

Leave of Absence

Friday, November 13, 1998

HOUSE OF REPRESENTATIVES

Friday, November 13, 1998

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that leave of absence has been granted to five hon. Members of this House from today's sitting. They are the Member for Couva North, the Member for St. Joseph, the Member for Point Fortin, the Member for Arouca South, and the Member for Diego Martin West.

OMBUDSMAN'S REPORT

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from the Ombudsman of Trinidad and Tobago dated November 06, 1998, in which he has transmitted to me, a special report which he wants to have laid before Parliament in accordance with subsection (4) of section 96 of the Constitution of the Republic of Trinidad and Tobago. This special report is, in fact, on the table of the House and it is accordingly to be regarded as having been laid.

CONDOLENCE

Mr. Speaker: Thirdly, Hon. Members, I wish the House to take note of the death of the brother of the Member for Fyzabad which recently occurred and which I am sure is a traumatic experience for him. I know he is in a period of mourning; he has communicated with me concerning this death. I am sure that I express the views of all hon. Members of this House, in expressing condolences to the hon. Member on the sad passing of his brother at a relatively early age. I will ask that the Clerk send to the hon. Member, a suitable letter of condolence on behalf of the House.

PETITION

Project Excel

The Minister of Social Development (Hon. Manohar Ramsaran): Mr. Speaker, I have the honour to present a petition on behalf of Project Excel.

Petition

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I now ask that the Clerk be permitted to read the petition and that leave be granted.

Petition read.

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

PAPERS LAID

1. Report of the Auditor General on the accounts of the Laventille Regional Corporation for the year ended December 31, 1992. [*The Attorney General (Hon. Ramesh L. Maharaj)*]
2. Report of the Auditor General on the accounts of the San Juan Regional Corporation for the year ended December 31, 1992. [*Hon. R. L. Maharaj*]
3. Report of the Auditor General on the accounts of the National Lotteries Control Board for the year ended December 31, 1994. [*Hon. R. L. Maharaj*]
4. Report of the Auditor General on the accounts of the Tunapuna/Piarco Regional Corporation for the year ended December 31, 1993. [*Hon. R. L. Maharaj*]
5. Report of the Auditor General on the accounts of the Post Office Savings Bank for the year ended December 31, 1988. [*Hon. R. L. Maharaj*]
6. Report of the Auditor General on the accounts of the Post Office Savings Bank for the year ended December 31, 1989. [*Hon. R. L. Maharaj*]
7. Report of the Auditor General on the accounts of the National Carnival Commission for the the period August 01, 1994 to July 31, 1995. [*Hon. R. L. Maharaj*]
8. Report of the Auditor General on the accounts of the Institute of Marine Affairs for the year ended 31 December, 1997. [*Hon. R. L. Maharaj*]

Papers 1 to 8 to be referred to the Public Accounts Committee.

Mr. Speaker: The Minister of Agriculture, Land and Marine Resources.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I am very sorry. I will ask that this Motion be deferred for another day. We were going to the first Bill on the Order Paper, Trinidad and Tobago Postal Corporation Bill.

TRINIDAD AND TOBAGO POSTAL CORPORATION (NO. 2) BILL

Order for second reading read.

The Minister of Public Utilities (Hon. Ganga Singh): Mr. Speaker, I beg to move that a Bill to establish the Trinidad and Tobago Postal Corporation and related matters be now read a second time.

Mr. Speaker, the Government regards the presentation of this Bill as a key step in strengthening the core public sector functions and the overall public sector modernization process. This Bill seeks to create a more efficient postal service for Trinidad and Tobago through the processes of institutional, technological, and regulatory reform.

The main objectives of postal reform are as follows:

1. to improve the quality of service;
2. to make the postal service financially self-supporting;
3. to run the postal service on commercial principles; and
4. to continue to provide social obligations.

Mr. Speaker, this Bill is an outcome of a careful process of policy formulation which began in early 1996 and which adheres to the principles of openness, adequate public information, public discussion and consultation. Mr. Speaker, may I remind this honourable House that this Bill is consistent with the United National Congress Manifesto and with our *Medium Term Policy Framework 1998—2000* document.

The *Medium Term Policy Framework 1998-2000* stated, and I quote:

Government's participation in commercial enterprises will be limited to those activities which meet strategic national objectives and which cannot be achieved through the legal, regulatory, institutional, or incentive framework. Accordingly, existing state equity holdings, including the public utilities, will be evaluated against the following set of prescribed criteria:

Strategic National Significance;

Protection of the Public Interest;

Validity of Mandate;

Optimal Resource Utilisation;

Viability of the Enterprise;
Market Efficiency;
Requirements for Long-term Competitiveness; and
Socio-Economic Implications.”

Against this background, Mr. Speaker, this Government, based on a comprehensive diagnostic review undertaken by the Ministry of Public Utilities, identified major postal sector issues and constraints and eventually formulated a strategy for the postal sector. That strategy has three pillars.

- (i) Institutional reform incorporating the principles of corporatization and commercialization;
- (ii) Technological reform; and
- (iii) Regulatory reform.

In fact, Mr. Speaker, despite numerous investigative efforts and resulting recommendations for improvements, spanning the period from the early 1960s, nothing was done to reform the Post Office. There are some 13 major reports and studies on the Postal Services of Trinidad and Tobago, spanning the period of the early 1960s to the mid 1990s. They all met the same fate—no action. I think that it was C. L. R. James who, in one of his works, said that an idea without action is pure mischief.

The ideas contained in these 13 reports and studies led to no action on the part of the previous incumbents. In fact, I would refer to the Report of the Commission of Enquiry in the Postal Services of Trinidad and Tobago dated August 1973: The Alexander Commission, and I will quote at page 14 under the heading The

The Commission cannot emphasise too strongly the urgent need for immediate action to cure the serious situation which has been allowed to develop in the Postal Service mainly as a result of factors over which the Post Office itself has largely no control.

Ultimately, the blame for the conditions in the Postal Service today must fall squarely upon Government who unfortunately have, over the years, persistently neglected the requirements of a Department which provides a vital public service.”

