

*Leave of Absence*

*Friday, September 18, 1998*

**HOUSE OF REPRESENTATIVES**

*Friday, September 18, 1998*

The House met at 1.32 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I wish to advise that continued leave of absence has been granted to the Member for Port of Spain North/St. Ann's West and the Member for Arouca South.

**ARRANGEMENT OF BUSINESS**

**Mr. Speaker:** Hon. Members, I wish to indicate that there are certain documents for today's sitting which have arrived at the office of the Clerk a short while before we came in and they have not completed the preliminaries with respect to it. So that, in the circumstances, I will suspend the sitting for 15 minutes.

**1.35 p.m.:** *Sitting suspended.*

**1.53 p.m.:** *Sitting resumed.*

**TRINBAGO UNIFIED CALYPSONIANS' ORGANIZATION (INC'N) BILL**

Bill for the Incorporation of the Trinbago Unified Calypsonians' Organization and for matters incidental thereto, brought from the Senate [*Member for Tunapuna*]; read the first time.

**INDICTABLE OFFENCES (PRELIMINARY ENQUIRY) (AMDT.) (No. 2) BILL**

Bill to amend the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, brought from the Senate [*The Attorney General*]; read the first time.

*Motion made*, That the next stage be taken on Monday, September 21, 1998. [*Hon. R. L. Maharaj*]

*Question put and agreed to.*

**PAPERS LAID**

1. The Transfer of Functions (Permanent Secretaries, Heads of Departments and Chief Administrator) Order, 1998. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the accounts of the Piarco Regional Corporation for the year ended December 31, 1992. [*Hon. R. L. Maharaj*]

*Papers Laid*

*Friday, September 18, 1998*

3. Report of the Auditor General on the accounts of the Tunapuna Regional Corporation for the year ended December 31, 1992. [*Hon. R. L. Maharaj*]
4. Report of the Auditor General on the accounts of the Public Transport Service Corporation for the year ended December 31, 1988. [*Hon. R. L. Maharaj*]
5. Report of the Auditor General on the accounts of the Public Transport Service Corporation for the year ended December 31, 1989. [*Hon. R. L. Maharaj*]
6. Report of the Auditor General on the accounts of the Public Transport Service Corporation for the year ended December 31, 1990. [*Hon. R. L. Maharaj*]
7. Report of the Auditor General on the accounts of the Public Transport Service Corporation for the year ended December 31, 1991. [*Hon. R. L. Maharaj*]
8. Report of the Auditor General on the accounts of the Public Transport Service Corporation for the year ended December 31, 1992. [*Hon. R. L. Maharaj*]
9. Report of the Auditor General on the accounts of the Public Transport Service Corporation for the year ended December 31, 1993. [*Hon. R. L. Maharaj*]
10. Report of the Auditor General on the accounts of the San Fernando Carnegie Free Library for the year ended December 31, 1997. [*Hon. R. L. Maharaj*]

*Papers 2 to 10 to be referred to the Public Accounts Committee.*

11. Report of the Auditor General on the accounts of the Trinidad and Tobago Export Credit Insurance Company Ltd. for the year ended December 31, 1996. [*Hon. R. L. Maharaj*]

*To be referred to the Public Accounts (Enterprises) Committee.*

**UNITY OF TRINIDAD AND TOBAGO (INC'N) BILL**

**Special Select Committee Report  
Presentation**

**Mr. Chandresh Sharma:** Mr. Speaker, I beg to present the report of the Special Select Committee appointed to consider and report on a private bill for the Incorporation of Unity of Trinidad and Tobago and for matters incidental thereto.

**INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS (ISKCON)  
TRINIDAD AND TOBAGO (INC'N) BILL**

**Special Select Committee Report  
Presentation**

**Dr. Fuad Khan** (*Barataria/San Juan*): Mr. Speaker, I beg to present the report of the Special Select Committee appointed to consider and report on a

private bill for the Incorporation of the International Society for Krishna Consciousness (ISKCON) Trinidad and Tobago Inc. and for matters incidental thereto.

**REGULATED INDUSTRIES COMMISSION BILL**

[SECOND DAY]

*Order read for resuming adjourned debate on question* [September 11, 1998]:

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** Hon. Members, I advise that when the House last sat and was dealing with this, the Minister of Public Utilities was in the process of replying and had some 33 minutes left. I call on the Minister of Public Utilities.

**The Minister of Public Utilities (Hon. Ganga Singh):** Mr. Speaker, on the last occasion, I was winding up this debate. I want to take this opportunity to reiterate the purpose of this Bill. The prime purpose of the Regulated Industries Commission Bill is to regulate service providers, those undertakings, whether publicly or privately owned, that provide under monopolistic conditions, services which are of a monopolistic nature and essential. The Bill is intended to reform utility regulation in Trinidad and Tobago. It has as its purpose to promote efficiency, consumer responsiveness and private sector participation.

Mr. Speaker, this piece of legislation is vital and fundamental to the utility sector. This piece of legislation ought to have been in place prior to TELCO becoming TSTT, prior to the generation of T&TEC becoming PowerGen and prior to private sector participation in WASA through Severn Trent/Tarmac/TTWS. It should have been a condition precedent for the legislative framework to be put in place prior to private sector participation.

**Mr. Valley:** Says who?

**Hon. G. Singh:** Mr. Speaker, the learning points to that fact are that either you place a regulatory framework prior to private sector participation or place it simultaneous with private sector participation. The reasoning is simple. If monopolies are going to be placed in the hands of the private sector, then a legislative framework must be provided otherwise you are going to leave the ordinary customers open to abuse and exploitation by the monopolies. So we are engaged today in good governance and the PNM—those on that side—failed to provide that kind of condition precedent.

*Regulated Industries Commission Bill*  
[HON. G. SINGH]

*Friday, September 18, 1998*

Mr. Speaker, that is why we are here as part of the process, so as to ensure that prior to bringing in private sector into the post office, we are putting the legislative arrangement in place. That is the reason we are seeking to place this as a condition precedent.

**Mr. Valley:** Mr. Speaker—

**Hon. G. Singh:** I am not giving way.

**Mr. Valley:** You would not give way because you are talking nonsense.

**Mr. Speaker:** Order please! Order please!

**Hon. G. Singh:** Mr. Speaker, the hon. Member for Diego Martin Central does not have an appreciation of what is required prior to private sector participation.

**Mr. Valley:** I passed exams the first time around.

**Hon. G. Singh:** The Member does not have an appreciation of that. The fact of the matter is that prior to bringing in private sector, the legislative framework must be put in place and the PNM failed to put the necessary legislative and architectural framework for legislation. They failed and now they are seeking to abandon that responsibility. Having failed to construct an appropriate legal and regulatory framework for private sector participation, one would have thought that in their contribution, they would have provided the coherent framework to demonstrate their understanding of the necessity for that. What did we get? Contributions that were good, in the case of the hon. Member for Port of Spain South and the Member for St. Ann's West, and indifferent on the part of others.

Mr. Speaker, one must recall that the necessity for this legislation dates back to 1977, over 20 years ago. What did the Members on the other side say? To use the metaphor, the approach to this piece of legislation by the Members opposite was to say that it was necessary, but they were like a ship for 20-odd years, circumnavigating the globe but failing to find a port to bring in the cargo. What was the extent of their contribution?

**2.05 p.m.**

The Member for Port of Spain South said—and I have the copy of the *Hansard* here, Mr. Speaker:

“I agree with the approach taken in the Bill on the issue of remuneration because of the need to contract and to attract high calibre individuals.”

“I tend to differ from my two previous colleagues”—differ on the composition of the commission. He then went on to indicate that instead of industrial relations, we should have someone in human resource management. An excellent choice!

But, Mr. Speaker, the malady and the divisions on the opposite side are even deeper, because in the other place, the recommendation for industrial relations came from the Deputy Leader of that side. So here it is—you see, they do not know.

I want to use the words of the Member for Port of Spain South in his caricature of Yugoslavia—“hegoslavia, shegoslavia and itgoslavia”—at cross-purposes. So it is clear you have one side of the PNM on that side, one side of the PNM on that side, one side of the PNM on this side, and one side of the PNM in the other place [*laughter*] not understanding and totally at cross-purposes with each other.

It is clear to me, Mr. Speaker, having regard to the contribution of Members on the opposite side, that in the Opposition it is every man for himself, as demonstrated by the Members for St. Ann’s East, Port of Spain South, Diego Martin Central, and the Deputy Leader in the other place. Every man for himself; it is clear that it is this Government of national unity which is for all of us. [*Desk thumping*]

Mr. Speaker, the contributions of hon. Members fail to appreciate the synergy between the Minister, the utility provider, and the regulator. They fail to understand the necessity for the synergy that can emerge. [*Noise*]

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

**Hon. G. Singh:** Mr. Speaker, the Member for Diego Martin Central, in his contribution said:

“The Minister permeates the legislation.”

He simply does not understand the regulation and regulatory framework of the utility sector at a practical level. He simply does not understand that.

If one were to appreciate the necessity for ministerial role, Mr. Speaker, one would see that the Minister, in whatever incarnation—whether it is Secretary of State, or otherwise—is part of the institutional framework for regulation worldwide. I would make reference to a series of legislation. The Member for Diego Martin Central failed to take into consideration the role of the Minister in granting, varying, cancelling, or suspending licences. They, on the other side, seem not to have an appreciation of what happens internationally, regionally, or even locally, from their very draft legislation which they left in the Ministry. I will come to that—I do not know if they were just occupying office.

Mr. Speaker, the UK legislation, to a large extent upon which our legislation is modelled, and the hon. Member for Diego Martin Central, spoke about the use of the Adam Smith Institute. The legislation says:

“The Secretary of State...”

that is, the Minister—

“...shall appoint an officer to be known as the Director General of whatever

whether it is telecommunications, water, electricity, gas, the Director General is the regulator.

In the British legislation, the Minister, as Secretary of State, appoints the regulator. In our situation, it is the President, by extension Cabinet, Cabinet appoints. So there is some measure of insulation. In the British model, it is the Secretary of State. And the duties between the Secretary of State, as Minister, and the regulator are shared responsibilities. For example:

- (a) A licence may be granted by the Secretary of State,  
after consultation with the Director;
- (b) With the consent of, or in accordance with a general  
authorization given by the Secretary of State, by the Director.

So you see, Mr. Speaker, it is that synergy of advice, of consultation; but the power lies with the Minister in this regard.

Similarly, in the British Columbia Utilities Commission Act 1980, pages 9 and 10, section 18 (1) states:

“An application for an energy project certificate or for modification of it, or of an energy operation certificate, shall be made to the Minister and shall contain information the Minister prescribes.”

So the application in British Columbia shall be made to the Minister and contain information which the Minister prescribes.

In our situation, Mr. Speaker, the legislation provides for the application to be made to the Minister; the Minister passes it on to the Commission; the Commission advises the Minister who then, through that process of advice, decides whether to grant or not to grant, suspend, vary, or cancel.

One would have thought if they could not have sought the British model—and I am sure they had access to it—or the British Columbia model, they would have looked nearer home at the Jamaican model of legislation.

Mr. Speaker, section 4(1) of the Jamaica Office of Utility Regulation Act, 1995 states and I quote:

“It shall be the duty of the office to receive and process all applications for a licence to provide any utility service required by virtue of the provisions of any Acts and to make such recommendations to the Minister in relation to the application as the office considers necessary or desirable.”

Subsection (3) states:

“On receipt of a recommendation from the office pursuant to subsection (1), the responsible Minister may:

- (a) grant the licence;
- (b) refer the recommendation back to the office for further consideration; or
- (c) refuse to grant the licence.”

He may refuse to grant, so he considers the advice and he determines. It lies within the purview of the Minister.

### **2.15 p.m.**

This legislation is consistent and provides for greater autonomy and independence of the legislation we have cited. So, Mr. Speaker, it is that kind of the lack of appreciation of what is happening in and around them, and I want to

So, here it is in this legislation before us, the Minister only gets involved at the maximum level. In other words, he creates the maximum threshold for advising the commission that they ought not to exceed that because it will impact negatively in



terms of compensation policy. In their draft legislation, it is the Minister approving such terms and conditions.

**Mr. Imbert:** Could the Minister prove that?

**Hon. G. Singh:** So, I want to use an expression “cutting to the body” that they use in Jamaica called “jiggers”, for Jamaicans and Bajans in Bermuda, as an immigrant when one gets into the body of the society and that person becomes integrated properly. In the draft legislation, the Minister was almost “jiggerlike”, to use that expression. But, in our situation, he stands outside with an oversight function, looking with ministerial oversight to ensure that the broad sectoral policy is not exceeded. But, Mr. Speaker, you see the hanky panky approach taken by those on the other side.

Mr. Speaker, there was an issue raised with respect to cess. What is the role of the cess? It would seem that Members seemed to think that the cess would be onerous on the utilities. The fact of the matter is the Regulated Industries Commission would be a lean, highly skilled, highly technical organization and, therefore, the cess allows the Regulated Industries Commission to be independent of the Executive to a large extent, independent in their source of funding. They would be more autonomous. They would be free from budgetary control. What is the legacy of those on the other side? The legacy of those on the other side was that they depleted the Public Utilities Commission to such an extent that they left one man in charge of the Public Utilities Commission. He was like the Lone Ranger—Errol Cupid alone. They depleted and decimated the Public Utilities Commission because they had access to budgetary control. We are saying we must move away from that and give them independent funding. The cess is the way. It allows, also, for ministerial oversight, so that there is no abuse of power on the part of those regulators.

Mr. Speaker, the Members on the other side really did not have a clear appreciation as to how to proceed with this piece of legislation when they were in government and, clearly, they have regressed even further now that they are in Opposition.

The Member for Diego Martin East pointed to the fact that the penalties are too soft, to use that expression; that they are too small, that if someone fails to declare interest, then a \$25,000 fine is too small. Mr. Speaker, what are we seeking to do by virtue of this legislation? We are seeking to cast the net wide so that persons have to declare their own interests and an interest of several relatives, including that of a common-law spouse. So it is to cast the net wide to establish an

ethical standard so that when one becomes a commissioner, in the performance of one's duties, one must exhibit high ethical standards and high standards of duties.

Mr. Speaker, you cannot seek to determine exactly what is the threshold of the penalty to be used in order to ensure that kind of approach. One has to maintain that sense of balance and we feel that through effluxion of time, we will be able to determine whether or not that is an appropriate penalty for those circumstances.

In terms of the utility providers, we feel that the imposition of \$300,000 together with \$60,000 for every day continued infraction of the penalty is an appropriate sum, so that in terms of penalties, we feel that the legislation covers that appropriately.

**Mr. Imbert:** Who are you trying to protect?

**Hon. G. Singh:** The hon. Member for Diego Martin East also spoke about this issue where, by virtue of clause 14, I gather, that seeks to limit the employment, it states:

“No Commissioner or former Commissioner shall accept employment or enter into a contract of service with a service provider until the expiry of two years from the termination of his appointment for any of the reasons referred to in section 8(3).”

What this is seeking to do is once more, the continuum of high standards in office in the performance of their functions, maintenance of high standards of ethics and integrity in the performance of their functions. It seeks to ensure that there is no revolving door approach, so that to move as a regulator and then become the Chief Executive Officer of a utility provider within a space of a few days. We are saying it is appropriate for a two-year period to elapse in order to ensure that this measure and standard are kept.

I might add, to just demonstrate the disparity in knowledge, that was a recommendation of the very Adam Smith Institute which the Member for Diego Martin Central indicated they had accepted. Obviously, the Member for Diego Martin East is not aware, because he is just not aware. He is not interested in things of this nature.

Mr. Speaker, with respect to the consumer service committees, we feel that in our attempt to continue the balance, to maintain the interest of the ordinary consumer, the utility provider, the regulator and the Government, there must be the ordinary person serving and giving the commission the benefit of their learning.

Who will be serving on these consumer service committees? It is the ordinary man; it is the man on the priority bus route; it is the man in the Chaguanas to San Fernando taxi; it is the man in the Tunapuna to Arima taxi; it is the ordinary Tobagonian who will be serving on these consumer service committees in order to ensure that there is a feel of the ground, so that the regulators do not exist in an ivory tower, and they have an appreciation as to how it impacts on the ordinary man—the role and standards of the utility provider and the decisions they are making. That is the role of the consumer service committees and the draft legislation which we inherited, called them consumer service surveillance committees. In our legislation it is more expanded and the work is more defined. We have taken into consideration the recommendation that we should expand the amount of time for service before disconnection and we have incorporated that into the amendments.

