of period of account has the effect of closing off the financial year for 1998 at September 30, 1998 and in successive years, the period of account ends on September 30.

The financial regulations are made under the Exchequer and Audit Act, and Regulation 56(2) imposes a duty on receivers of revenue to report to the Treasury

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and the Auditor General, half yearly on June 30, and December 31. This Bill proposes an alteration of these two dates to March 31 and September 30, respectively.

In concluding, I would hope that notwithstanding that the Opposition did not show in Government that it was serious about accountability and transparency in removing secrecy in government and promoting effective monitoring of government through the Parliament, I hope that the Opposition would try to make up for some of its political sins which they have committed in not effecting those measures by supporting this Bill.

Thank you.

*Question proposed.*

**Mr. Kenneth Valley** (*Diego Martin Central*): Mr. Speaker, in the country areas there is a saying that if one, during one's lifetime has done wrong, then just before death that person must cleanse his soul. I remember being in Diamond Village a few years ago and an old lady mentioning the fact that there was a certain gentleman who had to cleanse his soul for about three days before he could make peace with his Maker before dying.

I sat here this morning and listened to my friend on the other side cleansing his soul as it were—my colleague said attempting to—in a manner reminiscent as it were, of what happens to wrongdoers just before death. I wondered why could he not say he was sorry for what he did in 1992. If he had said that, this matter would have been finished by now.

He came here this morning in a most brazen and bold-faced manner shamelessly to try to defend the indefensible. It is not becoming of our Parliament. Let us understand what the Member said this morning, but first of all, you will note that he spent quite some time on the issue of whether or not this Bill requires a special majority.

**11.30 a.m.**

Mr. Speaker, this is the same Bill that came to the House in 1992 and, in 1992, it is clear, the Attorney General was a lawyer then, as he is now. I do not know what has changed. First of all, he did not even debate whether or not it required a special majority, that issue never arose, so that one had to assume that he accepted that. But at page 43 he made that point rather clear. When he was looking for some amendments he said:



"I am sure you have a good memory as to what is the purpose and subject matter of this bill."

He was addressing the Speaker at that time.

"I am sure that your memory would tell you that the subject matter of this bill is that the bill, although it talks about the financial year, the purpose of the bill is not really changing for three months. The whole purpose and spirit of the bill is an alteration of the Constitution."

So, when he comes this morning and spends about half an hour trying to tell us that this Bill is not altering the Constitution, we simply say, hogwash! We say, if it were altering the Constitution in 1992, it must be doing so now. *[Desk thumping]* We said quite clearly since last week, that we came with this Bill in 1992, they are now coming on board and we welcome them. We will support this Bill. We say however, let us do the thing properly. You come with a Bill, you say it requires a special majority, you have our support. We would not even take into account all the nine pages of amendments that he brought. We ask him: Where are they today? Mr. Speaker, you heard him trying to defend.

Let me just quote again what the Speaker of the House at that time told him when he came with nine pages of amendments. Remember this is 1992, in our first year in Government. In May of that year when the Minister of Finance telegraphed, he said in the House that the Government was coming to the House with a Bill to change the financial year. In May of that year, there was storming on this side of the Opposition. At that time I was in Local Government and we were aware of the benefits such a change would bring. Every one of them wanted that change in May. In the debate you heard, the Prime Minister mentioned the fact that he was calling for that change for years. Lo and behold, on the day the Bill came to the Parliament, simply because they realized that the Bill required a special majority, all of that changed and on that day that gentleman, the Member for Couva South, came with nine pages of amendments. After looking at them, this is what the hon. Speaker had to say:

"I think this might be a very valid point if Members sit and consider it. But having regard to the nature of this bill, I have to rule that it is not relevant to the issue at hand. A similar situation arises with the select committee. A very good point taken by itself and in conjunction with other situations, but when read, in view of the purpose of the bill which is, simply to change the financial year, I am afraid I cannot hold that it is relevant. So, in effect, it is 3 (a) of Standing Order 53 (a) applies:"

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Mr. Speaker, as you know, the requirement of Standing Order 53(a) is that amendments must be relevant to the issue of the Bill.

The Speaker went on, and that is why all of the nonsensical amendments that the hon. Member brought to the House on that day were thrown out. This is what she said in concluding:

"I am sure that with the evolution of time and conditions there will be need for amendments of legislation. The Hon. Member for Couva South's submission here this evening may be very valid at the proper time and place. Unfortunately, with the greatest of respect to the Member for Couva South, I have to disagree and hold that these proposed amendments are contrary and that they violate Standing Order No. 53 and I will have to withdraw them from the Committee."

That was the view of the hon. Madam Speaker.

Mr. Speaker, what were the amendments? The Member wanted a throne speech. He said that each session of Parliament shall commence with an address by the President, the contents of which shall state *inter alia* the whole scope of Government's policy for the session. I want to ask quite simply, this Government has now been in office since November 6, 1995: Where is the throne speech? He said he wanted a throne speech. In our first year—1992—simply because they realized that a special majority was required, he wanted a throne speech. Mr. Speaker, the last day we had a throne speech was in 1976, immediately after the Republican Constitution. Because as a fact, what has happened, the budget debate is really an outline of Government's policy, it does not simply talk about the arithmetic, it outlines the Government's policy in a number of areas, especially given that one has a macroeconomic plan which stretches over a four year period. But he wanted a throne speech.

That was not all. He wanted select committees. He did not want PAC or PA(E)C. He wanted joint select committees. Mr. Speaker, just about a month or two before that, we had a whole debate on the whole concept of joint select committees and we thought we had disabused the Member's mind about the need for these joint select committees to look at different departments in Trinidad and Tobago. He attempted to borrow the UK Constitution of having the departmental committees. I am sure you are very familiar. We explained to him that in a Parliament of more than 500 members, there was need for back benchers management. The whole concept of the departmental committees was simply a way to give the boys something to do, send them all over the world and all sorts of

things. It was simply that. Our Public Accounts Committee and our Public Accounts (Enterprises) Committee, beefed up, will provide the services.

Even then, even though his amendment was irrelevant to the Bill at hand, we gave him the assurance that we would hold discussions with the Opposition with respect to the joint select committees. Mr. Speaker, as a fact those discussions were held and we were at an advanced stage of implementing those joint select committees. That is a fact. So he wanted joint select committees.

He wanted control on borrowing. Look at pieces of legislation! He wanted to amend the Constitution. He wanted to amend the Exchequer Audit Act, the Minister of Finance Corporation Sole Act, the General Loans Act, the Guarantee of Loans Act, Development Loans Act, all of these he wanted to amend on that day.

I simply have to ask the hon. Member for Couva South, given that he is now in Government for three years, how come he has not touched any of these if he considered it so important for support of the Opposition way back in 1992? That is why I say that really, all they were doing was obstructing the passage of an important piece of legislation, simply because they had the power to do that.

If you do not believe me, Mr. Speaker, I simply have to go to what his leader said, on page 13 of the *Hansard*, this is what Mr. Panday was saying:

"I am not going to support them on any legislation in this House... They will not get a vote from us on this side. I do not care what the vote is. They are not going to get any support from us on this side..."

Mr. Speaker, so it did not matter what legislation we got, as long as it required a special majority, we were not going to be getting their support. They made that extremely clear. As I said, they viewed their job in Opposition not to make the Government look good. And supporting any piece of legislation is making the Government look good.

There is another concept. It is the abuse of power. And we saw it last day, very glaringly on a very simple matter—the deferral of some questions. My colleague, the Member for Diego Martin West, was absent, he sought your leave to be absent, Mr. Speaker, you gave him that leave and he asked that his questions be deferred. Now, you know that we would come here time and again and have questions deferred by the Government because, even after having 21 days, they are not ready with the answers. Lo and behold last Friday, because they had the power, here we had the Government voting against the deferral of questions by the hon. Member. An abuse of power!

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It is the same abuse of power we saw in 1992. When they realized that they had the power to stop the legislation, they did so. Even with all their people in local government, they did not care about that, they had the power and they were to use it. They stopped the legislation.

The same thing happened when we brought the legislation with the implementation of the death penalty for *Pratt and Morgan*. The same abuse of power. That is why we say they cannot be trusted.

You see the human rights? I see the John John people are now going to human rights. That is what we are talking about. Because they cannot be trusted with power.

Mr. Speaker, they come here and tell us that they are going with the Bill with a simple majority, and he was telling me before, "If you feel it requires a special majority, go to the courts". An abuse of power! Because, when he goes to the court he does not spend Ramesh Maharaj's money, he spends taxpayers' money, but if we have to take it to the courts we have to spend our money. While the state can take it to the Privy Council, he knows that it is an effective bar on an individual in most cases, taking a matter like this to the court. We say however, that this legislation is too significant to play games and politics with. This is legislation we want. This is legislation we are supporting. The view, the legal opinion, that we obtained in 1992 was clear on the point. It says that whatever you are doing, you are, in fact, altering the Constitution.

**11.45 a.m.**

Mr. Speaker, if I remember the argument, section 54 talks about the changes which would require a special majority. It says quite clearly in section 54(2)(a) that if one is interfering with—among other sections—section 113, then a two thirds majority is required. Then 54(b) speaks about section 3 in its application—which is a definition section—to any of the provisions of this Constitution specified in paragraph (a), which implies 113.

The advice we got is that however you take it, in section 3 you are changing the financial year. What the Member is now saying is that the financial year means "any period of twelve months beginning October 1, or as prescribed." The change would be to the effect of changing January to October, and that impacts on section 113 which uses the term "financial year".

I noted that the hon. Attorney General went to his friend Geoffrey Robertson QC, to get a legal opinion. As I understand it, he is an Englishman. I will just read part of his opinion:

"I am asked to advise the Attorney General of Trinidad and Tobago as to whether it may, by simple majority..."

Understand clearly that the Attorney General went seeking advice whether he can do this by simple majority, because knowing what he did in 1992 he assumed that the PNM would act as his party did, not so. The people's interest would come first on every occasion. [*Desk thumping*]. We are going to support this Bill because we are convinced it is in the best interest of Trinidad and Tobago. However, it should be done properly.

Do not go asking whether it could be passed by a simple majority; come here and—[*Interruption*]—I am happy in Opposition—do what is required; get your special majority so that we would ensure that there are no problems down the road.

The Attorney General goes to the English QC—perhaps he could not get any local SC to give him the opinion he wanted. The letter states:

"I am asked to advise the Attorney General of Trinidad and Tobago as to whether it may, by simple majority, obtain the passage of a Bill which changes the financial year from 1st January to 1st October."

Mr. Speaker, it does not have a date on it. It is attached to a bill, Trinity Chamber. There is an ID No. There is a date here 21 April '98 16:19 p.03. I cannot determine what chamber it is, somebody's chamber, some Roger Neckles.

Here is what the good QC said in his next sentence:

"I would need sight of the Bill before offering a final opinion:"

He is advising on a Bill that he has not seen.

**Dr. Rowley:** How much did he pay for that?

**Mr. K. Valley:** I would file a question, I want to know how much he paid for that. Mr. Robertson did not see the Bill but said that he would need sight of it "before offering a final opinion". It continues:

"My view based on my instructions..."

Telephone call perhaps.

"...is that such a Bill would not amount to an alteration of the Constitution and hence require a special majority."

No Bill, but he spoke to the gentleman over the telephone. He has dealt with section 3 but has not touched section 113.

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I am no lawyer but in 1992 we looked at this long and hard, and the attorneys said no, this required a special majority. When one sees that the hon. Attorney General had to go to England to get somebody to tell him that to get through with this he needs a simple majority, we give the assurance that we are supporting the Bill, but do it properly. We have a vested interest in ensuring that there are no problems down the road. We are going to be in government if "Plan B" is effected tomorrow, come with it. As the poker player would say "we see yuh". We pay to see, go to "Plan B". Even if we have to wait until the time allotted, the year 2000, we see that this is important for the country and we do not want this change to end up in the court.

Let us do it properly. He has the support of the Opposition, he does not have to pay any QC to tell him he could get by on a simple majority. We are giving him a special majority. Come with the Bill but let it say clearly that a special majority is needed and he is going to get our support.

This gentleman will get you all in trouble. He is getting you into trouble. In 1992 his colleagues were annoyed with him because they all came to support the Bill, but being bright he decided that "oh lord this thing requires a special majority, no we cannot let them pass it like that," he then came with a nine page amendment and had his poor leader in a tizic coming down the road supporting him, jumping behind him saying, "I support the Member for Couva South," because we were not voting for anything they want, and all his colleagues, nine of them, vex with him. That is the conduct of that Member.

It is the same problem he has gotten them in with the death penalty. He went on a jaunt, leaving here Saturday for a meeting on Thursday. When he returned and got blows, he decided he would up the ante. Then he reached a cliff because he did not know what to do. When you face a precipice you have got to go over. You must have "Plan B".

Mr. Speaker, our position is quite simple: we are not about the abuse of power—I could have gone through all of this, but we are not about an abuse of our power. This requires a special majority, we would give it to the Government, but we want this legislation in place.

We are not about putting things blocked in the way of the Government because we consider this in the nation's interest. [*Desk thumping*]. The simple point is, let us do it properly. That, I submit to the Government, is our position.

Thank you. [*Desk thumping*]

**The Minister of Trade & Industry and Consumer Affairs and Minister of Tourism (Hon. Mervyn Assam):** Mr. Speaker, I thank you for giving me the opportunity to join in this debate on the Financial Year Bill.

It is very clear, because it is a short Bill, that it seeks to change the financial year from January 1—December 31, to October 1—September 30.

It also seeks some consequential amendments with respect to the Interpretation Act, the Exchequer and Audit Act and the financial regulations.

The change of the financial year is something that has agitated my mind for many years. As a young man before I went abroad to study, I was a public servant in the Treasury of this country. I remember how frantically we had to work on Old Year's Night which is December 31, in order to balance every recorded transaction in the Treasury to ensure that when the Auditor General came on the first working day of the following year, which is January 2, every account was balanced.

I also remember at that time we did not have the benefit of computers but had to go through certain electro mechanical devices. We had tapes literally a mile long and if we were out one penny we had to go through this entire tape and spend many hours.

At that time, as a young man wanting to take my girlfriend to an Old Year's Night dance, I was many times frustrated in the process because I had to stay in the Treasury until 3.00 o' clock or 4.00 o' clock in the morning to discharge my responsibilities as a public servant.

As young as I was at the time, I felt that it was quite futile to have to go through this exercise simply because the year ended December 31 and we had to put everything right at this peculiar time of year when everyone was busy in festivities and other such matters.

Then I went away and returned and I was chairman of the St. George East County Council. The Member for Arouca North sat on that council with me at the time. We passed several Motions in that council asking the then ministers—because we served under two of them at the time, Dr. Cuthbert Joseph and Dr. Connell who were both Ministers of Local Government—implored them to use their influence with their colleagues to change the financial year. One of the reasons why we sought to do that is because local government more than central government has the experience of on the ground problems with their financial year ending December 31.

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When the budget is passed and all the consequential legislation has to be passed in order to give effect to it, releases do not come to county councils or regional municipal corporations until some two or three months in the new year. As you know Trinidad and Tobago is a tropical country with two seasons—a dry season and a wet season—of almost equal duration.

**12.00 noon**

**Mr. Manning:** Those are our lines Mervyn.

**Hon. M. Assam:** Why is the Member for San Fernando East behaving like a little spoilt child this morning, Mr. Speaker?

**Mr. Manning:** Because, we have not heard you for a long time.

**Hon. M. Assam:** Okay. As I was saying, we have two seasons of equal duration. Generally, the dry seasons starts in January and ends in June, and the wet seasons starts around that time and ends around December, with a few little variations on the theme there may be some April showers, or there may be, as they say in patois, *petit careme* in the month of September.

But notwithstanding that, the two seasons are of equal duration. When you lose a valuable two or three months in the dry season awaiting the passage of the consequential legislation of the budget, and releases from the Ministry of Finance, you lose a lot of opportunity for doing the kinds of projects both in the recurrent and in the developmental budgets of Local Government Bodies—and I suspect, the same thing applies to the Central Government. But even moreso, because Local Government bodies deal with people on the ground, this is where you have more of the infrastructural work being done in terms of roads, drainage, box drains, slipper drains, repairs to cemeteries, abattoirs, markets and so forth, Mr. Speaker.

So that, we pleaded with the two Ministers, Dr. Joseph and Dr. Connell, to speak to their colleagues through Motions of the County Council to have the Financial Year changed.

In addition to which Mr. Speaker, the concrete work that you normally undertake in these infrastructural projects, cannot be easily accommodated in the wet season—and if you do not take advantage of the six months of dry season, you run into all kinds of problems, either commencing work, or completing work, and completing it satisfactorily.

Mr. Speaker, there is a lot of production time lost as a consequence of heavy rainfall, as a consequence of flooding, and all of these other matters. So that it is



very commonsensical to change the Financial Year from January to December to something like what we are proposing today, October to September.

Mr. Speaker, there are other advantages that accrue from changing the financial year, because it is always a rush at Christmas time to have a Budget prepared. And many times departments, agencies and Ministries are rushed.

And it is my view—without attempting to criticize anyone—we do not generally do a very good job of budgeting as a consequence of the rush; because you need to get your figures in, because the budget has to be presented some time before Christmas, and because of the Christmas holidays and the festivities, it has to be debated within a certain period of time in order to meet the Constitutional requirements and so forth

Mr. Speaker, if the Budget Year, or the Financial Year is changed, you can do it much more leisurely between the months of October and the following September. You can do it much more scientifically. You can perhaps, put much more effort and a better quality of work into budget preparation if it is done outside of these rushed festive seasons that are associated with the present financial year arrangement.

I have seen the returns coming in from the various District Revenue Offices having to be brought into the Treasury, sometimes very late and they have to remain there in order to bring them into the books of the accounts. And this creates an enormous amount of burden and stress on the officers who are responsible for tabulating and making sure that these transactions are all included.

So, from a logistical standpoint, from a seasonal standpoint, from a qualitative standpoint, from a professional standpoint, from a commonsensical standpoint; and in terms of the international pattern, Trinidad and Tobago will be well advised to change its financial year from January to December, to what is being proposed—October to September.

**Mr. Manning:** Tell Ramesh.

**Hon. M. Assam:** Now, I find it very difficult, Mr. Speaker, to sit here and listen to the ranting and ravings of Members opposite, accusing this Government of all kinds of nefarious motives, accusing this Government of all kinds of unfortunate behaviour and when words like abuse of power, are used on that side, I begin to wonder whether Members opposite are suffering from amnesia. All of them seem to have short memories.

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You know Mr. Speaker, I do not have to go back into the 35 years, or the 30-odd years that the PNM was in office. You just have to recall what took place during the period 1991/1995 under the uncelebrated leadership of the Member for San Fernando East, who perpetrated all kinds of constitutional atrocities during his watch; and aided and abetted by Members of his front bench, some of whom are no longer present, some of whom he has caused to leave, and some of course who did not find favour with the electorate—like your Attorney General, who misled you, saying to you that you had to have a special majority in order to pass this piece of legislation. He has since left you, I do not know where he has gone. But, the people of Ortoire/Mayaro certainly selected our candidate thinking that your candidate did not perform as well, both as a representative, and as an Attorney General.

So that, you must be very careful when you sit in this Parliament and you speak, and you make irresponsible statements, because the world is listening to you. You must never forget that. We have the Internet. When the newspaper reports your statement and the newspaper prints these statements as a result of journalists who do not have a sense of discrimination what they write, you get onto the Internet and you give an image of this country which could militate, which could be used in a deleterious fashion against the economic fortunes and the investment possibilities, and the trade potential of Trinidad and Tobago with its neighbours in other parts of the world. You must never forget that, and if you are in fact serious, that you want to get back into Government—although, I do not know whether the Member for Diego Martin Central is really serious of getting back into Government; because, at every opportunity he puts in his resignation; and you do not know what to believe. He is so easily peeved, and this is not an aquarian style at all. Aquarians are fighters. Aquarians are determined people. Aquarians are people who run the race to the finish, and yet at every turn in the relationship with his Leader in Opposition, he puts in resignations and comes back the next day and say he changed his mind because he has to defend his Party against this Government.

You must be serious, man. You know you do not want to get back into Government, bide out your two years and keep quiet. But of course, I do not know about Diego Martin West because I understand Mr. Francis is being groomed to take over. I understand Sen. Shabazz is being groomed to take over Laventille East/Morvant and so forth.

So, all this trumpeting that you all engage in the Parliament about getting back into Government, let us be serious about all of these mouthings, Mr. Speaker.

When you say this Government has abused power, I would like you to engage in some degree of specificity. What area of Government? What area of law making? What area of Administration has this Government engaged in that you can term it an abuse of power?

**12.10 p.m.**

You make a big song and dance, you engage in generalities. When you say that this Government is engaged in the abuse of power, you include me, you include the Member for St. Joseph. And I want to challenge you. I have never been engaged in any abuse of power, corruption, bribery, illegal act.

**Mr. Manning:** I thank the hon. Member, Mr. Speaker, for giving way. I wonder if the hon. Member is prepared to make exactly the same statements in respect of the Minister of Finance, the hon. Attorney General, the Minister of Energy and Energy Industries and the hon. Prime Minister?

**Hon. M. Assam:** You know, those who live in glass houses should never throw stones.

**Mr. Manning:** Answer the question.

**Hon. M. Assam:** Why do you not worry about yourself? You are worried about the Minister of Energy and Energy Industries and others.

Up to now, there is a cloud over the Member for San Fernando East in respect of a certain transaction relating to the sale of his car. There is still a cloud. So why are you attacking the Minister? You must clear that first. You must give an unambiguous, unequivocal explanation with respect to the sale of that car and how it came about, before you begin to throw stones because you certainly live in a glass house. [*Desk thumping*]

As Prime Minister, you used your constitutional authority to suspend the Constitution of this country and to declare a State of Emergency in order to arrest a Speaker. That is abuse of power. [*Desk thumping*] You wanted to remove the Commissioner of Police and put him in an office. That is abuse of power. [*Desk thumping*] You wanted to suspend and disband all the Service Commissions. That is an abuse of power. [*Desk thumping*] Should I go on, Mr. Speaker?

Why did the Member for Diego Martin Central talk about abuse of power this morning, when his party and Government were all involved in the abuse of power? All of them were involved in the abuse of power.

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I hate to stand in this Parliament, Mr. Speaker, and recite these things; it is because of these constant attacks on this Government. As I mentioned in the other place sometime ago, this Government is the victim of domestic violence and abuse.

When we go abroad, however, all the people we meet from all the countries—whether they are from the state sector or private sector—applaud us; they think highly of this country; they feel we are doing a good job of governing this country; that we have created a kind of framework within which people can prosper and improve the quality of life, our trading figures, our investments, and yet you stand in this Parliament and give this Government, and by extension the people of this country, a bad name. Why do you continue to do this?

You had your chance for four years, as Prime Minister; you had your chance for 30 years, your party before. You had your chance. Give us a chance to govern, we have been here for less than three years. Judge us at the end of our mandate—at the end of five years, in the year 2000—and see what we have done at the end of five years. You had 35 years, give us five years.

But stop all this abuse and reckless language and rhetoric that you people engage in, accusing this Minister of this and that Minister of that. Please, stop it. Let us elevate the dignity of this Parliament—you stood up many times and spoke about the dignity of Parliament—let us dignify Parliament, let us elevate it, and stop all of this name calling, and these foundless and baseless allegations and accusations. If you have reason to believe and evidence to substantiate, bring forward the evidence. [*Desk thumping*]

“You cannot trust this Government,” they are always saying, “You cannot trust this Government.” In what way has this Government betrayed the trust of the people of Trinidad and Tobago? Tell us. Tell me, I want to know. If I have betrayed the trust of the people, I will step down; but tell me where I have betrayed their trust. In what way? By working 17 hours a day, seven days a week, I have betrayed their trust? By going and seeking markets for this country, I have betrayed their trust? By going and speaking to investors, to bring investments into this country, I have betrayed their trust? In what way? “The Prime Minister has been doing it,” “Other Ministers have been doing it.” In what way have we betrayed anybody’s trust? Where, how, when? Tell us.

Every time a Bill comes to the Parliament, it is the same rhetoric all the time, and nobody could tell us: point their finger specifically to the incident, event or situation where we abused power, betrayed trust, or have been corrupt. Tell us.

Tell me, if you do not want to tell us. This thing is going too far, really; it is really going too far.

We are dealing with a serious matter before the House—attempting to change the financial year. This matter is going to positively affect the lives of all the citizens of this country; improve the Public Service, budgeting, accuracy; deliver more; increase productivity. We will be able to deal with weather conditions that we cannot deal with today. All of these benefits will accrue if we were to give passage to this Bill. And you want to introduce on the side all kinds of sly remarks and unfortunate character assassinations into the Parliament and debate.

Mr. Speaker, it is my view that if the Bill is given approval and we are able to start the financial year from October, Trinidad and Tobago will obviously gain all the benefits. I know the Opposition knows that the country will benefit, as a result of this change.

They proposed it when they were in office. The Opposition then said: “We are supporting it, but we require you to do a certain number of things with respect to the establishment of committees, oversight committees, and so forth.” I cannot see why such a requirement was so onerous on the part of the then Government—to establish oversight committees. What is wrong with that? This is precisely what this Government is doing; there is a Bill before the House which seeks to do exactly that.