Mr. Speaker, as Prime Minister Basdeo Panday said yesterday evening at the signing of the project agreement for the Norsk Hydro Alluminum Smelter Project, some 30 years after its conceptualization, 'well done is better than well said.' Mr. Speaker, 'well said' in the post office began as early as 1963. The then Minister with responsibility for the post office was the late hon. Donald Pierre.

In 1963 there was the report of the Cecil Alexander Committee on Delays in the Delivery of mail by the Post Office. In 1964, the Report of the Committee set up by the Prime Minister to investigate the grievances of Postmen. In 1964, again, the Working Party Report on the Role and Status of the Postal Service in the age of Independence.

Mr. Valley: We want to hear about Narine.

Hon. G. Singh: The DeVerteuil Investigation Committee Reports well said in 1965; in 1967, the Report of the Committee appointed to inquire into the administrative functioning of the Postal Service at the General Post Office; in 1969, the Au Young Committee on Security Arrangements and Policies in the Post Office; in 1970, the Carter-Amorer Committee on Security Arrangements at the General Post Office; in 1973, the Final Report of the Commission on Inquiry appointed to inquire into the operations of the Postal Service of Trinidad and Tobago; in 1975/1976, the Modig Report, a United Postal Union (UPU) Consultant;

1.50 p.m.

In 1988, the Perault Report;

In 1990, the Crawford Report;

In 1993/1994, the Diagnostic Report on the Management and Operations of the Postal Services in Trinidad and Tobago.

It is important to note that during the period 1963-1994, there was a range of incumbents who occupied the office of Minister of Public Utilities. I feel humbled when I listen to their names: Hon. Donald Pierre; Hon. Errol Mahabir; Hon. Overand Padmore; Hon. Shamshuddin Mohammed; Hon. Mervyn de Souza; Hon. John Scott; Hon. Cuthbert Joseph; Hon. John Eckstein; Hon. Pamela Nicholson; Hon. Arthur Sanderson; Hon. Morris Marshall; Hon. Ralph Maraj; Hon. Barry Barnes. [*Interruption*]

Mr. Speaker, well said. For over 35 years, we had in this country a series of reports that point to, 'Well said.' All this talk; all the ideas contained in these reports, but there was no action being taken.

I refer to what C L R. James said: 'An idea without action is pure mischief.' So, Mr. Speaker, it falls upon us. All talk and no action to save jobs and livelihood; to save the enterprise called the Trinidad and Tobago Post. Now it is time for, 'Well done.' This is the era for 'Well done.' I now proceed on the developmental process of this Bill.

The process which this Government initiated with respect to the development of this Bill involved wide and meaningful participation from unions, employees, the national and international community. In the first stage, the Steering Committee comprising the Ministries of Public Utilities, the Attorney General, Finance, Planning and Development, Public Administration, Information; the Post Office and the Law Commission developed the first draft of this Bill. This Committee reviewed postal legislation of several other countries including Canada, Australia, the United Kingdom, New Zealand, Japan, Singapore, Germany and Malaysia. The draft of the Steering Committee was reviewed by the Universal Postal Union (UPU).

Thirdly, the draft went through two sets of amendments based on the comments of the Trinidad and Tobago Postal Workers' Union and the Public Services Association, of which many members are gathered here in the gallery.

At the second stage of the Bill, the comments of the international postal administrations were also sought and received. These were the Canada Post, the New Zealand Post; the British Post; the German Post and the Netherlands Post.

The third stage—was at this stage that the Chief Parliamentary Counsel got involved in the development of the final draft bill. The draft bill was then circulated to the national and international community and comments were received from the employees, the unions, the international community and the ministries, including the Ministries of Finance; Trade and Consumer Affairs; the Solicitor General; Pensions and Treasury Divisions of the Ministry of Finance.

In fact, workers' forums were held in June, 1997 at the Holiday Inn and at the Rovonell Resort in Tobago, where both unions and the employees presented their views on the Bill.

Communications International, an international federation of trade unions, representing some five million postal and telecommunication workers around the world had this to say and I quote:

We have taken great interest in the planned transformation of the Postal Services in your country because of its innovative design and the involvement of the World Bank and its financing. As a model for other countries where we have affiliates, the process underway in Trinidad and Tobago has many positive attributes. By and large the postal reform legislation now pending before your Parliament is part of a well-crafted and progressive plan to revitalize the Postal Service in Trinidad and Tobago.”

As a result of all these contributions, the Bill was amended before it was laid in this honourable House. Clearly, this Bill has gone through wide and meaningful participation at all levels. I now wish to explore the rationale for this Bill, placing it in a global and, subsequently, a local context.

Mr. Speaker, the global perspective. The classical postal administrations, which remained virtually unchanged for decades, are giving way to postal corporations of different colours. The postal sector must clearly recognize its position as part of the overall communications market with changing customer requirements and must adapt to the on-going communications revolution. Globally, the postal sectors are facing many challenges.

Changes in oil and other sectors are sweeping the postal market through product differentiation, technological inroads into the traditional postal markets, competition, globalization of economies and businesses, and the need for time sensitivity in delivery. In fact, technology has revolutionized the whole business of communication. Already, fax machines, e-mail, *et cetera*, have drawn millions of customers away from postal services worldwide. The new technologies are not limited by national boundaries. In fact, Mr. Speaker, you will no doubt appreciate that today you can gamble locally on the basis of the internet with service providers located all over the world.

The global market liberalization process is pulling down trade barriers and is leaving postal services more vulnerable to competition, therefore, a multiplicity of factors are responsible for reducing postal sectors monopoly. In the face of these rapid technological changes and competition from the private courier industries and telecommunication-based services, only vastly improved services will save the very service and jobs provided.

In fact, I am advised that Federal Express started in 1988; UPS in 1989; DHL in 1981; and, today, they have market dominance in the Express Mail and Parcel Post sector. In order to meet this competitive challenge, many countries are reforming their postal services. All indications are that the pace of evolution in the postal world will continue to accelerate into the next millennium.

I now point to a few examples of reform taking place. Argentina's reform in 1993 involved full commercialization. Singapore's reform has resulted in extraordinary success, both in terms of financial performance and quality of service.