So, it is clear that Members opposite did not have an appreciation of the importance of this piece of legislation whilst they were in Government and, they certainly do not have that appreciation now that they are in Opposition. There is always the need for checks and balances in order to prevent monopoly abuse. This is the role of this legislation. There is need to protect the consumer, because, the legislation provides for few formal checks and balances on the regulator and on the monopoly provider, so that we have now, by virtue of the legislation, to provide the checks and balances.

Mr. Speaker, it is clear that this Bill is very important and is part of a package of legislation. The Fair Trading Commission is part of that package of legislation. There will be consequential amendments to the Telephone Act, the Water and Sanitation Act and the Electricity Act; because, as we seek to bring these utility providers within the ambit of the Regulated Industries Commission, there will be the necessity for consequential amendments.

**2.30 p.m.**

Mr. Speaker, having dealt with the contributions of Members on the other side, I take this opportunity to thank all those who participated in the evolution of this Bill over a 22-year period. In particular, I take this opportunity to thank Mr. Errol Cupid who, like the lone ranger, stood resolutely over the years as the only member of the Public Utilities Commission's staff in the period 1993—1995. He has provided a sterling effort in the drafting and preparation of this Bill and ought to be publicly commended.

Mr. Speaker, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

**Mr. Chairman:** Hon. Members, I have before me a list of amendments made in the Senate on Thursday, September 10, 1998, and a list of amendments to be moved in the House by the hon. Minister.

*Clauses 1 to 4 ordered to stand part of the Bill.*

*Clause 5.*

*Question proposed, That clause 5 stand part of the Bill.*

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 5 be amended as follows:

“In subclause (1), delete the words ‘industrial relations’ and substitute the words ‘human resource management’”.

*Question put and agreed to.*

*Clause 5, as amended, ordered to stand part of the Bill.*

*Clause 6.*

*Question proposed, That clause 6 stand part of the Bill.*

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 6 be amended as follows:

“In subclause (1)(h), delete the word ‘him’ and substitute the words ‘the

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clause 7 ordered to stand part of the Bill.*

*Clause 8.*

*Question proposed, That clause 8 stand part of the Bill.*

**Mr. Imbert:** Mr. Chairman, I had raised the question of this “five years” in clause 8(1) and proposed that it be three years. Even though it says “not more than five years” there may still be a situation where someone can be appointed for five years. I think three years is better as it would provide for the automatic renewal

and scrutiny of a commissioner. Five years is a long time and when you want to remove a commissioner for his conduct or something like that, it is a traumatic thing. I cannot understand why the need for five years even if it was in draft legislation before. What is wrong with three years?

**Mr. G. Singh:** Mr. Chairman, the thinking really is in order to give the commissioners a great deal of autonomy from any kind of political interference they must have security of tenure. One must also provide for a measure of continuity. So, five years really straggles changes in political administrations. That is part of the thinking and the reason for five years. We would stick with five years.

**Mr. Imbert:** Well, I was just warning you it should be three.

*Question put and agreed to.*

*Clause 8 ordered to stand part of the Bill.*

*Clauses 9 to 12 ordered to stand part of the Bill.*

*Clause 13.*

*Question proposed, That clause 13 stand part of the Bill.*

**Mr. Imbert:** Mr. Chairman, I had raised the issue with respect to clause 13(3) and I still am of the view that a person can interfere with a tender by being involved in establishment of “the terms on which the right to participate in any service is offered to the public”. Why is this provision here?

**Mr. G. Singh:** This clause really seeks to allow the commissioner to be able to access any service provided by the utility in terms that are applicable to the general public. Look at it:

“This section does not apply to an interest in any matter relating to the terms on which the right to participate in any service is offered to the public.”

This is not a service. In other words, if there is a general service offered to the public that is *carte blanche* to the country, then it does not preclude the commissioner from accessing that service; if it is voice mail, the Internet or something of that nature.

**Mr. Imbert:** The word “participate” means that he can be involved in the provision of the service. Does it not?

**Mr. G. Singh:** No.

**Mr. Imbert:** What does “participate” mean in this clause? Does that not mean that he could participate in the provision of the service? What does it mean?

**Mr. G. Singh:** He is allowed to participate in accessing the services provided generally by the utility provider.

**Mr. Imbert:** I would give an example: A commissioner may sit on a committee which is drawing up the tender documents for an invitation to provide a particular service and he uses his influence to get the documents worded in a particular way to exclude or include certain persons. Do you understand what I am saying?

**Mr. G. Singh:** That is not the intention of this—

**Mr. Imbert:** I know it is not the intention.

**Mr. G. Singh:**—and it does not cover that. To participate, really, is to access services like an ordinary customer or consumer.

What you are talking about really gives rise to a question of conflict of interest and that, therefore, you ought to declare that interest. But this does not preclude the commissioner from accessing basic utility services that are provided to all and sundry.

**2.40 p.m.**

**Mr. Imbert:** I do not read it that way but it is okay, if that is what you say.

Clause 13(5), I still believe that the opportunity to involve oneself in corruption is so great with these utility services that a fine of \$25,000 is nothing when compared to the opportunity of someone to earn \$100 million. Why \$25,000?

**Mr. G. Singh:** I do not know how the hon. Member arrived at these arbitrary figures but these figures are arrived at consistent with the material circumstances worldwide. These are the general figures. My approach to this is that if circumstances arise that there is necessity to increase the penalties, I do not think the penalty should be so onerous as to cloud the nature of this legislation. This is to send a signal that there is a fine.

You can use examples. Mike Milken paid a fine but that was water off his back. What we are seeking to do is to send a message.

**Mr. Imbert:** That is a very good example, that is why \$25,000 is not enough.

**Mr. G. Singh:** We have that analysis of comparative penalties and that is an appropriate penalty for a commissioner.

**Mr. Imbert:** If you say so. I do not agree.

**Mr. G. Singh:** A utility provider is different. For a commissioner it is appropriate.

*Question put and agreed to.*

*Clause 13 ordered to stand part of the Bill.*

*Clause 14.*

*Question proposed, That clause 14 stand part of the Bill.*

**Mr. Imbert:** I was of the view, and still am, that this clause is unconstitutional. How can you tell someone they cannot accept employment?

**Mr. Chairman:** There is an amendment that is tabled on the back page.

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 14 be amended as follows:

by deleting the words “for any of the reasons excluding death referred to in section 8(3)” and substitute the words “whether by signature, revocation,

Mr. Chairman, I want to clarify. The advice I got with respect to the concern that the Member raised is that under the common law it provides for restraint of trade and our Constitution does not preclude that in this situation.

*Question put and agreed to.*

*Clause 14, as amended, ordered to stand part of the Bill.*

*Clauses 15 to 19.*

*Question proposed, That clauses 15 to 9 stand part of the Bill.*

**Mr. Joseph:** Mr. Chairman, I had raised concerns as it relates to the hiring of the executive director and deputy executive director. The conditions surrounding the hiring of the executive director seems to be spelt out but as far as the deputy executive director is concerned that seems to be a little vague and I had raised the concerns about the manner in which the executive director is hired which is different from the way in which the deputy executive director is hired. As a result, I am concerned that that can create some mischief in terms of the operations of the

organization in that the executive director is hired on a contract whereas the deputy executive director does not seem to be hired on contract.

**Mr. G. Singh:** The thinking of that is that whereas the executive director is generally regarded as a contract type appointed for an extended period of five years, the deputy executive director and assistant are generally persons who are part of the mainstream of the process. They will continuously be in the system.

**Mr. Joseph:** Since the deputy executive director cannot become executive director that creates problems with respect to succession.

**Mr. G. Singh:** Then they can go on contract.

**Mr. Imbert:** On the same clause 15 where you indicated you want to make the commission free from political interference that is why you went with five years. Why five years here? Why would you appoint a CEO for five years? That is not normal in the modern world. Why appoint a CEO for five years so when you terminate his services you have to pay him a hefty settlement? Why not three years?

**Mr. G. Singh:** The fact of the matter is you are seeking to attract really high calibre people. Within the public sector one of the mechanisms used to attract high calibre people is through the contractual route. If you seek other ways you will get into the public service norm.

We are also seeking to have some measure of security for the executive director to buffer against if you have a commission that is fairly strong.

**Mr. Imbert:** The point I am making is—

**Mr. G. Singh:** The contract will provide for termination prior to the five years but we are seeking to give him some measure of security of tenure.

**Mr. Imbert:** That is too long.

**Mr. G. Singh:** We feel that it is the best way to secure the staff of the organization.

*Clauses 15 to 19 ordered to stand part of the Bill.*

*Clauses 20 to 30.*

*Question proposed, That clauses 20 to 30 stand part of the Bill.*

**Mr. Imbert:** Mr. Chairman, can I get clarification on clause 30? Is the cess going to be passed on to the consumer or absorbed by the provider?



**Mr. G. Singh:** I am advised it will be absorbed by the utility provider.

**Mr. Imbert:** Do you not think you should have that in here? There should be a clause to that effect: that this cess will not be an additional charge to the consumer.

**Mr. Assam:** You mean we will divide \$3.2 million by 400,000 consumers and pass on the few cents? We will charge everybody six cents more.

**Mr. Imbert:** Do you have a difficulty with adding that to the Bill?

**Mr. G. Singh:** We feel that the legislation is appropriate as it is.

**Mr. Imbert:** But there is no provision for the request I just made. Where is it covered? I am not seeing it.

**Mr. G. Singh:** To be imposed on the service providers.

**Mr. Imbert:** Where does it say it will not be passed on to the consumer?

**Mr. G. Singh:** Maybe that will form part of the licence agreement.

**Mr. Imbert:** Okay. We will check the records with the *Hansard*.

*Clauses 20 to 30 ordered to stand part of the Bill.*

*Clauses 31 to 40.*

*Question proposed, That clauses 31 to 40 stand part of the Bill.*

**Mr. Imbert:** Clause 32(e). When you say any other expenditure authorized by the commission, why should the commission be authorizing that? Should it not be approved by the Minister?

“The funds of the Commission are to be applied in defraying—the remuneration...salaries...operating expenses...capital expenses...any other expenditure authorized by the Commission...”

Why should it not be subject to the approval of the Minister? Are you allowing them to do whatever they want?

**Mr. G. Singh:** You have to see things in the sequence. We are providing a cess which is subject, at an upper limit, to the approval of the Minister. The commission has to provide a budget which will be laid in Parliament and the accounts are audited. For good regulatory governance you must have some measure of independence. That will be subject to the scrutiny not only of the Minister and the Auditor General but also of Parliament. We want to give them that measure of flexibility. You do not want the Minister getting involved in

determining the day to day operational issues. It would lead to the abdication of responsibility by the commission and place everything in the lap of the Minister.

**Mr. Imbert:** What happens if they incur liabilities in excess of the cess under clause 32(e)?

**Mr. G. Singh:** The Bill provides that they must act within a certain limit.

**Mr. Imbert:** And if they do not?

**Mr. G. Singh:** We find the necessary strictures within the law—

**Mr. Imbert:** I do not see that here.

**Mr. G. Singh:** —for incompetence.

**Mr. Imbert:** I am just warning you. When they go on a world tour with the cess and carry their families—

**Mr. G. Singh:** They have to act within the constraints of the budget provided. This is not an individual regulator. This is a broad collegial set of regulators so that the question of abuse of power, which obviously the hon. Member is talking about, is mitigated as against when you have one individual regulator.

**Mr. Imbert:** Mr. Chairman, I intend to talk on clauses 38, 39 and 40.

In clause 38 why do we not replace Minister with commission? Why is the Minister granting the licence?

**Mr. G. Singh:** I will have to rehash the debate to tell you that. The way the balance is done in the regulatory framework it requires ministerial grant, cancellation, suspension, variation of licences and the content and administration of licences to be done by the commission.

**Mr. Imbert:** So you insist that the Minister is the one to issue the licence?

**Mr. G. Singh:** It is part of the international regional experience and it was part of the draft legislation. We are wasting time.

**Mr. Imbert:** I do not know anything about that.

What is the reason for 38(3)? Should that not be deleted?

**Mr. G. Singh:** The purpose of this legislation is to regulate monopoly providers, for example in the cellular field. Right now cellular is a monopoly but based on the policy decision of the Government cellular will become competitive. Therefore, as you can see in the schedule, you exempt cellular provision from the

content of this Bill because of governmental policy. Exemption will promote competition.

**2.55 p.m.**

**Mr. Imbert:** The effect of clause 38(3) means that the Minister can literally bypass this entire legislation, because he is exempting from the requirements of the Act. So, the Act does not apply.

**Mr. G. Singh:** No. In the Westminster model, residual power must repose in the minister or, collectively, the Cabinet. Therefore, there has to be that residual power reposed for him to have that measure of flexibility.

**Mr. Imbert:** I understand what the Minister is saying, but this is total power. He is saying that he can grant exemption from the requirements of this Act. In other words, this Act does not apply when he feels like it.

**Mr. G. Singh:** It has certain requirements. He is of the opinion that such an exemption will promote competition. It is not an individual opinion. An opinion cannot be arbitrary or capricious.

**Mr. Imbert:** Mr. Chairman, I do not think that clause 38(3) follows the general arguments of the Minister. I think it should be deleted. It gives him too much power. Why not under exceptional circumstances, or something of the sort?

**Mr. G. Singh:** We have clear category. He is of the opinion that such an exemption would promote competition and that, therefore, he is satisfied that the exemption will not conflict with the licence issue. If, as the hon. Member says, there is an arbitrary or capricious opinion or decision, then go for judicial review; go to the Fair Trading Commission Tribunal.

**Mr. Valley:** The point being made is that this clause is too wide. It gives the Minister the power to grant an exemption from the requirements of this Act; not simply from this clause, but from this Act.

**Mr. Imbert:** The entire Act.

**Mr. Valley:** I think what the Minister is saying is that really, one wants an exemption from clause 38(2) which means, in granting a licence, one has to consult with the Commission, and he is saying that in some cases, because of policy issues—my own view is that we should have that policy debated in the Parliament. That is my preferred position but, in a situation where one is asking for an exemption from the whole Act, we really, in effect, are wasting our time if

we are debating a Bill and then turning around and giving the Minister the right to do as he pleases.

**Mr. Maharaj:** Mr. Chairman, saying that he has the right to do as he pleases is really not correct. As a matter of fact, if one reads the clause, one sees that the Minister shall not grant to a service provider, licence for the exclusive provision of a service, unless he consults with the Commission and is satisfied that it be in the public interest. But notwithstanding this part, the Minister may grant an exemption from the requirements of this Act where—

**Mr. Valley:** That is from the Act.

**Mr. Maharaj:** Yes. He can grant that exemption from the Act where he is of the opinion that such an exemption would promote competition and he is satisfied that the exemption would not conflict with the licence issued under subclause (2).

**Mr. Valley:** When we read subclause (3)(b), again, we see the conflict, because really, all he is asking for is exemption from clause 38(2). Basically, he is satisfied that exemption would not conflict with the licence issued under subclause (2). Under subclause (3), the whole issue is that he is being granted an exemption from the requirements of the whole Act.

**Mr. Maharaj:** Yes, but the policy of the legislation is that the Minister must have that power, and the Minister must have that power in order to promote competition and if there are any matters which will not promote competition, he will obviously have that power.

**Mr. Valley:** Friend, what I am saying is that because he is granted an exemption from the Act, he does not have to meet the requirement listed in 3(b). He does not have to meet any requirement of any clause in this Bill because he is exempted from the whole thing. He can do as he pleases.

**Mr. Maharaj:** It may be in the public interest for that exemption to be granted. It is not to do as he pleases, because if he misuses or abuses his power, he can be judicially reviewed.

**Dr. Rowley:** Why rely on judicial review if we can rectify it by circumscribing the power?

**Mr. G. Singh:** Mr. Chairman, this is a general power granted to the Minister to exempt the operations of the Act from any area in which there may be the necessity for competition to take place. The best example is really cellular services.

**Mr. Valley:** Not from the Act, but from the requirement under clause 38(2). Under clause 38(2), he is saying that the Minister shall not grant to a service provider a licence for the exclusive provision of a service unless he consults with the Commission, and what he is saying is that he wants the right to be able to do that if it is a policy issue, but to ask to be exempted from the requirements of the whole Act really makes no sense.

**Mr. G. Singh:** There is consultation between the Minister and the Commission on the requirement of exemption so as to promote competition.

**Mr. Imbert:** Mr. Chairman, if we look at clause 40, it provides provisions for terms of the licence service, licence fees, and so forth. Clause 40 makes it law that the licence shall contain provisions with the setting of the terms, service, procedure, and so forth. With clause 38(3) the Minister can issue a licence which does not have any of these things in it. The person no longer has to comply with this. It may not be what he intends to do. This is what this allows him to do.