But let us move forward, Mr. Speaker, in seriousness. Let us stop pointing the fingers and let us believe in one thing: Trinidad and Tobago. Let us, in this House, pass legislation—even if you have to make improvements, where you think they are necessary for whatever legislation this Government brings.

For heaven’s sake, let us stop all of this unfortunate kind of character assassination and all the explosive and inflammatory language which could cause Trinidad and Tobago’s good name and the Government of this country to be tarnished; particularly with the kind of electronic transmission of news that we have existing in the world today.

Mr. Speaker, I thank you very much.

**Mr. Speaker:** The Member for Diego Martin West.

**Dr. Keith Rowley** (*Diego Martin West*): Thank you, Mr. Speaker. I just want to attach myself to the sentiments of the last speaker, my colleague from St. Joseph. I take note that today must be a red letter day in the Parliament and

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country of Trinidad and Tobago, since these sentiments seem to advocate an application now. In effect, what the Member is saying is that all that has been said before by others did not seem to matter. Maybe, we could pick it up on the tone that he has left.

**12.20 p.m.**

Mr. Speaker, I do not have that problem because in this Parliament I speak for the record, and I speak to you because I have every confidence that you listen, hear and understand. Some day this country's record will be read by some person or persons who would want to objectively analyze what took place in our lifetime, and that is why I am in this debate. I am not going to be cowered or brow beaten by the brass-faced, shameless presentation of my colleague from Couva South. I am not going to be tempered by the exhortations from my colleague from St. Joseph. I simply came here to say what I have to say and I am going to do so whether they like it or not. *[Desk thumping]*

Mr. Speaker, what this Bill does today, is to provide us with an opportunity to take an action that would benefit the people of Trinidad and Tobago. No question about that. My colleague from Diego Martin Central indicated very clearly that those of us on this side have every intention of supporting this measure because we believe, as we have done in 1992, that if this measure is put into place properly it would benefit the people of Trinidad and Tobago. As you may have heard, very little has been said so far as to why this should or should not be done. The reason being that we have all agreed, even the words of the Member for Couva North speaking as the Leader of the Opposition in 1992. He said that it is something that he always wanted. For the benefit of the record, one has to ask, why are we doing it today and not before?

My colleague from St. Joseph said when he was on the local government body, they passed motions asking the government of the day to take steps—I presume it was the PNM government because Dr. Joseph was a PNM Minister. He came into that corporation, I presume, in 1984.

**Mr. Assam:** In 1983.

**Dr. K. Rowley:** They passed the motion some time afterwards. It might have been 1984, 1985 or thereabouts. The government of the day might have taken note of what was being said by his very visionary corporation. A government changed in 1986. Nothing happened with this between 1986 and 1991. However, the vision and motion as passed by that corporation of St. George East, was not lost on a

PNM organization because immediately upon coming back into government, in May 1992—five years elapsed under another administration of which my friend from St. Augustine was a part, my friend from Oropouche and many others; five years elapsed after that motion was passed in the corporation in St. George East—the new PNM government, wanting to take action for the benefit of the people of Trinidad and Tobago, all the benefits that this change will bring, by April of 1992, saw this as a priority and indicated to this House that the government will bring the required legislation to Parliament and the Opposition was delighted.

Why are we only doing this today? The reason being, difference of legal opinion. As you know, we have had different legal opinions inside and outside of this Parliament and, of course, we are now being told—contrary to what we were told before—that it does not require a certain majority so it can be done in a certain way. That is not the point. The point is, we are doing it now and the questions have to be asked, why now?

The mover of the Motion, the Attorney General, saw it fit to tell this House that certain conditions were not met hence the reason they voted against the Motion. He tried to give the impression that the condition had to do with accountability. I will come back to that. My friend from Diego Martin Central mentioned the throne speech. It was such an important part of the requirement in 1992 that the head of the government of 1986—1991 saw it fit, on the record of the Parliament, to go into great detail as to why his government did not carry out the throne speech requirement during this time. So important was the throne speech, in fact, the Leader of the Opposition, on page 13 of the Parliamentary document, went as far as to say—this throne speech was so important—and I am quoting him here:

“In the amendments put forward by my learned colleague...”

Friend from Couva South.

“...which I shall deal with, the first amendment is an amendment to the Constitution...”

For a throne speech. Why did he want a throne speech? Why was it so important? Listen to him, the hypocrite that they all are. He goes on to say—*[Interruption]* Mr. Speaker, is “hypocrite” unparliamentary? If not, I will use the words I choose: the hypocrite that they all are. Listen to him:

“The country does not know when the Parliament would go into recess. The Parliament should have a time when it starts and when it ends, so that people

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of this House can refurbish their physical and intellectual strength. They can read, go on holiday or play music, or something.”

So the Member wants to go and play music.

**Mr. Panday:** Or golf.

**Dr. K. Rowley:** But what happens? The Member is calling for this as a requirement, failing which he will not support the measure. But as Prime Minister of his Government today, the Parliament goes on recess—

**Mr. Panday:** You did not have the intelligence to pass the Bill.

**Dr. K. Rowley:** Why do you not behave yourself? The Parliament goes on recess on August 14 and comes back two Fridays later—no change under his government—almost immediately after.

**Mr. Speaker:** Just for the sake of the record, I have noticed that the newspapers have been advising that the Parliament was on recess; it was not. Indeed, what happened was the Parliament sat on Thursday and then the next sitting—we missed one week—was the next Friday. That is indeed what happened in August. The newspapers have been saying that we were on recess. We were not really on recess; we missed one week.

**Dr. K. Rowley:** Thank you, Mr. Speaker, you clarified it better than I could. It is even worse than I was saying. The Member was saying here that the basis for supporting the measure—without which we would not have a single vote to support the measure for the benefit of the people of Trinidad and Tobago—is that people must have this break in Parliament.

He goes on to say:

“The point is, we start a session in this House and we have no parliamentary timetable...Members of Parliament have a right to do that, like everybody else. They close the Parliament one week and come back one week...”

Mr. Speaker, all of that is criticism as to why he would not support the measure; a measure which can bring all the benefits for the people of Trinidad and Tobago. It was so important to have this parliamentary break, a time-table and a throne speech, and if we do not get that we do not vote for the measure. Then I call them hypocrites and they are being offended.

**Mr. Hinds:** That is a betrayal of the people.



**Dr. K. Rowley:** Mr. Speaker, another requirement is the Corporation Sole. They wanted amendment of the laws to curb the power of the Corporation Sole; the Corporation Sole who can sell or lease or dispose of any state asset, and the people and the Parliament would have no say in it. I am quoting here again, the Member for Couva South.

“Madam Speaker, I have proposed for the Act to be amended so that the Minister can only do whenever authorized to do so by a resolution of Parliament.”

So he is saying that before this is passed, the Corporation Sole must be curbed in his power so that he can take no action against any state asset without a resolution of Parliament.

Mr. Speaker, I will come back and resume after lunch.

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

**12.30 p.m.:** *Sitting suspended.*

**1.30 p.m.:** *Sitting resumed.*

#### LEAVE OF ABSENCE

**Mr. Speaker:** Hon. Members, before we begin may I just indicate that the Member for San Fernando West did communicate with the Office of the Speaker. Unfortunately the letter arrived just after the sitting began so I was not able to announce that he has asked to be excused from today's sitting and that he is excused.

#### FINANCIAL YEAR BILL

**Dr. K. Rowley:** Mr. Speaker, just before we took the lunch break I was making the point that those persons, the backbone of the Government, when they were in Opposition, had laid down certain conditions without which the Bill as it is before us today should not receive support. They were very clear in their position and I made the point that one of the fundamental conditions laid down by none other than the Leader of the Opposition, was that there ought to have been a parliamentary timetable. In the absence of a parliamentary timetable he pointed out that parliamentarians would not know what the Parliament was doing and so forth. To demonstrate the lack of commitment to that statement and the hypocrisy which underpinned that statement when it was advanced as reason for not supporting the measure in 1992, I have to ask you today, Mr. Speaker, what parliamentary timetable are we following now? In fact, the situation now is such that we can

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come to the Parliament any day, as has happened in recent times, and having agreed on Friday afternoon on what we will deal with on Monday, we come to the Parliament on Monday and the Government gets up and says, "notwithstanding what we had said before, today we shall do so-and-so." We have had that problem.

Mr. Speaker, if you look at today's papers you will see in the other place the Government tries the same thing, resulting in disruption in the proceedings and strong objections from Independent Senators. The absence of a timetable, the same *raison d'être* which was given when they said without that this Bill should not be supported. Today we have no timetable. What we have is their arrogance in presenting parliamentary procedure. We have them going back on their word as recorded here in the Parliament. But the Bill is before us and they demand that we support it.

Mr. Speaker, they do not have to demand that we support the Bill. As we said before we support this Bill because the people of Trinidad and Tobago will benefit by its passage. We say that this Bill should have been passed six years ago and the Attorney General of Trinidad and Tobago is out of place, brass-faced and shameless to come here today and put on the parliamentary record that the reason why this Bill was not passed six years ago is because of something that the current Opposition did, or that the last Government did when the Bill was presented to the House.

Mr. Speaker, not only was the Member for Couva South then expressing his position. I mentioned his position about Corporation Sole. He wanted to have the power of the Corporation Sole curtailed. Look at what is happening today with the state enterprise sector. Let us just take National Flour Mills as one example. If ever there is any need to restrain the Corporation Sole, now is the time.

What is before us today, Mr. Speaker? Mayhem at National Flour Mills. The court is being called upon to appoint a board because the Corporation Sole is out of control. Absolute chaos; tens of millions of dollars missing; the Prime Minister being named in the process of purchases that resulted in significant losses of millions of dollars; enquiries being promised and none forthcoming; large sums of moneys being paid to lawyers to defend the indefensible; minority shareholders fighting in the courts for their rights against the jackboot of the Corporation Sole. So if ever there is a time to talk about curtailing the authority of the Corporation Sole based on what this Government has done in its short two and a half years, now is the time to raise that. But it was raised then and used as a reason for not supporting this very important and positive measure.

When you tell them that they were obstructionists, hypocritical and acted against the interest of the people of Trinidad and Tobago, they take offence, but those are the facts. They wanted a five-year development plan. In the absence of that—and I want to quote. This was the same Member for Couva South saying how we had to have that plan because without that plan amending the law, as he is doing today, should not get support because we had to have that plan to allow for consultation with the population and it means that the public will have information and so forth. Five-year development plan; that was the requirement for their support.

Today the Bill is before us; no plan. Not five-year; not three-year; not one-year. But in 1992 if there was no five-year development plan, no throne speech, no parliamentary recess in place, no timetable, the Bill could not be supported. Of course, information Mr. Speaker? He is offering us today as some sop that we must accept that the Government has met their requirements as suggested by him, that they have offered a Freedom of Information Bill and, therefore, they have met the requirement so under legislation the population can get information through the media—I presume what is left of the media after they have achieved their objective.

He is saying when that Bill is passed, the media will be able to access information under law. But only last week under our Standing Orders of this House, under our tradition in this House and in the Parliaments throughout the Commonwealth a question relating to public administration was asked but what does the Government do? On a Motion the Government votes to prevent the information from coming to the population. [*Desk thumping*] Understand, Mr. Speaker? [*Interruption*]

Mr. Speaker, if it is not true then the media misled me. I read in the newspaper that a request was made to have the questions deferred for a week and the Government did not agree. [*Interruption*] I will dismiss the comment from the Member for Arima, Mr. Speaker.

**Mr. Maharaj:** They refused [*Inaudible*]

**Dr. K. Rowley:** That is not the issue. The issue is that the Government is offering something which we do not have and is saying that since we have offered that you should accept.

The Attorney General this morning got the *Hansard* and sought to quote my contribution from 1992. He quoted very conveniently, Mr. Speaker, because he did

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not tell you—and I want to say exactly what was said in 1992 when they made a series of requests pursuant to any support of the Bill. And this is what I had to say, Mr. Speaker, I quote page 20 of that document:

“Madam Speaker, all we can do on this side is bring to this House measures of this nature, which, if supported, can have the effect of improving public administration. We are not getting involved in this horse-trading and confrontation. If it is that we have to discuss, talk and consult on matters, fine, but there is a way of doing it. Do not bring 10 pages of substantial amendments to 15 different laws and say they are only going to vote for something that they thumped the bench for three months ago if they get all of this today... This is irresponsible behaviour of the highest order.”

I went on to say that the Government is prepared to take into account any other amendments which may be required. So commitments were given. They would not accept commitments from the government then but they are asking us now to accept commitments from them.

No Bill has been brought and passed here into an Act about freedom of information. This equal opportunities commission thing has more prickle than it has fur. We are to accept that but they were given the commitment in 1992; a commitment which was carried on behalf of my colleagues from Point Fortin, Arima and Naparima—they were part of that commitment. They had a commitment that if there were other amendments required, if they were properly before the House, we could do that. No, they were not accepting that.

My friend from Oropouche had a requirement and if that requirement was not met he would not support the Bill. His requirement was that he wanted the Opposition to have an input in the budget preparation. Let me quote him, Mr. Speaker. Page 28:

**Mr. Sudama:** I do not want to join this debate. Do not force me.

**Dr. K. Rowley:** He is now threatening to join the debate. I would be happy if he joins the debate because that is what the Parliament is about.

In 1992, listen to my friend from Oropouche:

“We, on all sides, represent people but when we come to this House, what happens is a budget is presented for a certain fiscal year in which the Opposition has absolutely no input. We represent people too. They have interests, needs and, yet, we cannot get any ounce of influence in determining the distribution of public resources in a budget...”

As a representative of the people of Oropouche, I have no input in any critical decisions with respect to the distribution of public resources in this country. Therefore, when we come to this House and we say, 'look here, we want this system to be changed...'"

So he wants a system which allows the Opposition to have an input in the budget.

Now, we are having a budget coming sometime soon. What input does the current Opposition have in that budget? This Government presented two budgets. What opportunity was provided to Members of Parliament to allocate resources? Today the same Bill is before us and they would have us believe that conditions have been met so the Bill can be passed.

I can go on record today, Mr. Speaker, to state that there are no opportunities as requested by him here for the Opposition to take part and allocate resources in the budgetary preparation. Mr. Speaker, you understand? I have said enough to demonstrate that what happened in 1992 was that the Opposition saw an opportunity to block a piece of legislation and they did so with their votes.

When they talk about—my friend from St. Joseph was very concerned this morning about being accused of betraying the public trust. That is what we are talking about. The people of Trinidad and Tobago could have been benefiting from this measure all along, but the measure required an action by the Opposition and the Government, but the then Opposition saw it fit to raise a number of red herrings to justify their lack of support for the measure.

**1.45 p.m.**

They could jump high; they could jump low. That was the official position of the UNC Opposition, that they were not supporting any measure which the Government brought before the Parliament, whether the people were going to suffer, whether they were going to prosper, whether they were going to live or die, the UNC Opposition's position then was that it was not supporting that measure, because it was not here to make the Government look good.

It was not an isolated position then, Mr. Speaker. It would have been difficult to demonstrate it, if it were a position of isolation. It is a position to which the PNM was accustomed in all its time in Government in Trinidad and Tobago. I can quote a myriad of examples where the PNM came before the country with some kind of project or proposal to benefit the people of Trinidad and Tobago and those in opposition to the PNM, because they believed it would make the PNM

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government look good, would say, "We are not concerned about the people of Trinidad and Tobago. We are not supporting that measure."

I will give you one example, Mr. Speaker, in which the Member for Couva South was very involved. When the PNM government was going to build the Churchill-Roosevelt Highway, the process of land acquisition was followed, up to the point where some people in Guayamare had actually accepted cheques from the state.

**Mr. Sudama:** Not the Churchill-Roosevelt Highway, the Butler Highway.

**Dr. K. Rowley:** The Butler Highway, sorry. Thank you for your correction. The landowners and the state agency had actually gone through the process, those people had actually received cheques and we were going to build a highway to link the North and the South of the country. People were suffering on that two-lane road and here was the opportunity to give them relief, to bring economic benefit in improved transportation and the Member for Couva South and his opposition colleagues took night and made day, went to those people's homes and convinced them to return those cheques and they obstructed that project until the end of the day.

At the end of the day, the people of this country had to spend millions of dollars more to get the project completed. At the end of the day, nothing substantially different had been done, except that by the time the National Alliance for Reconstruction came into office, it had a tremendous bill to pay for cost overruns on the project and, in fact, a substantial amount of equipment had to be transferred from the Ministry of Works to contractors in payment for liabilities incurred on that project. That was led by the Member for Couva South. Those are the facts. As people were approached to be relocated, they went to Guayamare and told them that it was racism.

Today, we will be building highways across the country, because Government continues and what happens is, people are being moved in San Fernando for the By-Pass Extension. Nobody in the PNM is telling them not to move. We had the same problem in Tobago with the Claude Noel Highway, which today is the pearl of Tobago's infrastructure. When the PNM tried to build that highway, those in Opposition saw it fit, for whatever reason, to object to the construction of that project, resulting in the original contractor not proceeding with the project, resulting in significant cost overruns and delays. So, we are accustomed to that. I can go on.

They are talking now about TSTT making \$207 million in profit in one year. How did that happen? When TSTT's old digital system was facing the new technological thrust—not old digital—

**Hon. Member:** Analog system.

**Dr. K. Rowley:** —the old analog system, when technology became digital and TSTT, which was government-owned, had to have public funds to the tune of \$214 million to bring Trinidad and Tobago into the digital age, to put us where we are today, all of them had all kinds of things to say and the most important plank on which they were hanging their argument, was corruption. I have no doubt whatsoever that under the years of PNM rule, there was some instance of corruption. I would be a fool to think otherwise. But, TSTT was one of the few areas where individuals were actually identified and charged for corruption and, notwithstanding all they said about corruption, the day they came into office, they took the identified individual who was charged in TSTT for corruption and put him in charge of the CDA. He qualified. So, at one point, absolute standard, but now the country is benefiting from that investment to which they objected.

We said we were going to build an airport at a cost of \$300 million—obstruction again. We did not need an airport for \$300 million. They came into Government and we are getting an airport of airports to the tune of \$1 billion. The last talk was \$800 million. More recent information is that the cost of the airport, if it is to be built according to what they say, is over a billion dollars. So, when the PNM says, "Let us build that airport", the country needs no airport; when they say, "Let us build that airport", they can build one for four times the cost. That is the history. So, the obstruction to this Bill in 1992 does not stand alone. It fits a pattern of opposing anything that is good for the people of Trinidad and Tobago if it serves their political purpose, whether it is the Guayamare project, whether it is the airport, whether it is Point Lisas.

Mr. Speaker, you may recall Point Lisas. When the PNM government had the vision of creating the Point Lisas economic location to monetize our oil and gas resources, specifically our gas resources, they had all kinds of things to say. I am not here talking about queries of accountability which are quite legitimate. No one could argue with that. What they were arguing against was the principle of creating that kind of heavy industry in Trinidad and Tobago. They were opposed to the idea of monetizing gas in that form, whether it was steel, methanol or urea. They had a problem with that and they spent years trying to convince the country that that was a bad idea.

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So, when they wrote a manifesto for the election of 1986, they wrote in their manifesto that these projects, which they called “sunset industries”, would not be embarked upon in this country again. That was a manifesto position, the result of which was five years lost with respect to the growth of Point Lisas and it is only after the PNM returned to office and started to oil the wheels of the energy sector, that we picked up where we left off in 1986.

Mr. Speaker, if today’s newspapers were looked at, you will see the Governor of the Central Bank saying there has been economic growth in this country of 3.8 per cent, but that growth has been on the back of a 17.7 per cent growth in the energy/manufacturing sector. Mr. Speaker, ask yourself, what did it cost this country when we lost five years of the growth of Point Lisas, because people like those on the other side decided that if the PNM says so, they must say otherwise. We lost five years of the growth of Point Lisas because of their attitude. Think of where this country would have been if we had continued along those lines without that five year hiatus.

It does not surprise me at all that we ended up with them not supporting this Bill because the record is there to show. They are taking credit now for the PowerGen success—profit at PowerGen. But, what they are not telling us is that the idea of having a partner come into the generation of power in this country, to create a company called PowerGen where T&TEC has majority shares and foreigners have minority shareholding, to convert gas to electric power in a more efficient way, was done so as to get the best of that arrangement, the alternative being that we would have had significantly increased electricity rates in this country. Look at Government expenses today. If the Government had to fund out of the Exchequer account, the expansion of power in this country, think of where we would be heading now—straight into significant increases.

But, of course, at the time, they had to oppose it, because they were not there to make the government look good. But, today they are in office and they cannot wave more flags for PowerGen. You would think it is Peter Minshall’s band. We are accustomed to that.

It is the same thing with Severn Trent. They will be heard praising Severn Trent as though it were their grandmother. But, at the time when the idea was floated by the PNM to bring in outside involvement in the water supply system, they had everything to say about it which led the country to believe that if they had authority, they would not have done so.



In fact, not only did they have authority and bring in Severn Trent, they brought in Severn Trent without it bringing in any money to inject into the water system. The original intention was that they would have bought into an arrangement by bringing capital into the system. They finalized the arrangement without that. But now, all the benefit that flowed from that, they will be heard praising now, as if it were something they did, when, in fact, the record will show that every possible obstacle, verbal and otherwise, was put in place to obstruct that. That is their record.

One thing though, one can go back even to the construction of a school. When I say anything of benefit for the people of Trinidad and Tobago, these people have a record of opposing. A simple thing like a school. They came into Government; they met the Carenage school on the Development Programme—

**Hon. Member:** You gone back to that again?

**Dr. K. Rowley:** I must come back with it and I will come back every time. They took it off the programme one year; they gave reasons which we did not accept. The second year, it is on the programme. Okay. Mr. Speaker, if you go to Carenage now, you will see a board on the school site with the words “Completion date of the Carenage School March 1988”. That was the completion date.

**Hon. Member:** 1988?

**Dr. K. Rowley:** Yes. You have every reason to look surprised. The Minister is most surprised. March 1988 was the completion date for that project. The project started in 1997.

**Mr. Valley:** In 1998. You said 1988.

**Dr. K. Rowley:** I am sorry. I am only human and, unlike you, I accept my mistakes and of course, unlike you, I apologize.

The completion date of that school was March 1998. The country’s children should have been going into new environs soon after March of 1998. Today, Mr. Speaker, the construction is still in the foundation stage and, notwithstanding the assurances given by the Government over and over, the project is going nowhere.

Only yesterday, we celebrated our 36th anniversary of Independence—only Monday. Having travelled on the boat from Tobago, I probably lost a day. But, Mr. Speaker, you would know because you were there; you would recall when this country’s future had to be addressed in the context of whither goes Trinidad and Tobago. Should we remain a British colony or should we launch out into a

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brave new world as an independent nation? The PNM's position, when the Federation broke up, was that the people of Trinidad and Tobago must go it alone to Independence. There are always upsides and downsides to any investments, but that investment in Independence—we are now talking about 36 years and from where we came, where we are going, and what we have done.

**2.00 p.m.**

I wonder if they forgot that there were times in this country at that critical juncture of our history when politicians were opposed to the PNM in like manner as they opposed this Bill in 1992, saw it fit to oppose the idea of Independence. They opposed the idea of an independent Trinidad and Tobago and they advanced reasons. They were afraid of abuse, afraid of this and afraid of that. It took superior statesmanship on the part of Dr. Eric Williams to pull it together because, left to them alone—and what they were saying—what they stood for, their behaviour and attitude—we would still be a British colony today. Not because they did not believe in their hearts that it was better for us to be an independent country in the world in the 1950s and the 1960s, but they felt it would have given some political advantage to the PNM and therefore, they had to oppose it.

That was the record from 1962 to now. So we were not surprised that they came to this Parliament and when they heard we were going to change the financial year from December to October, found a million reasons to justify lack of support. That is a pattern of behaviour and the record of this Parliament must show that. They can say whatever they want, what I am saying this afternoon defies any contradiction from the other side. Those are the facts.

Mr. Speaker, rather than spend my time preparing to tell you of all the benefits this would bring to the people of Trinidad and Tobago, already I can see an instant benefit for my constituency. The Diego Martin river is there as a threat to the people of Diego Martin and all who live around the banks of the Diego Martin river in Westmoorings, Four Roads, Goodwood Gardens, and Victoria Gardens. Each time it rains they are in fear because the river has not been cleaned for the last four years.

**Mr. Sudama:** What about before, was it cleaned?

**Dr. K. Rowley:** Yes. It was cleaned in 1994 and it had time to accumulate silt which is there now. It has not been cleaned in 1996, 1997 and 1998.

When this Bill is passed and the financial year has been changed and funds are allocated for the drainage ministry, immediately the river can be cleaned in the *petit*

*careme* if there is a good one, or immediately as the dry season starts. That is the kind of benefit we saw when this measure was brought, and not only in Diego Martin, but everywhere in Trinidad and Tobago where populations are threatened by flooding. This is one instant benefit and it was there since 1992 and they decided not to give the people that benefit because it did not advance their political agenda.

The same agenda of the DLP which opposed the Opposition, is the same agenda of the UNC which did not support this Bill. That has been its attitude and history, and today I sit back proud of my PNM ancestry when I see them going to Point Lisas lauding for the people, and of course, getting significant benefits in more ways than one.