Mr. Valley: Mr. Speaker, could the hon. Minister give the dates of those reforms he is mentioning now? Singapore and the other one—the year in which their reform took place.

Hon. G. Singh: As I indicated, Argentina's reform took place in 1983; Singapore's reform in 1987 or earlier, because mail per capita between 1987-1995 in Singapore increased by some 4.6 per cent with tariffs only going up once. Swedish Post in 1991 has been about 6 per cent per annum, and return on equity only 14 per cent per annum. New Zealand Post, between 1987-1995, has been quite remarkable.

Two common themes run through all these successful postal reforms. Firstly, these reforms were initiated as part of a general national drive for public sector reform. Secondly, all of them resulted in better service to the public, through a more efficient and profitable postal enterprise. Over the past 15 years, at least 16 countries apart from the developed world in Asia, Africa and the Middle East and Latin America are in the process, or have already implemented major restructuring of the postal services.

In Asia—Sri Lanka; Philippines; Indonesia; Hong Kong; Singapore; Malaysia. In Africa and the Middle East—Togo; Cameroon; South Africa; Jordan; Gaza; Lebanon. In Latin America—Guatemala; Argentina; Mexico; Chile.

These postal administrations are taking a different, but equally effective part to postal reform. All involve change, not only the jobs that people perform, but also changing the way that people think. Clearly, reform of the post does not mean the introduction of new technology or buying computers; it involves the changing of the attitude of the employees making them willing to adopt a new, commercially-oriented approach to their work.

The management style of the past which thrives on bureaucratic indifference to the needs of the customer and on regulations, is giving way to greater management autonomy, flexibility and decision-making and a more businesslike focus on financial performance and quality of service. What will matter in the future will be results, rather than the rigid application of rules. Accountability, often incidental in a classic postal administration, is taking a high priority in the new organizations.

Mr. Speaker, the explosive growth of the communications market will also force more postal services to move beyond physical mail delivery. They will have to diversify in order to broaden the range of services offered to customers. It is technology and the demand of the customers that is driving the process of change. It is for the postal sector to grasp this opportunity for change. If nothing is done, the postal sectors would continue to lose their market share as competitors and other providers will take over the market.

It is also instructive to note that the Universal Postal Union, of which Trinidad and Tobago is a member country, at its 21st Congress held from August 21—September 14, 1994, in Seoul, Korea, by resolution C95, appealed urgently to the Government of member countries to:

- (a) improve domestic postal networks to make the international network more competitive;
- (b) give the post a legal status and a modern management system which guaranteed appropriate financial independence and, of course, accountability; in particular, as regards a commercial approach and greater satisfaction of customer needs.
- (c) redefine the limits of the postal monopoly and the reserved services related to it so as to be able to provide quality universal services at affordable prices.

2.05 p.m.

The UPU Strategy Conference held in Geneva in 1997, attended by 123 countries, concluded that:

Governments needed to accelerate the postal reform process, giving their postal services the management independence and commercial freedom required to meet customer expectations. Rapid reform was critical

to survive in an exploding communications market characterized by fierce national and international competition.”

Mr. Speaker, clearly there is an unrelenting market-driven and technology-driven change taking place in the local postal sector. The Government believes that change in the local post office is critical and unless the problems are addressed efficiently and effectively, the local postal sector is likely to hinder rather than contribute to the greater prospects of the economy.

The main issues underlying the need for reform and, therefore, for new legislation, are as follows:

(1) Heavy operating losses:

Over the past several years the post office has been incurring substantial losses from its operations often representing over 50 per cent of total revenue.

Mr. Speaker, for the year 1999, the post office has estimated its revenue to be about \$32 million and its expenditure to be about \$72 million. This means that its operating expenses are estimated to be well over 100 per cent of its revenue. These figures do not include the post office's capital requirements which are estimated to be about \$65 million over the next three years. This deficit has been a single major factor in hindering sectoral development and network rehabilitation, and at the same time, has burdened the treasury.

(2) Poor quality of service and lack of public confidence.

The current service performance is at a low level. The service is being criticized for its inability to service many areas of the country with dispatch and/or to provide others with any service or at all. Citizens have complained about never having received their mail at all, others of tampered packages, missing materials in the package and so forth, thus leading to a total lack of confidence in the way the present service is being provided.

Mr. Speaker, as a result of this, there is the market dominance in Trinidad and Tobago of the private couriers such as Federal Express, UPS, DHL and others. Mail volumes in many areas have declined by over 37 per cent over the last five to six years and at the same time a large number of couriers are currently providing mail delivery service quite profitably even though they charge much more than the post office.

- (3) Inefficient operation partly due to inefficient logistics and over staffing has led to low productivity. Operational inefficiency is a major factor in the post office's inability to deliver mail in a timely cost-efficient manner. The extensive postal network which has not undergone any significant changes over many decades is not designed to support the optimal flow of mail transport, sorting and delivery, nor is it in line with recent shifts in demographics.

Labour productivity ratios indicate a high degree of overstaffing. The local post productivity is five to 12 times less than the leading postal administrations. The image of the post office as yet another uncaring bureaucracy has grown over the years with employees being branded as less than zealous in the execution of their duties.

- (4) Under-investment in, and neglect of, the postal network has hindered sectoral development. The post office has not received the financial resources it needs to upgrade, modernize and improve the service which has contributed significantly to a deterioration in the quality of postal communication and financial services. The main reason being its repeated poor financial performance.

Currently, about 12 per cent of the postal vehicles are beyond repair and 80 per cent are in need of substantial repair. The post office has one functioning computer.

- (5) Institutional capacity is weak and there is a serious lack of managerial capabilities. The post office is managed by staff whose average do not have the prerequisite qualification and suitable management experience. Due to lack of commercial and business skills, there are no initiatives for identifying where the opportunities are for growing traffic volume. Additionally, the management and operations of the post office are primarily done manually and many necessary procedures have not been introduced.
- (6) The post office savings bank is ineffective as a channel for savings mobilization and funds transfer. Despite having access to a huge network of retail outlets, the financial service business has been ineffective as a channel for funds transfer and savings mobilization, particularly among the low income and rural communities. As a

consequence most savings accounts are dormant. Of the 142,896 postal savings bank accounts, almost half are dormant, representing 40 per cent of the total value of deposits. In fact, withdrawals are now higher than deposits.