**Mr. G. Singh:** To that extent, the Minister would not be able to grant an exemption.

**Mr. Imbert:** We are not talking about competition. In exercising his powers to grant an exemption, he then has the discretion to decide whether the licensee shall have to comply with all of these other things here: publishing the terms and conditions, submitting annual returns, submitting themselves to the Commission; he can waive all of that. Why does he want to have all those kinds of powers to exclude someone from the regulatory framework of this Act?

**Mr. G. Singh:** Let us go back to the fundamental purpose of this Bill. It is to regulate monopoly providers. In the situation where one is a monopoly provider and it is envisaged that competition can be promoted, by virtue, the Minister must have that power to promote the competition and, therefore, he would come outside the ambit of the Act. That is the reason the power is vested in the Minister which, by extension, means Cabinet and, therefore, the policy issue; you do not preclude or fetter the discretion of Cabinet to that extent.

**Mr. Imbert:** Fine, but under what Act or regulation, then, would an exemption licence be governed?

**Mr. G. Singh:** The market then governs the issue. I was saying there would be a package of legislation for the water sector, the telecommunications sector and the electricity sector so, therefore, they would be governed by that, but not the RIC to that extent.

**Mr. Imbert:** Until that comes into being, what will govern? Mr. Chairman, the Government can do whatever it pleases, but this is a very dangerous provision.

**Mr. Williams:** Is it possible to have a compromised position to say that until all these other Acts and packages of legislation we are speaking of come into force, we could make this subject to affirmative resolution of Parliament, then, when those packages of legislation come before the Parliament and are passed, as part of that, we repeal that portion of this Act? That way, we keep our checks and balances in the system.

**Mr. Maharaj:** Mr. Chairman, I think we are not understanding the purpose of this Bill. It is to promote competition. If the Minister feels that at any time, in the light of the criteria here, he has to grant an exemption under the Act in order to promote that, he will be entitled to do that, but he does it on the basis that it is an act of Cabinet and, in effect, that is an act which will be under scrutiny in any event.

**Mr. Imbert:** What rules will govern?

**Mr. Maharaj:** The rules that govern other legislation when Ministers are given the power to grant exemption from other things.

**Mr. Imbert:** A part of an Act. Not the whole thing.

**Mr. G. Singh:** I really think that Members raising this point really do not understand. We are dealing with monopoly providers. We want to make monopoly providers efficient. We may reach the stage in the development of our sector where there are monopoly providers, where it is necessary to de-regulate the sector and, therefore, open up the market, and therefore, provide for competition and we do not want to preclude the power of the Minister and, by extension, Cabinet. To do that is a policy issue.

**3.10 p.m.**

**Mr. Williams:** Having gone through with that and now you are promoting competition by removing people from this Bill, then they do not contribute to the cess, the cess which will run the Regulated Industries Commission (RIC). Is that the effect you will like to have?

**Mr. G. Singh:** Now they may be necessary for consequential amendments if the scenario is different, but it is to regulate monopoly providers.

**Mr. Williams:** We understand that, there is not argument about that, but for somebody who is complying with all the provisions of the licence, who is the

monopoly provider, there are a whole bunch of conditions. Surely, if you grant a licence to someone who is in a monopoly position and they are complying with your licence, then there ought not to be any danger to the public, as it were, that would require this provision.

It would be unfair to the entity having complied with all the provisions of the licence, that you then determine that competition requires the new people to not comply with any of those conditions at all, and those are the conditions that you will have set in granting the licence.

**Mr. G. Singh:** Hon. Member, the motivation for this comes from the utility provider to be deregulated, to face competition. It comes from that direction and, therefore, the argument you make—

**Mr. Williams:** I am trying to understand what you are saying. I would give a quick example. You have not included the mail service in here; as it is now there are several providers of mail services, some in the private sector and then there is the public sector. You have kept that out of this and you are hoping that market forces rule with the move to give a management contract to another entity to assist in that area.

That is a situation where none of those entities will be granted a licence and, therefore, would be complying with a particular set of regulations, and then others coming in. That system is outside of this, to start with.

What we are speaking about is a situation where you have granted a licence to someone. They applied to you, have complied with all your conditions and are operating according to your guidelines and governed under this Act. Then you say, we need competition, why not either grant licences to other people or at least seek some other mechanism, rather than circumventing the entire Bill? Then the person to whom you would have granted that licence, who may end up being a monopoly person at the time, can cry foul.

**Mr. G. Singh:** There are several issues raised. In the post, the only part that would be a monopoly would be the letter mail which would be a small part of the post. The motivation for the exemptions stems from the utility provider, when you read clause 38 you will see that. The application therefore, stems from that. It would mean that the utility provider is geared for competition.

**Mr. Williams:** All I am saying is that we take it on faith that you are coming with another set of legislation. [Interruption] I have to take his word; he said so and it is in the *Hansard*. You are coming with additional legislation to govern

*Regulated Industries Commission Bill*  
[MR. WILLIAMS]

*Friday, September 18, 1998*

each of the specific areas. Until you do that, all we are asking is that you put in that the Minister will have this power by affirmative resolution of Parliament. All it does is give a certain level of comfort to the population and certainly to the industry—whichever industry it is—that there is some transparency in the system. It keeps your checks and balances and saves us a lot of judicial review down the road.

**Mr. G. Singh:** That is not acceptable. We think that this is the way to approach it, by not fettering the discretion of the Government of the day in order to establish and promote competition. It is quite clear what concerns have to be addressed in granting this exemption. We are quite comfortable with this.

**Mr. Williams:** Clause 39(1) in the second to last line speaks to the commission being in receipt of all information that it may require for this advice. That term "all" is rather vague and all-encompassing, maybe in the drafting it could be tightened a bit or there could be some prescription as to what basic information is required. If you say "all" it opens the thing to any length, you could take the sublime or the ridiculous.

**Mr. G. Singh:** We could say "all relevant information".

**Mr. Williams:** That is reasonable.

**Mr. Imbert:** Mr. Chairman, I have a problem with clause 39(4) which I ask to be deleted.

**Mr. G. Singh:** The intention is quite clear. The Minister is not bound to accept the advice or any part thereof.

**Mr. Imbert:** Why do you want that in this legislation? Why set up a commission and then say you are not bound to take its advice?

**Mr. G. Singh:** What is envisaged in the law? The law provides the commission to be advisory and operational in its advisory capacity to the Minister. When you give advice you cannot expect it to be accepted all the time, there may be instances when it is accepted, but there are times when your advice is but one of the variables in the pot.

**Mr. Imbert:** Therefore, the Minister has ultimate power in this legislation?

**Mr. G. Singh:** No, the Minister has the power to grant, suspend, vary and cancel licences. The commission has the power to advise, to administer, to set standards of service, to administer the penalties, to deal with the operations and to monitor compliance. There are clear distinctions.



**Mr. Imbert:** If the Minister is not bound to take the advice of the commission, then the Minister can do virtually whatever he pleases.

**Mr. G. Singh:** No, but the Minister's functions are quite clear. His functions are to grant, vary, suspend or cancel licences. It is well recognized that this discretion is not to be fettered by the commission. The commission has a different role.

**Mr. Imbert:** If it is advising you and you are not taking them on, then they have no role.

**Mr. G. Singh:** The licensing regime is within the purview of the Minister's role in the institutional framework and, therefore, it is advisory. When you give advice you cannot expect it to be accepted all the time, you cannot fetter the Minister's decision-making process that way.

**Mr. Imbert:** This is total dictatorship. In clause 40(1)(b)(ii) as originally drafted, "the minimum quality and service standards applicable to the service;" and (vi), "rules promoting or limiting competition in the provision of the service;"— why is it not mandatory that these things be put in a licence?

**Mr. G. Singh:** There seems to be a practical difficulty with making this mandatory at the stage of the issuance of the licence, therefore, this has to be discretionary depending upon the nature of the utility.

**Mr. Imbert:** Are you telling me that you cannot prescribe minimum quality standards?

**Mr. G. Singh:** Eventually we would be able to do that.

**Mr. Imbert:** I think you should be compelled to do it. Why are you dodging from that? Why not make it "shall" instead of "may", this is what we are all about here, giving protection to the consumer.

**Mr. G. Singh:** You have to take things in context, this is legislation that would evolve. At the time of licensing you cannot set as mandatory, these are the standards, they would evolve.

**Mr. Imbert:** You are talking about minimum quality and service standards. Why can you not put minimum standards in a licence?

**Mr. G. Singh:** It seems perhaps a practical difficulty.

**Mr. Imbert:** To put minimum standards is difficulty? We are in deep trouble here if we cannot set minimum standards.

**Mr. G. Singh:** It appears that your concern with respect to the setting of minimum standards would be taken care of by the commission in 6(1). At the time of the issuance of the licence it appears that it is practically difficult.

**Mr. Imbert:** I do not follow, which part of 6(1), which subclause?

**Mr. G. Singh:** In 6(1)(f) and (e) under "standards for services".

**Mr. Imbert:** If the commission is going to publish standards why is that not in the licence?

**Mr. G. Singh:** It seems there is a practical difficulty in determining the standards at the point of the issuance.

**Mr. Imbert:** So you issue a licence without compelling the provider to meet certain minimum standards and then you publish the standards afterwards? Why should he bother with you? If you did not put it in the licence in the first place, what is going to cause him now to comply with those standards?

**Mr. Williams:** To add to that, we recently debated another piece of legislation where statistics were quoted from an international source that we would then expect to be applicable here. Certainly, we have adhered to conventions over the years of certain basic standards that we would require, now certainly the actual service could be superior, but at least we must know what basic level of service we want for our citizenry.

**3.25 p.m.**

**Mr. G. Singh:** I think that whilst we recognize the practical difficulty, it seems that your argument holds sway. So that it shall be:

“shall with respect to the minimum quality and service standards applicable to

So in other words, Mr. Chairman, 40(1)(b)(ii) would be renumbered as 40(1)(a)(ix).

*Question, on amendment, put and agreed to.*

*Question put and agreed to.*

*Clauses 31 to 40 ordered to stand part of the Bill.*

*Clause 41 ordered to stand part of the Bill*

*Clause 42*

*Question proposed, That clause 42 stand part of the Bill.*

**Mr. Imbert:** At clause 42(3), how is the compensation to be determined? Is this going to be the subject of judicial review? When they say “fully compensates”, who establishes that? Is there a formula? How does one go about—

**Mr. G. Singh:** Look at the senatorial amendments. The amendment in the other place provides for any compensation to be determined by the Fair Trading Tribunal.

*Question put and agreed to.*

*Clause 42 ordered to stand part of the Bill.*

*Clause 43*

*Question proposed, That clause 43 stand part of the Bill.*

**Mr. G. Singh:** Mr. Chairman, I beg to move that the clause be amended as follows:

In subclause (2)(b), delete the word “him” and substitute the words “the

**Mr. Williams:** Mr. Chairman, I have a difficulty with clause 43. We have established that the Minister seeks to be the one who would grant a licence, suspend, cancel and so forth. He may do so with the advice or consultation with the RIC. However, in clause 43(2)(a) in particular, and then in clause 43(2)(a)(ii), the way it reads as it appears here is that the Minister may have consultation with the RIC. They may advise him that somebody should not lose the licence, but the Minister decides, in exercising his power, that yes that person should lose the licence.

Let us take a case where the RIC may, in their consultation, strongly advise or in that scenario, suggest to the Minister that a licence should not be cancelled, but the Minister exercises his power according to the Act and says, no, the licence should be cancelled. Subclause (2)(a) says here that it is the commission that will then have to write to the entity to serve notice on the entity. Also, further on in subclause (2)(a), again, the representation would be back to the commission. But then, subclause (2)(b) talks about representation made to the Minister. Now, I saw the amendment here which will change those clauses all to read “the Commission”.

I am suggesting, maybe it might be more appropriate for the Minister to take this action rather than the RIC. In a case where the individuals who may be of the stature and independence that the Minister would require to be strong regulators, if there is such a fundamental difference it may set the Minister and the RIC at odds

*Question put and agreed to.*

*Clause 49, as amended, ordered to stand part of the Bill.*

*Clause 50 ordered to stand part of the Bill.*

*Clauses 51 to 60*

*Question proposed,* That clauses 51 to 60 stand part of the Bill.

**Mr. Imbert:** I had proposed that in the amended clause 51, where it indicates that the commission has failed to make a determination, that the minister should have the power to intervene, rather than let 60 days elapse.

**Mr. G. Singh:** I thought about that and I felt that what it would do really, is allow for the commission to abdicate its responsibility and leave it up to the Minister to take on the responsibility of determining the rate, and one did not want that happening. It is better that one has the time elapsing and the rate kicking, rather than have a ministerial intervention in the rate-making process. Let me tell you why. The legislation, as envisaged, delineates the functions of the Minister. The Minister has nothing to do with the rate-making function, establishing the principles and other things like that. The Minister only deals with the grant, suspension and cancellation of licences. So this would be a fundamental departure from that approach by allowing for ministerial intervention, rather than the effluxion of time.

**3.40 p.m.**

**Mr. Imbert:** Yes, but in the clauses that allow the Minister to not vary a licence or take advice you can set rates.

**Mr. G. Singh:** No, no, no.

**Mr. Imbert:** How would you vary your licence? What would you vary on a licence?

**Mr. G. Singh:** The rates are set in accordance with the price-capping mechanisms and principles which are set for a period of time by the Commission. It is not the responsibility or the role of the regulator.

**Mr. Imbert:** So when the Minister varies a licence, he is not varying the principles, the rate, the formula; what is he varying?

**Mr. G. Singh:** The terms and duration has nothing to do with the rate-setting formula, that is an established formula.

**Mr. Imbert:** It does not say so. It says you can vary the licence.

**Mr. G. Singh:** I can vary the licence, but the terms of the licence do not include the principles upon which the rates are set. If you look at clause 6(1), you would see that the principles upon which rates are set are determined by the commission, it is not a function of the Minister.

*Regulated Industries Commission Bill*  
[MR. WILLIAMS]

*Friday, September 18, 1998*

**Mr. Imbert:** Are you saying that after the commission establishes the principles, you cannot vary them?

**Mr. G. Singh:** No.

**Mr. Imbert:** So you cannot vary rates in a licence, is that what you are saying?

**Mr. G. Singh:** Yes.

**Mr. Imbert:** All right, the record would be there.

**Mr. G. Singh:** Look at clause 42(1) which says:

“Subject to this section, the Minister may by instrument in writing, vary the duration of a licence or any condition for the time attached to the licence.”

**Mr. Imbert:** You have to compensate.

**Mr. G. Singh:** But a condition in the licence is not the rate. The rates are set by the commission for fixed periods.

**Mr. Imbert:** You are saying that a condition of the licence is not the rate? The rate is not a condition?

**Mr. G. Singh:** No.

**Mr. Imbert:** So what is in the licence?

**Mr. G. Singh:** Look at clause 40.

**Mr. Imbert:** Yes. Clause 40(b)(i) says:

“the principles by which the maximum rates for the service, are determined;”

You can vary that.

**Mr. G. Singh:** No, I cannot vary the principles, that is a function of the regulator.

**Mr. Imbert:** It appears to me that in clause 42 you could vary any condition.

**Mr. G. Singh:** The policy of the legislation precludes the Minister from getting involved in the mechanisms so that the recommendation of the Member is not acceptable.

**Mr. Imbert:** So you would not set rates?

In clauses 54 and 55, the point I was making during the debate is that this deals with a situation where someone has not yet been disconnected. If one looks at clause 53(4) which says:

“A complaint against the standard or conditions of supply of a service shall be entertained by the Commission only where the complainant satisfies the Commission that he has failed to obtain reasonable redress from the service provider.”

You are saying that the commission would not listen to someone unless he satisfies the commission that he could not get satisfaction or redress from the service provider? But in the interim, he may have been disconnected while he was trying to get redress and, therefore, clause 55 does not apply to such a person.

**Mr. G. Singh:** The law provides that there should be no disconnection of service whilst there is an unresolved matter.

**Mr. Imbert:** Where is that? A complaint made under clause 53 remains unresolved, but you cannot make a complaint until you have satisfied them that you have not received redress.

**Mr. G. Singh:** It says in clause 53(4):

“...failed to obtain reasonable redress from the service provider.”

What this does, is grant a discretion in the hands of the commission to determine as to whether or not the customer has sought to obtain redress from the utility provider. You do not unnecessarily clog the system of the RIC so you do not go there first. Sequentially, you go to the utility provider with a complaint that you are not getting water, or proper telephone service. Then you indicate to the commission that they have not listened to you and you want the commission to investigate your complaint.

**Mr. Imbert:** Correct. But, by the time you reach there, you have a legitimate complaint and you can satisfy the commission that that is so, but by the time you have satisfied them, you have already been disconnected.