Mr. Speaker, I was there when it was opposed and there were other arguments that it should not be done, but they always have a reason not to support anything that the PNM advances for the interest of the people of Trinidad and Tobago. Whether it is independence; Point Lisas; the Churchill Roosevelt Highway; a new airport; PowerGen; TSTT; Severn Trent; or the Claude Noel Highway, the record of this country would show that all the significant benefits, changes and adjustments which were made in this country, were made by the People's National Movement. [*Desk thumping*] The record would always show that every time the PNM comes up with anything significant for the people of Trinidad and Tobago, whether it is the DLP, ULF, UNC or whatever, they oppose it. In the end, they come home with their tails between their legs dragging their Judas's behind them.

Mr. Speaker, the Government knows it has the support of the Opposition on this matter. It knows that it is not sure that what it is doing is correct and, therefore, I offer to the Government free advice to make sure what we are doing is correct and it should take steps to have this measure passed with a special majority out of an abundance of caution, if only that, because it would be a tragedy indeed, if the available votes are here in the House and on the advice of the Attorney General, we pass this to satisfy his ego and machismo with a simple majority, and somebody, somewhere down the road, has to take the state to court over a matter arising out of this issue.

The matters are wide, varied and very substantial which can arise out of this, and unless the Attorney General wants to be powerful stupid, we are telling him that he has the support of the Opposition, and not to let the Parliament rely on his advice which may turn out to be the kind which we got with the Land Restriction Act.

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

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

**Dr. K. Rowley:** Mr. Speaker, I thank you and my colleagues, but I do not propose to take any extended period on this matter. It is very clear there will be substantial benefits to the people of Trinidad and Tobago if this measure is passed. We have given the assurance which we believe is sufficiently important for the Government to take on board, and we are saying that we have demonstrated that lack of support for this measure in the past was as a result of individuals in the Parliament playing politics with their votes and putting the country's interest behind them, and I see no reason to prolong the debate except to say that the country could have had the benefit of this measure a long time ago, had national interest prevailed above partisan interest.

I close by exhorting the Attorney General to take full advantage of the commitment given by the Opposition and pass this measure with a special majority.

Thank you.

**Mr. Martin Joseph** (*St. Ann's East*): Mr. Speaker, I am pleased to participate in this debate on the Financial Year Bill and to join where my colleague from Diego Martin West left off in saying that, we on this side support the legislation. We believe because of the requirements of this piece of legislation, that it should be passed with the requisite majority which is necessary.

When my predecessor, the Member for St. Ann's East, the then Minister of Finance presented this Bill on August 28, 1992, they attempted to ensure that the Government was pursuing the right path. It is felt that this piece of legislation should be passed with a special majority, but more importantly, in the original 1992 Bill, the Minister included a clause 4—because he felt there was the possibility that given some of the amendments which may have been necessary in other pieces of legislation which said that notwithstanding the attempts government made to ensure that all the other supplementary, complementary and other supporting legislation would have been looked at, there was the possibility that there could have been an error, and as a result, some pieces of legislation may not have been identified. In order to make it abundantly clear, a clause 4 was put in place to ensure that if there were other pieces of legislation which were likely to have been affected by this change of date, they would have been picked up.

I am saying that to underscore the approach which the PNM government made with respect to legislation of this nature to make sure that at the end of the day, it had satisfied all the requirements, notwithstanding what the Member for Couva South indicated in his presentation of this Bill, and I did not hear any previous speaker mention it. I also indicate my surprise that it was the Attorney General who was piloting this piece of legislation and not the Minister of Finance. I find it passing strange, but I guess, as my colleague from Diego Martin Central indicated, perhaps it was necessary for him to come to this House to confess why they did not support the Bill in 1992.

Mr. Speaker, today is a “red letter day” in this Parliament. It is for me as a freshman parliamentarian because in preparing for this debate, I read the *Hansard* and was curious to see what arguments the Member for Couva South and the Member for Couva North were going to present to this Parliament in bringing this legislation. The Member tried his best and my friend from Diego Martin Central indicated also that dying persons have a way they are supposed to confess, so I do not know if this is a sign of things to come.

The Member for Couva South really surprised me because in listening to him—if one had read the debate of Friday, August 28, 1992, one would be amazed.

**2.15 p.m.**

The Member for Couva South came to this House and presented what he called four sets of amendments that were necessary in order for the Government to get the support of the Opposition. Four pieces of amendments! First, he talked about introducing a measure which would ensure that, at the opening of each session of Parliament, there would be a plan by the Government as to what are the plans for the country. My colleague from Diego Martin West went into details as far as that is concerned. They talked about the throne speeches, they talked about the presidential address, *et cetera*. They were at pains, both he and his colleague from Couva North, to talk about how important that requirement was.

So much so that the then Member for Tobago East, in his presentation, had to explain, especially during his administration, why it was felt that it was not necessary to have a presidential address and a budget debate, given the nature of the budget debate. Because the Member for Couva South talked about what happened in Westminster, some six or seven days are spent debating the throne speech, governments rise and fall on the basis of this throne speech, *et cetera*, and the Member for Tobago East indicated that our culture did not make it necessary for us to have a throne speech.

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Be that as it may, this Government has been in office for two and a half years: Why have they not brought a throne speech? If they thought the throne speech was so important then, why was it not introduced since they have been in Government.

**Mr. Speaker:** Hon. Members, I really have no problem with giving latitude to Members. You may not have been here, but indeed, two Members have already raised those very same points which you are raising. So it is a bit repetitious. But I do assure you that it is on the record already and I would appeal to you to touch on new ground, please.

**Mr. M. Joseph:** I am guided, Mr. Speaker, but with all due respect, and I am not questioning your ruling. In looking at the presentation, every single Member in 1992 talked about the throne speech—the Members for Couva South, Couva North and Oropouche, because obviously they felt it was so important in order for the presentation of this debate.

**Mr. Speaker:** That is really not acceptable. All I am saying to you is, I am not trying to limit you in your 45 minutes plus another 30. All I am saying is, the very same issue about the four points have already been raised in the debate. This can be seen if the *Hansard* is available. I do not think that any useful purpose would be served in going over that same point. That is all I am saying. I am not saying that the Member for Couva South did not regard it as important then, that it is not a somersault, all I am saying is that it has already been said.

**Mr. M. Joseph:** Thank you very much, Mr. Speaker. The Member for Couva South also felt that in order to approve this piece of legislation it was necessary for a Supplementary Appropriation Bill to be provided for issue from the Consolidated Fund.

**Dr. Rowley:** Mr. Speaker, there is a feedback.

**Mr. Speaker:** Yes, we are getting a feedback, I believe that the technicians need to adjust something properly. Please continue.

**Mr. M. Joseph:** Thank you very much.

He also talked about the Supplementary Appropriation Bill. One would have expected that if that was also so important and so critical in terms of the monitoring and controlling of the finances of the country, because it was being said that the changing of the date was not really the issue, the real issue was the whole question about how the management of the finances of the country were being handled and it was important that these amendments be put in place in order to address that.

There was also the question of the establishment of joint select committees. At the commencement of each session of the Parliament it was felt that it was necessary to establish select committees. The Member for Couva South talked about a joint select committee or a select committee. The Member for Couva North also supported that argument by insisting that with the establishment of such committees, we will be able to monitor the spending of the Government of the day, because he felt that there were aspects of Government's spending that needed to be monitored and to be financed.

Two and a half years later, what is the question with respect to the establishment of such joint select committees or select committees? Because if, then, these things were so critical, as related aspects of this piece of legislation, why is it that not only have these things not been put in place, why, in presenting this Bill today, these aspects are not also part of the accompanying legislation? *[Desk thumping]*

Mr. Speaker, the Member for Couva North in his presentation also supported wholeheartedly the contribution of his learned friend from Couva South, but he went on to make some comments concerning the whole question about accountability of Government finances and made heavy weather about what he considered to be the callous way in which the government was spending funds. I want to quote, because I am sure that I have not heard anybody make any mention of that so far in the debate. I want to put it on record. Specifically, he made heavy reference to the expenditure that was supposed to have been incurred on refurbishing of the Prime Minister's residence at the time. He talked about the \$2 million being spent then to refurbish the Prime Minister's residence. He talked about all what could have been done with respect to those \$2 million. Let me quote, at the bottom of page 16:

"He is repairing his house at a cost of \$2 million. Of course they are going to explode and they will explode even quicker when they find that you are spending money which could relieve them of unemployment, in order to repair the house in which you are going to live."

This is the Member for Couva North. This is what he said. On page 17 of the *Hansard* he continues:

"I want to state publicly that in 1996, or before, I propose not to spend any more money on the Prime Minister's residence. This is an undertaking I give to the public. It is a pity you did not make a same commitment."

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He is talking to the Member for San Fernando East.

What is the record now? The latest figure I heard was \$5 million. I do not know if that \$5 million also includes the mini golf course and the other changes. But this is the Member for Couva North.

The reason I am putting this on the record is to underscore the points made by the Members for Diego Martin West and Central that they say one thing when it is politically convenient and now that they are in Government: What is the situation? Earlier on, the Member for St. Joseph made the point about how the world is listening to what you are saying, what areas of specificity in terms of the abuse of power.

Mr. Speaker, in 1992, in talking about the establishment of these select committees, the Member for Couva North talked about the fact that these joint select committees will be able to monitor, as I said earlier on, the performance of the government. My colleague from Diego Martin West only mentioned the question about the Airports Authority. If these committees were in existence, the behaviour of this Government as it relates to the airport scandal and the Deyalsingh Report and the manner in which that Deyalsingh report was treated; the Cherokee jeeps; the issue about National Flour Mills and the loss of some \$30 million; the issue about the Caroni Mill upgrade and some \$20 million; the whole issue with respect to National Petroleum Marketing Company Limited; all those would be before a joint select committee and, as a result, the whole issue of accountability, the whole issue of transparency, as far as they were concerned, was more critical than the changing of the financial year from January 1—December 31, to October 1—September 30 . All of these requirements that they felt were absolutely critical would have been put in place.

The Member for Oropouche, in joining the debate, also talked about the role of Members of Parliament and their ability to influence legislation and to ensure that they are able to provide the kind of representation that is required of them in their constituencies. Mr. Speaker, I am hoping that with this change we would also see the Members of the Parliament being able to have some input.

I hope, like my colleague from Diego Martin West, that the change will result in an improvement in the water situation for the constituents of St. Ann's East. The situation in St. Ann's East as far as water is concerned is the worst in the history of Trinidad and Tobago at this particular point in time. So that when you are asking where we have been, the situation has deteriorated instead of improving. It seems that what is happening is that instead of ensuring that those facilities we have in



place are working well and maintained, those things are being allowed to deteriorate. I hope that it does not have anything to do with political reasons.

**Hon. Member:** Be specific.

**Mr. M. Joseph:** Specific? There is deficit of water in St. Ann's East. That deficit is normally picked up with water coming from the Valsayn pumping station. WASA's official position is that there is a difficulty with respect to the mechanism. My understanding is that many of the pump operators have taken VSEP and the water supply to St. Ann's East/Santa Cruz is normally controlled during the night shift and night shift operators are not in place, but the point is that we have a serious problem as it relates to water. What is required, from my understanding, is that there are two wells in the Meadows area and, as a result, WASA needs to put in a water treatment facility. I am hoping that with this financial change of the year, what we will see is that that project will be given some priority so that we can improve the water situation in the constituency of St. Ann's East and specifically in the Santa Cruz area.

Mr. Speaker, my contribution in this debate was to underscore the inconsistencies that the Members on the other side—especially the front line parliamentarians, Members for Couva North, South and Oropouche—that when they were on this side, what their position was, once they realized that this legislation needed a two-thirds majority, they put everything in order to make sure that they could have disrupted the implementation of this Bill. The Member for Couva South came here today and gave the impression that it was the PNM, when in Government, that did not want to accede to a minor adjustment they wanted to put into place in the Bill. That was not the case. They recognized that the Government needed a two-thirds majority and in order to get their two-thirds majority, they used the American system of pork barrel politics, of throwing in this, that and the other.

As our side, the People's National Movement, has indicated, it is committed to the good government of the Republic of Trinidad and Tobago and we will do nothing to obstruct that good government. We are only temporarily in Opposition and when we get back into Government we want to be able to treat with all of those things. Mr. Speaker, again, what we are saying is that be certain, ensure that the necessary majority votes are secured, you have the support of the Opposition in that respect, but make sure that it comes with the necessary two-thirds majority.

I thank you, Mr. Speaker.

**2.30 p.m.**

**Mr. Speaker:** The Member for Diego Martin East.

*Member for Oropouche stands.*

**Mr. Imbert:** I will give way to him.

**Mr. Sudama:** I will give way.

**Mr. Imbert:** No, I give way to him. Whoever you say, Mr. Speaker.

**Mr. Speaker:** The Member for Oropouche.

**Mr. Sudama:** I give way to the Member for Diego Martin East.

**Mr. Speaker:** Gentlemen, we try to have a see-saw effect and, indeed, the Member for Diego Martin East caught my eye but you did, in fact, indicate you wanted to speak. If he says that he will give way, I think that your speaking would lend itself to greater debate if you come in now. So I do call on you.

**The Minister of Planning and Development (Hon. Trevor Sudama):** Thank you, Mr. Speaker. As I indicated earlier, I really did not want to join this debate. I was drawn into it by comments made by speakers on the other side, particularly the Member for Diego Martin West and the Member for St. Ann's East. I have gotten up here, merely to put the record straight, to indicate to the House and the country what is and was the position we took in 1992 and what is the position we are taking today and the consistency between those two positions. The Member for St. Ann's East said that they are only temporarily in Opposition. There are a lot of situations where temporary becomes permanent, and it is very clear from what is happening on the other side, that your stay in Opposition will be more permanent than temporary. [*Desk thumping*]

Mr. Speaker, first of all we have this issue as to the position we took in 1992 when we were in Opposition. We made it very clear on that occasion that we supported the principle of the change in the financial year for the very many reasons advanced then and today. There was no question of the principle and the need to change the financial year in order to have the Ministry of Finance make releases in time; in order not to have a rushed parliamentary debate; in order to have better administration; better accounting practices and so forth. There was no question about that. What, however, we said then, was that the principle of accountability was of greater urgency than the principle of changing the financial year; that if the change in the financial year was in the national interest, then accountability for the taxpayers' money was in the greater national interest. That is the point we made very forcefully, as to what is in the national interest. This debate

touches on a number of fundamental issues. One of it is the issue of accountability and the role of the Parliament in its watchdog role over the Executive, and particularly, the role of the Opposition.

Mr. Speaker, we have seen the tendency all over the world—in Trinidad and Tobago and elsewhere—for one reason or the other, for the executive to acquire greater and greater power unto itself and no government wants to be fully accountable. However, no government wishes to have the fullest degree of transparency in the exercise of its powers and functions. This is a general tendency. Therefore, it is the duty of the Opposition to insist, that acting on behalf of the people they represent and, indeed, on behalf of the general public of Trinidad and Tobago, to try to push the Executive in a position where the Parliament can exercise a greater influence on executive power. That is the position we took in 1992 and that is the position we have in 1998. Our position on that has not changed. Therefore, we are saying that if we wanted a number of oversight committees in 1992 and we regarded that as essential and of greater urgency than merely passing a bill for the change of the financial year, then we should do so simply because the Parliament and, indeed, the Opposition, is the watchdog over the expenditure of money on behalf of the public.

Before this House today, is legislation in the form of the Constitution (Amdt.) Bill which precisely addresses that issue of oversight committees where officials and Ministers can be brought before joint select committees or select committees of Parliament and made to account for their performance and the expenditure of money. We have proposed this and I believe the Attorney General, the Member for Couva South, did allude to what we have before us in deference to the promise we made in 1992, that when we got into Government we would bring legislation to this effect and strengthen the monitoring power of the Parliament of Trinidad and Tobago which exercises a watchdog function.

We have said in this Bill, that it is hereby declared in addition to any other select committee which each House is empowered to appoint under its Standing Orders—each House may appoint select committees or joint select committees to investigate, report to this House or to both Houses as the case may be, on the powers and methods of functioning and criteria adopted by service commissions, ministries, statutory authorities and enterprises controlled by or on behalf of the state or in which public moneys are invested. Any committee appointed for the

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purpose set out in paragraph (a) shall have the same powers as those of a commission of enquiry appointed under the Commission of Enquiries Act and so forth.

Therefore, when this Bill is passed before this House, we will be giving effect to something which we promised and we will be giving teeth to the parliamentary function and the oversight function. So to come here and say that our position has changed, we are a bunch of hypocrites and we are shameless—if we are talking about hypocrisy and shamelessness, I cannot but allude to some things which the other side has done.

Mr. Speaker, I sat here amazed that the Member for Diego Martin Central could quote the then Speaker approvingly; how she said that the amendments were not relevant approvingly; how we were exercising an abuse of power. It is the same Member for Diego Martin Central and his government who declared a state of emergency in order to prevent that former Speaker from taking her position in this Chamber. Do you know what abuse of power and trampling on the constitutional rights of people that is and in this case, such a high officer of the state, the presiding officer in this Chamber? There can be no greater shamelessness in my view, Mr. Speaker, than the shamelessness on the part of the Member for Diego Martin Central. This is this Member, who, in defiance of the authority of the Speaker, disrespectful to the Chair, said in the full hearing of everybody, “You could run but you cannot hide.” It just shows you the attitude of that PNM government; its dictatorial tendencies, its autocratic inclinations and the Member comes here to talk about the Government abusing its powers when it was in Opposition.

Mr. Speaker, they give the impression that the Opposition of 1991—1995 was so powerful that whatever the government wanted to do, the Opposition prevented it from doing. Well, if you were so impotent between 1991—1995, you have a right to be where you are; if this is your argument that we exercise power, but we were really in power.

**Mr. Maharaj:** And we prevented them from passing legislation; from changing a year.

**Hon. T. Sudama:** And we prevented them from passing legislation. I want to further give an example of their hypocrisy. They said that in 1992 they gave commitments and that we would not accept. If you were serious about your commitment between 1992 and 1995, you would have brought legislation to this

House. What did you do between 1992 and 1994 for a committee system to have greater accountability over expenditures of government? However, you gave commitment simply because you had no intention whatsoever of adhering to your commitment. None whatsoever!

If you had any intention, then you would have brought legislation between 1992—1995 to test the Opposition. You did not because you were not sincere. You are a bunch of hypocrites and hoodwinkers on the other side. That is what you are and that is what we have come here to expose today. The Member for Diego Martin Central, as I said, he is always hurry to go home; he wants to end this Parliament very quickly. He has a home to go to. When the Speaker sent him home for six months he filed a motion to come back here. He started to beg and so forth. What greater inconsistency and hypocrisy! We have grown accustomed to this. One morning the Member resigns from the PNM, the next morning he goes and retracts his resignation. That is what is called a chameleon and the Member for Diego Martin Central is a political chameleon of the highest order. He changes his skin as the wind blows—his political skin. One day the Member is for Penelope Beckles, the next day he does not care what happens to her. That is the Member for Diego Martin Central, and they come here to talk about hypocrisy. I will deal with that.

Mr. Speaker, then they talk about horse-trading. They do not understand the essence of the democratic system. The essence of that system is that you have a plurality of interest in a society and that each interest to the extent that its claims can be accommodated, you negotiate, seek compromise, seek consensus and come up with something which is acceptable in the national interest. To them that is horse trading. Do you know why? Because they have a mentality of imposing their will dictatorially and autocratically on the society.

**2.45 p.m.**

As your former Prime Minister would say, and I never could stop quoting, "When I speak not a dog bark on the other side". It is a mentality problem they have. We on this side are willing to listen, to talk, to negotiate and to compromise. [*Desk thumping*] If they had indicated the same level of willingness in 1992, to talk, to negotiate, to compromise and to see our point of view, we would have had the passage of this legislation a long time ago, but they were not sincere. They were never sincere.

Mr. Speaker, today I would give an example of how the American system works. We do not quite have that system here, but of course, there are things we

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can learn from it. The executive is separate from the legislature; the president sends to the legislature his executive programmes for the coming year, his budget, expenditure patterns, revenue estimates and so forth. When it goes to the Legislature that is where the document is subjected to the greatest scrutiny in detail. That is where the horse-trading takes place, compromise, hard bargaining and negotiation. After this whole process which is germane to the practice of democracy, at the end of the day, they come up with something which is fairly acceptable to all parties and then gets congressional approval. That is how it is done there.

The difference between the American system and ours is, in this system the Executive dominates the Legislature. The executive members sit in this House, hold ministerial positions and the majority of the Members are from the ruling party. Therefore they dominate the Legislature here. We are trying to work our way to find a system where that dominance is not so great, but is tempered by assistance, where the Executive becomes more accountable. I am talking about all executives, whether it is the current or future executive, because that is in the national interest.

If there is anything that is in the national interest it is the whole issue of executive accountability for its actions, greater than any issue of changing the financial year. If we had that system of oversight then the scandal on the other side: the mega corruption in which they had engaged when we had oil revenues in this country and the coffers were overflowing; when we had reserves for a small country which were greater than the reserves of larger developing countries would not have been. Within a matter of years, all those moneys were frittered away in a frantic splurge of corruption. All those years there were senior members on that side in the hierarchy of the PNM who sat in private and decided who got what, who got which contract and how the cake was to be distributed. Some of them unfortunately died overseas, unlamented, after having stolen the patrimony of this country to the tune of hundreds of millions of dollars.

[MR. DEPUTY SPEAKER *in the Chair*]

They come here to talk about corruption. If we had such a system of oversight before 1986 then this country would have been spared the kind of haemorrhage experienced in the fiscal and financial affairs. This is what they are guilty of and now they come here to talk about corruption. We are being told that "whatever you do you must do it properly". That is why we have this Bill coming up. If they want to vote for this measure and they feel that it is in the interest of the people of Trinidad and Tobago and in the interest of better government and governance,

then surely that unanimous vote would be recorded and it would show that the whole Parliament supported this measure. Therefore, the need for meeting an entrenched majority really does not arise.

They are so concerned with form rather than substance that they want procedure. Not being a qualified lawyer myself—although I hear claims to being a lawyer of another kind—here is what the Constitution says in section 3:

"'financial year' means any period of twelve months beginning on the first day of January in any year or such other date as may be prescribed;"

Thus, it was contemplated in the Constitution. Whether something as mundane as the period of the financial year should be put in a constitution of a country is another matter, but it is there. Details like the period of the financial year being in a constitution is something many people feel should not have been there, but it is. However, while it was put in, it was also contemplated that those dates could be subject to change after due process and so forth.

Here we are today on this Motion which should not have taken us a great deal of time, but it did in fact. We talk about obstruction on the part of the Opposition, on the most minor measure we bring to this House they would keep us here late into the night, Member after Member on the other side would speak and repeat themselves, merely to obstruct the Government in the passage of legislation which is essential to the well-being of the people of Trinidad and Tobago. Merely to obstruct: obstructionists!

Although at the end of the day they would then support the measure or abstain, when they do abstain they would want a vote to show that they have abstained. They do not know their position and where they stand on issues. A person must have a position, yea or nay. This is why the Member for San Fernando West was forced to vote against the other side. When they were abstaining, he took a position and said that he was voting against the Bill contrary to the vote of abstention on the other side. That is a man I admire, a man who has the guts and testicular fortitude to stand up and say what he believes despite misguided majority opinion on the Opposition.

I ask the Opposition, if they feel that the proper procedures were not followed in this matter, will they therefore, after having voted for the Bill—because we have a commitment from them here and I want to see what they would do. At the end of this debate I want to see how they would vote, because the Member for Diego Martin Central has given the commitment that the Opposition would support this

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Bill. He said so in no uncertain terms. The Member for Diego Martin West has given the commitment that the Opposition is going to support this Bill.

After having voted for the Bill and it is passed, I want to see whether they would then take the measure to court to determine its constitutionality. We are waiting and watching to note their contradictory behaviour and inconsistency. People who do not know whether they are standing, sitting, walking, or running. Of course, under the leadership of the Member for San Fernando East the matter is compounded. The confusion and uncertainty on the other side is compounded under his non-leadership. We are waiting and watching to see what they would do, if they are going to take the measure to court to determine its constitutional propriety.

The Member for Diego Martin West who sought to bring me into this debate asked why this measure was being brought only today and not before. A simple answer is that we have been here only two and a half years and we did not want to bring this measure to this House until we had fulfilled certain promises that we made: the Freedom of Information Bill, the Equal Opportunities Bill, this Bill to amend the Constitution to have a number of select committees so that there could be oversight over the ministries. [*Desk thumping*] We did not want to bring this amendment without having put these things in train. This is why it took two years. But that regime was there for 34 years, 30 years prior to 1986. The Member for San Fernando East is a long-standing Member of this House. Of course, before 1986 he had no influence on that side and is still having difficulty in having influence over his members. We understand his problems and his predicament.

If this measure was so good why was it not brought by the PNM administration before 1986? [*Interruption*] Mr. Deputy Speaker, I do not want to repeat the argument about what we said in 1990. I ask the hon. Member, which was in the greater national interest: change in the financial year or greater accountability to the people of Trinidad and Tobago? They go for the minor things, but the things of substance they ignore. Accountability is of no concern to the PNM, they want to do their business, their corruption and their manipulation in the back room and then divide up the spoils of office. [*Interruption*] What did you do with National Fisheries?