Mr. Speaker, as a consequence of the above factors, the post office has found itself in a vicious cycle where poor financial performance leads to low investment levels, which lead to poor quality of services which leads to low mail volume and back to poor financial performance. To break this cycle it is necessary to fundamentally reorient and rethink approaches for the future of the postal sector. This postal legislation is a major initiative aimed at creating a productive and sustainable postal service in the country. In fact, Trinidad and Tobago is among a handful of Latin American and Caribbean countries to engage in reforming the postal services sector.

We believe we have all the major stakeholders supporting us. Mr. Speaker, with your permission, I would quote what the local media had to say about our reform programme in the "Our Opinion" column of the *Daily Express* dated February 6, 1988, page 8, headlined "Postal Service to get new lease on life:"

Plans for privatization of the postal service have come like a fresh breath of breeze from the sea...A private sector partner who will undertake the onerous task of making the post arrive in a timely fashion and unopened. This partner will probably also let unsmiling attendants behind the counters of post offices know that if they do not provide courtesy and service they will be out on their ears...No organization in the country, private or state-run could possibly compare, for sheer incompetence and abominable public image, with the postal service. The evidence is there in the letters of complaints to the editor, hundreds of which arrive each day...The postal service has been rendered obsolete. It will soon perish unless a life-giving infusion of new investment, management, systems, organization and modern thinking isn't

Mr. Speaker, in the *Daily Express* of August 8, 1998, in the "Our Opinion" column headlined "Shot in the arm for postal service:"

The state of the T&T Postal Service is one of the more disheartening examples of neglect in local institutions stubbornly resistant to change or improvement; and indeed scarcely acknowledging that it needs to change or improve...This makes the announcement of the Public Utilities Minister in the

House of Representatives last Friday that New Zealand Post International will manage and revamp the system all the more understandable...There seems to be a particular intransigence in the corruption which bogs down the Post Office. The theft of mail has become something of a Christmas tradition, if not a national joke...In implementing these changes it is hoped that the local Post Office will follow on the path of postal services throughout the world down the road to self-reliance and even profitability, or at the very least, away from its need for a government subvention.

2.15 p.m.

The *Guardian* of August 18, 1998, 'Our Opinion: Posing for the future,' and I quote:

Sooner or later the government would have been forced to take steps to revamp the postal services. So the report last week of the decision to contract New Zealand Post International Limited to manage the operations for the next five years will be warmly welcomed.

The government clearly does not have the resources, human or technological, to carry the operations into the next century in a manner that would meet the demands of the many sectors of the community.

The immediate concern is not so much with profits and how large they may be but with the importance of transforming a postal service from just beyond the age of the donkey cart to one that will meet the urgent demands of the next millennium."

I can go on and on with articles supporting the transformation of the post office. It is, perhaps, appropriate at this juncture, for us to go into the key provisions of the Bill.

This legislation is established to:

1. transform the postal sector into a successful commercial business;
2. assure customers that they will receive quality service at reasonable prices;
3. create conditions of operation sufficient to make the postal service financially self-supporting with the capacity to finance growth, investment and development;
4. promote competition where appropriate;

5. enforce sound financial and management practices to ensure that the postal service meets its obligation to the public, and;
6. develop, adopt and enforce rules consistent with social, technological and environmental development.

The Bill seeks to achieve the above objectives through a process of corporatization and commercialization. That is to say, institutional reform. Corporatization is the process of giving personal administrations an independent legal status subjecting them to the same legal requirements as private firms. It converts the postal sector from one of official governance to that of corporate governance. Corporatisation will grant the postal service the necessary independence and flexibility to meet commercial challenges. With corporatisation comes the opportunity for a responsible, experienced and decisive board.

Clear business purpose:

The establishment of proper commercial systems and controls.

A level playing field with respect to competitors including, payment of taxes, dividends and other business charges, and

The ability to raise funds, buy and sell assets, enter into business arrangements or joint ventures.

Mr. Speaker, commercialization is the process of introducing market principles into postal administrations not common to the public sector. It brings change in the goals and focus of the organization by shifting from meeting just the social obligations to assuming a customer-oriented approach, where the focus is on quality, cost and profit.

As a means of achieving the above objectives, Part II of the Bill provides for the establishment of Trinidad and Tobago Post as a body corporate which is provided for in clause 5. The functions and powers are stated in clauses 6 and 7 and other obligations are stated in clause 8:

Further, by clause 9, the Trinidad and Tobago Post would have the exclusive right to carry any letter weighing two kilograms or less for hire or reward and by clause 9 (2) the exclusive right to produce postage stamp and to rent or lease post office boxes.

The current centralized structure of the post office has insulated the post office from responding to the changing market forces and delivering an acceptable service.

Unclear, ambiguous and conflicting enterprise objectives have resulted in overall deterioration in performance. There are no formal controls on the post office's financial and operative performance.

The management is more concerned with strict application of the rules which control the post office than with providing service to the public. In fact, the opportunities for cost reduction and a generation of revenue play a subordinate role to the rigid application and enforcement of the postal regulations and institutions.

The strict conformity to the procedures of the public service generally stifles initiatives and leads to lengthy delays and/or total failure to respond to commercial and competitive pressures and public demands.

I am convinced that continued restrictions on the enterprise will ultimately impair its capacity to meet its major public service obligations as users will seek alternatives resulting in progressively declining volumes and increasing unit costs. Only by allowing the post office to make its own decisions based on its own management expertise, will it be able to operate and bring about changes in its performance.

Clause 6 clearly spells out, apart from carrying postal items, other services it may perform or offer. For example, financial and agency services, electronic mail and hybrid services, consultancy services, sale of postal products at retail outlets.

It is our goal to provide e-mail in every community, fax messages in every community, internet in every community; from Castara to Parlatuvier, from Toco to Cedros, we will make technology available and accessible in every nook and cranny in Trinidad and Tobago through the postal services.