**Mr. G. Singh:** No.

**Mr. Imbert:** This only takes into account someone who has service and he is complaining to the commission and during that time he is complaining and satisfying that he has a legitimate complaint, his service is continued, but it does not apply to someone who comes to you and say he has been trying to get water

from WASA for the last six months, he got a Bill which is questionable, they have disconnected him and he wants to know what he could do about it.

What I am going to propose is that where you are saying in clause 55:  
“...that a licensee shall not discontinue service to a consumer where, in respect of the service provided to the consumer, a complaint made under section 53 remains unresolved.”

It should also allow for reconnection, because if I can satisfy the commission that I have a legitimate complaint, but I have no service because it has disconnected me, why should I not be reconnected while the matter is being dealt with?

**Mr. Bereaux:** Definitely. A very good point.

**Mr. G. Singh:** I think that approach would provide for a kind of—the commission would allow for a practical difficulty in the sense that people would wait to be disconnected and then go to the commission to be reconnected and allow their matters to run.

**Mr. Imbert:** Correct, but we are not talking about that case because that person would not be reconnected because he has not satisfied the commission that he had tried to obtain redress. We are talking about a person who satisfies the commission. He tried as best as he could to get redress and it was not given to him, but he has been disconnected in the meantime and he wants his service back while the matter is being dealt with. The person did not get redress.

**Mr. G. Singh:** I think your error stems from the fact that once there is a legitimate complaint before the commission then it cannot discontinue service. There may have been a disconnection, but by virtue of this provision, it would allow for a reconnection because service cannot be discontinued once there is a legitimate complaint.

**Mr. Imbert:** Are you saying that the words “shall not discontinue” would allow for reconnection?

**Mr. G. Singh:** Yes. You have to understand the sequence. If one is disconnected and has a legitimate complaint, it would ensure that he is reconnected.

**Mr. Imbert:** As long as you are saying that as the Minister and it is on *Hansard*, that is good enough for me. We would take the record and deal with it.

**Mr. G. Singh:** Very well.



*Question put and agreed to.*

*Clauses 51 to 60 ordered to stand part of the Bill.*

*Clause 61.*

*Question proposed, That clause 61 stand part of the Bill.*

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 61 be amended as follows:

Delete the word “fourteen” and substitute the word “thirty”.

**Mr. Imbert:** Why not just put the date of the service of the notice?

**Mr. G. Singh:** It would shift the onus to the individual member and we would run into abuse. Persons would attempt to avoid service in other areas of the law.

**Mr. Imbert:** What about abuse by the service provider?

**Mr. G. Singh:** It makes for good governance that you provide for a period and then for monitoring by the RIC, but for the utility to seek to give individual service and establish that individual service of the bill would create problems. There are many persons—as they do in other areas of the law—who avoid service.

*Question put and agreed to.*

*Clause 61, as amended, ordered to stand part of the Bill.*

*Clauses 62 to 66 ordered to stand part of the Bill.*

*Clause 67*

*Question proposed, That clauses 67 stand part of the Bill.*

**Mr. Imbert:** In clause 67, why is this discretion? Why is it “may” and not “shall”? Why are you giving yourself a discretion to make regulations prescribing procedure for making applications?

**Mr. Panday:** Because you want one.

**Mr. Imbert:** If you are committed to transparency, why do you not say “shall”?

**Mr. G. Singh:** The fact of the matter is that you are going to have regulations and this discretion really provides the areas within which the Minister may take into the area so we have no problem with the word “may”. We feel that the discretion must rest with the Minister.

*Regulated Industries Commission Bill*  
[MR. IMBERT]

*Friday, September 18, 1998*

**Mr. Imbert:** Are you saying that there may be instances where you would not make regulations prescribing procedure, terms and so forth?

**Mr. G. Singh:** There would be a period—*[Interruption]*

**Mr. Imbert:** I do not want to see the end product.

*Question put and agreed to.*

*Clauses 67 ordered to stand part of the Bill.*

*Clauses 68 and 69 ordered to stand part of the Bill.*

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

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

*House resumed.*

*Bill reported, with amendment, read the third time and passed.*

**3.55 p.m.**

**JOINT SELECT COMMITTEE REPORT  
(INTEGRITY LEGISLATION—GREEN PAPER)**

[SECOND DAY]

*Order read for resuming adjourned debate on question [September 4, 1998]:*

*Be it Resolved* that this House take note of the report of the Joint Select Committee of Parliament appointed to consider the Green Paper on Integrity Legislation, which was laid in the House of Representatives on Thursday, November 6, 1997.

*Question again proposed.*

**Mr. Colm Imbert** (*Diego Martin East*): Mr. Speaker, the matter before the House is the report of the joint select committee on the Green Paper on Integrity Legislation.

The Minister was at pains during his presentation to make a big song and dance about integrity, but we heard from my colleague from Diego Martin Central that during the deliberations of the committee, the Minister himself was one of the persons foremost resisting the efforts of the commission to circumscribe the activities of Ministers and other persons who are subject to the legislation.

This Motion comes at a fortuitous time. There is the whole question of integrity of persons in public life and the sort of scrutiny to which they should be subjected. It is clear that we have to take a closer look at what we are doing with this very important area of law that guarantees the public trust.

There are many examples of persons in public life who do not seem to have the required quality of integrity. In particular, the Members on the other side and their supporters need to be very, very introspective on the whole question of integrity legislation and declarations. We have to ask ourselves: Are we really capturing the perpetrators of white collar crime in Trinidad and Tobago? Are we really achieving, with this legislation, the objective espoused by all Members of this Parliament?

[MR. DEPUTY SPEAKER *in the Chair*]

It is interesting that, in his presentation to the committee, the Minister did not want certain things dealt with. We heard that the chairman of the Integrity Commission made certain points and that the whole question of the airport contract was raised during the committee's deliberations. We heard that the Minister piloting this Motion has problems with some of the points being made by the chairman and members of the Integrity Commission.

**Mr. Assam:** Will the Member give way? Indeed, the Member who was not a member of that committee, is misleading the House.

**Mr. C. Imbert:** That is not a point of order! That is not a point of order!

**Mr. Assam:** As a consequence, he is impugning the integrity—

**Mr. C. Imbert:** Mr. Deputy Speaker, I am on my feet!

**Dr. Rowley:** That is not a point of order!

**Mr. Assam:** It is a point of order.

**Mr. Deputy Speaker:** Order! Order! The Member for Diego Martin East was speaking and the Member for St. Joseph asked to give way. He sat and the Member started to speak. [*Loud cross talk*] Order! Order! [*Loud cross talk*]

**Mr. Assam:** Mr. Deputy Speaker, the point of order I am on is that he is impugning my integrity. I do not have the number before me, but no Member should in any way—[*Loud cross talk*]

**Mr. Deputy Speaker:** Order! Order! At this point, for good order in the House, the point of order the Member for St. Joseph may be referring to is

Standing Order 36(4) and (5). The next time, rise on a point of order and use Standing Order 36(4) and (5). Member for Diego Martin East.

**Mr. C. Imbert:** Mr. Deputy Speaker, the Member knows that he cannot raise that as a point of order because I am not imputing improper motives. I am making the point that from the records of the deliberations of that committee, the Chairman of the Integrity Commission and other persons associated with that commission were at pains to ask for certain changes and the person resisting the commission was the Minister. Nobody is imputing improper motives.

**Mr. Assam:** Mr. Deputy Speaker—

**Hon. Member:** What is the point of order?

**Mr. Assam:** The point of order is Standing Order 36(4). He is imputing improper motives to the Member for St. Joseph by stating that I resisted the entreaties of the Integrity Commission. [*Loud cross talk*]

**Mr. Deputy Speaker:** Will the Member for Diego Martin East kindly refrain from imputing improper motives.

**Mr. C. Imbert:** Mr. Deputy Speaker, the *Hansard* record was brought here on the last occasion and numerous examples were given where the Chairman of the Integrity Commission asked for certain changes to the legislation and the person who said no was the Minister. It is in the parliamentary record. It is in the *Hansard*. May I ask for a brief recess so that we can get the *Hansard*?

The Member for Diego Martin Central brought the copies of minutes of the meeting, and the verbatim notes and the person foremost in resisting the attempts by the Commission to strengthen the integrity legislation was the Member for St. Joseph.

**4.05 p.m.**

**Mr. Assam:** All that he is saying, is wrong, misleading, untruthful, Mr. Deputy Speaker. Stop being mischievous—diabolical man.

**Mr. C. Imbert:** In your winding up, you could deal with that.

**Mr. Deputy Speaker:** Members, would you pay some respect to the Chair?

Member for St. Ann's East.

**Mr. C. Imbert:** Thank you, Mr. Deputy Speaker. And you see, Mr. Deputy Speaker, what do they have to hide? What is really going on? If we are having a

debate—*[Interruption]* Mr. Deputy Speaker, I cannot have a Member shouting at me.

**Mr. Deputy Speaker:** The Member has asked for protection. Could the Members allow the Member for Diego Martin East to continue. Members for St. Ann's East, Laventille East/Morvant and St. Joseph, would you all pay a little more respect to the Chair? *[Desk Thumping]*

**Mr. C. Imbert:** And in light of the Minister's insistence that he would not accept the changes requested by the Integrity Commission which in their opinion were going to strengthen integrity legislation and bring white collar criminals to book, I have to ask a question: What do they have to hide? I am not imputing anything, I am asking, what do they have to hide?

Mr. Deputy Speaker, one of the examples used by the Chairman of the Integrity Commission was what was done. *[Interruption]*

Mr. Deputy Speaker, I cannot make my contribution with the Member for St. Joseph shouting at me across the floor. He will have his chance to speak.

**Mr. Deputy Speaker:** Could the Members just please refrain from shouting across the floor.

**Mr. C. Imbert:** Mr. Deputy Speaker, the Chairman singled out the Deyalsingh report and singled out governmental action in the face of the recommendations of that report.

**Hon. Member:** The Chairman did that.

**Mr. C. Imbert:** Yes. That is one of the projects he singled out; and the manner in which the authorities dealt with that report. He singled it out as an example. Let the Member for St. Joseph say he did not do that. He did. He said "we know what happened with that". He was talking about strengthening integrity legislation, and the Minister was resisting him, and the question of the Deyalsingh report came up. And the whole essence of what was said was, that the Government did not treat properly with the recommendations in the Deyalsingh report. *[Desk thumping]*

Mr. Deputy Speaker, look at what is going on in Trinidad and Tobago today. Why do they not want me to talk about integrity legislation? And I ask again, what do they have to hide?

*Integrity Legislation—Green Paper*  
[MR. IMBERT]

*Friday, September 18, 1998*

And you see Mr. Deputy Speaker, it begs the question. We have to look at the entire range of persons subject to integrity legislation. I see there is a recommendation to remove Permanent Secretaries because it is said that they fall under the Public Service Commission; and I know that legislation is going to come back; because it appears from what the Minister was saying that the draft legislation appended as an Appendix to the report is going to be looked at again, and changes are going to be made to reflect the deliberations of the Committee.

But, Mr. Deputy Speaker, we really have to be careful about what we are doing with this integrity legislation. One has to ask the question, why should a Member of Parliament who is not a member of Cabinet, be included in the net where that person has to make an account of his assets and liabilities, when a Member of Parliament who is not a member of the Cabinet, and not even perhaps a member of the Government has no access to the Treasury in the way that the Cabinet has? Therefore, one really has to look deeper and examine why do you want a Member of Parliament to be subject to Integrity Legislation? I think they should. If a Member of Parliament has to account to the Integrity Commission and declare his assets and so forth, why should not Senators? Because Members of Parliament, all we do is pass laws.

Our function, apart from our representational function in our constituencies, is to come into this Parliament and pass laws. So, why should Senators not be subject to a declaration of assets. Why? The Government has 15 Senators, not all of them are Ministers, they are Independent Senators, they are Opposition Senators. Why should Senators not declare their assets. They are in the same position as Members of Parliament when it comes to their role in the executive. The three arms of the state: the judiciary, the parliament, the government. Senators are identical. A Senator could be lobbied by somebody, and vote in a particular way on legislation.

So, that we have to be very careful what we are doing about this integrity legislation. That brings me to the point—I am moving away from Senators now—what about chairmen of state boards, Mr. Deputy Speaker? Why should not chairmen of state boards be required to declare their assets? They are in a greater position. *[Interruption]*

Mr. Deputy Speaker, the Member for St. Joseph continues to shout emotionally across the floor. I am asking you to control him please.

**Mr. Deputy Speaker:** Order.

**Mr. C. Imbert:** Thank you. Why should not chairmen of state boards, of state enterprises be subject to integrity legislation? These people, have billions of dollars under their control. The Chairman of the National Gas Corporation, for example, the Chairman of the National Petroleum, the Chairman of Petrotrin, the Chairman of the National Insurance Board, the Chairman of NIPDEC, these people have billions of dollars under their control.

So the little Opposition Member has to file his report, but he is not sitting in any board room and awarding contract for \$207 million to a financier of the Government, the little Member of Parliament is not doing that. But the Chairman of NIPDEC is involved in that—\$207 million; that is what he is doing. [*Desk thumping*]. And it begs the question, let us get serious about the way we deal with integrity, and morality in public life.

Look at what is going on with that airport contract, and the questions that are being asked. There is absolutely no check and balance on the situation. Nobody is checking to see what were the assets of these people when they took appointments on state boards, and what are their assets one, two, three years later and so forth. Nobody is doing that. We need to talk about these things, because we are seeing people who have financed and supported the UNC in their 1995 election campaign finding themselves in very powerful positions in this country.

We are talking about the Chairman of the National Gas Corporation, for example, a state board, has he declared his assets? What about National Petroleum, has the Chairman of National Petroleum declared her assets? And you really have to ask yourself, Mr. Deputy Speaker, what are we trying to prevent?

Mr. Deputy Speaker, I expect them on that side to carry on because you see, what they want in this country is that we must keep quiet. [*Desk thumping*]. You talking about integrity, you bring a matter to be debated on integrity and we must not talk about that.

**Mr. Panday:** What about the contracts up the islands?

**Mr. C. Imbert:** That is all you can talk about. Mr. Deputy Speaker, I want the Member for Couva North to do an investigation into all of these persons whom he has placed in positions of public trust.

I believe that we have to start looking, as a Parliament, at why should not chairmen of state boards be required to declare their assets to the Integrity Commission. I am not saying that this is the be all and end all of the discussion. I

am just saying we need to look at it, because we are seeing a new phenomenon now in Trinidad and Tobago since the UNC came into power. [*Desk thumping*]. Those persons have no shame. There are particular persons who are in a conflict of interest situation.

The conflict of interest situation is indicated, it is there for everybody to see and the persons refuse to remove themselves from the situation. That is what is happening in Trinidad and Tobago. Persons are in direct conflict of interest situations and we see a common thread running throughout the use of state funds. What is the whole point? The legislation was brought by the NAR. One has to ask oneself, what are the two Members of the NAR doing in that Government?

**4.15 p.m.**

Mr. Deputy Speaker, I have to ask because we see a common thread running through all the activities dealing with persons who are in public life. As far as I am concerned, a chairman of a corporation with \$3 billion or \$4 billion in assets of poor people's funds, like the National Insurance Board for example, which has billions of dollars of little people's money, they are taking \$25 or \$35 or whatever is paid in contributions from little people every month.

**Dr. Mohammed:** And the suitcase of money.

**Mr. C. Imbert:** Hundreds of thousands of little people have to pay this money to the National Insurance Board and one man there is taking control of that situation and is awarding a contract for \$207 million for a project, which by any scientific yardstick, should not cost more than \$100 million. [*Desk thumping*] That is what is going on in Trinidad and Tobago today. If a chairman of a state board—a man in public life—can sanction the award of a contract for \$207 million, \$500 a square foot for a shell, a steel building frame, no air conditioning, no carpet, no equipment, when the going rate is less than \$200, you know, therefore, that something is wrong with that contract and somebody is making over \$100 million profit and it is going into somebody's pocket. That is why we need declaration of assets of state companies, and I am calling for it now. [*Desk thumping*] It is time for that; we need it. The sum of \$100 million is going in somebody's pocket and we want to find out whose pocket it is going in.

Mr. Deputy Speaker, it is particularly important when one remembers that on election night the Member for Couva North, before he thanked Ramesh, Member for Couva South; before he thanked Ralph, Member for Naparima; before he thanked Trevor, Member for Oropouche; he thanked Brian, Ish and Steve. [*Desk thumping*]

**Mr. Bereaux:** They are paying them first too.



**Mr. C. Imbert:** If we could look at the assets and liabilities of Brian, Ish and Steve on that night and now, then we could see whether Brian, Ish and Steve are thanking the Member for Couva North.