**Mr. Deputy Speaker:** If the Member is addressing the Chair, do not get involved in the cross talk.

**Hon. T. Sudama:** Thank you, Sir. Mr. Deputy Speaker, we on this side are not afraid. They wanted an enquiry into the payment to Maritime Life and it came



before the Public Accounts Committee and was aired. The Member for Diego Martin Central was the Chairman.

**3.00 p.m.**

It was aired there. The Committee took a position on that payment, and then after the Committee took a decision on that, he comes to this House to put another Motion on the table with respect to Maritime Life.

**Mr. Valley:** Mr. Deputy Speaker, could the hon. Member please inform the Member for Diego Martin Central what Motion they had placed with respect to Maritime?

**Hon. T. Sudama:** Take note of the Report of the Public Accounts Committee involving the hearing over Maritime Life.

**Mr. Valley:** But, Mr. Deputy Speaker, that is a false Report. You are talking stupidity.

**Hon. T. Sudama:** Irrelevant interruption in my contribution. So, the question I want to ask him, is he satisfied that the Public Accounts Committee is a proper oversight institution of this Parliament?

**Mr. Valley:** Yes, I am.

**Hon. T. Sudama:** You are satisfied?

**Mr. Valley:** Yes.

**Hon. T. Sudama:** If you are satisfied with that, why are you coming here and saying that there is no machinery, and that we are not accountable, and there is corruption; because, if there is corruption, bring it before the Public Accounts Committee, if you are satisfied that this is a satisfactory mechanism for dealing with these matters. And as Chairman, you have the authority to bring these matters to the attention of the Public Accounts Committee, let it be put on the agenda.

But we are going further, we are saying yes, there is a Public Accounts Committee which is a constitutional requirement, but that committee and its oversight function, need to be strengthened—and this is why we are bringing this bill here, for a number of select committees to monitor the operation of every state enterprise, every ministry, every statutory authority. This is what we are doing. This is fulfilling the mandate of 1995.

**Dr. Rowley:** Where is the Fraud Squad?

**Hon. T. Sudama:** And we are saying the Corporation Sole under any Government needs to have its activities examined—whether it is this Government,

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whether it is a PNM government, whichever it is, in the interest of the public good, the operation of the Corporation Sole needs to be looked at. Therefore, we are establishing a number of committees, and the most important of this, will be the committee over financial expenditure.

**Mr. Manning:** Mr. Deputy Speaker, I thank the hon. Member for giving way. I wonder if the hon. Member will support a parliamentary committee on corruption in public affairs? Will he support that?

**Hon. T. Sudama:** Mr. Deputy Speaker, our past record has shown that we will expose corruption in whatever form and fashion.

You will recall that when the new Government of the NAR came into being at the end of 1986, we set up a Standing Committee on Corruption.

You will recall that when this Government came into office whenever there is an issue which they are raising inside or outside this House, we are supportive of looking at anything which they claim is corruption. This is why, when they raised the issue of the airport, you recall that the Prime Minister set up a Commission of Enquiry—

**Mr. Imbert:** He did not.

**Hon. T. Sudama:** —to look into the airport matter? The findings of that Commission of Enquiry were taken before a Court, and the Court made a certain decision, right. But here we are proposing this. We are proposing here that—listen, corruption is something that does not fall from thin air. It has to be carried out by people, who have certain functions to perform; and we are saying that this Bill is comprehensive and covers the whole gamut of government administration. You put this Bill into place, you put your select committees and before that select committee, you can bring whatever issues of corruption you wish to debate.

Mr. Deputy Speaker, we have been here only two and a half years in office. What they could not do in 34 years, they want this Government to do in two and a half years. And when it comes to the acceptability of the Government, you will see that the public at large, despite whatever issues of corruption they may raise, they are quite satisfied with the performance of this Government. Time will tell, and time longer than twine and with time your status in Opposition will remain permanent from temporary; and of course particularly under the leadership of the Member for San Fernando East—and I know you do not like me to talk about that, you challenge his authority and so forth. But he is the leader of the PNM at this point in time. A position that you as Member of Diego Martin West will never

hold—leadership. Things are afoot, to bring in another leader to replace the Member for San Fernando East

**Mr. Valley:** Just as how, you will never be a Minister of Finance.

**Hon. T. Sudama:** That is what is called false hopes and poor hopes on your part. So do not look forward to that. [*Desk thumping*]

The Member for Diego Martin West raised some other issues. He raised the issue of what I said in 1992, that as a Member of this House representing, that I had no input in the training of the budget; and what I was talking about specifically, was the expenditure side of the budget. You see the recurrent aspect of the budget is something more or less given, you do not change that. But the input of every Member of this Parliament is required on the capital side and we are open to suggestion from every Member of this House, as to what to include and what to exclude.

**Mr. Imbert:** Nonsense.

**Hon. T. Sudama:** Given the stringency of our financial situation and so forth.

**Dr. Rowley:** Since you are open to suggestion, could I make one to you now, would you build the Carenage School?

**Hon. T. Sudama:** I will come to the Carenage School. You have been in power for four years and you have not built any Carenage School. You were a senior Minister of Government but you want us to do it in two years.

**Dr. Rowley:** You blocked it.

**Hon. T. Sudama:** But we are going to build the Carenage School, because we are a government of all the people [*Desk thumping*].

**Dr. Rowley:** You personally stopped it as Minister of Planning and Development.

**Hon. T. Sudama:** Let me tell you what is the status of the Carenage Government School over which we were not responsible.

A contract was awarded for the construction. The contract was awarded by the Central Tenders Board to Homes Affordable Limited. Because of the non performance of the contractor the contract was terminated and is now under the Ministry of Works and Transport for the completion and execution of works on the Carenage Government School.

**Dr. Rowley:** Words.

**Hon. T. Sudama:** Mr. Deputy Speaker, when you look at the Public Sector Investment Programme and you see the spread of capital projects whether it is the bulding of educational facilities, whether it is road works, whether it is drainage works, whether it is building the health infrastructure of this country, whatever it is the chosen facilities you will see a spread of investment. In fact, 90 per cent of the expenditure on the capital programme in our housing budget goes into the PNM constituencies.

An amount of 90 per cent goes into the former PNM constituencies. They even lost Piggott's Corner. [*Desk thumping*] So that is the position with respect to the Carenage Government School.

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

I understand the position of the Member for Diego Martin West. I understand when he was in Government, they could not find him in Diego Martin West; they could not even see him around there. Then he should have been making representation in the Cabinet for the Carenage Government School. And the fact that he could not make any headway—

**Mr. Deputy Speaker:** Just a word of caution. The Member is drifting a little too far off course. Could he just stick to the Bill in question?

**Hon. T. Sudama:** Mr. Deputy Speaker, with all due respect, I am merely responding to the Member for Diego Martin West.

**Mr. Deputy Speaker:** If the Member addresses the Chair, he would not get involved in all this cross-talk.

**Hon. T. Sudama:** Yes. I am accustomed to deferring to your decisions, Sir, and to addressing you. But when I hear inane comments coming from the other side, I have to put them in their place. But I will be addressing you. You see, they come here to argue a lot of things.

As I was saying, when the Member for Diego Martin West was in Government, the people of Carenage told me they hardly ever saw him. But when he is in Opposition—in order to maintain some sort of credibility in Opposition—he is making all sorts of noises about Carenage Government School, how we are discriminating, why we would not build it, and so forth. But when he was in Government, he could not make any representation in Cabinet for the Carenage Government School because the Member for San Fernando East did not want to hear him. He was the last man to be appointed to the Cabinet because the Member

for San Fernando East wanted to exclude him from the Cabinet. So we know the problems that he faces within the Government. But being in Opposition now, he has to do something to tell his constituents that he is fighting for them, but he was not fighting for them when he was in Government, you know.

Mr. Deputy Speaker, I wish to go to another issue that was raised. I was at the point of dealing with the question about the position I took in 1992 about input into the budget on the expenditure side; specifically, with respect to the capital programme.

That is the only sector of the budget where we can try to influence the pattern of expenditure. We do not have the kind of system present in the United States, where the budget in the expenditure pattern is subject to negotiation in Congress, whether it is in the Senate or in the House of Representatives, we do not have that system.

Therefore, it behooves Members to make representations to the respective Ministries so that when these proposals come, they are evaluated to see whether they can fit into the programme and into the financial ceilings that are set for the various Ministries—and we accept suggestions from all sides.

Furthermore—and this is the point I want to make—you would have had an input into the budget. When this Government came into power and said that we want to have a Government of national unity in Trinidad and Tobago and that we are inviting all Members on the other side to be part of this Government of national unity. Right?

If you were inclined to take up that offer then, as part of a Government of national unity, you would have had a more direct input into the formulation of the national budget. But you refused that because you chose to oppose. Mr. Speaker, all they want to do is to oppose; they do not want to be any constructive part of the solutions to the problems of this country. They do not want that at all. They want to get up there, talk, oppose and take us into the middle of the night in inane debates, and so forth; trying to obstruct the forward march of this Government of national unity. That is what they want to do. That is their objective.

However, as the Member for Pointe-a-Pierre has said, once this Government is in power, and we have the sheriff on our side, they will not succeed in their manipulation, disorder, and attempt at confusion. They will not succeed in that at all.

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Mr. Deputy Speaker, let me come to the issue of Guayamare, which was raised by the Member for Diego Martin West. Our position remains consistent. That is, if you are going to take away people's land for public purposes, then you ought to negotiate with them. This is the essence of the nature of the kind of democracy we ought to be practising: you negotiate with them. You do not go there in a high-handed manner and say, "Look here, I am going to take away your land and I am going to give you such and such compensation for it", and you call that "George". That is not the way a democratic Government ought to operate.

Therefore when the Guayamare residents stood up for their rights and said, "Look, here, we are not going to move except we get adequate compensation, a place for relocation, and so forth; you have to put these arrangements in place or we are not going to move", I thought that was an eminently sensible position which the Opposition would support and force the Government to re-negotiate with the residents, in order to come up with an amicable solution.

But, you know, there was a former Member of this House who used to champion the cause of the Guayamare people, and so forth, and who, in her later days, came to be supported by that side— surreptitiously supporting a former Member of this House. They are now saying oh, we were obstructing them on the Guayamare issue. So when they were supporting that former Member of this House, what were they doing? Exactly what were they doing? The Member for Diego Martin West secretly went to try to get resources to support the campaign of that Member.

**Dr. Rowley:** Mr. Deputy Speaker, under section 36, I am asking the Member to withdraw that statement.

**Mr. Deputy Speaker:** Which section of 36?

**Dr. Rowley:** Motives—36: Motives.

**Mr. Deputy Speaker:** 36 has ten sections.

**Dr. Rowley:** I am asking him to withdraw that statement.

He has made certain statements about what I have done, with respect to certain individuals of this House. I am saying it is not true, and I am asking him to withdraw the statement.

**Mr. Deputy Speaker:** Under Standing Order?

**Dr. Rowley:** 36(5).

**Mr. Deputy Speaker:** This is what I heard: the Member was complaining about another Member—a previous Member of this House.

**Dr. Rowley:** Mr. Deputy Speaker, if I may?

He said—remember it is put on the record—that I secretly met with a former Member of the House to provide financial support, in an act of bribery, inducement...

**Hon. Members:** No, no, no!

**Mr. Deputy Speaker:** Order! Order!

**Dr. Rowley:** Mr. Deputy Speaker, whatever it was—I had no contact whatsoever, in any form or fashion like that, and I am asking the Member to withdraw the statement.

**Mr. Deputy Speaker:** Would the Member for Oropouche please just withdraw that last part where it concerns the Member for Diego Martin West?

**Hon. T. Sudama:** I am prepared to withdraw; but I am prepared to withdraw what I said, not what I did not say. I never talked about financial inducements. Right? So I do not know what I have to withdraw. What I said, there were meetings between a former Member of the House and the Member for Diego Martin West. Is he denying that there were meetings?

**Dr. Rowley:** I am denying that and all that was said on that matter. There is no truth in the matter!

**Hon. T. Sudama:** Mr. Speaker, I never said what he is attributing to me. But I did claim that he met with the former Member of this House. So I do not know what is there to withdraw—and he admits that.

**Mr. Deputy Speaker:** Order, please.

**3.20 p.m.**

**Hon. T. Sudama:** Mr. Deputy Speaker, as I said, I really stood here to set the record straight. *[Interruption]*

**Mr. Deputy Speaker:** Order! Member for Oropouche, please continue.

**Hon. T. Sudama:** Mr. Deputy Speaker, let me move on to another point raised by the Member for Diego Martin West because they have a negative mentality.

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

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Hon. R. L. Maharaj*]

*Question put and agreed to.*

**Hon. T. Sudama:** Mr. Deputy Speaker, thank you and the other Members of this House, except the Member for Diego Martin East because we are dealing with a negative mentality there; a man who is destined to oppose the good and everything proper. [*Laughter*] So I would ignore his vote in this matter.

**Mr. Imbert:** Get on with it.

**Mr. Deputy Speaker:** Order! Order!

**Hon. T. Sudama:** Mr. Deputy Speaker, in any case the Member would not be very long here in this House because his days are numbered—severely numbered. I can count his days in this House because the Member for San Fernando East, I always said, is a fellow with a very long memory and he will not easily forget.

**Mr. Deputy Speaker:** Is the Member winding up? [*Laughter*]

**Hon. T. Sudama:** Mr. Deputy Speaker, I was just making the point that the Member for Diego Martin East has a way of making irrelevant and inane comments and asinine interjections in this House. That is what the Member is very famous for. What I am saying is that his days are numbered. I will leave him to his own devices because the Member for San Fernando East has not forgotten that the Member for Diego Martin East was the chief campaigner for the Member for Diego Martin West for the leadership of the PNM. The Member for San Fernando East has not forgotten that and he never will. So the Member for Diego Martin East's days are numbered in this House.

**Mr. Deputy Speaker:** Member for Oropouche, let me just point to you Standing Order 43(2) on the matter of relevance.

**Hon. T. Sudama:** I just made that as an aside. Let me go to the issue.

As I have said, I have stood in this House to correct the misinformation and distortions coming from the other side with respect to the position that we adopted in 1992 and, indeed, before 1986 and before 1995. One of the issues raised is that we were against the Point Lisas Industrial Development. The Opposition never at any time said it was against industrial development at Point Lisas. The point we made was this: that industrial development at Point Lisas had to be taken in a



certain context, that while investments were being made there, there were capital intensive investments where a lot of resources were employed in order to create just a few jobs.

Therefore, while we needed industrial development the issue was, that kind of development could not have dealt with or solved one of the critical problems which we faced which was the unemployment problem. It could not have dealt with it. So side by side with that development, there was need to have the strategy for the diversification of the economy of Trinidad and Tobago where investment was influenced in other areas which were more labour intensive and which could have then addressed the issue of unemployment in a more effective manner. That was the point we made. Furthermore, the issue was raised as to what extent the government could have gone into heavy capital expenditure on that industrial estate and to what extent government's involvement could have been supported.

Mr. Deputy Speaker, one will recall, in 1986 and before, we had put down a steel plant at Point Lisas. That steel plant and its operation was a drain, a haemorrhage, on the Treasury of Trinidad and Tobago. Almost up to \$1 million a day was being lost in 1986 and in the prior years on a daily basis and had to be supported from the Treasury. While we understood the need for that plant to be a catalyst and so forth, the point is, any government could not have interminably gone and supported a venture which was losing almost \$1 million daily. That was the fate of a number of projects on the Point Lisas Industrial Estate.

Therefore, side by side with our position that we had to diversify the economy of Trinidad and Tobago, we said that there was going to be a programme of divestment of these industries at Point Lisas so that we get the private sector involved in these industries in order to inject capital and to provide satisfactory management so that we could get these things going and get them viable. That was the position of the NAR government before 1986. The way the PNM was proceeding before 1986, it was obvious that the way the industrial development was contemplated, it was insupportable because we had a downturn, the oil prices collapsed and so forth. Therefore, no way could the Treasury of Trinidad and Tobago have supported that kind of outlay. That was our position

You will recall, Mr. Deputy Speaker, over the years the then NAR government of which we were members in the early stages and subscribed to the philosophy and so forth, that government instituted the programme of divestment. It instituted a programme for the restructuring of the economy of Trinidad and Tobago, which, of course, was followed by the later PNM administration.

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So to come here and say that we were against the development of Point Lisas, we were against industrialization of this country and the monetization of a gas reserve and so forth, is such a gross distortion of the truth that such a thing could only come from the Member of Diego Martin West and Members on the other side. A complete misrepresentation of the position that the NAR government took and, indeed, the position that the UNC Government took. We have proceeded in that path of divestment, first of all giving the option to nationals to purchase equity in these companies and where neither the capital nor the expertise was available locally, of course, then we had to make the offer internationally. However, the objective of divestment remains unaltered. That is, the Government has a certain criteria as to where it will engage in economic activity and where it would not.

The whole trend today throughout the world is that governments' involvement in commercial and economic activity is being minimized because we feel that these things could be more readily, effectively and profitably carried out by private enterprises. That is where our position stands and I do not think that the other side has a different position from that.

**Mr. Valley:** [*Inaudible*] You changed your position.

**Hon. T. Sudama:** Whether the other side has a different position I do not know, except where we try to get fair value they give it away. That is the only difference between us and them. When it comes to BWIA, the Member for Diego Martin Central, for example, is past master of making a deal. He said BWIA was the best deal he ever made in his whole life and today we cannot be assured of BWIA flights and they are coming to get further subventions from the Treasury.

Whereas our philosophy is that we will try to get the highest bid for these state enterprises that we are going to invest, they did not care about that. They wanted to go on a garage sale between 1992—1995. I do not want to go into details—it would take a lot of time—of what they did with the German Methanol Company and the deal they struck there when they had a higher bid for the shares in Trinidad and Tobago Methanol Company. That is what they did in which the Member for San Fernando East was very instrumental.

Then the deal struck with PowerGen by that side which was raised. PowerGen was required, under whatever heads of agreement they signed, to add substantially to the generating capacity of Trinidad and Tobago by putting down new generating equipment. That is the rationale coming from the Member for San Fernando East because he said we did not have the money to invest in additional

generating capacity and, therefore, in order to do so we had to get outside participation in that. This is how the deal was struck with PowerGen, whose partners, of course, were shareholders of AMOCO and Southern Electric Company and so forth.

When the deal was struck, do you know what they discovered? That we had to give them the gas and they made it clear that we have to justify a certain rate of return to PowerGen. But what was—

**Mr. Valley:** Mr. Deputy Speaker, if the Member would give way.

**Mr. Deputy Speaker:** Is the Member giving way?

**Hon. T. Sudama:** For the last time. I would give way if the Member makes a sensible point. If he does not make a sensible point, I would not give way again.

**Mr. Valley:** Check your heart. Check your heart.

**Hon. T. Sudama:** Okay. Think carefully of what you are saying.

**Mr. Valley:** Mr. Deputy Speaker, the Member makes the point that PowerGen was brought here to see about generation. Generation implies processing. The function is simply to convert the natural gas into electricity. If the Member considers what the hon. Minister is doing with InnCogen, he would realize it is the same concept. The giving of gas was always on the cards. Their function is to convert the gas into electricity, quite simply.

**Hon. T. Sudama:** At what price did we make that deal to give them?

**Mr. Valley:** At a processing fee similar to what is happening with InnCogen.

**Hon. T. Sudama:** Mr. Deputy Speaker, through you, is the Member denying that we guaranteed PowerGen a rate of return; that we guaranteed payment from Trinidad and Tobago Electricity Commission to them; and furthermore—and this is the crucial point—that PowerGen made no addition to the generating capacity of Trinidad and Tobago? All they did was refurbish a few of the existing plants. No additional generating capacity was installed in Trinidad and Tobago and they were given generous incentives. That is the attitude on the other side, to so negotiate that you give away what you had to—51 per cent and they control the management of PowerGen and all the fees are written into the contract. The rates of return, the fees and all these things are guaranteed to a supplier which was then

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a monopoly supplier. This is their track record and they are coming here today to talk about UNC Government and what it is doing.

I will tell you something. What we are doing is open for public scrutiny and eventually the public of Trinidad and Tobago will decide on our performance and decide which way this Government goes.

**3.35 p.m.**

As I said already, Mr. Deputy Speaker, the public out there seems to be immensely satisfied with the way we are functioning and addressing the problems of Trinidad and Tobago.

I want to move on to Severn Trent where we are told that we are praising the Severn Trent. Do you know what these people did four days before an election which they were not sure to win, but which they went into prematurely showing the political ineptitude of the Member for San Fernando East? They went into a deal with Severn Trent and tied the hands of the incoming government. Now they are coming to talk about Severn Trent and then the Member for St. Ann's East is saying he cannot get water.

For 34 years the PNM was in office. You were getting water for 34 years and suddenly you stopped getting water? If you were not getting water I thought your constituents would complain, but I do not see any complaints coming from St. Ann's East. I want to ask the question: are you saying this to let your constituents know that you are present in this House? Why are you now making representation for water? I want to tell the Member that we are addressing the water situation.

When this country had enormous financial resources they never addressed the water supply problem in Trinidad and Tobago. They never looked into the future to see what demands would be created and how the supply situation had to be put in place in order to meet the demand for industrial water, domestic water and water for commercial and agricultural purposes and so forth. They never made any such assessment. They built one dam, the Caroni/Arena Dam. There were cost overruns on that and it has not lived up to expectations. When they built that dam in 1983 they told the whole country they had solved the water problem of Trinidad and Tobago.

In 1983 I remember very well I was a Member of this House. According to the Member for Caroni East only 11.5 per cent of this whole country gets water on a 24-hour basis; another 30 per cent or so gets water periodically and 42.5 per cent, almost 50 per cent of this population, does not get water except once in a fortnight

or at longer intervals: the legacy of the PNM. Now the Member for St. Ann's East is coming to talk about water. How long was he in the PNM, Mr. Deputy Speaker? You do not know how long he was there? He looks like a newcomer. He does not know the history of the corruption and manipulation that went on in WASA.

One of the reasons WASA cannot function is because WASA was an employment agency for the PNM. Every time they wanted to get one of their cronies in, they would send a little note to the WASA management and tell them, "employ so and so" whether they needed the person or whether the person had the required skills or not, that did not matter. It was an employment agency for the PNM. That is one of the problems which caused the management of WASA to be in the state it is in today; added, of course, to the corruption.

You know the fact of where wells were being built. The wells/water contract, \$240 million for a utility that has an increasing level of deficit in its operation. They were going out there and giving these contracts out without due process. Now they are coming here to tell us we must do things properly.

We are doing things properly. We are putting things in place for oversight and for accountability. That is what we are committed to doing. We are putting things in place and it takes a little time. The mess they created in 34 years, Mr. Deputy Speaker, it would take a little time to clean that up. But we are assiduously dealing with that task of cleaning up the PNM's mess of 34 years. This is the job we have. The political destiny of this country rests in our hands at this point in time and we are committed to doing the very best on behalf of all the people of Trinidad and Tobago.

As I said, when you look at our expenditure pattern you see no element of discrimination. We are spending money in their constituencies and we are spending money in our areas. In fact, when I look—and I have analyzed the Public Sector Investment Programme for the last three years, more than 50 per cent of the capital expenditure is in the PNM constituencies. Whether in housing, whether in education or in schools, whether it is laying of water mains, whether it is construction of roads and so forth. Unlike them—how much money was spent in Paramin? The sum of \$6 million to build one mile of road; they put concrete. Paramin is so special, do you know the amount of BRC and concrete they used in building the Paramin Road and agricultural access roads? In those days when I was making representation just to throw some gravel and oil sand on access roads in my own constituency which, as you know, is an established agricultural constituency, I could not get them to budge. I could not get any sort of response

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from the other side. But Paramin—no wonder the Member for Diego Martin East's Ministry bought more cement than the cement factory could supply, because when you start to build roads with concrete you need cement. Then they say they do things objectively and rationally and they work out analyses of economic rates of return and this is how Paramin came out to the top. They built concrete roads for them—the Member for Diego Martin East, the master of mischief and confusion.

Mr. Deputy Speaker, as I said I did not want to intervene in this debate at all. I was brought into this debate by the Member for Diego Martin West and the Member for St. Ann's East and, therefore, it was my duty to put the record straight, to correct the misinformation, to throw the light on the distortions and mischief that they have created and continue to create through the media which, of course, is committed to recording and reporting only negative things about this Government.

My position on the media is very clear. Unlike the Member for St. Augustine I would not lose any sleep over the media. The media will do their work but we have our job to do in the communities. Once we go into the communities and tell them the truth and what this Government is about and how it is proceeding and so forth, and tell them the initiatives we are taking, I do not care what the media reports: it does not matter to me. I have been a Member of this Parliament for 17 years. I fought four general elections.

**Mr. Manning:** You are in political short pants.

**Hon. T. Sudama:** If I am in political short pants that is merely measuring my years. But if you measure by performance and integrity then I am in political long pants compared to him. He is seeing his last days in the politics of this country. He is now in his political twilight. If I am in my short pants I can grow from a short pants to a long pants but when he is singing his swan song what we have to find for him is a coffin; a political coffin for the Member for San Fernando East.