In this regard, TSTT will begin negotiations with the new managers of Trinidad and Tobago Post with a view to facilitating and accelerating the communications technology at post offices and postal agencies throughout Trinidad and Tobago under the new management contract with New Zealand Post.

Clause 7 gives the postal services the power to do everything necessary for the performance of its functions and obligations.

Granting of powers is central to the entire purpose of corporatization, as this will create a structure that is capable of responding flexibly and efficiently.

It grants the exclusive right in the basic letter mail area—

Mr. Valley: Mr. Speaker, we have been hearing about New Zealand Post and I just wondered whether the Minister would inform us on what basis was New Zealand Post selected.

Hon. G. Singh: The hon. Member would recall that earlier this year I made a statement in the Parliament informing the honourable House of the whole process—members of the valuation team, the number of bidders and how New Zealand Post was chosen as the preferred bidder. Perhaps, the hon. Member would want to look at the records of the honourable House.

Clause 7 gives the postal service the power to do everything necessary for the performance of its functions and obligations. The granting of powers is central to the entire purpose of corporatization as this will create a structure that is capable of responsibility, flexibility and efficiency.

It grants the exclusive right in the basic letter mail area, and at the same time limits its powers in other areas. The extent of the planned monopoly is consistent with international standards and generally follows the UPU guidelines of postal legislation.

Clause 8 is designed to help the postal service to fulfil its social and economic obligation including the environmental obligation. It is required to operate according to sound business principles and efficient human resource management practices. This is perhaps the first time that a statutory corporation is required, under law, to fulfill commercial and human resource obligations. Clause 8 also addresses the manner of service of provision, that is, accessibility, affordability and acceptable quality, and the directions of the Minister in matters relating to general government policy.

Mr. Speaker, we see corporatization as an early step in postal reform by giving the postal administration an independent legal status and a distinct legal structure, and by separating ownership and management. Corporatization supplies the right conditions for optimal accountability and incentives within the postal organization.

Part III of the Bill provides for the establishment and composition of the board and the appointment of a managing director. The board will be appointed for its commercial skill and experience. It will have the authority for all contracts, investments and business developments. It defines the role of the board and specifies the responsibility of the Minister.

Mr. Speaker, as I indicated above, the explicit separation of ownership and management responsibilities will render the postal services less susceptible to governmental influence. However, the Government as owner of the corporation, will continue to set sectoral policies and goals while leaving detail planning and implementation of the service to the administration. In addition, in the case of reserve service, the postal service will be subject to regulatory oversight.

2.25 p.m.

Mr. Speaker, for the first time in the history of this country's legislation, the Minister will be required to give written directives on matters of broad public policy. There will, therefore, be no doubt in anybody's mind as to the extent and direction of ministerial intervention.

Clause 12 provides for the appointment of a managing director who has to demonstrate skills and experience in corporate management and who would understand the welfare of employees. Once again, this principle of responsibility and accountability is established by putting the day-to-day management of the entity under the managing director, while the board will determine the general policy. Furthermore, clause 16 requires that the board, in the performance of its duties, act in a certain manner, that is, a prudent and conscientious manner. Clearly, the board should provide strategic direction and purpose to the organization and monitor management performance. It should not be involved in the rooted management of the organization.

Part IV of the Bill provides for proper financial planning and management of Trinidad and Tobago Post. It requires the establishment of corporate plans with targets for the keeping of proper accounts and records; the auditing of those accounts and records, and the submission of annual reports to the Minister for laying in Parliament.

Although, corporatization is a necessary vehicle to provide a conducive environment, unfocussed corporatization can lead to service deterioration. Therefore, apart from corporatizing the post office, several business practices not common to the public sector will have to become part of the post's routine operation.

Commercialization is the process of introducing these market principles. Under this part of the Bill, core areas such as finance, accounting, strategic planning, marketing and so forth are being strengthened and explicitly included in the legislation: once again, perhaps for the first time in Trinidad and Tobago.

Currently, the post office is neither required to attain operational efficiency, nor is it rewarded for such efficiency. Social obligations take precedence over everything else. It provides unpaid services to Government. Costs are neither quantified nor compensated. Under these circumstances, a considerable amount of restructuring is necessary to bring about internal efficiencies.

Under Part IV, the clarification of Trinidad and Tobago Post's mission and goals are stated explicitly and Trinidad and Tobago Post, in the future, under this Bill, will be held accountable for achieving this mission and these goals. It is essential, as in any other business, that Trinidad and Tobago Post has a clear plan of what it aims to achieve and how it intends to meet its goals. The primary objectives of a corporate plan are to reveal the directives of development for the organization as intended by top management and the board and to form a contract in the planning period between the management and owners regarding the results of the organization.

We are of the view that the production and presentation of the corporate plan should be specified legislatively. Like any corporate plan, clauses 19 to 24 are organized around a time-frame and the contents of the plan will include a mission statement covering the objectives; major functions and operations of the postal service and its subsidiaries, if any; overall management and financial strategies and policies to achieve objectives and discharge obligations; performance and financial indicators and targets; key factors external to the postal service that may significantly affect the attainment of objectives; the estimated cost of carrying out community services, that is, non-commercial activities; and, any other obligations or statutory compliance, that is, at the request of the Minister. These activities must be explicitly separated and perhaps subsidized or compensated by the Government.

The annual performance plan has to be consistent with the corporate plan and accordingly clause 21 would force the organization to provide the following:

Financial targets;

Profitability forecasts and forecasts of capital expenditure and borrowings;

Performance goals in quantifiable and measurable forms;

Human capital, technological and other resources required to meet performance goals;

Performance indicators for assessing outputs, quality levels and their outcome of each operational activity.

Mr. Speaker, it is clear that the focus of the reporting framework enhances the commercial and the managerial direction of Trinidad and Tobago Post.

At this stage, I move to Part V of the Bill. As I indicated above, commercialization will improve the financial market performance of the post office. However, it makes little sense to give Trinidad and Tobago Post the power and freedom to operate commercially, management autonomy, flexibility and decision-making powers, if at the same time it does not have the independence to have its own fund, the capacity to borrow money, the flexibility to invest for necessary improvements, the independence to determine its assets and have its own tendering and procurement procedures. Failure to grant such powers will weaken the postal services accountability and its ability to respond effectively to the needs of the market place. Part V of the Bill makes provision for all these things.