Mr. Deputy Speaker, this is not a joke. We have to get serious. There is a certain cynicism that is taking place in Trinidad and Tobago. People are saying, “Well other governments were corrupt so we could be corrupt too.” This is a theme that is taking root in Trinidad and Tobago, and it is wrong. It cannot be an excuse for someone to say other people were corrupt so I am going to be corrupt too. I object, Mr. Deputy Speaker.

**Miss Nicholson:** That is how you are defending Saith.

**Mr. C. Imbert:** These are the kinds of statements we are hearing pervading the national psyche now: that governments have always been corrupt, they will always be corrupt and you cannot do anything about it so forget about it, and I object to that. As long as I am a Member of this House and after that too, I will object to that. Corruption is wrong and it should not be condoned by saying other people did it so it is no problem, I will do it now. That is an obscenity.

What we are seeing with the National Flour Mills situation—\$30 million lost in rice—we need to look at the assets of these persons. Let us get to the real crux of the issue. Who are the ones with the power to create mischief in terms of misappropriation of public funds?

**Hon. Members:** You.

**Mr. C. Imbert:** Some of these state boards are not subject to the Central Tenders Board. They have their own tender rules and could award contracts to the highest bidder. That is what we are seeing in Trinidad and Tobago today. We are seeing persons—

**Mr. Panday:** That is the system you set up.

**Mr. C. Imbert:** Look at the flippancy of the Member for Couva North. His response to my statement is that is the system that was set up so they are continuing it now.

[MR. SPEAKER *in the Chair*]

Mr. Speaker, that is the point I am making. In dealing with integrity legislation, we have to get to the root.

**Mr. Speaker:** Order please! Order please!

**Mr. C. Imbert:** Thank you, Mr. Speaker. In dealing with integrity legislation we have to get to the root of the problem. [*Interruption*] Mr. Speaker, “me thinks he protests too much”. That is why I am asking that this House looks closely at seriously considering whether we could bring chairmen of state enterprises within the ambit of integrity legislation, whether it is by declaration of assets or code of conduct. I noted that the committee had examined the whole question of a code of conduct for Senators, and it is a fine distinction whether one should— [*Interruption*] Mr. Speaker, the Prime Minister is making a number of retorts across the floor and I really ask that you ask the Prime Minister to control himself. He is making it difficult for me to continue with my contribution.

**Mr. Speaker:** Hon. Member, any time in my deliberate judgment, I am satisfied there is too much cross-talk and a Member cannot reasonably proceed with his presentation, I would intervene. I did not think there was too much, but for the sake of the record, I would ask all involved, including the Prime Minister— [*Laughter*]

**Mr. Panday:** I would not mention up the islands again, Sir.

**Mr. C. Imbert:** Mr. Speaker, I am grateful that you have muzzled the Prime Minister because— [*Laughter*]

**Mr. Speaker:** It is quite unnecessary to bring the Speaker into this.

**Mr. C. Imbert:** Mr. Speaker, the point I am making is very dear to the heart of the Prime Minister. I am making the point that we should look at the assets of chairmen of state boards, particularly the Chairmen of NIPDEC, the Airports Authority, Petrotrin and the National Gas Company. The Prime Minister does not want me to say these things because those persons are his friends. [*Desk thumping*]

**Mr. Panday:** I want you to say it. I want you to talk about up the islands.

**Mr. C. Imbert:** We need to stop the cynicism. When corruption takes root in a country it is very difficult for the country to emerge from that.

**Mr. Panday:** You are corrupt to the core.

**Mr. C. Imbert:** We have to stop the cynicism in Trinidad and Tobago that would see persons in public life not subject to integrity legislation, awarding contracts to friends and supporters of the Government and the cynicism that pervades Trinidad and Tobago that says that there was corruption before, there is corruption now and there will be corruption in the future so we cannot do anything about it. We need to deal with this.

There have been reports in the newspapers about the Prime Minister's assistant getting himself in difficulties and the Prime Minister got rid of him. Little \$5 and \$10 irregularities. When there is talk about \$207 million, we are asking questions in this House. I put on record, when it deals with integrity legislation we have to consider exactly what we are trying to deal with; if we are trying to deal with white collar crime, if we are trying to deal with rape of the Treasury, people pillaging the public purse. Who is in a better position to do that under the UNC than chairmen of state boards? The UNC-appointed chairmen of state boards are in the best position to rape the Treasury, especially with the cynical attitude that has taken root in Trinidad and Tobago.

Listening to the call-in programmes, one would hear persons calling concerning corruption and they say, "Why all yuh carrying on so? PNM used to thief, so what is the big deal?" This is what we were hearing. What utter rubbish! Are all of these allegations of previous corruption a reason and rationale for present day corruption? That is what is going on in Trinidad and Tobago today. That is what supporters of the UNC are saying: "In the past PNM used to thief so we are thieving now."

**Mr. Sudama:** Did you thief in the past?

**Mr. C. Imbert:** They will resist bringing chairmen of state boards under the ambit of integrity legislation. I am certain they would.

**Mr. Speaker:** Order please! Order please!

**Mr. C. Imbert:** They are going to resist code of conduct and ethics for chairmen of state boards because they are using state boards as a tool. In my opinion, they are using state boards to get around the strictures that are placed on persons who are subject to integrity legislation. Right now the Attorney General has to declare his assets, the Prime Minister has to declare his assets, the Member for St. Joseph has to declare his assets, but there are a number of persons who are far more influential and who have access to billions of dollars who do not have to do that. Any time we on this side try to deal with those persons, the reaction from the other side is totally emotional and we have to wonder what the Prime Minister has to hide.

**Mr. Panday:** Those contracts you have up the islands.

**Mr. C. Imbert:** Why is the Prime Minister so insistent on protecting? I see his actions are protecting persons who are in a position of public trust. My opinion is

*Integrity Legislation—Green Paper*  
[MR. IMBERT]

*Friday, September 18, 1998*

that the Prime Minister's actions are designed to do that and that is why he is protecting them. When you ask the Prime Minister why these persons are not being put under scrutiny; why he is not letting the chips fall where they may; why he is not dealing with this clear instance of irregularity, his responses are flippant. He says it is sour grapes; it is because others could not get the contract that is why they are making noise. Blatant irregularity. Contracts are being awarded without tender at three times the market rate and this is all being promoted and supported by bypassing the strictures that are placed on persons in public life.

**4.30 p.m.**

We are not legislating for today; it is for the future. Other countries take action; it is time for Trinidad and Tobago to take action. We are not legislating just for us here, today, Mr. Speaker. We have to put provisions in our legislation.

We have heard people talk about the need for an independent investigation, for example—I mean, there is a lot of confusion going on in the United States right now. Some people feel the investigator has gone too far and is using his investigation as an electioneering device for the Republican Party. Yet, others feel it is necessary to place public officials under independent scrutiny. We need to talk about this. We need to ask ourselves, do we need an independent counsel in Trinidad and Tobago:

who is not afraid of any Minister?

who cannot be fired by the Prime Minister?

who cannot be victimized by the Attorney General?

who can fearlessly carry out his investigations, and call for impeachment of a Prime Minister, for example?

We need to talk about this, Mr. Speaker, when we look at integrity legislation.

In the American system, you do not get away easy, Mr. Speaker. You do not get away, in the American system.

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

**4.31 p.m.:** *Sitting suspended.*

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

**Mr. C. Imbert:** Mr. Speaker, before we took the break, the Minister who piloted this motion was at pains to indicate that during the deliberations of the committee he did not enter into arguments with the Chairman of the Integrity

Commission, and that he did not resist the efforts of the Integrity Commission to have certain aspects of the legislation strengthened.

On several occasions, the Member for St. Joseph, quite put out and peeved, rose to his feet in an attempt to stop me from making the point that he was at variance with the recommendations made by the Chairman of the Integrity Commission.

I think we need to go to the verbatim notes to establish what really went on.

**Mr. Speaker:** Member for Diego Martin East, I do not know whether you were here, but the Member for Diego Martin Central went into tremendous detail with that. So if this is a repetition, I will ask you perhaps to do something else.

**Mr. C. Imbert:** No, Mr. Speaker, it is not a repetition, at all; I am simply supporting my point. The Member for St. Joseph rose on a point of order—you were not in the Chair, Mr. Speaker—and declared that I was misleading the

**Mr. Speaker:** I understand what you are saying. But if it was on a point of order, the Deputy Speaker would have dealt with it; that issue has been dealt with. I would really prefer if we do not repeat anything that has been said before, particularly when it comes to the reading of the *Hansard*.

**Mr. C. Imbert:** Mr. Speaker, I am not repeating anything that was said before; I am simply using an example of a point made. It is germane to the discussion. Mr. Speaker, I would be guided by you, of course.

Mr. Speaker, If one looks at the exchange that took place—page 137 of the report from the Parliament—which I have here and which I wish to read for the benefit of hon. Members, the Chairman of the Integrity Commission made the following statement. The whole discussion was about how we are going to deal with conflicts of interest, and so forth. The Chairman said, and I think this is relevant to the business we are about now:

“I think it is crucial to the passing of this legislation that it be across the

That is a very important point, Mr. Speaker, and it summarizes the theme that I was striking at before we took the break.

“The moment we get the sort of conflicts which we all know take place in Parliament, there will be difficulty. All persons in the House have had their views on this legislation. Seeing that it started with the PNM, continued with

*Integrity Legislation—Green Paper*  
[MR. IMBERT]

*Friday, September 18, 1998*

the NAR and then PNM and is now in the lap of the UNC, everyone is concerned.”

This was the statement made by the Chairman of the Integrity Commission which I think is a point that has some merit: that when you are dealing with integrity legislation, you should seek to get, as far as is possible, some form of consensus. One of our members, Sen. Mohammed, said:

“And we should transcend political barriers.”

I think this, also, is very relevant: that in seeking to put in place measures to deal with white collar crime, particularly in terms of persons who betray the public trust, whatever we do, whatever mechanisms that we put in place, they should transcend political barriers.

The Chairman responded to that intervention from Sen. Mohammed:

“I think so. It is important because the UNC is in power today, somebody else might be in power tomorrow. Of course, your Prime Minister does not think so, but somebody else might be in power some other time.”

A bit of humour there, Mr. Speaker. Our Sen. Mohammed also indicated:

“Mr. Chairman, as you pointed out, the 1987 Act is worded as though one is trying to catch a thief. It shows how the whole cycle goes around. At the time, in 1987/1988 when this was enacted, it would have been in a certain atmosphere.

**Justice Collymore:** Let us be blunt. There are thieves who need to be caught and some get away with it. However, honest men should be on the lookout to make sure everything is above board.”

Now, again, I do not think any Member of this House should take issue with that. But then came this response.

This is the only point I wish to make, Mr. Speaker. This was the response of the Member for St. Joseph to that point.

“In constructing the law, it should not be constructed to catch one or two and

That is what he said. So the whole discussion was that there are thieves who need to be caught and some get away, but honest men should be on the lookout to make sure that everything is above board. The response of the Member for St. Joseph

was that the law should not be constructed to catch one or two and embarrass the majority.

**5.10 p.m.**

The chairman was completely at variance with that. He said:

“On the contrary, the law should be applied across the board.”

I believe that this extract from the verbatim notes is very relevant to what we are speaking about. There cannot be one integrity legislation for some and not for others. It must be applied across the board. [*Desk thumping from Opposition Benches*]

That is why in my introduction to my presentation today, I made the point that when one examined the approach of the Minister piloting the legislation to the matter in Committee, it is unfortunate that he resisted the efforts of the Chairman of the Integrity Commission to strengthen certain aspects of the legislation.

There are other things he said and, in deference to your ruling, Mr. Speaker, I think I can leave them alone. But, one of the points he made, which I would just say in conclusion, was that his opinion on the role of the press in dealing with allegations of corruption and rooting out corruption and so forth, was that there are a number of persons within the press who should be ignored. That was how he dealt with that. When the Chairman of the Integrity Commission was pressing for certain aspects of the legislation to be dismissed, he was of the view that the chairman was asking too much and that one should not give powers of investigation and that one should ignore the press.

So that, it is unfortunate that he took one approach in Committee, but a different approach in this House. Let me say for his benefit that I have no information at my disposal which tells me that the Minister, the Member for St. Joseph, is corrupt. I have no information at my disposal that tells me that. I have no information at this time which indicates to me that he is anything but an honourable man and, it is unfortunate that Members in this House on that side in particular, believe that when people make statements, that persons are casting aspersions. It is very unfortunate that the Member for St. Joseph believed that if we exposed his double speak, the fact that he did not wish it to be revealed that in the Committee, he was the primary person resisting the Integrity Commission; that he was the one who stood up against the request of the Integrity Commission, that if we revealed that, he must not be so thin-skinned to believe that one was imputing that he was corrupt. I simply wish to put on the record that, as far as I

*Integrity Legislation—Green Paper*  
[MR. IMBERT]

*Friday, September 18, 1998*

am concerned, the Member for St. Joseph is an honourable man; he is just too thin-skinned and, like other Members of his administration—

**Mr. Sudama:** Unlike the Member, then.

**Mr. C. Imbert:**—he needs to take the emotionalism out of this debate and look at the issues. Because, when we are debating a Motion to consider the Integrity Commission and its roles, functions and powers compliance requirements of Members of Parliament—Ministers and so forth—we need to do this from a non-emotional standpoint.

**Mr. Bereaux:** Dispassionately.

**Mr. C. Imbert:** Yes. Dispassionately. We need to look at the issues.

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

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

*Question put and agreed to.*

**Mr. C. Imbert:** Mr. Speaker, I thank those Members who supported the extension.

**Mr. Sudama:** I did not.

**Mr. C. Imbert:** I forgive the Member for Oropouche. I know he has to go up to Expo or whatever it is.

But, Mr. Speaker, we need to look at this whole matter dispassionately. What is the intent of the legislation? Why were Ministers defined as persons in public life for the purposes of integrity legislation? What was the reason? Why did the NAR administration bring a bill to Parliament to make Ministers and other persons accountable to an Integrity Commission? Why was that done? One feels it was out of the general feeling in the country at the time during the 1987/1988 period.

**Mr. Sudama:** O'Halloran and Prevatt.

**Mr. C. Imbert:** The legislation for integrity in public life was justified. Like any jurisdiction, we need to have checks and balances on persons who hold positions of public trust and, if one wants to monitor a Minister of Government, or such other official, and I see there is a recommendation that consideration be given to bring in mayors and chairmen into the ambit—the draft legislation has to be looked at again.



If Ministers are going to be subject to scrutiny because they have executive powers, because in legislation, Ministers can grant licences as we heard today and a Minister under the Regulated Industries Commission Bill can exempt a service provider, for example, a telecommunications company, from the requirements of the Bill and the application of the Bill and one sees the potential inside there for abuse, that is why it is justified that Ministers should be subject to scrutiny. Nobody can argue that.

But the principle has to be looked at. Why should Ministers be subject to scrutiny? Because they are in control of public funds. A Minister of Finance, for example, can change taxation in Trinidad and Tobago. He can change motor vehicle taxes, for example, and we have a specific example; in a budget a year or two ago, where the provision dealing with concessions given to returning nationals in the legislation was changed. We had a specific example of that, where a UNC Minister of Finance came to this Parliament and made a big song and dance about concessions given to returning nationals and indicated that this was a loophole which was abused, the country was losing revenue and it had to stop. With one fell swoop, he plugged the concessions. He stopped the concessions for returning nationals and put a different regime in place.

Then, we discovered that shortly before that budget address, a day or two before perhaps, a close personal friend of the Minister, the then Chairman of Tidco at the time—and this is why I am bringing it back to state boards—had shipped two BMW motor vehicles under the returning nationals provision. It is a published record. Mr. Speaker, in that particular instance, that personal friend and business partner of the Minister of Finance benefited from the returning nationals provision and was boldfaced enough, this chairman of a state board in a position of public trust, to rent the car to BWIA. That happened in Trinidad and Tobago. The Chairman of Tidco, friend of the Minister of Finance, two days before the budget, accessed a provision that was going to be scrapped two days later and then abused the provision, by renting a BMW motor car brought in for his son or daughter, to BWIA, when the regulations clearly stated it was for personal use of the named individual and not for rental. This is why we must not lose sight of the issues.

We could carry on in here about O'Halloran and all other accused persons, but we must not lose sight of the issues. What are we going to do with the legislation? Does the UNC agree that we need to take a closer look at persons who are in positions of public trust, persons who are in control of billions of dollars of

taxpayers' money? Look at a person as the Chairman of the National Gas Corporation. What is the annual income of the National Gas Corporation? It has to be over a billion dollars. I think so. The last time I checked, it made a profit of some \$800 million in revenue. Revenue exceeded a billion dollars.