I have been here and I make no quarrel with the media. I understand the media and I have for a long time. This side understands the agenda of the media very clearly. But who matters? When the time comes to vote the media has only so many people to vote. When the time comes to vote it is the grass roots people. Whether it is the grass roots in Laventille, Couva or Penal, they have the vote and they know what is going on and they have every confidence in the Government of Trinidad and Tobago. They will decide. Not some people sitting in offices here in

Port of Spain and some journalists with their political and other agendas and trying—as the Member for St. Augustine has said—in collaboration with the other side to print the most negative things about this Government and to have talk shows going which seem to be a platform for PNM propaganda in Trinidad and Tobago. We are a democracy and all these things are allowed and, as I said, as this Government moves from strength to strength, as it addresses all the concerns of all the people of Trinidad and Tobago, you can rest assured that in the end we will overcome. Media or no media.

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

**Mr. Colm Imbert** (*Diego Martin East*): Mr. Deputy Speaker, one of the unfortunate issues in this Parliament is that for all his 17 years of parliamentary experience, the Member for Oropouche does not understand that he has no credibility. When he wrote his diatribe in the *Express* only his most perverse supporters were interested in it and when he comes into this Parliament and talks his rubbish and expects us not to remember the nonsense that he has spoken in the 17 years he has been here, we need to remind him.

Mr. Deputy Speaker, I am amazed that the hon. Member for Oropouche could make ridiculous statements such as, “under the UNC there is no discrimination. Look at our expenditure pattern. Most of the Public Sector Investment Programme expenditure over the last three years has been spent in the PNM constituencies.” It all ties into this question of changing the financial year because when they railroad this legislation through, even though it requires a special majority and it would be illegal, they will then bring an illegal budget in 1998 to impose taxes and so forth on citizens and continue the travesty of this UNC Administration where, if one takes an example, in 1997 out of \$130 million—it is reported in this Parliament, they cannot hide from that—spent in 1997 on the road fund, \$125 million of the \$130 million was spent in UNC constituencies. But the hon. Member will come in this House and talk that utter political trash that I just heard about under the UNC there is no discrimination.

**3.50 p.m.**

What utter rubbish, Mr. Deputy Speaker.

To make a point about agricultural access roads and the expenditure and so forth—the first road that the PNM administration in 1991—1995 constructed under the Rural Access Roads and Bridges Programme was in the constituency of Oropouche. The Member was at the opening. He sat in the front row. The first

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road built by the PNM government of 1991—1995 was in the constituency of Oropouche.

**Mr. Sudama:** Would the Member give way?

**Mr. C. Imbert:** No. I am not giving way, Mr. Deputy Speaker.

**Mr. Sudama:** On a point of order, Mr. Deputy Speaker, the Member is misleading the House.

**Mr. Deputy Speaker:** What is the with which we have point of order? Under what Standing Order?

**Mr. Sudama:** Mr. Deputy Speaker, the Standing Order is there.

**Mr. C. Imbert:** That is the kind of rubbish to put up. The Member does not even understand the Standing Orders of this House and he has been here for 17 years. There is no such Standing Order, otherwise we on this side would get up every five minutes, because everything they say is false and misleads the House.

Anyway, Mr. Deputy Speaker, he objected to the roads in his constituency. He wanted speed bumps put on the road—two miles of road—the first road built by the PNM in its 1991—1995 term of office. But, he will come and put these falsehoods on the record because he feels people do not remember. That is the problem with this UNC maladministration. Rubbish! That they are dedicated to transparency. Mr. Deputy Speaker, what utter rubbish!

In the last budget—and there will be a new one after we see this travesty today—they put an allocation of \$50 million for the airport project and I wonder what allocation they will put in the new budget that will come in October or November of 1998. What will they put? A sum of \$800 million, or \$900 million, or \$1 billion; because with all the “ole” talk about transparency, we asked questions in this House about that \$100 million of dirt that came from some UNC supporter’s land—\$100 million of dirt that they got from one of their partners and paid big money for. For one year we cannot get answers—talking about transparency and select committees. What utter nonsense.

Listen to the wording of that piece of nonsense they want to bring in this House. The House will appoint committees. Who is the House? Who has the majority in the House? They have the majority in the House. Are they going to appoint any committee to investigate any Minister and lock up anybody, like the Member for Couva North? Never happen. They will never do it. So, they cannot



fool me and they cannot fool the people of Trinidad and Tobago. They have no interest in accountability; they have no interest in transparency; they have no interest in integrity; they have no interest in morality; they are only interested in official over-the-table sanctioned corruption. That is all they are interested in.

Do you think I will live to see the day when the hon. Member for Oropouche will sanction a committee that will tell us what really went on with that \$30 million giveaway at the National Flour Mills? That will never happen, because the Prime Minister is implicated in that scandal. They will never have an inquiry into that. They will never do it. *[Desk thumping]*

**Mr. Deputy Speaker:** I will advise the Member to withdraw that last statement.

**Mr. C. Imbert:** Certainly, Mr. Deputy Speaker. This has just been recorded in the minutes. If it is not true, I withdraw it. It is in the minutes.

However, this UNC maladministration knows exactly what it is doing. It has a fiscal problem. Oil prices have dropped. The reason they did not bring this before was because it was not important to them. We brought our legislation in our first year in office. If our legislation is looked at, the date is August 28, 1992—in the first year in office, recognizing how important it was to change the financial year, but it was not important to them.

They bring it now in 1998 because oil prices have dropped from \$19 to \$12; they cannot balance the budget, so they are going to gerrymander a new budget in October, fiddle with the figures as the Minister of Finance is famous for; declare a surplus when a deficit is really in existence; “ratch” all the figures; impose new taxes on citizens of Trinidad and Tobago and try to fool people, again. That is what it is all about. It has nothing to do with time to bring legislation. Utter rubbish! They want to “ratch” the finances of Trinidad and Tobago. They are in a jam. They do not want to admit there is a deficit from oil and they want to “ratch” the finances. That is what this is all about.

That is why they are railroading it through without a special majority because, in our bill, the one they refused to support for spurious and trivial reasons—absurd, nonsensical, childish reasons, about which I will speak in due course. In our bill, in the preamble, we indicated that:

“Whereas it is enacted by subsection (1) of section 54 of the Constitution that Parliament may alter any of the provisions thereof:

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And whereas it is enacted by subsection (2) of the said section 54 that insofar that it alters certain provisions of the Constitution, a Bill for an Act of Parliament under the said section 54 shall not be passed by Parliament unless in the final voting thereon in each House, it is supported by votes of not less than two-thirds of all Members of the House.”

That was the preamble to our legislation and that should have been the preamble to the Bill before the House. We on this side are calling on the Government to withdraw this Bill and bring back legislation with that preamble, indicating that this Bill requires a special majority. [*Desk thumping*]

From my knowledge of Parliament, the Bill must be withdrawn. A bill to provide for a special majority cannot be amended. It must be tabled in that fashion. If the Attorney General knows otherwise, he can tell us. But, as far as I know, if it is a special majority bill, it must be tabled indicating that it requires a special majority, otherwise it has to be withdrawn and brought back. That happened with the Rent Restriction Act which had to be withdrawn and brought back.

Now, Mr. Deputy Speaker, let us look carefully at section 3 of the Constitution. Section 3, the interpretation section of this Constitution, in which there are a number of definitions, indicates that:

“‘financial year’ means any period of twelve months beginning the first day of January in any year or such other date as may be prescribed;”

We now go to section 54 which is the section referred to in the PNM legislation with specific reference to subsection (2):

- “(1) Subject to the provisions of this section, Parliament may alter any of the provisions of this Constitution or (in so far as it forms part of the law of Trinidad and Tobago) any of the provisions of the Trinidad and Tobago Independence Act 1962.
- (2) In so far as it alters—
  - (a) sections 4 to 14, 20(b), 21, 43(1), 53, 58...”

It lists a number of sections. Subsection 2(b) which is the relevant one states:

“(b) section 3 in its applications to any of the provisions of this Constitution specified in paragraph (a),”

So what section 54 is saying is that if you change section 3, and by changing section 3, you alter any of the sections mentioned before, 4 to 14, *et cetera*, it goes on to say if you change section 3 and alter any of those sections:

“...a Bill for an Act under this section shall not be passed by Parliament unless at the final vote thereon in each House it is supported by the votes of not less than two-thirds of all the members of each House.”

So, we have to establish, Mr. Deputy Speaker, does the change in the financial year alter any of these sections referred to in 54(2)(a)? And, of course, with the trivial advice that the Member for Couva South has received—I have seen it, a half-paged piece of foolishness from one of his hired guns. It makes no reference whatsoever to the effect of the change of section 3 on all these clauses. So, I will educate the Members on the other side. Let us go to section 4.

“It is hereby recognized 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—

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law;”

So, under section 4, we have the right to the enjoyment of property.

If one then goes to section 113 of the Constitution—Authorization of expenditure from Consolidated Fund:

“The Minister responsible for finance shall cause to be prepared and laid before the House of Representatives before or not later than thirty days after the commencement of each financial year estimates of the revenues and expenditure of Trinidad and Tobago for that year.”

Now, what we are doing Mr. Deputy Speaker, is that we are changing the definition of the financial year. That is what we are doing with this legislation.

By changing it from commencing in January to commencing in October, we are affecting persons’ rights to property. Because, what will arise from this change is a new budget; new taxes will be imposed on citizens of Trinidad and Tobago; and persons’ right to property will be affected. The Attorney General could laugh all he wants. It is the same “kee, kee, kee” and “ha, ha, ha” we had in this Parliament with the Rent Restriction Act, when we told him it was unconstitutional.

Our advice is that this Bill dealing with the change in the financial year, because it will cause the imposition of taxes on citizens of Trinidad and Tobago, requires a two-thirds majority. That is our advice. They could railroad however

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they want; do whatever they want; argue whatever they want; pooh pooh whatever they want. Mr. Deputy Speaker, it is well-known that if there are 10 lawyers, there are 10 opinions.

**Mr. Hinds:** Twelve opinions.

**Mr. C. Imbert:** Twelve opinions, my learned friend from Laventille East/Morvant tells me. If the Attorney General believes that his advice is sound, that is his business.

Section 3 clearly states that the change of the date for commencement of the financial year must be prescribed and I want the Attorney General to prove to me that that must be prescribed by simple majority. Prove to me that the date could be changed by simple majority. Prove that the prescription must not be by special majority. Prove it to me. He who alleges that it is not so, prove it to me. So that is the end of that. Bring back the Bill with a special majority and we will support it.

Let me go now to the effects that this Bill will have on Trinidad and Tobago, because when they change the financial year illegally, it is going to change the entire expenditure and income pattern in Trinidad and Tobago.

**4.05 p.m.**

It is easy to say that the income year would not be affected. So what! What if the year for measurement of income and imposition of taxes is not affected?

If in January 1998, my income tax rate was 35 per cent and I had to pay motor vehicle tax, and a licence fee, and in October 1998 that has changed, then my taxation structure has been changed. The year of income is irrelevant, it is simply a calendar period of 12 months where it is calculated how much money a person has earned, and then the tax structure is applied to that. If in midstream the tax structure is changed, then the income structure of the individual is changed.

Mr. Deputy Speaker, they know what they are doing is tampering with the financial system. They know what they are doing. They know they are going to bring a new budget in October 1998 and impose new taxes on people because the shortfall from oil is \$1 billion in 1998. That is an accepted fact. In order to balance the budget for 1998, that \$1 billion has to come from somewhere and there are three places from which it can come. It is going to be taken from people through taxation, expenditure would be cut so that rivers would not be desilted, schools would not be built, there would be no food in the hospitals and thirdly, they would sell state enterprises. That is the effect of this legislation which they are seeking to

railroad through this Parliament today and they are taking that into the Local Government Election of 1999 as well. They are giving themselves an opportunity to do their gerrymandering within those local government districts. Financial gerrymandering is their intent. This does not come by accident, it is part of a devious, well orchestrated plan.

Having had a budget debate for 1998, and one knows that the country goes into trauma whenever there is a budget debate. I remember today on my way to Parliament—the population is already bracing for the worst—someone stopped me in the road and asked me not to allow the Government to bring another budget in 1998. A simple passerby asked me that. The country goes through trauma, speculation, pain, and suffering each time there is a budget.

We already had one for 1998 and the Government wants to bring another one. Once is enough! All the “ole” talk, mamaguy and falsehoods from Members on that side about all the things they are going to do, when the time comes we see that nothing is done.

Take the Carenage School for instance, it is contempt for the people and residents of Diego Martin West. In the financial year of 1996, the Member for Oropouche removed the allocation for the Carenage School which was a deliberate act. A tender was awarded and a contract was ready to go and he removed it, after protest it was put in again in mid-1997 and there was deliberate frustration of the old contract. Instead of having the children of Carenage being able to go to school in their neighbourhood, they had to travel 5—10 miles to get to schools, but the children of Oropouche are going to school, those of Princes Town, Tabaquite and Caroni East are going to school, but those from Carenage have to go five and ten miles to get to school because of this UNC Administration.

What we are going to see is more and more discrimination in the change of the financial year. One of the effects of this change would be the new Estimates of Expenditure, and the new Public Sector Investment Programme for October 1998—September 1999. We are going to see massive discrimination. They are using the opportunity to engage in pork barrel politics to put expenditure into marginal constituencies to starve constituencies which are PNM heartland like Laventille, San Fernando and Diego Martin. The intention is to rearrange the expenditure pattern of this country to engage in more discrimination against half of the population.

Imagine the Member for Oropouche had the audacity to put falsehoods on the record in this House indicating that the UNC Administration had a Commission of

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Inquiry into the airport. Nothing could be further from the truth. They would not dare to have that, because a Commission of Inquiry has powers and there is legislation governing a Commission of Inquiry. They can summon persons and take action against them. There was no Commission of Inquiry into the airport. They refused to do it because they knew that some of their favourite boys would have been locked up.

There was a watered-down investigation and when the results of the investigation were not what they had hoped for, and the learned judge Deyalsingh, a man of integrity found corruption in that contract, and the Prime Minister put on the record that his Government stands for transparency—when the learned Deyalsingh found corruption, collusion, unethical conduct and all kinds of things and the Prime Minister put it on the record—the Member for St. Augustine lobbied and lobbied to reverse that decision and we saw the Member for Couva North resolved weakening with the Member for St. Augustine gnawing at him everyday to reverse that.

I remembered that debate when the Prime Minister laid the Deyalsingh report on this table, the Member for St. Augustine was livid. He said Birk Hillman was the best company that ever came to Trinidad and Tobago and Galbaransingh is the best contractor in Trinidad and Tobago. How could we do them that? Then they came with a Motion before the Parliament to carry the Deyalsingh Report to the court and the court says on a technicality that a certain individual did not have the right to be heard, but if one reads the entire ruling one would see the court indicated that it did not challenge the findings of Deyalsingh. That is the truth, and we would talk about it in due course in this Parliament. We would bring that judgment in this Parliament and show those charlatans who support that Government that the treachery, crookery and thievery is exposed for all to see in that court matter.

Mr. Deputy Speaker, we see another situation in the Jim Davis Report of expenditure allocation dealing with a financial year. A slow job. They learned from the Deyalsingh Report. Deyalsingh was upright enough but perhaps foolish to indicate to the UNC that there was corruption by some of their favourite sons.

**Mr. Deputy Speaker:** The Member is taking a little too much liberty where the Judiciary is concerned by calling the Judge foolish. Will the Member please withdraw that statement?

**Mr. C. Imbert:** Certainly, Mr. Deputy Speaker. I have the highest regard for the learned judge and the point I was making for the avoidance of doubt, is that the

learned judge in his innocence and upright morality indicated corruption to the UNC, not realizing that they would shoot it down. That is the point I was making.

Mr. Deputy Speaker, when this legislation was brought before the Parliament in 1992, the Member for Oropouche had indicated that they found a change in the financial year to be a mundane, routine and almost trivial matter. The position then was that accountability to the taxpayer is far more in the national interest than changing the financial year, and I agree with that. We have never seen such lack of accountability, over-the-table corruption, and blatant contempt for right-thinking, upright, moral citizens than is seen under this UNC corrupt Government. [*Desk thumping*]

Long ago there was a saying if you tell a lie you would get a sore in your mouth, or your nose would grow. Imagine in the face of the Minister of Finance reversing a contract to the auditors of Petrotrin just because they had the temerity—and I am not talking about the judiciary now—and were foolish to report corruption at the National Flour Mills. What is going on in this country? If one stands for morality, integrity, or stands up against the UNC Government as a result, no work for you, no contracts for you even though you have been awarded a contract through due process of tender and evaluation.

The runaway rogue elephant which is the UNC Administration could just ups one morning and say you brought a forensic report in National Flour Mills which made us look bad and corrupt, you are not getting the Petrotrin contract. That is what is going on in this country and the Government wants to talk about transparency and accountability. That is absolute rubbish and I am amazed that the Member for Tobago West is supporting that kind of dishonesty and immorality. It is a fact. Then there was a matter relating to a lease which involves revenue and reported in this House from the Chaguaramas Development Authority as part of the income to Government in the financial year, a lease with some sort of bogus documentation ends up in the hands of the Minister of Finance and the Chairman of the Chaguaramas Development Authority mysteriously resigns and is replaced by an individual whom the Member for Diego Martin West has already dealt with.

#### **4.20 p.m.**

Is that transparency? You want to change the financial year for that? So that you could run riot and havoc with the finances of this country! When you have an airport, \$800 million, that could be built for \$400 million, one has to wonder into whose pockets is that extra \$400 million going? [*Desk thumping*] That is why I have no confidence in the contribution of the Member for Oropouche, because no

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Government with a parliamentary majority would order a special select committee comprising members of the Opposition to find out who thieving the money in the airport! They would not do it!

I want the UNC to bring legislation that will give the Opposition the power to summon ministers and if they are found guilty of misconduct, they go to jail. Bring that and I will support it. Do not bring any lukewarm, "mish-mash", wishy washy, nonsense. I want to bring UNC ministers to jail!

**Hon. Members:** Retroactive!

**Mr. C. Imbert:** I have no problem, they could go retroactive to 1956, but you see they will never do that. It is lip-service.

I spoke about the road fund and I will talk about it again. Everywhere one drives in the PNM constituency there are pot holes. You know why? Because in the financial year of 1997—I am putting it on the record again—they spent \$5 million in 17 PNM constituencies, because we still have 17, even though those two traitors are on that side. [*Desk thumping*]

**Mr. Deputy Speaker:** Withdraw the statement.

**Mr. C. Imbert:** Certainly, Mr. Deputy Speaker.

In 17 constituencies which support the PNM, they spent \$5 million. In the 15 constituencies which temporarily support the UNC, they spent \$125 million and that is a matter of public record. Mr. Deputy Speaker, that was laid in this Parliament.

Even in the water trucking contract, which is part of the estimates of the financial year, when the Member for Caroni East announced a water trucking contract, he did not tell us that over 80 per cent of the trucks were going to UNC constituencies. He did not tell us that. He got up and carried on in the Parliament about action and water relief, but he did not say that 80 per cent of the trucks were going to the UNC constituencies. [*Interruption*] You could say what you want. You could use whatever example you want.

The fact is, that all of the arguments brought by the UNC in 1992 against this legislation—because they opposed it—if you go through the *Hansard*, such triviality, such childishness, all kinds of things. Parliament must have oversight over borrowing, throne speech, all kinds of things and the amendments were eventually rejected by the then Speaker. All kinds of rubbish. It was patently obvious they felt that the change of the financial year would benefit the PNM and, therefore, they were opposed to it. The fact that it benefited the country was of no



significance. We are saying, we brought the change to the financial year, we believe it requires protection of the rights of citizens, that is why we brought it at a two-thirds majority and we are telling you, we will give you a two-thirds majority, just bring the Bill in the proper form. Put the two-thirds majority and all of us on this side will vote “aye”. All of us, even before you.

You see, if and when they ever do that and bring it with a special majority, they would not have dealt with the problems that they exposed as being important. When a Government minister can manipulate a state enterprise to purchase a building on South Quay against Cabinet—that happened, the Huggins Building—and the Chairman of NIB almost lost his work because of that. He should have, but because he has powerful friends in the Cabinet, he got away. But I know that the Minister responsible for national insurance was not pleased about that, because the National Insurance Board took the decision without authority from the Minister responsible for national insurance. I know he is keeping quiet, but it is a fact. It is a manipulation. A bunch of boys bought a building for \$4 million, sold it back for \$10 million and rents it to the Government at an exorbitant price. But you will never appoint a committee to investigate that. Because UNC ministers will go to jail! They will never appoint a proper committee to investigate the airport, because all of you going to jail!

**Mr. Deputy Speaker:** The Member is continuing on the same trend of thought. I am trying to bring you away from that. Could you just withdraw that last statement please?

**Mr. C. Imbert:** I will withdraw that statement, Mr. Deputy Speaker.

What I will say, however, is that all the talk they talk, we have been in Opposition now for two and a half years, all the *bravé danger* and the “gambage”, look us all here, investigate whatever you want, go back to 1956. Look me here. *[Desk thumping]* They have nothing to find, that is why they cannot do anything. But at the same time they are doing that, investigate National Flour Mills; investigate National Petroleum; investigate the airport; investigate the Huggins Building; investigate the Maritime pay out; investigate the Road Fund; investigate the Sugar Mill at Caroni; investigate what is going on now at Trinidad and Tobago Cement Limited. *[Desk thumping]*

Investigate the Solomon Hochoy Highway project where, I have noticed, the Government has now admitted that they have used substandard fill material on the Solomon Hochoy Highway, they have taken it back out and put proper material, costing this country millions of dollars. *[Desk thumping]* It has been rejected by

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the international financial agencies. One of the good things about international funding is the scrutiny and the oversight, because it is not like this make-believe oversight they want to give us on this side, the EEC and other agencies have real oversight because they are disbursing the money. When they tell them, “we are not funding that project until you get it right”, no money for them; they had to do it, take back out the red sand and the land fill and all the old plastic and old pot, barrel and drum that they are using as fill on the Solomon Hochoy and put back proper material.

Look what is going on at Mosquito Creek? Flood after flood after flood after flood and dengue fever, mosquitoes breeding in San Fernando. [*Desk thumping*] You see, this financial year business is no joke. They will come back here in October, a set of lies and untruths, a set of bogus economics, false statistics, will not level with the country about the state of the economy, gerrymander the figures and impose new taxes on the poor people of this country illegally. This is no joke, Mr. Deputy Speaker.

In the last two and a half years this Government has wasted over \$25 billion of taxpayers' money. That is what they have done! Down the drain like a dose of salts! That is Government UNC style.

You know the humour about the whole thing? The Financial Year Bill was intended primarily to improve productivity and efficiency in construction programmes. But they are so incompetent, that even if the financial year is changed by some mistake, they do not have the human resources, the intelligence, the expertise, the know-how or the intention or ability to be efficient in their operations. Because all they are about is how to take the people's money, that is all they are interested in. They could change whatever year they want, but they are still incompetent. It will still flood in Caparo. It will flood in Caroni. The Solomon Hochoy Highway will still collapse. It will still have a cost overrun at Cross Crossing.

[*Crosstalk*]

**Mr. Deputy Speaker:** Members, should I bring in some more *Hansard* reporters? The *Hansard* reporters are having a little problem with both sides speaking at the same time.

**Mr. C. Imbert:** Mr. Deputy Speaker, you know, I always cause pain and suffering on that side. I am happy, that is my duty. They have to feel the pain!

Because I am not afraid of them! I will expose UNC corruption as long as I am in this Parliament, which will be for the next 20 years. *[Desk thumping]*

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

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

*Question put and agreed to.*

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

**4.33 p.m:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

[MR. SPEAKER in the Chair]

**Mr. C. Imbert:** Mr. Speaker, before we took the break I was making the point that we on this side are of the view that this Bill before the House alters the Constitution and that certain rights of citizens are being affected. This proposed legislation alters the Constitution and no matter what the Member for Couva says, we are resolute in that belief. We believe this legislation would be challenged successfully and would have to be brought back to be passed with the requisite majority.

In addition and in conclusion, the points that were relevant in 1992 are more relevant now, where the then Opposition demanded accountability in terms of government expenditure. Since this Bill would cause a new budget to be laid in this Parliament before the end of 1998, which would cause new taxes to be imposed on citizens and cause new patterns of expenditure, we are of the view that the record of the UNC has indicated it has no regard whatsoever for transparency and accountability. Therefore, the arguments they advanced in 1992 are even more relevant now.

In closing, we ask the Attorney General to withdraw this Bill and return with a suitably amended draft which calls for the requirement of a two thirds majority. If that is done, we on this side would support that amended legislation.

Thank you.

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, by now anyone who listened would be justified in saying that the Opposition sounded like a stuck gramophone record; the same thing over and over again. No

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matter what measure is brought they come up with NFM, Piarco Airport and, National Petroleum, and it is the same thing over and over again.

They came here to debate this Bill and their contention is that the Bill needs a specified majority. But I have heard no lawyer on the side of the Opposition make a case as to whether this Bill needs a specified majority. The fact that none of the lawyers got up to even make such a case is a recognition by them that what is being said by the other non-lawyers on that side, does not make sense.