The corporatized post office will be expected, not only to be financially self-sufficient, but also to provide its owners with reasonable financial returns as well as pay taxes. The postal services, under clause 34, will be required to pay taxes after the initial exemption period of three years. This is an integral part of a commercial culture, and we are creating a level playing field between the post and its competitors.

Under clause 30, legislative provisions are being made for the payment of dividends to Government and ministerial authorities; to approve dividends and the setting of a time limit for the payment of dividends. This clause is unique to statutory corporations in Trinidad and Tobago.

Although clause 33 exempts Trinidad and Tobago Post from the application of the Central Tenders Board Ordinance, it sets strict transparency criteria. It stipulates the making of rules to govern the award of tenders and contracts and that these rules be made available to any person on request. Moreover, all tenders are to be opened in public and the parties and contents of each tender to be publicly revealed.

Part VI of the Bill provides for the employment of staff and the payment of superannuation benefits. This Part gives the board and the management the power to employ such staff as required and allows the present staff to exercise one of three options:

- (1) to voluntarily retire;
- (2) to transfer to Trinidad and Tobago Post;
- (3) to remain in the public service.

However, the employees will lose public servant status once they are employed by TT Post. This is a necessary consequence of the commercialization of the new organization, productivity and performance being the key to continue employment.

Recognizing the vital role of the employees in the transformation of this organization, from the very inception, at the stage of conception, the employees and their representative unions have been involved. In most countries, the postal sector is extremely labour sensitive. Locally, over 80 per cent of the total operating costs are labour related. Therefore, a significant amount of postal reform is concerned with the following issues:

Rationalizing labour;

Reconfiguring the skills mix to suit the needs of the transformed organization;

Implementing incentives and penalty schemes; and

Improving working conditions for employees.

2.35 p.m.

The need for the rationalization of staff does not originate simply from excess numbers, but moreso, as a consequence of other factors including to align staffing levels with its decreasing volumes of transactions at postal counters, to promote efficient working procedures, to increase the mechanization of mail processing, to streamline postal network to provide a nationwide network of counter services at reasonable costs, to realign staffing requirements due to increasing internal efficiency, to reconsider the skills to suit the needs of the reform organization, to consolidate sorting and delivery operations and to implement recognition, computerization and automation programmes.

Mr. Speaker, all the above factors call for the rationalization of staff which invariably leads to reduction in numbers. However, we have offered three options to deal with the staffing issue. All those transferring to the new body would be doing so on terms and conditions no less favourable than currently enjoyed. This Government would ease the transitional costs through severance pay by providing

training opportunities and welfare safety net and by creating opportunities to deploy staff in different areas of the postal sector.

Mr. Speaker, a committee which meets every week has been established to deal with all personal issues. The members of this committee are drawn from the employee unions, the CPO, Public Service Commission, post office and the Ministry of Public Utilities. We are extremely sensitive to the staffing issue and have already implemented a number of measures over the last three years to correct some of the irritants including: 219 appointments in 1996 and 81 in 1997, which were outstanding for years have been finalized, and a further 179 promotion appointments are now being considered; 135 Postman I positions which were outstanding for years have been regularized and a further 40 Postal Assistant positions are being considered by the Public Services Commission. Systems have been put in place to have all acting appointments filled on a regular basis. Payment for all outstanding acting allowances is being handled between the union and the post office. Payment for compensatory time and other entitlements including uniform allowance have been costed and would be made shortly.

Mr. Speaker, there have been so many acting appointments in the post office that it has been said that the post office has more actors than Hollywood. As an aside, amongst the post office employees, is arguably, the best comedian in Trinidad and Tobago and I speak of none other than our own Tommy Joseph.

Focusing on the Bill once more, clause 37 provides for the handling of the pension scheme which is also a crucial area. All superannuation benefits are being pursued by the date of employment by Trinidad and Tobago Post. However, within two years Trinidad and Tobago Post would establish its own pension scheme in line with industry standards which would benefit the staff and the new organization.

Mr. Speaker Part VII of the Bill deals with postal matters generally and provides significant comfort to customers for long outstanding problems. I read certain sections of Part VII of the Bill. If one were to look at clause 47 which deals with the issue of mail tampering it says:

"A person who without reasonable cause or excuse opens or causes to be opened any postal article which is not addressed to that person commits an offence and is liable on summary conviction to a fine of five thousand dollars or imprisonment for a term of six months."

Clause 48 deals with the confidentiality of the post; clause 50 deals with the posting of indecent articles.

It says:

"A person who posts or causes to be posted any article containing any indecent material or representation of any kind, any material contrary to the Customs Act or any protected flora or fauna, commits an offence and is liable on summary conviction to a fine of five thousand dollars or imprisonment for a term of six months."

Mr. Speaker, dealing with a recent problem which was highlighted by the Postal Workers' Union, the perennial problem of the tampering of mail at the cargo bay at the airport, clause 53 says:

"A person who is in charge of any vehicle or vessel, including an aircraft, who—

- (a) opens a sealed mail bag with which he is entrusted for carriage; or
- (b) takes out of a mail bag with which he is entrusted for carriage, any postal article or thing, commits an offence and is liable on summary conviction to a fine of ten thousand dollars or imprisonment for a term of two years."

Mr. Speaker, in conclusion as I had indicated, the post should be seen as a service industry which is oriented towards meeting customer demand. If the reform postal sector is to respond competitively to servicing the business market and customer demand, certain practices uncommon in the public sector must become part of the post's future operations. The focus of this legislation has been on the legislative and commercial processes which are needed to ensure an efficient postal service.

There would be a list of amendments circulated. Principle 1B would raise a definition of a postal letter box to clarify the contents of the legislation.

Mr. Speaker, corporatization was seen to be an essential initial step in postal reform by giving the postal administration an independent legal status and a distinct legal structure and by delinking ownership from management. Corporatization provides the conditions for optimal accountability and incentives within the postal administration. It also gives sufficient management autonomy, freedom and decision-making flexibility for it to make strategic choices in areas

such as employment, investment, capital expenditure, private partnerships, new businesses and pricing non-reserve products and services.