So, you are dealing with, in that particular case, the Chairman of the National Gas Corporation, a friend, supporter and financier of the UNC, who is in control of a billion dollars of taxpayers' money and can take decisions and influence situations where multinational corporations can get concessions under the table. I am just saying the opportunity is there. When one is in control of billions of dollars; one is not subject to the Central Tenders Board; one does not have to report to the Integrity Commission; one is not subject to any monitoring procedure in terms of one's personal assets and so forth. Is this where we want to take this country?

If we agree that a Minister should be subject to the Integrity Commission and a Minister's powers are limited. In legislation, there are only certain things a Minister can do. But, chairmen of state boards have almost unlimited powers because they are not subject to the regulatory checks and balances that Members of the Cabinet are subject to, so that we need to look at this. There are many, many examples that I can give.

In the same way, we need to look at this whole question of local government authorities. We need to look at it to see whether the recommendations in the draft legislation for bringing chairmen and mayors in, are relevant. What can a mayor or chairman do in public life that needs to be put under public scrutiny? This whole debate could degenerate into accusations on both sides, mud flying backwards and forwards about who "tief" more than who.

**Miss Nicholson:** The hon. Member knows he likes to do that. He was born in mud.

**Mr. C. Imbert:** I would say, since Members on that side would pelt their mud, after they are finished pelting mud, deal with the issues raised here. Pelt your mud—no big thing, but all I am saying is do not try to duck from issues by saying, "We do not want to talk about that." Or, "O'Halloran was a thief so we ain't talking about corruption". Do not duck and run away from the issues. This is not the kind of country we want for our children. It is not the kind of country I want for my children.

**Miss Nicholson:** I agree with you. I am glad that the PNM now understands.

**Mr. C. Imbert:** I want legislators—Members of Cabinet and so forth—to try to divorce themselves from the rhetoric and the mud slinging.

It is part of the cut and thrust of parliamentary life that persons would want to respond to and score political points. This is part of the cut and thrust of political life. This Chamber is not a tea party. *[Interruption]* We are not talking about that. We are talking about issues here. We have examples before us where persons are not under scrutiny and they need to be. They need to be placed under scrutiny. I have asked the question: Why do we want to make Members of Parliament accountable and not Senators? Senators have the same powers in terms of legislation as Members of Parliament. They vote and, as I said, can be lobbied to make certain representations.

**5.25 p.m.**

I noticed that there was a recommendation that there be a code of conduct, where one talks about inside trading and so forth, which is a step in the right direction. It is a step in the right direction, but we need to decide where we are going. Who are these people who, in the opinion of the law makers, can do the most mischief? Who are the persons who can manipulate the system? How can it be done? What do we wish to do?

Mr. Speaker, I ask that the Government look at the issues raised here today very seriously. If the Government is, in fact, committed to transparency and integrity in public life, as it is always saying—every one of its Members say that—

**Mr. Sudama:** We are. We always are.

**Mr. C. Imbert:** Again, I hear the Member for Oropouche repeat that yes, they are and I will accept that for the time being.

Mr. Speaker, if that is so then when we again consider this integrity matter, in whatever form it comes back here, I ask that the Members on that side consider the issues. I am not making recommendations here. I am simply raising issues which I consider to be important and I think we need to have a discussion which may even be the basis for a non-partisan discussion. The issue of integrity transcends political barriers. *[Desk thumping]* Rather than coming to the Parliament for me to say that they are “tiefing” and for them to say that we are “tiefing” which gets us nowhere, the issue transcends political barriers.

I am saying that when we next treat with integrity matters, rather than have a select committee and a formal setting, it may be better for us to sit in an informal session to talk about what we, as parliamentarians, want to see in terms of integrity

*Integrity Legislation—Green Paper*  
[MR. IMBERT]

*Friday, September 18, 1998*

in public life. *[Desk thumping]* I am throwing that on the table for the Government. *[Interruption]* A joint select committee is fine as it makes recommendations to the Parliament. However, the presenter of this Motion has, in fact, indicated that there were serious differences of opinion among the Members of this committee and that is why the draft legislation would have to be amended. It is an indication that this is a matter important enough for all of us to sit and talk about. *[Desk thumping]* I am throwing that out to the Government for it to try to move away from the emotionalism and parochialism that resides in this issue.

Mr. Speaker, I ask the Government to take the issues I have raised in good faith and approach this matter with the seriousness and purpose it deserves. Let us try to achieve consensus on this whole question of integrity and morality of persons in public life.

Thank you, Mr. Speaker.

#### PROCEDURAL MOTION

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that this Motion be deferred to later in the proceedings and that we deal with the Senate Amendments to the State Land (Regularization of Tenure) Bill under “Government Business”.

**Mr. Valley:** Mr. Speaker, before you put the question, I would appreciate—*[Interruption]* Thank you, Mr. Speaker. We tried before but I am willing to try again.

**5.35 p.m.**

**Mr. Speaker:** Mr. Valley, there is no room.

**Mr. Valley:** We just want to get a copy of the original Bill before we start because as you know we got this when we got to the Parliament today. It has been substantially amended and we would like a few minutes to look at the original Bill.

**Mr. Speaker:** Hon. Members, I beg to move that the House defer further debate on the Motion before the House and proceed with the Senate amendments which are on the Supplemental Order Paper with respect to the State Land Regularization of Tenure Bill, 1998. *[Interruption]*

I am simply putting the Motion. This is procedural. Please let me—*[Interruption]* There is no basis on which there could be any debate before I put it. This is why I asked that they go behind to speak.

*Question put.*

The House divided:           Ayes 17           Noes 13

AYES

Maharaj, Hon. R. L.

Griffith, Dr. The Hon. R.,

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Nicholson, Hon. P.

Rafeeq, Dr. The Hon. H.

Lasse, Dr. The Hon. V.

Job, Dr. The Hon. M.

Khan, Dr. F.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, Razack

NOES

Valley, K.

Manning, P.

Rowley, Dr. K.

Imbert, C.

Narine, J.

Hart, E.

James, Mrs. E..

Bereaux, H.

Joseph, M.

*Integrity Legislation—Green Paper*  
[MR. IMBERT]

*Friday, September 18, 1998*

Sinanan, B.

Boynes, R,  
Hinds, F.

Williams, E.

*Question agreed to.*

**STATE LAND (REGULARIZATION OF TENURE) BILL**  
**Senate Amendments**

**The Minister of Housing and Settlements (Hon. John. Humphrey):** Mr. Speaker, I beg to move that Senate amendment\*-\* to the State Land (Regularization of Tenure) Bill 1998 listed in the Appendix be now considered.

*Question proposed.*

*Question put.*

**Mr. Speaker:** The ayes appear to have it.

**Dr. Rowley:** Division!

**Mr. Speaker:** One does not have to shout at the Speaker. It is sufficient to call for a division which one would get. Could we have a division please.

The House divided:       Ayes 17       Noes 13

AYES

Maharaj, Hon. R. L.

Lasse, Dr. The Hon. V.

Griffith, Dr. The Hon. R,

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Nicholson, Hon. P.

Rafeeq, Dr. The Hon. H.

Job, Dr. The Hon. M.

Khan, Dr. F.

*Procedural Motion*

*Friday, September 18, 1998*

Nanan, Dr. The Hon. A.  
Partap, Hon. H.  
Mohammed, Dr. The Hon. R.  
Singh, Hon. D.  
Ramsaran, Hon. M.  
Sharma, C.  
Ali, Razack  
NOES  
Valley, K.  
Manning, P.  
Rowley, Dr. K.  
Imbert, C.  
Narine, J.  
Hart, E.  
James, Mrs. E.  
Bereaux, H.  
Joseph, M.  
Sinanan, B.  
Boynes, R,  
Hinds, F.  
Williams, E.

*Question agreed to.*

The long title—

Senate amendments read as follows:

Delete the word “secure” and substitute the word “protect”

Delete the word “ejection” and substitute the word “ejectment”.

*Question proposed.*

*Procedural Motion*

*Friday, September 18, 1998*

**Mr. Patrick Manning** (*San Fernando East*): Mr. Speaker, I joined this Parliament in 1971.

**Mr. Maharaj:** Mr. Speaker, I object. This debate must only be on the amendment. As to when he joined the Parliament has no relevance.

**Mr. Speaker:** The debate is indeed on the issue that is before us which is—  
[*Interruption*] I beg your pardon! Member for Toco/Manzanilla if you just listen to what I say perhaps you would realize that I may not be at variance with what you think you hold.

Hon. Members, what I was saying is that it is, indeed, the position that one could speak on the issue which is before us which is this amendment. I rule that the introduction which the Member for San Fernando East has made is in order. [*Desk thumping*]

**Mr. P. Manning:** Mr. Speaker, in dealing with legislation in my 27 years in this Parliament we have had, on occasion, to run afoul of governments and to run afoul of oppositions but what is happening in this Parliament this afternoon is without precedence. [*Desk thumping*] And we are not prepared to accept it!

They bring a new Bill. It is not— [*Interruption*]

**Mr. Speaker:** Order please.

**Mr. Humphrey:** Mr. Speaker, on a point of order. [*Interruption*]

**Mr. Speaker:** Excuse me one second please. Could you please indicate the relevant Standing Order that you are complaining against? If not, please continue Member for San Fernando East.

**Mr. P. Manning:** Mr. Speaker, look at the way this thing is done. An amendment is before us and we are expected to speak on it. With virtually no warning the Government moves a procedural Motion to deal with amendments coming from the Senate which themselves have not been outlined properly for consideration of Members of the Lower House. [*Desk thumping*]

The Government brings a new Bill. What is before us is, in fact, a new Bill—  
[*Interruption*]

**Mr. Speaker:** Order please.

**Mr. P. Manning:** —with something highlighted in the Bill which they say are amendments which have been approved by the Senate; a most irregular way of conducting the business of this Parliament.



Mr. Speaker, I ask a question of the Chair. I would like to know, as a Member of the Opposition in this House, whether the Speaker is in possession of the amendments to which reference is being made by those on the other side. We do not have amendments. What we have is a new Bill.

Not only that—

**Mr. Speaker:** The answer to the question that you have posed to me is that I do have amendments. We have a list of amendments to be moved.

**Mr. P. Manning:** I thank you very sincerely, Mr. Speaker. I have only just seen them and look at what I have just seen: page 1, page 2, page 3, page 4, page 5, page 6, page 7, page 8, page 9, page 10, 11, 12, 13, 14 What is this! *[Interruption]*

**Mr. Speaker:** Hon. Members, I am appealing to you to observe order and decorum in the House. The Member for San Fernando East has the floor, he is entitled to be heard uninterrupted by Members on his side and by Members on the Government side and I ask you please to observe that, on both sides. Would the Member for San Fernando East continue.

**Mr. P. Manning:** Mr. Speaker, thank you very much. The Government is going too far. *[Desk thumping]* I am a legislator. I am expected, as a Member and Leader of the Opposition in Trinidad and Tobago, to ensure that the other side of any proposal that comes before this House is properly articulated so that the public is in a position to look at both sides and come to a conclusion as to what is right and what is wrong. That is my responsibility; the responsibility of all of us here.

When we came here this afternoon at 1.30 p.m. and we got 14 pages of amendments with an appendix of 16 pages, what are we expected to do? Then they say that they are not subverting the democracy of Trinidad and Tobago. *[Desk thumping]*

Mr. Speaker, the hon. Attorney General— *[Interruption]* You can say what you want.

**5.50 p.m.**

**Mr. Humphrey:** On a point of order, Mr. Speaker. Standing Order 59(3).

**Mr. Speaker:** Hon. Members, Standing Order 59(3) on Procedure on Senate amendments:.

“When the House proceeds to the consideration of Senate amendments, each amendment should be read by the Clerk and may be agreed to, or agreed to with amendment, or disagreed to. Upon any such amendment being disagreed to, an amendment may be made to the Bill in lieu thereof, but no amendment may be proposed to a Senate amendment save an amendment strictly relevant thereto, nor may an amendment be moved to the Bill, unless the amendment be relevant to or consequent upon either the acceptance or rejection of a Senate amendment.”

This is not inconsistent with the other side speaking on the amendment and with Members joining in the debate on any particular clause that is before them. The Member is entitled to talk on the amendment. There is an amendment and he is entitled to say several things as to why it is difficult to deal with that amendment and to express his views. I rule that he could proceed. [*Desk thumping*]

**Mr. P. Manning:** Mr. Speaker, what the Government is doing by seeking to proceed in this way is to do precisely what caused so much trouble only yesterday in the other place. It is only because Independent Senators were involved that the hon. Attorney General got up and apologized, and if we felt that the Government was contrite or, indeed, apologetic and sorry for the course that it is pursuing, today's procedure demonstrates that it is only a strategy they used yesterday to achieve the support of the Parliament! [*Desk thumping*]

We teach our Parliamentarians that there must be a dimension of morality in the conduct of public affairs, and they do not do that maybe because they have the power to do it!

**Mr. Speaker:** May I just indicate to the Member for San Fernando East that it is perfectly legitimate to introduce one's argument by making reference to something, but I do think that one is going beyond the boundaries of such introduction.

**Mr. P. Manning:** Mr. Speaker, I understand you. I want you to understand me. Understand us! Please, understand us!

**Mr. Speaker:** With the greatest deference, the position is that we now have a situation in which the Minister has made a contribution in terms of the amendments and it is open to any Member to speak on it. I have given you latitude, as indeed, I would give any Member latitude to introduce it, but I do think that the introduction is much too long.

**Mr. P. Manning:** Mr. Speaker, where I was heading is that it is unreasonable to expect that any Opposition, however well-intentioned, could on the basis of receiving 16 pages of amendments to a Bill that itself was very significant and substantial, and without having an opportunity to study these amendments—we got them just a few minutes ago—would be in a position to contribute intelligently on this matter. All we are saying is that we should get more time. That is all we are saying! We want time, because this attitude of the Government is such that we saw elsewhere. I, therefore, propose that as the Speaker of this House, you use the authority of the Chair to—*[Interruption]*

**Mr. Speaker:** Order please! The hon. Member will know that this is not the time or place to do that. Indeed, I have given you an opportunity to speak on the first amendment and you are not really speaking on it. I appreciate that one could introduce it, but I call on you if you want to make any contribution on this to please make it.

**Mr. P. Manning:** Mr. Speaker, what we are saying to you is that we cannot make any proper contribution on it, because we only just got it and, therefore, we are asking for time! *[Desk thumping]*

**Mr. Speaker:** Does any other Member want to speak on this?

**Mr. Humphrey:** Mr. Speaker, I beg to move, that this House agree with the Senate in the amendment of the long title which the PNM in the Senate agreed to. *[Interruption]*

**Mr. Speaker:** I ask the Minister of Planning and Development, please, do not force me to take strong action.

*Question put.*

*The House divided:*           Ayes 17           Noes 13

AYES

Maharaj, Hon. R. L.

Lasse, Dr. The Hon. V.

Griffith, Dr. The Hon. R.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Nicholson, Hon. P

*Friday, September 18, 1998*

*State Land Bill*

[MR. SPEAKER]

Rafeeq, Dr. The Hon. H.

Job, Dr. The Hon. M.

Khan, Dr. The Hon. F.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, R.

NOES

Valley, K.

Manning, P.

Rowley, K.

Imbert, C.

Narine, J.

Hart, E.

James, Mrs. E.

Bereaux, H.

Joseph, M.

Sinanan, B.

Boynes, R.

Hinds, F.

Williams, E.

*Question agreed to.*

Preamble.

Senate amendment reads as follows:

Delete the preamble and substitute the following:

“**WHEREAS** the Government of the Republic of Trinidad and Tobago (hereinafter called ‘the Government’) is committed to the goal of improving living conditions, so that everyone in the society will have access to adequate and affordable shelter, with security of tenure:

And whereas the Government is further committed to the objectives of promoting security of tenure and facilitating access to land, bearing in mind the need of the population for serviced land but at the same time recognising the inability of the underprivileged to afford serviced land:

And whereas squatting is recognized as a phenomenon in Trinidad and Tobago for well over one hundred years:

And whereas in furtherance of its commitment to improving living standards and to fostering healthy development, the Government is undertaking a programme to regularise certain squatter settlements and to prevent further squatting by providing an alternative solution in the form of land for the landless, with the intention of developing sustainable human settlements”.

*Question proposed.*

**Mr. Colm. Imbert** (*Diego Martin East*): Mr. Speaker, before I go into this, I must place on the record the objection to this rape of our democracy. [*Desk thumping*] It is incredible that a government would expect that an opposition could meaningfully deal with these fundamental changes to this very important legislation, having received them today at 1:30 p.m. and only by pure luck.