What this 1992 Bill has shown is that the PNM was incompetent in Government; sheer incompetence. They came to Parliament in 1992 and said that a Bill to change the financial year needed a two-thirds majority. Members of Parliament including me, relied upon their advice, that is what they are entitled to do. But when one looked at it professionally one sees that it was a lot of utter nonsense for a Bill like this to require specified majority. *[Interruption]*

**Mr. Speaker:** Order please!

**Hon. R. L. Maharaj:** I want to put on the record how the PNM administrators dealt with this matter. There is no legal opinion obtained in 1992 on the record in the files as to whether this Bill needed a specified majority or not. As a matter of fact, the Solicitor General's opinion was not obtained. The Chief Parliamentary Counsel's opinion, which was sought, is not on the files. Somebody decided that this was needed and instructions were given for the Bill to be drafted.

It would be shown that when this administration decided in 1998 to put out the Bill for public comment, it was done on the basis that no specified majority was required. The position taken then was that it may involve an alteration of the Constitution. What did the administration do at the time after it was put out for public comment and after getting advice from the Ministry? The Government decided that it would seek the opinion of lawyers outside of the Ministry.

I heard the hon. Member for Diego Martin Central describe Mr. Geoffrey Robertson as a friend of the Attorney General. He does not know, but if he picks up his law reports he would see that Mr. Robertson is one of the leading constitutional lawyers in the Commonwealth. As a matter of fact, he is the lawyer who appeared in the *Pratt and Morgan* case and in several of the constitutional cases in the Commonwealth. He is a recognized expert in constitutional law and is now an advisor to the British Prime Minister and the Labour Government.

He was asked on a preliminary basis, firstly, whether in light of the constitutional provisions of the Constitution of Trinidad and Tobago a Bill to

change the financial year from January 1—December 31, to October 1—September 30, needed a specified majority. He gave a preliminary opinion. It is very significant as it shows the openness of this Government. The Opposition has been able to get a copy of the opinion and nobody is vex about that. Could you imagine if that was in the PNM days, that the Opposition could get a copy of the opinion that the Government had.

The Member did not want to read the whole opinion. He read the first part. I put on the record of this Parliament the preliminary opinion of Mr. Geoffrey Robertson which was supported by a further opinion and other people.

"The Constitution defines 'financial year' to mean 'any period of twelve months beginning on the first of January in any year or such other date as may be prescribed.'

By this definition the founder of the Constitution quite plainly provided for the 'financial year' to be fixed by subsequent legislation to begin at any date so long as the period fixed was for twelve months. 'Prescribed' in its ordinary meaning (reflected in Section 79 of the Interpretation Act) means prescribed by law rather than by Government fiat, but not by a law amending the Constitution.

The change to October is not the 'amendment' or (for the purposes of S.54(2)(b)) an 'alteration' to the Constitution, because the Constitution expressly envisages that the financial year may begin at any date prescribed. Thus the prescribed date would not amount to 'a different provision' or a 'modification' for the purposes of S.54(6).

It, would however, amount to an 'alteration' of the Constitution were the proposed Financial Year Bill to alter, even only for one year, the duty imposed on the Minister in S.113. This duty, which the Minister presumably complied with on January 1, 1998, will have to be complied with again on October 1, 1998 (assuming the Bill becomes law by that date). Its operation must not, in other words, have the effect of exempting any period of time from the Minister's estimate (for example, the period between January 1, 1999 and the October 1, 1999). If the Bill is to become law prior to October 1, this year, it should have the effect of requiring the Minister on that date to present his estimates for the following twelve months."

Mr. Speaker, it is wrong, and it shows how inefficient and incompetent they on the other side were. There were members of Cabinet sitting in a Cabinet and

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looking at this coming to Parliament in 1992, the Bill having failed and they did nothing. From 1992—1995 they sat and did nothing and said that this Bill needed a specified majority. Now this Bill needs a simple majority, it comes in its proper form, there is all this talk, all this nonsense.

That is the same thing they do with everything. The same thing happened with capital punishment and its implementation. From 1993—1995 they did nothing. They drafted a Bill, brought it to Parliament, then withdrew it. They agreed in the Cabinet to do something, and did nothing about it. Sheer incompetence! They have the brass-face and are so shameless to come here this day to talk about abuse of power and competence.

**Mr. Speaker:** Order please!

**Hon. R. L. Maharaj:** Mr. Speaker, it is an indictment against the people, the constituents they represent, for them to be able to represent people with such incompetence. I think the time has come for the Opposition to assess itself. They have a responsibility to the people they represent and must do so with competence. *[Desk thumping]* Prepare your contributions and come to debate. Do not come here with such reckless conduct and display such incompetence and ignorance.

Then they talk about hypocrisy, shamelessness, brass-faced, out of place, obstructionists! Who are the obstructionists? Look at them, they are the obstructionists, leaderless. They have come here to debate a measure like this and they cannot offer any constructive suggestion.

This Government does not intend to withdraw this Bill and come back with any other Bill. This Bill is in its proper form and the Opposition can vote against it if they want. *[Desk thumping]* The Opposition should understand that merely changing a financial year is not an alteration of the Constitution. When they read they must understand.

We heard the Member for Diego Martin East make his contribution, he is not here now. He is the legal brain. He reads and says that this Bill is altering the Constitution because it alters fundamental rights. How does it do that? There would be new taxes which can affect people's rights. Therefore, every time a budget is introduced, it alters people's rights, so you need a constitutional amendment to pass a budget now according to the Member for Diego Martin East.

**5.30 p.m.**

Mr. Speaker, the PNM did not create this committee system; the UNC administration, the Government of national unity, is creating this committee system.

**Mr. Manning:** Would you give way?

**Hon. R. L. Maharaj:** Would you ask properly?

**Mr. Manning:** Would you give way, Sir?

**Hon. R. L. Maharaj:** Not “Sir” [*Laughter*] “Honourable Member”; say “Honourable Member”. [*Laughter*]

**Mr. Manning:** Mr. Speaker—even if it was extracted from me by a pliers—I thank the hon. Member for giving way. And I would like to tell him if he is prepared to set up the committee to which he has just made reference before the end of the year, the Opposition is prepared to co-operate with the Government to have such a committee set up. [*Desk thumping*]

**Hon. R. L. Maharaj:** Mr. Speaker, I am now seeing that the Opposition Leader is behaving like a statesman. And I want to tell him that this Government would welcome his co-operation in having his Members serve on this committee, in order that we will be able to make the Parliament more effective.

**Mr. Manning:** Come with it!

**Hon. R. L. Maharaj:** It is going to come shortly. What are you worried about?

But, Mr. Speaker, I want to tell him we want to make sure that we do not set up committees on paper, this is why we are also reforming the structures, so we will have the administration, in order to deal—

**Mr. Manning:** We want it this year! Do not push it back! Do not try that!

**Hon. R. L. Maharaj:** Mr. Speaker, one sees—by that admission of the hon. Member for San Fernando East—that he has recognized that he should have acceded to our request in 1992, because while he was in Government he had the power and the means, and if he could have had the same feelings then, he would have been able to accede to our request; the committees would have been in progress by now; the country therefore would have been better off.

The hon. Member for San Fernando East has, just now, provided cogent evidence that the then Government obstructed progress and obstructed Parliament from becoming very effective in this area.

**Mr. Valley:** If the Member would give way?

The Member is aware that—

**Mr. Speaker:** But did he give way?

**Mr. Valley:** Well, I thought so.

**Hon. R. L. Maharaj:** Go ahead.

**Mr. Valley:** Mr. Speaker, the Member is aware that when we debated that Bill in 1992, a commitment was given that we would meet with the Opposition, with respect to those committees. The Member is also aware that the then Attorney General and the Leader of the House met with him on a number of occasions. As a matter of fact, a Bill was being drafted—and he is aware of that—with respect to the committee system. I think we had agreed on setting up committees for four departments, Mr. Speaker. He is fully aware of that.

**Hon. R. L. Maharaj:** Mr. Speaker, I am so happy that the hon. Member for Diego Martin Central intervened, because he has reminded me of another inaccuracy which we have to correct.

Mr. Speaker, when we raised the issue of the committee system—we did not only raise it in 1992, we kept on raising it—at some stage, the then Government decided that we should talk. But they kept us talking, until elections were called.

Mr. Speaker, how easy is it to draft a Bill? We drafted a Bill. So if the Opposition Chief Whip, the hon. Member for Diego Martin Central, is saying “Yes, we talked”; we talked, and talked, and we are still talking. As far as they are concerned, we are still talking. When we come with this Bill, they will still tell us we need a specified majority. They will tell us “We are not voting for this because we need a specified majority”. The PNM has shown that it is not interested in a reformed committee system of the Parliament—the PNM has been in power for so many years—it has resisted that.

As a matter of fact, the records of this House will show that for the first time in many years—as far as I could recall, a Bill was introduced by the Opposition in 1992. Mr. Speaker, do you know what that Bill was? It was the Freedom of Information Bill. Its purpose was to promote transparency and to, in effect, remove allegations of corruption.

As a matter of fact, under that Bill, which was patterned from an English Bill which was drafted—

**Mr. Manning:** *[Inaudible]*

**Hon. R. L. Maharaj:** So what is wrong with that? The fact of the matter is that a Bill came to this House. The PNM was in Government. The Opposition was



saying “Listen, we want accountability. Pass a law which will make it compulsory for the Government to supply information about contracts, transactions, people’s business”. They said “No”. They opposed the Bill. They voted it down. And they talk about obstruction, Mr. Speaker? They obstructed every attempt we made to have transparency in governmental affairs!

Mr. Speaker, it must be an admission of failure for a government which had the majority, to say they could not do this, they could not do that, because the Opposition prevented them from doing it. It must be an admission of failure. That is why it is incompetence. They had the majority; we did not have it, yet we went ahead and did many other things, and we are still doing many things.

But, Mr. Speaker, there was no commitment to do anything. All they were concerned about was going the normal pace. Legislation was kept back; things stayed for 20 years before they were passed. There was no drive, no motivation, no political viagra.

Mr. Speaker, the record has shown that this morning when I was moving this Bill—I did not hide it; I read what the Member for Couva South and North said and I showed where we gave a commitment that we will support the Bill if there was commitment from the other side to reform the committee and accountability systems. What have they said about that? They said that a dying man is purging his conscience, or words to that effect.

Mr. Speaker, I have known, for a long time now, that they want me to die, but they did not have to come here—as a matter of fact, Mr. Speaker, I have learnt from the PNM that when you are in public life you are crooked, a thief, a criminal, a gangster, a hypocrite, the worst individual! According to the PNM culture, anyone who gets up and opposes them in this Parliament, or anyone who they consider to be attacking their philosophy or programme, is the worst individual. So, Mr. Speaker, I have grown accustomed to their allegations—as a matter of fact, they have made all sorts of allegations against the Member for Couva South—I have grown accustomed to that.

Mr. Speaker, they have to understand that the time has come when population and people do not worry about that kind of bacchanal. The issue is you must tell the people why it is that in 1992 you considered this law so important, yet you allowed it to fail; you gave no commitment to, nor did anything about accountability from 1992—1995; you did nothing to try to get the legislation through Parliament, and here it is we are passing it today with a simple majority. Is that not incompetence?

**5.40 p.m.**

Mr. Speaker, in a matter like this these are some of the things that we have heard. Somehow or the other, I do not know how this was important but it has been raised and I would like to have my say on it: the Guayamare issue. Here it is, again, I am being attacked for fighting for what I considered, as a lawyer, to be the rights of these people and that is a political sin as far as the PNM is concerned. As a matter of fact PNM is on record, when they were having problems to hang people, as saying throw all the lawyers in the sea. As a matter of fact the Minister of National Security at the time, Senator Huggins, made a public statement calling upon the population to rebel against lawyers and lawyers should be thrown in the sea. Here it is today, the PNM culture.

Those people were against independence. If it were not for the statesmanship of Dr. Eric Williams those people would have never allowed Trinidad and Tobago to get independence. What is all this talk? The historical records of this country would show that before independence there was a national consultation on the Constitution and people expressed concerns so that there would be safeguards to protect the rights of individuals. Whether one was PNM, DLP or "POPPG" and there were teams and they went to London and people expressed their view. It is a matter of historical record that the then Prime Minister, Dr. Eric Williams, and the then Opposition Leader, Dr. Rudranath Capildeo, showed statesmanship in effecting and taking the country to independence.

Any time the hon. Member for Diego Martin West gets up to talk—as a matter of fact the last time he talked in Marabella I understand the Member for San Fernando East banned him from talking. Every time he gets up to talk: those people, those people, those people. Mr. Speaker, the hon. Member for Diego Martin West asked the question and quoted from the contribution of the hon. Member for Oropouche at the time who was saying that Members of Parliament should have a say in the budget preparation. But he, as a Minister of Government and as a Member of Cabinet was totally against any such measure and here it is today he is asking—no problem with that—for more reforms along those lines.

I would have thought that all of them who were there in the last administration led by the Member for San Fernando East would have got up and apologized to the Parliament and the people of Trinidad and Tobago for the shameless acts that were committed in not allowing these measures to go through, because by their stubbornness and lack of commitment to people they were not prepared to allow

reforms for the people to have more power in this Parliament. They were too concerned with their own power. *[Interruption]*

**Mr. Speaker:** Hon. Members, I need to remind you that when you are speaking in the House you are speaking to me and not really speaking to each other. It is getting out of hand and there is a running commentary by some Members while a Member has the floor and is speaking. It is not right and it will not be allowed to continue in this House. All I am saying, hon. Members, is that I will not allow what has been going on to continue. I ask that Members sit and listen in silence. One may say the odd thing but we really cannot continue like that.

**Hon. R. L. Maharaj:** Mr. Speaker, I am deeply obliged to you for giving me the protection. It is always good that the Leader of the House can get some protection at some time especially when the other side is becoming so aroused because the truth offends.

Mention was made of the Guayamare issue. What happened in the Guayamare issue? Mr. Speaker, the residents of Guayamare were contending that the compensation which was being given for their homes was not enough. With that money which was being given to them they would not be able to relocate and they would then become homeless so they were being asked to leave their homes and be vagrants. Their cases were taken up both politically and legally in order to get proper relocation for them and adequate compensation. According to the hon. Member for Diego Martin West that is a political sin. For anyone to take up the cause of the people in Guayamare who have been living in their own homes; who have been living on their own lands and tenanted lands; who have built their homes and who have children in their homes and the government took steps to give them moneys with which they could not get houses.

The Government does not provide land for them or assistance to build a house but the government wanted them to leave their homes and become vagrants and anybody who stood up to fight for them was acting against the national interest of Trinidad and Tobago and are obstructionists. That is the PNM culture.

Mr. Speaker, this Bill has nothing to do with that. It has nothing to do with Guayamare or the matters that were raised. What this Bill has to do with is that the commencement of the financial year is to be changed and the question is whether the Bill is in its proper form and whether the reaction, action or inaction of the government of the day, when this matter came up in 1992, was in the public interest. That is what this matter is about. To try to cloud the issue with NFM, Airports Authority and all those matters is totally irrelevant.

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Mr. Speaker, in the cut and thrust of politics they raised the issue and we want to tell them that all the allegations of corruption which they have made are allegations which, if they believe them, they have the power to deal with them. As a Member of Parliament I learnt in Opposition that the Standing Orders provide mechanisms for people's representatives in this Parliament to deal with allegations of corruption. One of the things that a Member of Parliament can do is, apart from filing a Motion on the adjournment to deal with specific issues, if there are allegations about corruption against a particular Minister, that Motion can be filed; it can be dealt with and there would be a response from the Minister. If one has facts one should produce the facts. The public would read the facts and action would have to be taken on the facts.

Mr. Speaker, I have checked in the records of this Parliament from the time this Administration has taken office and I have found no Motion alleging any corruption against any Minister. I would ask any Member who has filed any Motion alleging corruption and asked this House to debate it, to say so and to produce it.

**Dr. Rowley:** I wonder if the Member was here when a Motion was filed about the Member for Princes Town abusing his authority and hiring someone who was sixth in line for a post in his Ministry and coming to the Parliament and telling a falsehood? I filed the Motion here and your Government voted it down. Were you here?

**Hon. R. L. Maharaj:** Mr. Speaker, if that is the Motion he is talking about on corruption then there was no Motion on corruption. There was no allegation of corruption. It goes to show you how this Opposition really needs leadership and they are doing a disservice to the country. It is the weakest Opposition this country has ever had.

Here it is that we are saying they have spent the whole day talking about allegations of corruption saying this Minister is corrupt, that Minister is corrupt. The Member for San Fernando East even got up to ask the Member for St. Joseph if he would say that the Prime Minister is not corrupt or the Attorney General is not corrupt. They come every week and say the same thing over and over but they would not file any Motion. The reason for that is that they know that there is nothing they could level against any one of the Ministers of this Government. *[Desk thumping]* I challenge them that if they have evidence against any one of the Ministers here who are corrupt, file a Motion, make the allegation and we will deal with it.

Mr. Speaker, here we have the hon. Member for Diego Martin East saying that there is “ratch” in the finances and that this Bill is being brought because of money troubles and, we can only deal with one budget and so forth. On the one hand they are saying bring another Bill, put specified majority and we will support it, but in another breath they are saying one budget is enough for the year. The hon. Member for Diego Martin East is on record as saying they do not want two budgets for the year, one is enough; but the rest of them are saying bring a Bill with the specified majority and we will support it.

We want to tell them that if a Bill requires a specified majority we would say that. The other Bill on the agenda requires a specified majority; vote against that. This Bill does not require a specified majority. It is a simple majority Bill and what it does is give effect to what is mentioned in section 3 of the Constitution and no question of the violation of any fundamental rights arises. If there was some argument which showed that there was an argument which raised that, I would have been able to deal with it. There was nothing said which, in effect, shows a serious contention that this Bill requires a specified majority.

I beg to move, Mr. Speaker. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committee to a committee of the whole House.*

**5.55 p.m.**

*House in committee.*

*Clauses 1 to 3 ordered to stand part of the Bill.*

*Schedule ordered to stand part of the Bill.*

*Preamble ordered to stand part of the Bill.*

*Question put and agreed to, That the Bill be reported to the House.*

*House resumed.*

*Bill reported, without amendment, read the third time and passed.*

#### **INTERNATIONAL WAR CRIMES TRIBUNALS BILL**

*Order for second reading read.*

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

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That a bill to provide for the assistance of the International War Crimes Tribunals in the performance of their functions and for matters related thereto, be now read a second time.

The purpose of this Bill is to give assistance to International War Crimes Tribunals established by the United Nations Security Council for the prosecution of persons responsible for violations of international humanitarian law committed in Former Yugoslavia and Rwanda. The background of this Bill has to do with the atrocities which occurred in these two parts of the world and the absence of a permanent international machinery to deal with the prosecutions or violations of international humanitarian law.

As we all know, after the Second World War, following the trials at Nuremberg and Tokyo, there was the contention that there should be permanent institutions to deal with matters like what occurred in Yugoslavia and Rwanda.

The position taken by Trinidad and Tobago proposing such an international institution is well known. We know that His Excellency the President of Trinidad and Tobago, as Prime Minister, and his administration at the time, took a role in getting the issue of the setting up of an International Criminal Court put back on the agenda of the General Assembly of the United Nations and, following the persistent efforts of His Excellency the President of the Republic of Trinidad and Tobago as Prime Minister, and even after he became Prime Minister, and the position taken by the Government of the Republic of Trinidad and Tobago over those years, the question of the International Criminal Court took a step forward when earlier this year in Rome, the international community agreed to the setting up of such a tribunal, or having such a court.

Trinidad and Tobago and the Caricom countries, although they took certain positions in respect of the statute of the court which dealt with the mandatory punishment of life imprisonment as the maximum form of punishment, did not agree with that and, therefore, they could not, at the time sign the statute, but all Caribbean countries which were represented, signed the final act which would commit the countries to continue to work towards the establishment of such a court and to have opportunities to see whether this issue of penalties could be redressed in the way the Caribbean wanted to have it redressed.

That was to give an idea as to what is the position of the permanent International Criminal Court. But when these problems occurred in Rwanda and in Yugoslavia, the international community had to find a way of dealing with this problem and the United Nations Security Council set up two *ad hoc* tribunals

which would be engaged in the investigation and the prosecution of these crimes, crimes against humanity, acts of genocide and war crimes.

It is significant to see that what the international community has done is, it has intervened in trying crimes which have been committed, not in the conflicts between one country and another country, but also trying crimes which have been committed in one country between different factions. But, this is regarded as an innovation in the development of international law, because it would now mean that if the national legal systems of any country are so collapsed that they cannot deal with the prosecution of these serious crimes, the international community would step in and create some machinery to be able to investigate and prosecute these crimes.

Mr. Speaker, the United Nations Security Council resolutions and the statute which have set up the tribunals dealing with these two situations, formed part of the Schedule to the legislation. They are mentioned in detail and I would not go through them. I would assume that Members have read the legislation and the statutes are there.

Part I of the Bill deals with the constitutional provisions insofar as the inconsistency with sections 4 and 5 of the Constitution and it deals with the commencement and the interpretation of the Bill.

It would be noted that this is a specified majority Bill so that this Bill cannot be passed unless it is supported by the votes of the Opposition. As a matter of fact, I could recall that in the other place the Bill received the support of both the Opposition and the Independent Senators.

**Hon. Member:** That was there.

**Hon. R. L. Maharaj:** Well do not support it then.

Clause 3 of the Bill deals with what is the Former Yugoslavia Tribunal and what is the Rwanda Tribunal.

Part II of the Bill, in dealing with requests by a tribunal for assistance, means that any one of these tribunals would require assistance and, as a matter of fact, the United Nations Security Council resolutions mandates government to set up machinery to pass legislation in order to provide assistance to these two tribunals, so this legislation is part and parcel of the implementation of those United Nations Security Council resolutions.

In Part II of the Bill, it says under clause 4 that in performing its functions in respect of an investigation or prosecution, a tribunal can request assistance from

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the Attorney General. Mr. Speaker, I know that in the other place there were questions as to why it was Attorney General. The Attorney General, the holder of that office, under the Constitution, has that constitutional role and, in respect of the Extradition Act, in respect of mutual legal assistance in criminal matters and in respect of the other similar matters, the office is the Office of the Attorney General.

The assistance may, for example, comprise the tribunal wanting assistance in executing an arrest warrant issued by the tribunal, and as stated in clause 4(2):

- “(b) executing an arrest for search and seizure;
- (c) obtaining evidence, a document or other article;
- (d) providing a document or other record;
- (e) locating and identifying a witness or suspect;
- (f) arranging for a person to give evidence or assist in an investigation;
- (g) causing the forfeiture of property or the proceeds of crime;
- (h) serving documents;
- (i) arranging for the Tribunal to sit in Trinidad and Tobago.”

Mr. Speaker, there are reliable reports that some of the persons who have been involved in these atrocities, both in Rwanda and Yugoslavia, have ended up in certain parts of the Caribbean. What this Bill is about is that if, for some reason, any of the persons who were involved in these atrocities are here, or witnesses who are here, this Bill creates the domestic legal framework for the Government of Trinidad and Tobago, through the courts in some instances, to provide the assistance for these tribunals.

**6.10 p.m.**

Mr. Speaker, the form the request for assistance will take is mentioned in clause 5 and the request for assistance made by a tribunal to the Attorney General must satisfy certain criteria. It must be in writing and must identify the person who is the subject of the charge arising from the investigation or prosecution. It must indicate the nature of the charge against the person, and the time and venue for the hearing of the charge.

The request for assistance also indicates other matters such as the nature of the investigation or prosecution in respect of which the request is made; the legal basis on which the tribunal is acting, the nature of the assistance sought, the procedure



that a tribunal wants the Attorney General to follow in complying with the request within which the tribunal wants the request complied with, any confidentiality requirements which the tribunal wants observed, whether the person to be arrested is, or is believed to be on his way to Trinidad and Tobago and any other matters which may assist in complying with the request.

Mr. Speaker, if, for example there is somebody in Trinidad and Tobago whom the tribunal wants to get back, or get before it within its jurisdiction, this is the kind of request.

May I mention that it is recognized that it is not an extradition procedure because an extradition is from one country to another country. This is a procedure whereby it is a tribunal set up as an international court making a request for assistance from a state and, therefore, that explains some of the differences with the extradition procedures.

Part III of the Bill deals with the surrender of persons to a tribunal and this is normally in response to an arrest warrant issued by the tribunal. However, in cases of emergency, a provisional warrant of arrest may be issued where a person is suspected or accused of having committed a tribunal offence, or has been convicted by a tribunal, is or is believed to be in or on his way to Trinidad and Tobago, a tribunal may request the Attorney General to arrest the person on the grounds of urgency without a warrant from the tribunal.

The Attorney General shall then direct a police officer to apply to a magistrate for a provisional warrant of arrest of that person. The person arrested under a provisional warrant shall be brought before a magistrate as soon as is practicable pending the production of his arrest warrant issued by the tribunal, he may be remanded, but a person cannot be remanded for more than 18 days at a time and a total period of remand cannot exceed 40 days. After 40 days if the arrest warrant is not produced by the tribunal, the person shall be discharged by the magistrate.

Mr. Speaker, one sees that when the request is made, it has to have the intervention of the courts to get the arrest of the individual and the police officer would have to apply to the court showing the basis upon which an arrest could be made and it provides for a limited time for a person's liberty to be taken away.