This Bill would also protect consumers from possible monopoly abuse through the independent regulatory oversight, that is the Regulated Industries Commission. The Bill would also protect the organization from possible arbitrary action by Government through the requirement of direction of the Minister on broad public policy to be enlightened.

Mr. Speaker, this Bill effectively addresses the major areas of our new postal sector policy by encompassing the following major features: reduction in the scope of the monopoly continued to letter the mail segment, enough to reflect the burden of providing a universal mail service at uniform tariff; full cost recovery and financial autonomy; elimination of cost subsidization of the non-reserve services; collection of revenue from all users of mail including Government agencies, and regulation of reserve services by an independent regulatory body to ensure that monopoly power is not abused.

Mr. Speaker, we believe that we have made a good beginning and this legislation would enable us to have a very focussed approach to overcome and promote the financial and market performance of Trinidad and Tobago's post. We have embarked on a major campaign to redirect and reorganize the thrust of the postal sector to go into the 21st Century. The future success of this sector would largely depend on the current reform processes and the proposed legislative changes. As we look ahead, the Government would continue its philosophy of openness and co-operation with all stakeholders who have already been actively involved in the process of reform. We welcome advice and assistance and would continue to make maximum efforts to communicate and discuss our policies. Our leadership would continue to be effective, and we would do everything to guarantee the long-term viability of this sector of our national economy.

Mr. Speaker, it is institutional reform through the process of corporatization and commercialization, capital injection for multilateral funding and managerial and cutting edge technology through an international operator. Through these processes we would make each post viable, efficient, profitable and service-oriented and this Bill is a key part of this process.

I beg to move.

Question proposed

Mr. Eric Williams (*Port of Spain South*): Mr. Speaker, I thank you for recognizing me. I say that this piece of legislation fits into some international conditionalities of which we have all been aware for some time and indeed, previous governments have been heading in that direction. In spite of the pretty talk, you merely happen to be the Government in place at this time charged with the implementation of the general direction in which the world is heading and all the talk and back-patting is entirely unnecessary, out of order, and it is transparently and total quality'self-serving.

Mr. Speaker: To say that it is out of order is being presumptuous in terms of my functions, and I would prefer if you do not regard it as being out of order. Take it from me that it is for the time.

Mr. E. Williams: I am so guided by you, I thank you for your guidance and, of course, I did not mean to in the parliamentary sense, but in another sense, but I am well guided by you, Sir.

Mr. Speaker, this Bill seeks to do something with which we generally agree, but like so many other initiatives of this Government, it was a diamond in the rough, but there are so many loose ends and so many questions which remain with it that one wonders how many times we are going to have to go through this process.

Today in my contribution, I merely have a few questions which I would like to pose to the hon. Minister and to point out one or two issues which are of concern, not only to myself and my constituents, but clearly to the nation at large, and we would be grateful for an answer to these questions. Clearly, if there are certain fears in the society and the Minister is able to allay those fears, then as a nation, we would proceed in an orderly manner, but as it is now, a reading of this Bill and with the current interpretation which several others have had of it, there are some serious questions.

Mr. Speaker, we understand that the purpose of the post office in essence, is to effect quality communication in the nation and indeed around the world: we understand that. We also understand that the union of the UPU conditionalities and, in fact, the UPU guidance,; and I am also advised that the UPU is the international organization to which many national postal agencies and other institutions belong and which guides overall general policy and seeks to advise Government.

2.50 p.m.

One of the difficulties that I have with this Bill, which has already been pointed out, comes in clause 3. Let me go directly to the point, because I have about eight questions that require answers. The first two are in clause 3, the definitions of the words "letter" and "postal article." I took note that the hon. Minister said he would have an amendment as to a letter box, but I did not hear anything about an amendment forthcoming with respect to a letter or a postal article.

Let me enlighten Members of this honourable House and, indeed, the national community of the definition of the word "letter":

"letter" means any form of written or electronic communication, document or article that is directed to a specific person or a specific address;

"postal article" includes a letter, document, pamphlet, pattern, packet, parcel or container containing any matter or thing, or wrapper containing a communication transmissible by post including by electronic means or telecommunication;"

I have a problem with this, particularly, when we speak of the electronic communication.

Mr. Speaker: Hon. Members, what we just heard that phone ringing in this Chambers should not be heard again. I simply ask all Members who are privileged to have phones, perhaps, to leave them outside with the chauffeurs. When the phone calls come, hon. Members could be called, or Members could put their phones on a more silent ring. It is not really done in any Parliament. It is just not done that one listens to telephones ringing in the Chamber. I ask, please, for that practice to be discontinued.

Mr. E. Williams: Mr. Speaker, let me enlighten this honourable Chamber of these clauses. Clause 9(1) says:

Trinidad and Tobago Post has the exclusive right to—

(a) carry any letter weighing two kilograms or less for hire or reward;"

Exclusive right, Mr. Speaker.

Clause 9(2) says:

Nothing in subsection (1)(a) applies to—

- (a) letters weighing two kilograms or less where the individual rate charged is more than ten times the rate charged for a letter of similar weight carried by Trinidad and Tobago Post;”

I will deal with one aspect of that and then I will go to another aspect of it. In the definition of a letter, electronic communication and then, I suppose, a personal article to be delivered by electronic means or telecommunication—I believe that this is a mistake. It has to be, because an electronic communication, that is to say, a letter—prescribes a weight to the letter here generally could be an e-mail communication, a fax, a cable or a telex.

Mr. Speaker, basically, clause 4 says that for somebody other than the postal service to deliver that letter one has to charge 10 times what the Trinidad and Tobago Post charges. Let me pose this question, Mr. Speaker. Let us suppose that I have an e-mail carrier other than the Trinidad and Tobago Post and I send a business communication from my place of business to another person’s place of business via an e-mail, I am paying the carrier, whom I am using for the telephone call; the internet service provider, whomever that is, for the transmission of the document, and that carrier may not be the Trinidad and Tobago Post. Mr. Speaker, that means I would be in contravention of the Act as it is currently worded. Clearly, there is either a mistake in the drafting or this is some sort of policy that is creeping in here that is entirely foreign and anachronistic to world norms.