There were problems. As you know the sitting was not even commenced on time because documents were not circulated, and to carry the other place late into the night and then bring all of these copious amendments here is contempt of the Parliament and contempt of the democratic process. When one looks at the actual amendment, one understands why in the other place, the Minister was so arrogant and so offensive that apologies had to be made by the Attorney General, because what the amendment seeks to do is to give meaning and purpose to the intention of the UNC to gerrymander constituencies in Trinidad and Tobago. [*Desk thumping*]

We have said that it is the intention of the Minister and his Government do encourage squatting in Trinidad and Tobago. They do not want to build any

houses. They want to encourage squatter settlements in PNM constituencies along the East/West Corridor so that they could gerrymander the voting patterns in those constituencies like Tunapuna, St. Joseph, Barataria, Toco/Manzanilla; marginal constituencies.

Mr. Speaker, let us look at what they took out and what they put in. They took out:

“**WHEREAS** the proliferation of squatting on state land is recognized as a manifestation of inadequate access to affordable shelter”

and replaced it with:

“And whereas squatting is recognized as a phenomenon in Trinidad and Tobago for well over one hundred years.”

So, state land comes out. It is no longer squatting on state land; it is squatting period!

This brings me to another point, that it is my belief that the UNC Government is going to encourage squatting on private land, then acquire that land and bring it under the ambit of the State Land (Regularization of Tenure) Bill. That is my belief! All for the purpose of gerrymandering marginal constituencies in the East/West Corridor. Why are we putting in something that says it is recognized that squatting is a phenomenon?

**6.05 p.m.**

It tells us that the Minister has this concept that is alien to good governance of Trinidad and Tobago, that all of the land—he has said it before—in Trinidad and Tobago belongs to everybody. As a matter of fact, he brought constitutional arguments on another occasion, a communist approach. In his view, we should just appropriate land in Trinidad and Tobago and give it to his supporters; that is what he wants to do. When you put in something like this, "whereas squatting is recognised as a phenomenon in Trinidad and Tobago for well over one hundred years," what are you really trying to say? You are saying that this is a problem we cannot deal with and that squatting has occurred before, is happening now and would happen in the future.

Instead, one should be saying that one wants to bring an end to squatting, but that is not the policy position of the UNC. It does not want to bring an end to squatting, it wants to encourage it. We have to be very careful about what is going

to happen in the next election. There are people who do not like to talk about what is going to happen, but we have to be very careful.

The Member for San Fernando East has an example in his own constituency where people are being transplanted. Persons from Oropouche, Naparima and other neighbouring constituencies are being transplanted in San Fernando East as squatters. The Government is encouraging people to squat in San Fernando East, and this amendment is an expression of intent. That is why there was this contentious debate in the other place about the Minister's power to declare new areas as squatter settlements. The Minister got so peeved, angry and upset, and they had to calm him down. I do not know why they bothered to calm him down, because that individual listens to no one.

I cannot use unparliamentary terms here—I wish I could—but there are reasons he behaves like that. He is not a normal person—I do not think that is unparliamentary—the normal protocol, the normal politeness and the normal respect for parliamentary procedure is absent whenever that hon. Member for St. Augustine presents legislation in this House. He tries to ram everything down your throat!

I remember the Planning and Development of Land Bill, we asked for a committee in this House and he said no. He went to the other House and Independent Senators using the same arguments—*[Interruption]*

**Mr. Humphrey:** Mr. Speaker, on a point of order—

**Hon. Members:** Sit!

**Mr. Speaker:** There must be nobody in here who should shout or say to any other Member that he must sit, I am the person to do that. The hon. Member has risen on a point of order, could you indicate to me the relevant Standing Order?

**Mr. Humphrey:** Standing Order 59(3)

**Mr. Speaker:** I overrule it, please continue. *[Desk thumping]*

**Mr. C. Imbert:** The very intervention of the Minister indicates his contempt for democracy and Parliament. Imagine making an amendment like this—

**Mr. Speaker:** I have dealt with that point, would you please proceed with the amendment.

**Mr. C. Imbert:** Thank you, Mr. Speaker, I have nothing to say—75 minutes on each point. *[Interruption]* On another matter, the Planning and Development of

*State Land Bill*  
[MR. IMBERT]

*Friday, September 18, 1998*

Land Bill had 121 clauses, and we pointed out that it was fundamental and far-reaching legislation, just like this one.

The NAR did not proclaim Act No. 20 of 1986 even though it came towards the end of the PNM administration's tenure in 1986.

**Mr. Speaker:** Are you still on the Preamble?

**Mr. C. Imbert:** Yes.

**Mr. Speaker:** It does not appear so. You need to be on the Preamble.

**Mr. C. Imbert:** Mr. Speaker, the whole point is, this is making a statement that squatting is "recognised as a phenomenon in Trinidad and Tobago". That is an argumentative contention, and the reference to Act No. 20 of 1986 which was an attempt by a previous administration to deal with the whole concept of squatting, and the inability of the NAR to proclaim that legislation because of certain views and opinions on how we should treat with squatting, whether we should recognize it or try to stop it—

There are two completely different points of view. The PNM is of the view that squatting should be controlled. Regularization is entirely supportable, but control and containment is necessary. We believe that it is a deliberate action on the part of the Minister, because when he proposed the amendment he did not explain why they took out "state land" and "whereas the proliferation of squatting on state land is recognised as a manifestation of inadequate access to affordable shelter" and replaced that with—notice there is no state land—"whereas squatting is recognised as a phenomenon in Trinidad and Tobago for well over one hundred years." What is the relevance of "one hundred years"?

They are trying to put in context their philosophy that because this had been going on for allegedly one hundred years and it is recognized as a phenomenon, we must accept their point to view. Thus, the very beginning of the Bill, in the very Preamble, they are trying to reinforce in the minds of people that we must support squatting. That is my opinion and that is why I am speaking about this. It is also necessary for me to refer to previous legislation where there was no recognition that squatting was a phenomenon.

In fact, previously, the intention was to contain, control and put an end to it by regularizing persons on state lands up to a particular point in time. But this amendment the Minister made has two purposes in my opinion: firstly, to lay the way for dealing with squatting on private land in the same way that the Government is trying to deal with squatting on state land; and secondly, to



reinforce this false concept that there will always be squatting. It is the Minister's view—and he said it before—that he sees nothing wrong with squatting. He has no problem with persons going on state lands, developing settlements and then coming to him to declare it to be a squatting area, and he wants us to just accept that without question.

That is why I said there was an explosion of squatting in this country in 1987. If this Preamble had said "whereas it is recognised that squatting has become a phenomenon since 1987," then I could agree to that. [*Desk thumping*] I do not agree with this 100 years thing at all! Squatting has been recognized as a phenomenon since 1987, not for 100 years, and I will prove my point.

In 1986 the Member for St. Augustine was very irresponsible, during the election campaign, in telling people that if they voted for the NAR they will get land. He was espousing this theory he had together with trinity dollars and so forth, that, "land was there for the taking, go and take it and I would give it to you". When the NAR came into power in 1987 and the then Prime Minister made the mistake of appointing the Member for St. Augustine as the Minister responsible for infrastructure, housing and all kinds of things, there was land grabbing in the East/West Corridor, in Maloney and La Horqueta, because prior to the election the Member told people to take land and public property.

People just walked into NHA houses in Maloney and La Horqueta and he had to go on television with tears coming from his eyes to say, "My brothers and sisters, please come out the people house." This is what went on.

**Mr. Speaker:** It is extremely difficult for the reporter to catch that. [*Laughter*]

**Mr. C. Imbert:** I will do it over slowly, Mr. Speaker.

In 1987, the Member for St. Augustine with tears coming out of his eyes— [*Interruption*] do not repeat it? I thought she could— He was saying, "Oh please come out the people house." If you could see him, Mr. Speaker. That started the explosion of squatting in this country. He started it, that is when the phenomenon occurred, in 1987, not before that.

As a matter of fact, the public record shows that there were less than 20,000 squatters before 1987, and in 1991 that number had swelled to almost 75,000. It means that under the NAR, because of the irresponsibility and indiscriminate behaviour of the Member for St. Augustine, he caused an explosion of squatting. I do not expect the Member for Tobago West to support me, but she had the pressure to deal with it afterward. After the former Member for Tobago East

*State Land Bill*  
[MR. IMBERT]

*Friday, September 18, 1998*

chased the Member for St. Augustine out of the Cabinet because of his behaviour, the Member for Tobago West had to take over the portfolio and had to deal with the problems created by the Member for St. Augustine. I do not expect her now as a member of the UNC "vaps" coalition to say that; the hon. Member has to toe the party line, but it is a fact.

When one looks at the behaviour of the Member for St. Augustine throughout his public life one sees that his actions lead to lawlessness and a breakdown of law and order in the society.

I asked myself, why has he deleted the word "state land". We have to ask these questions. [*Interruption*] I no longer trust the Member for St. Augustine. I used to trust him but I do not anymore because the entire way in which he approaches his portfolio, in my opinion, is not proper. He does not approach the management of his portfolio in a proper manner. [*Cross talk*]

We had a typical situation in the west of Trinidad where certain NHA apartments were built using taxpayers' money for a certain—

**Mr. Speaker:** Could we get back to the Preamble? You are sufficiently resourceful to speak for your full 45 minutes on the Preamble. You do not have to go outside of it.

**Mr. C. Imbert:** Thank you, Mr. Speaker. The part of the Preamble that I was coming to is:

"...and whereas the Government is further committed to the objectives of promoting security of tenure and facilitating access in land bearing in mind the need of the population for serviced land but at the same time recognising the inability of the underprivileged to afford serviced land."

I reject that! They do not recognize any such thing, and that was the point I was making.

**6.20 p.m.**

It is not underprivileged people who have received NHA apartments in Glencoe, it is people from St. Clair and Federation Park and other upper echelon areas in Trinidad and Tobago directly chosen by the Member for St. Augustine. So they are not committed to helping underprivileged people, they are committed to helping rich people.

This entire preamble is a joke. Imagine that hon. Member having the audacity to come into this Parliament and say that the Government is committed to the goal of improving living conditions so that everyone in the society will have access to adequate and affordable shelter. Well why did the 1,500 applicants for the Glencoe apartments not have equal access to those apartments? Why did the 30-odd friends and family of the Minister get access to those apartments? I no longer trust this Minister. I am telling you, it is not the intention of this Government to provide land for the underprivileged and to give everyone access to adequate shelter. While they pretend to help poor people, the Minister has exposed himself to query with that Glencoe deed.

I am aware that out of the 1,000-odd applications, there were interviews held and persons were selected: public servants, school teachers, policemen, people who could afford them. We are talking about apartments costing just \$275,000. A mortgage of \$250,000, which is just \$2,000 a month. A teacher and a police sergeant with a joint income of \$6,000 or \$7,000 a month can qualify for a mortgage repayment of \$2,000 a month. So teachers, public servants, and other persons in the society who have equal rights to those apartments in Glencoe were denied them with an elaborate scheme.

I would like the Minister to tell me it is not so; that the interviews were not held for those apartments in Glencoe and the original intention was not to give it to persons who most needed them. Because when one is talking about a \$275,000 apartment, one is not talking about something that is out of the reach of the ordinary public service family where two members are senior public servants. Many public servants retire without a home. There are many public servants who reach the position of Chief Technical Officer, even Permanent Secretary, living in state housing all of their lives, they might have entered the service at age 20 or 30, got a house as an engineer in the department or travelling officer, and live in state housing for their entire working life, retiring at age 54 or 55 with nowhere to go, and a small pension of \$2,000 or \$3,000 a month. That is what those NHA apartments were for, that category of people. Yes, it was for them.

Therefore, I challenge the Government. In this preamble they claim they are committed to the goal of improving living conditions so that everyone—and the operative word is “everyone” in this society would have access to adequate and affordable shelter. How does a Government achieve that goal, that everyone has access to affordable shelter, when one has state financed housing given to the privileged few in the society.

*State Land Bill*  
[MR. IMBERT]

*Friday, September 18, 1998*

There is a situation in River Estate, a squatter settlement, where squatters were relocated in preparation for a state housing programme, where the intention was to give people who cannot easily afford or access shelter. The intention in River Estate was to allow squatters the opportunity to access shelter. Just what is being said in this preamble here. What has happened?

Under the PNM the lots were laid out, persons were temporarily relocated, road and drainage infrastructure were commenced, and then there was an election. It is now three years since that election and the areas that were cleared are now covered by tall bushes. They are not going to go anywhere because it is not the intention of this Government to help poor people.

Look at the situation with all these apartments in Ramdial Mahabir Lands and so forth. All of the NHA apartments completed, ready for handing out. Are they giving everyone in society access to adequate and affordable shelter?

**Mr. Speaker:** I am ruling now that you are belabouring a point that you are making and you are being repetitious. So that, indeed, if you cannot add anything further to this question of the preamble, I would ask you to take your seat. You are quite prepared to speak, but I ask you please to confine yourself to the preamble and please avoid the repetition. I know you want to use up the 45 minutes, but please do not repeat it.

**Mr. C. Imbert:** I am guided, Mr. Speaker. I have no intention of using up that time on this amendment, perhaps on others. Let us go to the fourth paragraph in the preamble. It says:

“And Whereas in furtherance of its commitment to improving living standards and to fostering healthy development, the Government is undertaking a programme to regularise certain squatter settlements and to prevent further squatting by providing an alternative solution in the form of land for the landless...”

What does this mean, Mr. Speaker? Why is the Government seeking to regularize certain squatter settlements? What is this thing about land for the landless with the intention of developing sustainable human settlements? What is a sustainable human settlement? What is it? You see, I have been at pains to tell this particular Member of this House that his ideas make no sense. What is a sustainable human settlement? His definition of a sustainable human settlement is: no road, no water, no drain, no electricity, and latrine. That is his definition of a sustainable human

settlement and he has spent the last 10—15 years of his life proposing that theory, to convince normal people that we should accept that. Since the Minister has not told us what is going on in terms of the thinking behind this amendment, seeing that they have not explained why they are amending the preamble, I have to ask the question.

Because, from the information given to me by the Minister in the past, he was proposing swimming in sewerage, Mr. Speaker! His idea of a sustainable human settlement is that you take all the sewerage, you put it in a pot next to the houses and you use it for recreation. Boating and swimming in sewerage! This hon. Member has proposed that in this House. He has even proposed a dual waste/water tank, where one has drinking water above and sewerage below, or maybe it is sewerage on top and water below. I do not agree with this at all! This is the concept where they just put a whole bunch of people on a piece of land, leave them there with no services, no infrastructure, and just let them create a slum. That is what the Minister wants to do.

It is clear here because he has no intention of making sure that whenever these squatter settlements are established that there is planning, that it is done in an orderly fashion, and that the fundamental rights of persons are protected. Because one of the biggest problems with human settlements and the whole issue of sustainability, is the way in which people live with each other. When one has unplanned squatter settlements like the ones the Minister is proposing in the preamble, one has situations of people on top of each other, they excavate land below somebody else, pass their drainage water through a man's kitchen, there are disputes over access, leading to, even, murder.

Mr. Speaker, in my own constituency, one of the most difficult problems faced is people's idea of what is a sustainable settlement. One talks to certain people, they are called in by persons who are squatting and they want to improve their living conditions, and the majority of the residents ask for a road or a drain to be established, a pipeline or electricity to be laid to make it a sustainable human settlement where people are born, grow up, marry, have children and so forth, and the community sustains itself where it is not just residential, there is a whole hybrid of complementary activities taking part in the settlement. One of the biggest problems I have is trying to persuade people to agree on what is a sustainable human settlement. Quite often one finds that one person alone controls access to the houses of another 50, and because he or she is not on good terms with those

*State Land Bill*  
[MR. IMBERT]

*Friday, September 18, 1998*

persons or is mischievous, that person refuses to move his or her fence two or three feet to allow improvement of the settlement, so you have situations where settlements remain unchanged for years.

In my opinion, the Member for St. Augustine is encouraging that. This whole idea about regularizing certain squatter settlements, I am clear in my mind, from what I am seeing in San Fernando, that it is the intention of the UNC to encourage and help persons to squat in PNM constituencies and then regularize them in the most squalid of conditions, without proper roads, infrastructure and so forth, just so they can vote in marginal constituencies.

Now, I have had a glance at some of the other points in this Bill, there are a whole number of issues that we have to deal with. I have given my general views and my general rejection of the proposal in this preamble. The Minister has deleted “state lands” for a reason. He has indicated that squatting is a phenomenon for a reason. It is all part and parcel of the UNC's political strategy. As we go further into these amendments, one is going to see the naked purpose becoming clearer and clearer. So, to take your advice Mr. Speaker, there are 16 pages, and I believe we are entitled to speak for 45 minutes and then a further 30 minutes on each amendment as long as we are relevant, and therefore, I shall now take my seat, but I can assure you I will be speaking on all the other amendments.

I thank you, Mr. Speaker.