Where an arrest warrant has been issued by a tribunal in respect of a person believed to be or on his way to Trinidad and Tobago, the normal procedure would be for the tribunal to request the Attorney General to surrender the person to them. The procedure under the Act is as follows:

Upon receipt of the arrest warrant from the tribunal, the Attorney General may issue an authority to proceed, this signifies to a magistrate that a request to surrender the person has been made by a tribunal and requires the magistrate to proceed with the case. Upon receiving an authority to proceed, the magistrate issues a warrant for the arrest of the person named in the arrest warrant issued by the tribunal. Until executed, any warrant issued by the magistrate may be cancelled by notice in writing given by the Attorney General. Obviously there is further communication that the person is not required or is not needed again.

The Attorney General shall inform the registrar of the tribunal when the warrant has been executed, or if not executed, the reason why.

Clause 11(1) deals with proceedings after arrest. It says:

“As soon as practicable after a person is arrested under a warrant issued under section 8, he shall be brought before a Magistrate, and the Magistrate shall, subject to subsections (2) to (6), make the appropriate order and remand him in custody until the arrest warrant is executed.”

If the person was arrested to enable him to be brought before the tribunal, he would be committed to custody to await the warrant of the Attorney General for his surrender to the tribunal.

If the person was arrested to enable him to be taken to a place where he is to undergo imprisonment under a sentence of a tribunal, he would be committed to custody to await the warrant or surrender to the country where that place is situated. If the magistrate refuses to make a remand order for example, because the arrest warrant is defective, or the person before the court is not the person named in the warrant, the magistrate shall discharge the arrested person from custody. In cases where the arrested person is subject to other criminal proceedings before the court of Trinidad and Tobago, any proceedings under this Act would be adjourned and the person remanded until after the criminal proceedings have been dealt with.

Mr. Speaker, the Bill provides safeguards for the accused person. There is a review by the High Court and if the magistrate discharges the arrested person from custody, the Attorney General has four days to apply to the High Court for a review of the discharge order. Review may relate to both law and fact, and any order of discharge shall be stayed pending the application for a review.

Appeal to the Court of Appeal: An appeal on a question of law may be made either by the state or the person in respect of whom the order of discharge was

made to the Court of Appeal within four days of the decision of the High Court. There shall be no appeal of a decision of the Court of Appeal.

Mr. Speaker, the arrested person may apply for bail where the state files an application for review of an order of discharge. The High Court shall immediately consider any application for bail made by the person in respect of whom the order of discharge was made. If the appeal is subsequently made to the Court of Appeal by either party, the High Court would immediately grant bail to the person in respect of whom the order of the discharge was made subject to the necessary recognition being given.

Where a person is committed to a way to surrender to a tribunal or country, the state may by warrant, order the surrender of the person to the tribunal or country.

Mr. Speaker, the surrender is not automatic, there is a discretion and there may be circumstances where no surrender warrant would be issued.

No surrender warrant would be issued by the Attorney General if the person is serving a sentence of imprisonment in respect of an offence against the law of Trinidad and Tobago. Similarly, no surrender warrant would be issued if the Attorney General is not satisfied with any undertakings given by the tribunal relating to the return of the prisoner to Trinidad and Tobago to serve the remainder of a sentence when he is no longer required to be detained by that tribunal.

The Attorney General will not also issue a surrender warrant in the case of a person if he is satisfied that there are special circumstances which would make it unjust or oppressive to surrender that person. The person shall be given a reasonable opportunity to provide the documents intended to show the existence of special circumstances.

May I say it is the same kind of consideration which applies under extradition in which there are circumstances in which the Attorney General representing the State is given a discretion in these matters.

Mr. Speaker, delay in surrendering the person may result in the release from custody and they are discharged in the case of the delay in surrendering.

Clause 16 where a person has been committed to await his surrender and is in custody in Trinidad and Tobago, he may apply to the High Court for his discharge after the expiry of two months. If no surrender warrant has been issued in relation to him, or one month where a surrender warrant has been issued—

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The High Court may make an order for the discharge from custody of the applicant and if a surrender warrant has been issued in relation to the applicant, the surrender warrant is squashed.

Clause 17 deals with the effect of the surrender on the term of imprisonment and Part IV deals with other forms of assistance to a tribunal. So in addition to the Government of Trinidad and Tobago assisting these tribunals to the surrender of persons to a tribunal, the state may render other forms of assistance to the tribunal.

A magistrate may be authorized to take evidence for the purpose of a proceeding or an investigation conducted by the tribunal. One sees that these two tribunals, if they have evidence of anyone who is wanted by them is in Trinidad and Tobago, can make the request for the surrender of the person and subject to the procedure to be followed by law and the intervention of the court, that surrender can be effected.

In Part IV one sees that the courts here can play a part in assisting in the investigation and the production of evidence for matters to be tried before the court and in executing process.

Part V deals with the enforcement of a forfeiture order made by a tribunal in relation to property that is believed to be in Trinidad and Tobago. One of the aspects of these two statutes is that the court has the power to order the forfeiture of assets derived from these crimes and Trinidad and Tobago can be asked to enforce the order.

Mr. Speaker clause 32 deals with sovereignty and the Attorney General shall fully co-operate with the tribunal unless he determines that such co-operation would prejudice the sovereignty, security or national interest of Trinidad and Tobago. We would see that the United Nations Security Council in respect of these crimes which have been committed in Rwanda and Yugoslavia has determined that if anybody has to face trial for these offences which have been committed in these parts of the world the maximum penalty is not the death penalty.

This Bill therefore is an attempt to give effect to these two United Nations security resolutions which mandate to assist in creating the domestic legal framework for the assistance of these tribunals in surrendering persons who are wanted before these tribunals and in assisting them in investigating and providing evidence and executing process on behalf of the tribunals.

Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. Fitzgerald Hinds** (*Laventille East/Morvant*): Mr. Speaker, we on this side, as we have always demonstrated from the time of our existence in Government, and even outside, endorse the need for international co-operation in many issues. We recognize quite clearly that it is not so much anymore a question of independence as it is interdependence.

**6.25 p.m.**

It is quite clear to us, as it indeed should be to all right thinking observers of international affairs, that there are some activities that require a conglomeration of international state co-operation in order to deal with those activities. So we have no trouble with endorsing the principle of international co-operation, which is what this Bill—an Act to provide for the assistance of international war crimes tribunals in the performance of their functions and for matters related thereto—is all about.

Mr. Speaker, the Attorney General was quite right when he indicated that this is not really about an extradition arrangement. Extradition arrangements exist between states. This has to do, as he correctly pointed out, with the establishment of two tribunals and their seeking assistance, because it is well-known that persons who perpetrate crimes against humanity and the kind of crimes that this Bill contemplates, run far and wide in order to escape the consequences of their actions.

Very recently, we had a visitor to these shores, a former Head of State, some would say dictator, from the territory of Suriname. Interestingly enough, I saw our Foreign Affairs Minister, in an attempt to deal with that matter, explain his position. What I noted however, was that that visitor did not come at the behest of the Government of Trinidad and Tobago. Indeed, he met with an individual who is the Chairman of the Chaguaramas Development Authority (CDA). One wonders whether that person was speaking on behalf of the Government and what was his project. But, one wonders again, whether it had anything to do with the proposed axis between Trinidad, Suriname and Guyana that we have been hearing about. At any rate, the Minister of Foreign Affairs indicated to the national community, and indeed, given current technology, the world, that there was no extradition treaty between both states—Suriname and Trinidad—and, in fact, he was not even sure whether the man was here. But, the news told us that he was in conversation with the chairman of the Chaguaramas Development Authority. No wonder, because the Bill that is before us today demonstrates quite clearly that the policy of that Government is being properly led by the Member for Couva South. Where we should have been seeing a role for the Minister of Foreign Affairs in this legislation, we see the Attorney General, a matter that he alluded to and he

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correctly pointed out that was raised in the Senate, the other place, when this matter was debated there.

Before I get into the context, the heart of this, the Attorney General, as he made his opening comments and, as he always does, spoke about the incompetence of attorneys or lawyers from this side of the House. Well, allegations of incompetence could flow from here to there. I know we are dealing with a Bill, as he pointed out, that impinges upon entrenched and enshrined rights in our Constitution and, therefore, we have to take a serious look at the Constitution as we proceed in this debate. But, Mr. Speaker, you will recall as he spoke about incompetence, that the Attorney General was unable to construe the very basic provision of section 60 of our Constitution where he misread that section all entirely, much to my shock and dismay, as a young attorney and as a young parliamentarian. So when he wants to cast aspersions about competence and incompetence, he must remember that the allegations can fly from side to side. I was shocked at his level of incompetence in understanding that very basic provision.

Hence the reason why, as I proceed through the terms and clauses of this Bill, I will proceed with the caution, care and professionalism that we have practised on this side, notwithstanding the Attorney General's comment. [*Desk thumping*]

The Attorney General, in his opening comments, pointed out that what the international community is doing here is putting together a scheme that will assist the international community in dealing with the matters affected in the Bill. But, it is international effort that gave rise to the United Nations Convention on Human Rights. It is international effort that gave rise to the Inter-American Commission and institution of the Organization of American States.

What we have seen today is the Attorney General, in fact, coming to tell us that we should act in this Parliament, we should pass this Bill, using the special majority, the specified majority procedures as are necessary, in order to give effect to the hunting, the seeking out and prosecuting of war criminals as far away from Trinidad and Tobago as the former Yugoslavia and Rwanda. But, what about Trinidad and Tobago? One must wonder: How does this affect Trinidad and Tobago? It is quite possible that a Trinidadian or a Tobagonian could have gone to Rwanda and taken part—we have people from Trinidad and Tobago who are operating in Bosnia under the aegis of the United Nations. They could become a run away agent and act criminally in that part of the world. It is very possible, but what about Trinidad and Tobago?

If the Attorney General comes from a philosophical position this evening to tell us in this Chamber that we should move swiftly, pass legislation affecting our Constitution to deal with the protection and security of people in the former Yugoslavia and Rwanda: What about the people of Trinidad and Tobago who he has so flippantly abandoned? That is the question that people in Trinidad and Tobago would want answered. So he cannot speak on one side of his face and talk loud, hard and beautifully about international co-operation in respect of providing means to assist the tribunals in these matters in Rwanda and the former Yugoslavia and, on the other hand, he slaps down 1.4 million people in Trinidad and Tobago, who are now without protection of two international bodies that we had engaged to protect their rights and their liberties.

The first issue that we must take with this Bill is, as he pointed out, our concerns about the Attorney General being the person, the operative, the key person to give effect to this legislation. We say categorically that the Director of Public Prosecutions should be the person to operate in terms of this Act, rather than the office of the Attorney General. I said office and I said it intently, because this is not about personalities. But of course, one must admit that the question of personality seeps into one's judgment and I think it is only human. But at any rate, section 90 of our Constitution entrenches, if I might use that term, the office of the Director of Public Prosecutions, that is an independent office established under our Constitution in that section.

The Director of Public Prosecutions, as is well known, is possessed of legal acumen as good as, perhaps better than, the Attorney General or the Solicitor General. One is not engaging in any comparison, but one is saying, in terms of legal capacity, the Director of Public Prosecutions is no less than any other legal functionary on behalf of the state. Except, of course, what makes the DPP's office stand out is that it is enshrined and independent, as established in the Constitution. In addition to this, the office of the DPP is not held by a politician. The office of the DPP is held by someone who was appointed on the basis of his legal acumen and on the basis of other criteria as set up by the Judicial and Legal Services Commission.

Mr. Speaker, as we know—and this is a basic legal premise, a basic legal maxim—justice must not only be done, it must manifestly appear to be done. When the Attorney General—being a front line politician for his political party, a front line politician for the Government of which he is a part—is given the kind of powers that are contemplated in this legislation, it raises serious fears, concerns

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and doubts about the intentions of the Government as it brings this kind of measure before this Parliament. One has to—

**Mr. Hart:** Look below the surface.

**Mr. F. Hinds:** Look below the surface, to use the language of my friend from Tunapuna. When one looks below the surface, what one sees in respect of this Government and that Attorney General is frightening, to say the least.

Mr. Speaker, it is not too farfetched to see how the office of the Attorney General and the political influence could work here. A few days ago we heard about Piggott's Corner. I was shocked to see a Prime Minister and another Member of Parliament from jurisdictions in the Caribbean sitting on a political platform of the UNC. I know the intention of the Attorney General was to bring them—they were unwitting in the process—to colour his platform so as to give a kind of Caricom perspective, a kind of Caricom legitimacy to his thrust for hanging in Trinidad and Tobago. But, when you see people like that, you realize immediately that if, for an example, it could easily have been the Prime Minister or a Member of Parliament from Rwanda or from the former Yugoslavia. If that were the case and they are hobnobbing with the Attorney General, the Prime Minister and the UNC on a political platform, if a decision had to be taken to provide assistance to one of these two tribunals in respect of such an individual, could we be sure that there will not be the element of bias? This is the point.

It is on this basis and the other bases that I would establish as I continue in this discourse, that we argue vehemently and vigorously, that they should lend or lead this Government to accepting our primary concern that the office of Attorney General is not the office that should be the operative one under this legislation.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, clause 4(1) of this Bill says:

"a request by a Tribunal, for assistance that it needs to perform its functions in respect of an investigation or prosecution it is conducting or proposes to conduct, shall be made to the Attorney General."

Mr. Speaker, I have spoken and I have demonstrated quite clearly and cogently, the reasons why the office of the DPP is superior or better for the appointment or to operate under this Act than the office of Attorney General.

**6.40 p.m.**

In respect of clause 4(1), we submit that the request by those tribunals should be made to the Government of Trinidad and Tobago via the Minister of Foreign



Affairs. If the Minister of Foreign Affairs needs legal advice he could obtain that from the Solicitor General, and indeed, if he wishes, from the Attorney General's department. But we submit that this should be a request to the Government and not to the Attorney General.

Mr. Deputy Speaker, I now move to clause 5(1) which states:

"5.(1) A request shall be in writing and shall indicate—

- (a) who may be, is to be or has been charged with a Tribunal offence as a result of the investigation or prosecution in respect of which the request is made;
- (b) the nature of the charge; and
- (c) the intended time and place of any hearing of the charge."

Clause 5(2), however, says:

"A request may also indicate—"

I submit that it should not read "may" but it should be mandatory. It should read:

"A request should also indicate—

- (a) the nature of the investigation...
- (b) the International Convention or other legal basis on which the Tribunal relies for conducting the investigation or prosecution;"

Those are some basic elements in items (a) to (g). Those are matters we submit should be compulsorily indicated rather than "may".

In general, we are submitting that wherever the words "Attorney General" are used in this Bill they should, in fact, be replaced by the "Director of Public Prosecution" for the reasons that I have given.

Clause 6(1)(b) has to do with surrender and states:

"6(1) Where the Attorney General—

- (a) receives a request from the Tribunal for the arrest of a person who is suspected or accused of having committed a Tribunal offence...
- (b) the request is not accompanied by a warrant but is made on grounds of urgency,

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the Attorney General shall transmit the request to a police officer and direct the police officer to apply for a provisional warrant of arrest for the arrest of that person."

Several issues arise here.

Firstly, the question of a "provisional warrant", to my mind is unknown to the criminal jurisprudence of Trinidad and Tobago. I have never heard anything about that. Worse yet, I am an attorney, we are all parliamentarians, and if we know nothing about a "provisional warrant" God knows what a member of the public—this is a public document—would make of it. At the very minimum that should be defined in this legislation and we call on the Government in its effort—if it would take heed—to perfect this Bill to consider a definition of what is a "provisional warrant". Nobody knows what it is.

It goes on at subclause (2) to say:

"A provisional warrant of arrest in the form set out in Form 1 in Schedule 3 shall be issued by a Magistrate on the application of a police officer, on oath, that—

- (a) a request has been made on grounds of urgency by a Tribunal for the arrest of a person who is suspected or accused of having committed a Tribunal offence or who has been convicted by a Tribunal;
- (b) the person concerned is or is believed to be in or on his way to Trinidad and Tobago; and
- (c) the purpose of the arrest is to enable the person concerned to be brought before the Tribunal, or to be taken to a place where he is to be imprisoned under a sentence of the Tribunal."

Why is there a need in these circumstances for a provisional warrant? Why not a warrant proper as we know it? What is the difference here in terms of the rationale for a warrant proper or the so-called "provisional warrant". I would like to hear the Attorney General, if he knows what it is about, explain to us in his winding up remarks, what the rationale is that requires the need for a provisional warrant as opposed to a warrant proper.

At clause 6(3) it says:

"A person arrested under a provisional warrant shall be brought before a Magistrate as soon as practicable and the Magistrate may, pending the

production of an arrest warrant issued by the Tribunal, remand him for not more than eighteen days at a time, provided that the total period of remand shall not exceed forty days."

Assuming that the magistrate eventually releases the person who has been arrested on this provisional warrant because the tribunal did not follow up on the procedure, who would be responsible for this hapless victim of wrongful arrest? Against whom should he seek redress, the Government of Trinidad and Tobago or indirectly the taxpayers?

If he does what the Member for Couva South knows well and has done several times, which is, bring an action for wrongful arrest/false imprisonment, should the taxpayers carry that cost? From whom should he seek redress?

Clause 7(1) speaks of a "request for the surrender". The Attorney General sought to explain what that meant. I suspect it simply means, according to him, that the International Tribunal indicates to the Government of Trinidad and Tobago, the Attorney General, or the DPP as we prefer, that they want "X" or "Y" who is in Trinidad and Tobago or likely to arrive here. At clause 6(1) I read, "a request... for the arrest" and here at clause 7(1)(a) it speaks about a "request for the surrender". What is the difference? Since in both cases the Attorney General will be instituting proceedings to have the man arrested, what is the rationale for that difference?

Clause 7(1) speaks about "issue an authority to proceed". It states:

"the Attorney General may,...issue an authority to proceed..."

Throughout the remainder of this clause that language is used, including in clause 8. It requires the Attorney General to issue the authority to proceed. I have already demonstrated our concerns about the Attorney General and the possibility of political involvement, not only in Trinidad and Tobago but across the seas. Thus, we raise the said objection in this regard, yet again.

We know from our understanding of our jurisprudence that for a warrant to be issued the person taking the oath swears and the warrant is issued by the magistrate, assuming it is done in the Magistrates' Court. Any police officer knowing of the existence of that warrant can arrest a suspect and, of course, the warrant would be executed upon him later. But what is required is to be able to say that the signature is an authentic signature of the magistrate who authorized the warrant to be issued. There is a little regulatory problem I am seeing here. If a warrant is coming from the tribunal abroad, who in this country is to say that it

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was signed by the duly authorized agent or officer of that tribunal and, indeed, the seal or stamp used thereon is original and authentic?

Mr. Deputy Speaker, we have seen—and it must not alarm you—that, for example, in London I think it was, in the 1980s, an ex-minister of Nigeria who I think was an ex-minister of labour, was wanted by the Nigerian Government and living in London avoiding arrest in Nigeria for allegations of corruption. The reports were that some Israeli agent operatives went to the man's home one Sunday night, seized the former minister, took him to Stanstead Airport in London, put him in a cargo container, used chloroform or whatever medication to put him to sleep, with a plan to have him shipped back to Nigeria. Yes, that actually happened. It is recorded in cases on international law.

I am learning that Adolf Eichmann was taken out from Argentina in an almost similar manner. It was the diligent custom officers at the Stanstead Airport who managed to smell this strange substance coming from a cargo container holding the ex-minister, and became curious. Inside the container were two doctors administering the drug trying to keep the man alive. They tied all round the container, packaged and labelled it "diplomatic mail". The issue became whether the British custom authorities had the right to enter that box since it was diplomatic mail. Of course, they did go in. The argument was—notwithstanding that their actions breached the conventions of diplomatic mail, immunity and so forth—they went in on the basis that it was an extreme situation where life was at stake and so it was justified.

What is the relevance of that to this debate? People do all kinds of things to get someone from one part of the world to the next. I do not think there is a provision for regulations here, but the Attorney General could find himself with what he thinks is a warrant from the tribunal abroad, he may not know the signature, or how to authenticate it, does not recognize the stamp or whether the seal on the warrant is authentic. The next thing you know he gives the authority to proceed, the man leaves Piarco Airport, lands somewhere else and that is the end of one of their ministers. He may end up in the hands of a drug dealer, as my friend pointed out, because some deal went sour a year or two ago.

We are not immune from those very extreme circumstances. Only recently in the Congo we saw a photograph where the charred remains of a human being were being dragged all through the streets of that capital. I saw on television that very morning, a man was taken, fighting, kicking and screaming and thrown over a bridge and a soldier was seen emptying a magazine of SLR or AK47 rounds into him.

**6.55 p.m.**

That kind of madness Mr. Speaker, is not very far removed from Trinidad and Tobago. The sociologists are quite clear that people are capable of behaving in strange ways. All that is required is the right circumstance, or the wrong circumstances. So, we would have to look at that.

And I would want the Attorney General to tell us, if he wants our support in this: how will he satisfy us that that warrant, or that seal is authentic, and can really give him the authority to proceed by sending away someone without the risk of this landing up in illegal or wrong hands?

Mr. Deputy Speaker, this Bill is essentially about human rights—because all of the matters highlighted in this Bill deal with human rights infringements by war criminals—some names I can call, but it is not entirely necessary.

It says for example, under Article 4 of the statute of the international tribunal for the territory of the former Yugoslavia, which is what this Bill is seeking to deal with, the statute that gives the authority, and for which we are passing legislation out of the resolution of the United Nations.

Mr. Deputy Speaker, Article 4 speaks about genocide, causing serious bodily or mental harm, conspiracy to commit genocide.

Under Article 5, crimes against humanity, murder, extermination, enslavement, deportation, imprisonment, torture, rape, persecution on political, racial and religious grounds and other inhumane acts. All of these have to do with human rights; and we are being called upon Mr. Deputy Speaker, to address this issue as it affects Rwanda and the former Yugoslavia—and we have serious concerns about our own human rights observations here in Trinidad and Tobago.

It is well known, the citizens of Trinidad and Tobago are interested to know and dismayed at the fact, that this Government, led by that very Member for Couva South, is bringing this very legislation to prop up international crimes against humanity in Rwanda and the former Yugoslavia.

We know that he went along with the Foreign Affairs Minister and wiped away citizens of Trinidad and Tobago's private or personal access to these Tribunals. And this is why, when the question of the death penalty arises as it does, and as it has within recent times, and as it will again in this Parliament, we are insisting especially in the light of the Bill that is before us today, if you intend to protect people's human rights and human dignity in the former Yugoslavia, if you intend to

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protect human rights and dignity in Rwanda, if you intend to participate in international cooperative efforts to achieving those laudable objectives in that part of the world, you have to do it here—charity begins right here at home. [*Desk thumping*].

And on that point, some of the observations of the Inter-American Commission on Human Rights are very instructive indeed. It is well known that we acceded to that convention on May 28, 1991. And by so doing Mr. Deputy Speaker, we voluntarily accepted the compulsory jurisdiction of that international order—we did that.

Mr. Deputy Speaker, the Attorney General and his entourage made representations to that body recently on behalf of Trinidad and Tobago, because the party to it was not the UNC, it was not the Attorney General, it was the State. It was you and me—all of us.

When they heard the Attorney General's submissions, or his advisors' submissions, they attributed that to each and every one of the 1.4 million people in Trinidad and Tobago; and when the Attorney General gets here today to talk about competence as opposed to incompetence, I laughed at him because even if we—and it is not correct to say so—demonstrated incompetence in Trinidad and Tobago, that is bad. But he did it internationally.

Listen to what this body had to say, Mr. Deputy Speaker.

“The State—Trinidad and Tobago, argued that to comply with the Court's Order would cause it to contravene its own Constitution”.

It says and I quote:-

“This argument is specious”.

Mr. Deputy Speaker, I say according to my Friend. This morning, I listened to my Friend on the Radio. I say “specious”.

And he says, “forget it”.

My Friend this morning was asked to spell the word *heng*, and he said “*hang*”. It is spelt “specious.” Do you know what it means? I could tell you what it means. It means, when something appears to be patently true but it is in fact, deceiving and false—and they will know the meaning of that word very well; because that word characterizes the activities of that Government from top to bottom, with perhaps one exception as I can see—the Member for Tobago West, one exception.

Mr. Deputy Speaker, what the Commission was saying, is that Trinidad and Tobago—the state, made a fool of itself in breach of its international obligations.

So that not only did we breach international obligations but we made a fool of ourselves in so doing, led by the Attorney General and he wants to come here today to tell us about competence, and incompetence.

It says further:-

“The State’s allegation ..”

And hear what the Attorney General submitted. I said it before, and I will say it again; because he spoke about incompetence today. He went there to argue, that an international body like these Conventions—like the Convention that we are debating in this Bill here; he said, at least, like the United Nations resolution that gave rise to these Tribunals and for which we are passing legislation today. He went there and he said:

“That an international body had a duty to create the necessary machinery so that the domestic law of state, the State Party is complied with”.

They described it as original, they described it as specious, they criticized it no end. It was the first time such an international body of jurists ever heard that ridiculous proposition; and it was made by that Attorney General on behalf of Trinidad and Tobago much to our embarrassment.

And it said further:-

“The State decided to unilaterally alter its relation to both the United Nations Human Rights Committee, and the organs of the Inter-American System”.

The State decided on that, unilaterally, Mr. Deputy Speaker.