**Dr. Keith Rowley** (*Diego Martin West*): Thank you, Mr. Speaker for recognizing me. It goes without saying that I am speaking in this debate under duress. Simply because the issue before this House—*[Interruption]* Mr. Speaker, I crave your indulgence, I would like you to hear, I am not hearing—

**6.35 p.m.**

**Mr. Speaker:** Hon. Members, the Member for Diego Martin West is entitled to be heard in silence. He is saying to the Minister of Housing and Settlements that the comments which he is making are so loud that they are disturbing him.

**Dr. K. Rowley:** I thank you, Mr. Speaker, and I appreciate the Minister's cooperation.

Mr. Speaker, the reason I enter the debate, and I hope the Minister would listen, because at the end of my contribution I hope that he would be a better man. I happen to represent him in this House and it is with some displeasure that I observe his behaviour in conducting his public business.

I join the debate to talk about an observation in the Preamble in the context of fact and fiction. We all know from hearing over and over the cockeyed philosophy of the Minister of Housing and Settlements with respect to accessing and utilization of land, but I am sure that he can defend his right to speak, and I too would defend his right to speak. What is not acceptable, Mr. Speaker, is for the Parliament to try to pass a law and in that law, we cannot differentiate between fact and fiction, mischief and good intention.

My colleague, the Member for Diego Martin East, pointed out the mischief which the Government intends to perpetrate with the utilization of this Bill. There is the intent of course, that some good would come out of it with respect to regularizing persons who are now squatters, but there is the wider political mischief of which we are very much aware.

Mr. Speaker, when I look at paragraph 3 in the preamble which says:

“And Whereas squatting is recognised as a phenomenon in Trinidad and Tobago for well over one hundred years.”

Two things come to mind. Recognized as a phenomenon by whom, and why 100 years? Why not 50 years? The term normally used is 30 years because everything which is bad in this country, there is a standard catch phrase of 30 years which somehow seems to demarcate the PNM's tenure in office. It does not matter whether the PNM was in office for 34 years, but the 30-year phrase came into fashion. Only last week I heard a Minister of Government talking about the 30 years of PNM's rule. We had 34 years of PNM rule. Mr. Speaker, why 100 years, why not 75 years? There is no basis for making that statement; it is an arbitrary figure which cannot stand scrutiny.

Mr. Speaker, I grew up in Tobago and up to the time when I left in 1970, the phenomenon of squatting was unknown to us. In fact, anybody who knows about this country's history would know that this thing which is now being glamorized as a phenomenon to be put in law arose out of the change over from the colonial management system to the management system of our independence.

**Dr. Job:** Did the Member say that it is entirely fanciful that one should say that squatting was a phenomenon in Trinidad for more than 100 years, and there is no basis in fact to that statement?

**Dr. K. Rowley:** Yes, I am saying that, and I am also saying that I grew up in Tobago and I was making the point that—if you would let me make the point you

*State Land Bill*  
[MR. IMBERT]

*Friday, September 18, 1998*

would not have to intervene—under the colonial management system, there was a warden. The control was divided up into a number of areas and in Tobago, the warden had the responsibility for overseeing and protecting state land, and during the period of the existence of the warden system in Tobago, and also in Trinidad, there was an effective enforcement policy in place and squatting was not a phenomenon. In fact, instances of squatting were largely unknown, particularly in Tobago, because in Tobago people would build on family land and I personally—in the years which I spent in Tobago—am not aware of any person who was squatting on state land, but today squatting exists in Tobago. It is with the change over of Independence when the warden system was replaced by an alternative in the public service which was not as effective, and the policing was not as effective in the subsequent years. In the absence of adequate policing and enforcement, the odd person began to squat on state land. Those are the facts.

There were a few thousand persons who were squatting in Trinidad by the 1970s, and very few in Tobago. In fact, when squatting became on the national agenda, the figure of 10,000 persons was put out by the experts who assessed the situation. Soon after it grew to 20,000 persons, and by 1988, the figure I remember was 80,000 persons. In the period between the mid-60s and the mid-80s, squatting had moved from negligible numbers to—if one believes the official figures—approximately 80,000 persons who were on state land in recent years. So it is quite misleading to say that squatting has been a phenomenon in this country for over one hundred years.

Mr. Speaker, if you look at the schedule of the areas which are to be regularized it would bear out my argument. You will see that a large number of the areas which are identified as being occupied by squatters are largely designated as Caroni (1975) Limited lands or Palo Seco Agricultural Enterprise Limited lands. Why is that so?

Let us take Caroni (1975) Limited lands. The reason those areas were earmarked as Caroni (1975) Limited lands, if one looks at the history of those lands, one would find out that there were no squatting problems in the days of private ownership of those lands. Caroni (1975) Limited as we know it today is made up of a series of estates which were in private hands until 1975 and the government bought those estates and made Caroni (1975) Limited as it is today. I am saying that when those parcels of land in various estates like Woodford Lodge, Orange Grove and so forth were in private hands, the squatter settlements



identified in this schedule did not exist on those lands because the private land owners protected their property and people at that time had a greater respect for private property and did not have anyone encouraging them to squat on land and, therefore, squatting was not a phenomenon on those lands before they became state lands. That is why today in the schedule, there is a significant portion of Caroni (1975) Limited land. Recent acquisition by the persons who were on those lands.

The same thing goes for the Palo Seco Agricultural Enterprise Limited (PSAEL). Those lands were not always state lands, they were private lands before and there was some squatting in those areas because they were largely very deep rural areas and the oil companies had such large areas. In those days, the oil companies had some measure of policing of their lands but they tolerated some informal acquisition of those lands. My colleague from La Brea can give you a more accurate history of some of those things, but one would see that squatting on the PSAEL lands does not go back to 100 years. From where did the Government get this to put in the Preamble to a Bill in the law? That “Whereas squatting is recognised as a phenomenon in Trinidad and Tobago for well over one hundred years” is not true. My friend from Arima is saying it is true. He does not even know who elected him, far less to know who was squatting where. It is not true. The facts do not bear that out. This is a statement to justify what the Minister is advancing as a philosophy.

I have no problem with the Minister advancing his philosophy, in fact, his visionaries, thinkers, mad men and philosophers come up with ideas from time to time, and some of those ideas can stand the test of time, and some get into trouble. I have no problem with a philosophy being advanced, but I am saying when one comes up with an idea, one should not try to recreate history to justify what cannot be defended. This is an attempt to put the philosophy of free land for all in a historical perspective which is far from accurate. Do not mislead our children, do not mislead our parliamentarians, do not mislead any researcher who comes to this country and sees this law.

My friend from Tobago had interrupted me because he wanted to point out that there were some persons who were squatting before. After emancipation, some persons who had skills on the estate, such as traders, carpenters and so forth bought land and were still able to conduct their trade and had their income. Some were given land grants by some of the slave masters for deeds, and out of affection, and some fell into another category, so immediately after emancipation, some persons, did, in fact, squat, but in small numbers. It was not a phenomenon

*State Land Bill*  
[DR. ROWLEY]

*Friday, September 18, 1998*

accepted in Trinidad and Tobago, in fact, it was frowned upon, and many persons were dealt with in a certain way.

The laws of this country were enforced more effectively in those days than today, because we are now a liberal society. The questions asked are: How could you do the man that? Where would the man live, and so forth. In those days, 80 years and 100 years ago the law was respected and that is why in our statute books, squatting is an illegal action and those laws have not been repealed. Notwithstanding this humanitarian approach to say okay, *fait accompli*. What are we going to do? People live there by the tens of thousands raising children and living in deplorable conditions. Are we going to enforce the law and kick them out? We say, no, regularization, but curtailment of further growth of squatting.

**6.50 p.m.**

It is not correct to say that even when squatting existed many decades ago, it was a phenomenon recognized in Trinidad and Tobago. It was discouraged, frowned upon and subject to enforcement by law. In fact, such an approach of enforcement by law against the squatters brought this Minister into head-to-head confrontation with the state. He made his name, as a public figure in this country, objecting to the state enforcing the law which says that squatting is an illegal action.

Not to disregard the humanitarian approach in assisting to provide housing for the underprivileged and low-income persons, the fact is that in any discourse on squatting we cannot lose sight of the fact that it is the taking by someone of a resource which does not belong to him. I know the philosophy of my friend from St. Augustine is different. He says that they have a right to it. Once there is space, a person can take it and build on it. We are saying that the laws of the country say that the resource does not belong to him.

If I go into Hi-Lo, pick up an apple and walk away with it, I can be arrested. The apple costs only \$1.00, but I can go to jail for that. If I pick somebody's wallet and walk away, I can be arrested. The largest asset that most persons in this country will ever own is a piece of land. So, how can a person be arrested for an apple costing \$1.00, for taking a soft drink, for taking a wallet that has \$100 in it, but not be arrested for taking a piece of land worth \$10,000 or \$100,000? When someone squats, that is what he is doing—he is taking a piece of land that does not belong to him.

In the context of human needs, there are basic needs which must be met. One is shelter. When the Minister argues his case most passionately about people having

to have shelter, no one says that he is wrong. What we talk about is the procedure by which we can assist. I have never heard anyone say to him that he is wrong; that people are not entitled to shelter and should not be facilitated. Shelter is accepted as a basic need. So, when the Government says in paragraph one of their preamble that they are committed to the goal of improving living conditions, that takes into accounts the argument that shelter is a basic need and any facilitation for shelter is in fact conforming to that.

Another basic need is food. In fact, in terms of sustenance, in terms of continuation of life, it can be argued that if we have to prioritize our basic needs, food will come first. Basically, the human stomach needs replenishment of food every four hours. If we go beyond that, we feel hungry; eight or 10 hours we begin to starve; three days, five days, we are looking at death.

Food is a basic need. If the argument can be made that the basic need for shelter must be and can be alleviated by taking whatever is there to meet that need, why are we not making the same argument that if someone is hungry he can go into Hi-Lo and take and eat what he wants. The basic tenet of the philosophy underlying the Minister's position is that if someone has a basic need he should observe no law or regulation, just satisfy that need. If that is so, carry it to its full course.

Someone can live for 10 years: he can live under a tree for one week; he can live in a hole for a month, but if he does not get food for a number of hours, his physical system begins to break down and his life is threatened. There is a fundamental flaw in the philosophy which has driven them. In attempting to make that fundamental flaw more palatable, they have misrepresented our country's history by saying that squatting is a phenomenon for over 100 years. Strike that out of this Bill! It is not true. All that does is create the climate for people to break the law. The state is the largest land owner in the country. When it distorts our history by putting that in the Bill, what signal is it sending to people? Why should I use my earnings to buy a piece of land when the state says it is my right to take a piece because it is a phenomenon in the country?

Mr. Speaker, what brought squatting to the attention of the national community as a problem, most forcefully, was the fact that the results were beginning to have deleterious effects on persons who were in the proximity of squatting settlements. The slashing, burning and flooding caused people to observe what was happening.

*State Land Bill*  
[DR. ROWLEY]

*Friday, September 18, 1998*

I distinctly recall that as a result of this Minister, as a government spokesperson, giving public sanction to squatting—going beyond the need to be humane and saying that it is their right to do that—persons who otherwise would have observed the law and followed our normal maxims and dictums and purchased a parcel of land, took the position that the Government said they could do it so they would find a place to go. I can tell you two areas which suffered as a result of that.

In 1987, as a result of the mouthings of this Minister of Government, in a matter of weeks, there was a run on the land at Aripo Savannah—a nature reserve, which preserves a unique flora and fauna in the eastern counties. There was a run on the northern part of that Aripo Savannah, which is close to the road between Valencia and Sangre Grande, in the years 1987 and 1988. People squatted there in response to this same exhortation that the land was theirs; they could just build and they were all right. They were destroying a unique situation.

That savannah is one of the few areas in the world where there are insectivorous plants—plants that live by eating insects. People come from all over the world to study the area. It is protected under law. However, because it is a flat area, fairly well drained and close to major infrastructure—it is close to existing settlements in Sangre Grande in the east and Valencia in the west—and as a result of this relaxation of state policy with respect to unauthorized occupation of state lands, there was a run on those lands and serious destruction was done to a unique natural national resource in the very brief tenure of my friend the Minister. It is a good thing he did not last long in the NAR government because God alone knows what would have happened in that very brief period for which he lasted.  
*[Interruption]*

**7.00 p.m.**

Mr. Speaker, it is only out of deference to you and the Standing Orders of this House that I would not reply to the obstruction from the Member for Arima. You know it is not true. *[Interruption]*

**Mr. Speaker:** Order please!

**Dr. K. Rowley:** On the Valencia stretch, Mr. Speaker, you travel in this country for relaxation, cast your mind back to the days when you were a government minister serving this country. When you leave Valencia on your way to Sangre Grande and there was a piece of olivia forest; a beauty to behold. You

drive along that stretch—my colleague from Toco/Manzanilla will tell you—on the

#### ADJOURNMENT

**The Attorney General (Hon. R. L. Maharaj):** Mr. Speaker, may I move that the House do now stand adjourned—*[Desk thumping]* *[Uproar]*

**Mr. Speaker:** Order please! Order!

**Hon. R. L. Maharaj:** —to Monday, September 21, 1998 at 10.30 a.m.

Mr. Speaker, may I announce on that date the first Bill that the Government is going to debate is the Constitution (Amdt.) No. 2 Bill which is the Death Penalty Bill; and for Members to be aware that we will go thereafter and debate other matters. I would like to serve notice to Members that we may sit every day next week—morning, afternoon, evening.

The other matters we will try to do on Monday—*[Interruption]*

**Mr. Speaker:** Order please! Order!

**Hon. R. L. Maharaj:** Mr. Speaker, may I announce the other matters which we hope to finish on Monday, apart from the Death Penalty Bill is the State Land (Regularisation of Tenure) Bill, the amendments we are doing now, the Indictable Offences (Preliminary Enquiry)(Amdt.)(No. 2) Bill and the Motion on the Green Paper on Integrity Legislation.

Mr. Speaker, before we actually adjourn the House, there are two Private Members' Bills, which I understand if they are not done today there can be serious consequences to the promoters of the Bill. May I move that those Bills be debated before the House is adjourned?

**Mr. Speaker:** Hon. Members, I take it that there is agreement by both sides that we go to these two Private Members' Bills.

Accordingly, I call on the Member for Fyzabad. *[Desk thumping]*

#### UNITY OF TRINIDAD AND TOBAGO (INC'N) BILL

#### Special Select Committee Report (Adoption)

**The Parliamentary Secretary in the Ministry of Works and Transport (Mr. Chandresh Sharma):** Mr. Speaker, I beg to move that this House adopt the Report of the Special Select Committee of the House of Representatives appointed

*State Land Bill*  
[DR. ROWLEY]

*Friday, September 18, 1998*

to consider and report on a private Bill for the incorporation of Unity of Trinidad and Tobago and for matters incidental thereto.

Mr. Speaker, this was incorporated in 1965 by Act No. 25. Basically, what the promoters have sought from this House is to have a slight amendment to allow for the officers in the Bill not to be named. As it existed in 1965, the office holders were named. What they are seeking now is to have the offices be identified and not named; and they are largely involved in religious, social and community work.

I have had the honour of chairing this particular Committee and members from both sides have agreed that they are involved in charity work, and should receive from this House our approval.

I beg to move.

*Seconded by Mrs. Eulalie James.*

*Question proposed.*

**Mr. Bereaux:** Mr. Speaker, with the display of unity just presented here, all that is left for me to do is to thank Members for assisting in this Bill.

*Question put and agreed to.*

*Report adopted.*

*Question put and agreed to, That the Bill be now read the third time.*

*Bill accordingly read the third time and passed.*

**INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS  
(ISKCON) TRINIDAD AND TOBAGO (INC'N) BILL**

**Select Committee Report  
(Adoption)**

**Dr. Fuad Khan** (*Barataria/San Juan*): Mr. Speaker, I beg to move that this House adopt the report of the Special Select Committee of the House of Representatives appointed to consider and report on a private Bill for the incorporation of the International Society for Krishna Consciousness (ISKCON) Trinidad and Tobago Inc. and for matters incidental thereto.

Mr. Speaker, I would like to thank the Members of the Committee of both sides of the House for their punctuality and diligence in helping me with this Bill.

*Adjournment*

*Friday, September 18, 1998*

I would start my contribution this evening by stating that this Krishna Consciousness went back a couple hundred years ago. It started in India.  
*[Laughter]*

I would like to give an account of its formation up to the present time. As I said before Mr. Speaker, this society has gone back 100 years.

Mr. Speaker, I beg to move. *[Laughter]*

*Seconded by Mr. B. Sinanan.*

*Question proposed.*

*Question put and agreed to.*

*Report adopted.*

*Question put and agreed to, That the Bill be now read the third time.*

*Bill accordingly read the third time and passed.*

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.10 p.m.*