**Mr. Sudama:** We are a sovereign state.

**Mr. F. Hinds:** I know. I am hearing from the Member of Oropouche, that we are a sovereign state. But the concept of sovereignty pales into insignificance because the Attorney General is coming here today saying, Rwanda and

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Yugoslavia, the former Yugoslavia, and the states that have come out of the broken up former Yugoslavia, they are sovereign too; but they need our help in Trinidad and Tobago; and help of every other State that is party to the United Nations arrangement—I think about 185 States in all now are recorded at the level of the United Nations; and they need our help to do it, sovereign as they are.

**7.05 p.m.**

As I said, it is more about inter-dependence; we need each other. So that we were grossly embarrassed by the Attorney General, on that occasion. I hope it will never happen again.

This is why we have made our position abundantly clear and this is why we are saying—and we will always remind you—we have no difficulty with the imposition of the Death Penalty. We simply say that we are not prepared to allow you to get away with public mischief, as you have been unilaterally doing for the last months that you have been in Government.

The Inter-American Commission on Human Rights put out a communiqué, following their representations to it, and said some terrible things—and this is for the benefit of the public:

“The right to a fair trial, the right to appeal, the right to humane treatment in prison, these are not Lawyers’ technicalities; they are fundamental rights. No one, not even ardent supporters of capital punishment, should want to live in a society without them”.

Mr. Deputy Speaker, they pointed out to us that while we are attempting to prop up and give assistance to Yugoslavia and Rwanda, we voluntarily opted out—in breach of these treaties—leaving our citizens naked and bare; not only in respect of Death Penalty matters. I want the citizens of this country to understand that the two conventions which this Government just wiped away do not only affect death penalty cases, but affect cases across our Constitution; all issues.

If the Government decides to persecute people politically, they have no access to these bodies anymore. If the Government decides that it is zoning and it takes St. George’s College out of the former educational district and puts it in another one and my child cannot go to that school even if she made the necessary marks to get there, we have no access to these bodies; all of the protections of our Constitution.

The Attorney General comes and tells us that we do not have to worry about that. He says that we have an internal judicial machinery that is good enough. Well,





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Something is strange about (b) and I think you need to adjust that; something is badly drafted about (b).

**Mr. Maharaj:** I observed it.

**Mr. F. Hinds:** You observed it—right. And that will be corrected. I am glad that you did.

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

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

*Question put and agreed to.*

**Mr. F. Hinds:** Thank you kindly, Mr. Speaker and hon. Members.

As I was saying, apart from the form—well, the Attorney General has acknowledged that—what is the substance of this subclause? What this means, Mr. Deputy Speaker, is: if a person was under detention in Trinidad, for some other reason; or if a person was serving a term of imprisonment in Trinidad—say for 10 years should a request be made by one of those Tribunals, and the Attorney General—or the DPP, as we would prefer it—puts the machinery into vogue and the person is sent abroad; when that Tribunal is finished with the person—assuming that he was detained in the former Yugoslavia, or he was detained elsewhere, in Rwanda, or wherever, for five years, the times do not run concurrently—he has to come back here to continue the term of imprisonment that he was serving.

I consider that, Mr. Deputy Speaker, to be something of a double jeopardy and I would like the Attorney General to consider whether he really wants to maintain that provision, where a person is taken out—he is kept abroad for three, four, five years—his sentence in Trinidad and Tobago begins on his return, as opposed to running concurrently with his time abroad, under the dictates of this legislation. I am sure that the Attorney General, being as humane as he pretends to be, might wish to consider that to be something of a double-jeopardy. Of course whether specious or specious, or whichever way pronounced, it is just as well—looking true but far from true—it is humanity.

Essentially, Mr. Deputy Speaker, we are saying two things. Firstly, that the mention of “Attorney General” in this legislation should be obliterated and

replaced by the more appropriate office—in our view, the “Director of Public Prosecutions”. Secondly, we are saying to the Government, in this matter which requires our close scrutiny and our contemplation of matters regarding the protection of human and political rights, we demand that they re-institute our access to these two institutions.

The Attorney General is fully aware—as has happened in the case that he is always talking about: the Dole Chadee matter—that the local judicial process could quite adequately and in time be gone through; petitions to those two bodies could quite adequately in the time-frame be gone through.

All that is required is a little more finesse, diplomacy and willingness to talk. We have seen the Government’s unwillingness to talk—notwithstanding the mutterings and utterings of the Member for Oropouche, who spoke at length in an earlier debate today, about the Government being flexible and listening, all we have seen of the Government is the contrary. Every citizen of Trinidad and Tobago says one thing about this Government: they do not listen; they are doing what they want; their attitude is “It is our time now. We are in charge; you cannot tell us anything. We are so strong, we started off with 17 seats—we promised some people this and that—we have ended up with 19 seats”; in addition, they bought two.

**7.15 p.m.**

On top of that they brought two more.

**Mr. Maharaj:** That is not correct.

**Mr. F. Hinds:** Okay, their salaries.

Mr. Deputy Speaker, as a result of those things they do not feel they have to listen. They feel powerful and mighty. They can do and say what they want in Trinidad and Tobago. But every citizen of this country says, as I have indicated, that they know they do not listen and they do not care about people and the people are waiting on them for the next election.

It does not matter [*Interruption*] whether I wear a [*Interruption*]

**Mr. Deputy Speaker:** Is the Member winding up?

**Mr. F. Hinds:** I have another 30 minutes.

**Mr. Deputy Speaker:** I was asking you because of the trend of your argument.

**Mr. F. Hinds:** Mr. Deputy Speaker, we are talking essentially about human rights and the protection thereof. We are saying that we want this Government to demonstrate to the people of Trinidad and Tobago that it really cares about human

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rights protection and the only way, not the best way, the only way it can do that, especially as I was indicating that we are able with negotiation and with some finesse to cause these two bodies to recognize that we are determined to institute the death penalty. It can all be done but they cannot go trying to bully their way through the Parliament and want to go internationally. When they do that they humiliate and embarrass us and they get nowhere.

The Attorney General when he returned from Rome got—I do not know who he saw when he went to Rome but he came back with fire and venom. He came back and he said, "We will have a hanging by the end of June." People started calling him bloodthirsty. I heard people refer to the Attorney General, much to my dismay as the vampire, dracula. I heard that and I was very disappointed when I heard it, but I said to myself he probably earned it for himself.

On my way to this Parliament today I heard someone who I see regularly in the square and who has been educated well by the Member for Tobago East in the Square call him "Vlad the Impaler". *[Laughter]* It is Russian. Mr. Deputy Speaker, I am not good at Russian. I think it is Russian in its orientation. It is Vlad as in Vladimir. It is Vlad the Impaler.

I remember, as well, seeing the hon. Member in the company of the former President, Mr. Hassanali, mouth open wide—I have the photograph, I never disposed of it—red mouth wide open waiting. I saw it and I still have it. The next day it was the Member for Arima. In a short while he will go in.

But, Mr. Deputy Speaker, in respect of this debate and in respect of this Bill we are saying that we would like to see him and the Government demonstrate its concern for human rights protection in Trinidad and Tobago.

Consequently, unless and until—and I speak for this side—the Government contemplates removing the Office of Attorney General and replacing it with the DPP and the Government gives us an assurance that it will reaccede—and, in fact, we call on him to put it in this Bill as an amendment and recognizing in the spirit of co-operation they need our co-operation—

**Mr. Maharaj:** Where is the amendment? You have not drafted it.

**Mr. F Hinds:** We will.

Mr. Deputy Speaker, while we support the principle of international co-operation we will be constrained because we do not do this for our sake. I must

say this and I must go on the record: we take this regretful position on behalf of the citizens of Trinidad and Tobago. [*Desk thumping*]

Unlike what we have seen with this Government when they took this position in respect of the debate on the adjustment of the financial year—when they took the position they did, it was for frivolous reasons as we have heard outlined today. We do not take this for frivolous reasons. If they call it frivolous they would be calling the people of Trinidad and Tobago frivolous. We take this position because every one of our constituents wants us to say, and we will say to this Government, respect human rights and respect the protection of citizens of Trinidad and Tobago. Unless they do that they should not get your support. Those are my humble submissions.

Mr. Deputy Speaker, I thank you.

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Deputy Speaker, the Opposition has made its position very clear. It has stated that it is not prepared to support this Bill unless Trinidad and Tobago reaccede to the two international human rights bodies and unless reference to the Attorney General is deleted, wherever it appears in the Bill, and be replaced by the Director of Public Prosecutions. This demonstrates how the Opposition is an obstructionist Opposition and we would only want to put on record one: to show how this Opposition party has come here today in order to frustrate justice for people who are victims of international crimes.

Mr. Deputy Speaker, people in Rwanda were raped and killed. There was international condemnation for crimes against humanity and acts of genocide. The Opposition supported this Bill in the Senate and they voted with the Independent Senators. They have come here today in order to vote so that condemned prisoners who are on Death Row can frustrate the death penalty. Here it is that the Opposition is saying that they want Trinidad and Tobago to rejoin the two international human rights bodies so that murderers would go free and they would get life imprisonment instead of the death sentence. They are prepared for people who killed and raped in Rwanda to go free if they turn up in Trinidad and Tobago.

They do not want to support a domestic legal framework which the United Nations Security Council has said all countries committed to the rule of law must create.

[MR. SPEAKER *in the Chair*]

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Mr. Speaker, let me show how the people of Trinidad and Tobago should know what this Opposition is. In 1985 the PNM administration passed an Extradition Act. Extradition is when there is a criminal or person wanted in one country, another country would request that person to be extradited to face trial in the country where the crime was committed.

The principle is that there shall be no safe havens for criminals. National boundaries must not be used to obstruct the criminal justice process. The concept is the same although it is not extradition in respect of the Rwanda tribunal and the Yugoslavia tribunal. These people who have committed these offences, if they come to Trinidad and Tobago they are being requested to be surrendered as with extradition, or to be returned.

In 1985 the PNM passed a law which made the office holder of Attorney General responsible for getting requests for extradition. The Member for San Fernando East was a Member of that government and the reason the Attorney General was made the office holder for that purpose was because it is recognized by similar legislation and by the Constitution of Trinidad and Tobago that the office holder of Attorney General is the person to whom the request is made.

Mr. Speaker, political considerations have to be made where there is an offence of a political character and that is a matter for the executive arm. That is why if you look at section 3 of the Extradition Act—

**Mr. Speaker:** Hon. Members, may I appeal to you, if you want to carry on a conversation it can be done behind the Chair.

**Hon. R. L. Maharaj:** Mr. Speaker, section 3 and section 6 of the Extradition Act make it quite clear that the Attorney General, as the office holder is responsible for the administration of the Extradition Act. If you look at section 8 of the Extradition Act it deals with return of an individual and it states quite clearly that:

"A person shall not be returned under this Act, other than under section 11, to a declared Commonwealth territory or a declared foreign territory, or committed or kept in custody for the purposes of the return, if it appears to the Attorney General, to the Magistrate on proceedings under section 12, to the High Court on an application for *habeas corpus* or under section 14 for review of an order, or to the Court of Appeal on the hearing of an appeal under section 15—

- (a) that the offence in respect of which that person is accused is or was convicted is an offence of a political character;"

A similar power is given under this legislation.

Just for the record, when one looks at sections 8(4), 8(6), 9, 9(3), 10(2), 11 and 16 one sees that the Attorney General in respect of all matters relating to the return of a fugitive is the office holder that deals with these matters.

Mr. Speaker, we recently passed in this House a Mutual Legal Assistance in Criminal Matters Bill. Under that Bill the international community also requested international co-operation to fight crime. Here it is that the Opposition has got down to personalities. They do not trust the Attorney General, therefore, they do not want that section in the law. Here it is that we are dealing with legislation to fight crime and to deal with criminals and they are not prepared to support this Bill.

**7.30 p.m.**

Mr. Speaker, the Government has no problem with that. As a matter of fact, the Government will indicate to the national and the international community what the Opposition has done in this House, that it is not interested in dealing with international crime.

With respect to the international human rights bodies, it merely has to be stated to see how the Opposition is probably really not interested in seeing that criminals are punished. Here it is that the Opposition, when in Government in 1995, wanted the jurisdiction of the human rights bodies to be restricted; here it is that they are told by the Government that if the human rights bodies continue with these applications, people on Death Row would not be able to be executed. But, there is a reason why the Opposition has changed its mind.

In 1994, who was the Acting Minister of National Security? The gentleman who raised his hand, the hon. Member for San Fernando East. As Acting Minister of National Security at that time, he thought they had to deal with this problem. In 1995, I had to deal with the problem. But what happened after that? Why has the PNM changed its position?

The PNM has changed its position because there are certain people connected with the PNM who are now on Death Row and the PNM wants the time of these people extended in order that the death penalty cannot be carried out. We can now understand why their friends on Death Row are now more important than prosecuting international criminals. [*Crosstalk*]

What we intend to do is, we do not want this vote to be taken now. We want it to be taken in the full glare of the media and the press. [*Crosstalk*]

**ADJOURNMENT**

*Adjournment*

*Wednesday, September 2, 1998*

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move the adjournment of the House to Friday, on which day I will complete my submission. [*Crosstalk*] I move the adjournment of the House to Friday, September 4, 1998 at 130 p.m.

**Mr. Speaker:** Now, Gentlemen, you know that a Parliament ought not to be conducted like this. No. It is all well and good to make a joke but, really, is it not going too far? Could I please hear the date for the adjournment?

**Hon. R. L. Maharaj:** Mr. Speaker, I am much obliged to you. Friday, September 4, 1998 at 130 p.m.

May I announce that on that date, we will complete the debate on this Bill and we will also do under Committee Business, Motion No. 1 relating to the Ombudsman; Motion No. 2, relating to the Green Paper on Integrity Legislation and, if we have time, I need to give notice although it is lower down on the Order Paper, we will do the Bill to amend the Criminal Procedure Act, Chap. 12:02.

May I make it quite clear, I have not completed my contribution and I would continue my contribution on Friday afternoon.

**Mr. Speaker:** There is a question on the adjournment of the House, but leave has been granted to the Member for Diego Martin Central to raise a matter, so I call on the Member for Diego Martin Central.

**Mr. Valley:** Mr. Speaker, I know we may be a little tense now and, if you so feel, I have no problem with bringing it on Friday afternoon.

**Mr. Speaker:** I have no problem with it being done now. Please proceed.

### **Unemployment Relief Programme (Arima) Termination of Manager's Contract**

**Mr. Kenneth Valley** (*Diego Martin Central*): Mr. Speaker, I thank you for giving me leave to raise a matter with respect to the termination of the Unemployment Relief Programme manager's contract at the Arima Corporation by the Minister of Local Government and the arbitrary termination of that appointment.

Mr. Speaker, you would recall that the Unemployment Relief Programme was transferred to the Ministry of Local Government by the Minister of Finance during the budget debate for 1998. When the Minister of Local Government spoke



in that debate, he made it clear, I thought, that the intent was to effect the decentralization of the programme, because as it were, the Government he said, was committed to the concept of decentralization in the local government system.

I want to quote just a bit from the Minister's contribution when he spoke in that debate. On page 3 of his contribution at 6.05 to 6.20 p.m., he said:

"I want to clear up some of the matters which the Member has raised with regard to URP now that it has been placed under the Ministry of Local Government. I say categorically that I would not fall for the "mamaguy" that

Mr. Speaker, the whole intention of it being placed in the Ministry of Local Government, is to decentralize it making it smaller and manageable and I am going to do that."

That is the first concept we had there with respect to the decentralization of programme. He continued on page 5 at 6.20 to 6.30 p.m. in speaking about the mission of the Ministry of Local Government:

"The Ministry of Local Government is committed to facilitating, coordinating, monitoring and ensuring accountability of municipal corporations in the effective and efficient delivery of quality services through meaningful decentralized systems, structures, procedures, practice and provision of specialized support services."

He continued further down:

"Mr. Speaker, our strategic plan would guard and inform the local government reform policy perspective, decentralization thrust and development programmes in the fiscal year 1998 and beyond."

He continued lower down where he directed his attention to the Unemployment Relief Programme:

"I now wish to turn my attention to the Unemployment Relief Programme which has been shifted to the Ministry of Local Government. This programme has finally been placed in its rightful position...The programme provides unemployment relief and infrastructural development and this is consistent with the services provided by the local government bodies.

There will be much synergy in terms of procurement synergy in terms of use of equipment, use of labour and a host of other items. The 1998

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Unemployment Relief Programme will pose a major challenge to the local government movement. However, it provides an opportunity for local government representatives and those practitioners who have been clamouring for decentralization, to rise to the occasion and prove their leadership mettle, innovative skills and enterprising spirit.

We have made quantum leaps in local government in terms of providing physical infrastructure, improving quality customer service, human resource development and laying the foundation for local government reform and further decentralization...”

That was the general theme underlying the move to the local government system of the Unemployment Relief Programme.

On March 16, 1998, Minister Dhanraj Singh wrote His Worship the Mayor, Alderman Elvin Edwards in these terms:

“Dear Alderman Edwards

The Minister of Finance, in his 1997 Budget announced that the Unemployment Relief Programme will be handed over to the Minister of Local Government. Further, the President of the Republic of Trinidad and Tobago has by instrument dated December 11, 1997 assigned to the Minister of Local Government, the responsibility of the Unemployment Relief Programme.

It is the policy of the Government of the Republic of Trinidad and Tobago that the Management and Administration of the Unemployment Relief Programme be decentralized to Municipal/Regional Corporations. This policy initiative is geared to ensuring greater accountability, efficiency, effectiveness in the management thereof and also empowering committees through greater involvement and participation therein.

In accordance with Section 269 of the Municipal Corporations Act 1990, I am therefore conveying the Government’s policy pertaining to the Management and Administration of the Unemployment Relief Programme to you and your Council/Corporation.”

In other words, vesting in the council the management and administration of the programme.

I am aware, because in my capacity as deputy political leader in charge of the legislative, I meet on a regular basis with the mayors and chairmen and I recall in the run-up to the taking over of the Unemployment Relief Programme by the municipalities, there was this whole concept of the accountability and

responsibility. They all assured me, as a fact, that they were going to have the responsibility. They explained, in terms set out in this letter, that with respect to those monthly paid staff—for example, the top post of that of the regional coordinator, as it were, in the corporations—their function would be to interview and recommend to the Ministry of Local Government who would make the final selection.

In the case of Arima, they interviewed four candidates for the post of regional manager and, based on that interview—and I could tell you, Mr. Speaker, neither the mayor nor any of the aldermen or councillors was involved in the interviewing panel—the persons involved were officers of the corporation. They selected Mr. Peter Ford as the number one choice. That recommendation went on to the Ministry and the appointment was made.

**Mr. Singh:** The same process was used to choose Collis.

**Mr. K. Valley:** But, that is the point. The Minister is correct, that in the case of San Juan/Laventille, the recommendation with respect to Kenneth Collis came from the corporation as a recommendation to the Minister.

**Mr. Singh:** No political interference.

**Hon. Member:** That was the PNM stooge.

**Mr. K. Valley:** I do not know who is a PNM stooge.

**Mr. Speaker:** Order please.

**Mr. K. Valley:** What happened in Arima, I am told that there was a certain protest one Saturday morning at the market in Arima and Mr. Ford's brother carried a particular placard. The Minister, who was there at the time, gave a certain signal and he said, "That is for your brother."

**Mr. Singh:** Did you see that?

**Mr. K. Valley:** I am told. The Minister would have an opportunity to respond. He gave the signal indicating the cut-throat for his brother.

**Mr. Singh:** That has not been ascertained.

**Mr. K. Valley:** On the following Monday, Mr. Ford received a letter indicating that he was no longer the regional manager of the Unemployment Relief Programme.

**Mr. Singh:** Who signed the letter?

**Mr. K. Valley:** Mr. Speaker, the council at Arima did not recommend the termination of Mr. Ford. As a matter of fact, they were extremely happy with the performance of Mr. Ford. He had been there doing his job and, as you know, Mr. Speaker, while there were other corporations that were having difficulty with the Unemployment Relief Programme, Arima was not one of those corporations. The programme was well run, as far as I am aware, and the assumption must be that the manager, therefore, performed effectively and efficiently.

**7.45 p.m.**

This touches again on that issue of abuse of power. Here is a situation where the Government has stated quite clearly that it is decentralizing and putting the programme in the hands of the Municipal Corporations and maintaining a certain level of control, but it wants you to do the recommendation for the ordinary labour. With respect to the monthly posts, recommendations would be made by the corporation to the ministry which would act on those recommendations.

In this situation one sees the Minister who, from time to time calls himself the sheriff taking an action, the effect of which can only undermine his Government's policy with respect to decentralization, and one is aware that this Motion has been postponed on a few occasions because after filing it, I had certain discussions with the Minister and I left feeling assured that he would understand the error of his ways and attempt to correct it and I thought we would give him some time to make the necessary correction. I think we owe it to the new Members of Parliament to help them—it does not matter whether they are on this side or that side—and counsel them from time to time and I attempted to do that.

Mr. Speaker, obviously they do not take the advice and I am saying that his action can only undermine the effectiveness of the whole decentralization thrust of the Government with respect to Local Government. It would not only touch the Unemployment Relief Programme, but it would undermine the whole concept of autonomy and decentralization in the Local Government system.

Mr. Speaker, I wanted to ask the hon. Minister to rescind that termination and ask the council to sit and make a recommendation with respect to that post. If the council continues to have the confidence in Mr. Ford I think he should be allowed to carry on. Public administration in Trinidad and Tobago is extremely important in sending signals to the rest of the country like the private sector and other institutions and this particular Minister is fast getting a name which I think in time he would fully regret. There have been too many instances in which the Minister seems to be getting himself into difficulties and I think as a Parliament, we really

need to help him along and show him the correct way. Perhaps he is taking bad advice and I ask him this afternoon to reconsider his action and try to get back on the right track.

Thank you.

**The Minister of Local Government (Hon. Dhanraj Singh):** Mr. Speaker, I wish to respond to the Member for Diego Martin Central on the matter raised on the Motion for the adjournment of the House relating to the arbitrary dismissal of Mr. Peter Ford as the Unemployment Relief Programme manager for the Borough of Arima by the Minister of Local Government.

Mr. Speaker, listening to the Member, he seemed to clearly understand Government's policy on the decentralization of the URP and he seems to be happy with it. I wish to assure that it is a well thought out policy, but I also wish to state that Mr. Ford is not the embodiment of decentralization. [*Desk thumping*] Decentralization is alive and well, Ford or no Ford. The concept of decentralization has not changed.

The Member for Diego Martin Central spoke about the interviewing process where people were interviewed for the various monthly-paid posts to man the URP division throughout the country. Significantly, senior PNM activists were chosen through these interviewing processes to man the programme in several of the PNM corporations despite this Government's policy of decentralizing this programme giving it to the corporation so that they would eliminate the political element of it. We are not stupid, we are not naive. I am there overlooking what is happening.

That interviewing process in Arima was also challenged by one of the persons who was interviewed and who reported several deficiencies in the interviewing process. The Ministry has correspondence from that gentleman on that matter.

The question of Mr. Ford's dismissal is one which arose because of the way the programme was being managed in Arima. In the first instance, there were complaints about the award of contracts to friends and family. The Ministry of Local Government, in response to these allegations, had an audit team do a check and it was found that a particular contract was awarded to the brother of Mr. Ford—the placard bearer—who, after the contract was awarded, then the

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necessary paper work was done. There was no evidence of tenders being invited and this is what the auditors told me and I have it on record in case the Member for Diego Martin Central would like to look at it.

There was the constant bickering between the URP manager and the recruitment manager. The URP manager had a narrow vision, probably because of his past political association, whereas the recruiting officer was more broad minded and he wanted to provide employment for everybody, so there was a constant bickering on a daily basis. They concocted all sorts of stories and allegations to get the recruiting officer fired.

Mr. Speaker, as I said in the debate on the Appropriation Bill, this is not the first time Mr. Ford has been fired, he was fired in 1997, and he was also a thorn in the side of the Member for Diego Martin East when he was the Minister of Works and Transport. He tried to cover it up but he had to remove him from one region to the other because the fella has his own agenda.

Mr. Speaker, decentralization has not stopped. The programme is being carried out in Arima, nothing has changed, only Mr. Ford is no longer there. People from Arima are being employed and the programme would continue. Mr. Ford was not the first person to be fired. Several senior officers of the URP programme have been fired and you did not hear anybody in the Opposition raising any motion on the adjournment on behalf of these workers.

I have on record that persons who were dismissed included the national training co-ordinator of the URP training programme; the materials officer, Princes Town Regional Corporation; the clerical officer, San Juan/Laventille Corporation; the accountant, San Juan/Laventille Corporation and several others. Twenty-one persons have resigned and several transfers have been made, so Mr. Ford is not the first person to have been removed or fired from the programme.

Mr. Speaker, on a daily basis we are monitoring the corporations, and right now there is information about ghost gangs in a particular corporation and I would be moving very swiftly to get rid of the ghosts and those who hire the ghosts. I hope when that happens that the PNM does not move any motion for any ghost but, in fact, would support us—as we attempt to clean up this programme and to make it work for the unemployed, not for any particular party or for political purposes—to really make a dent on the needs of needy people, the unemployment rate, and provide temporary employment for those who need a job.

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With that I hope I have cleared up the issues raised by the Member for Diego Martin Central.

Thank you.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 8.00 p.m.*