Imagine, Mr. Speaker, companies that we are inviting to invest billions of dollars in this country—Members may not be aware of this—have what they consider to be a secure e-mail system, that is to say they have their own network servers, and while they may use the telephone lines for transmission, their server systems operate within their countries, globally, and they send business documents to and fro their company, and certainly to employees within the company, as a matter of course and that is normal business.

Are we saying that we do not want multinational companies that come here to have their own secure network systems? These secure network systems did not come overnight or because somebody felt they were needed. They came for very legitimate business reasons. Mr. Speaker, you or I may have a fax at our home and if I send a fax via the TSTT line to someone else, I am paying TSTT for the use of their line, so, in effect, I am delivering an electronic letter via an electronic medium. I am paying TSTT—in fact, I am under a higher arrangement with them—to deliver that letter and, therefore, I am in contravention of the Bill.

Clearly, as this reads here, this exclusivity is a drafting error or something that is less than charitable coming from this honourable Government. It is clearly a dangerous policy direction. It also lends credence to a developing national perception of this Government's activities. It is dictatorial! [*Desk thumping*] This, I believe, is a serious flaw in this Bill. If this wording in the Bill is to stand, Mr. Speaker, then from the outset this Bill is a non-starter.

3.00 p.m.

Mr. Speaker, we are talking about commercial viability of the Trinidad and Tobago Post, by protecting it from other persons who may be in the business of delivering mail door-to-door. This Government has been very profuse in its statements describing level playing field, open to competition and privatization.

Mr. Bereaux: Not when you have short pants and scotch.

Mr. E. Williams: Mr. Speaker, Government is privatizing the post in a sense in this case and leaving a monopoly. As we refer again to the Bill, it says in clauses 9(1)(a), 9(2)(a) and 4, that I cannot deliver—let me rephrase that. Let us say that for business reasons, some individual has opened a courier company with the intent of delivering mail for businesses in and around the city or even internationally. That person may be able to say I can do so with a certain amount of security. Maybe your letters have some confidential information and you wish to have the additional security that that letter is delivered in a particular way. Not that we do not necessarily trust the regular postal service, but as a business decision, I would like to have some additional form of security.

So some young entrepreneur—and we are trying to encourage entrepreneurship—opens some sort of service like that because he has seen that service in operation in almost every major metropolitan country around this world.

Mr. Bereaux: Including Trinidad right now.

Mr. E. Williams: And including Trinidad and Tobago right now, as I am advised. So let us say that such an individual has a business and some other person in their business hires that person, what this Bill says is that the charge for the delivery of a letter less than two kilograms in weight, must not be less than 10 times the amount that is charged by the Trinidad and Tobago Post.

Mr. Speaker, maybe I do not know of all the postal arrangements around the world, but I do not think that is sounding right. This does not sound as if we are

encouraging business and levelling the playing field and, indeed, that we are encouraging competition.

Mr. Speaker, what the Minister may also have alluded to is the fact that already the Trinidad and Tobago Post is starting off with a three-year tax holiday. That in and of itself is an advantage to the organization that will be called the Trinidad and Tobago Postal Corporation. So in addition to having a tax holiday to start off, you are seeking to limit competition in the entrepreneurship in the wider society by prescribing that no one else, in effect, could deliver mails other than the postal corporation when, indeed, the stated purpose of this particular Bill is to make the postal service which has, by the way, the potential to be the largest mass carrier and the most efficient organization to, in fact, achieve that. You are removing competition. The Government has been very clear and, in fact, almost any person in management, any consultant advisor or whoever, tells you that when you have competition of a particular type businesses respond to that in a particular way and they become more efficient or they die.

In this case we are setting up an organization which we know has the potential to do all of the things we require, and we remove one of the major stimuli that is prescribed to make organizations effective, and that is to say, competition. So clearly, Mr. Speaker, we are locking out competition, we are going contrary to almost all international norms. Can you imagine that the United States Congress—another government such as this; another parliamentary organization—would enact a piece of legislation that, in effect, locks out courier services in any major metropolitan city in the United States?

Can you imagine the British Parliament doing the same in London or any city in the United Kingdom or anywhere else in the world? I am not aware that anybody else does that and I wish the hon. Minister could tell us if that is, in fact, practised anywhere else because it is sounding wrong. It goes against all management theory of the day.

So, Mr. Speaker, I believe that provision is well not out of order but ill advised and disadvantageous. In addition, can you imagine one of the international courier services delivers a piece of mail that is sent from Washington D. C., say even to your good self at your home for instance, or even from some other organization or some relative, and somebody has some important piece of information to send to you? Quite often in my constituency for instance, in a family arrangement, somebody may have forgotten a certificate or some important document with a

relative somewhere else that is required almost overnight, and they send that by FedEx, DHL or one of these other services. They pay for their service in the United States and it comes here overnight and the courier from that company comes to that person's house and delivers the mail. It has been paid for at its point of origin and it is merely a delivery service at this end. How do we know what was charged abroad and what do we even care about, because it is a private arrangement and the mail is delivered to a person's home?

What we want ultimately, is for the Trinidad and Tobago Postal Corporation to get to the point where it also effectively competes for and wins the business of overnight carriage. At this time I am not aware of any major aeroplanes or any other service or system that this or any other postal service other than the United States Post has; they have their own. I have seen advertisements for FedEx with their own planes and they fly globally. I have seen DHL, they have their planes and they fly globally, and any number of the other ones. They are in the business of this overnight delivery. Are we saying then that even though the postal corporation may or may not have access to that form of transportation for its mail, that no one else in this country can provide that as a service, either into or out of the country?

Mr. Speaker, this provision in this Bill provides a monopoly, precisely the thing that this Minister has gone on record saying he is trying to get away from. And by the way, the Minister said so because that is the way we are going. We recently debated in this honourable House, the creation of something called the Regulated Industries Commission, and we felt that in the provisions of how we do this and the licences that are provided for in that arrangement, one of the key things is the promotion of competition as a means of keeping the rates affordable and reasonable but at the same time providing a reasonable rate of return to the investor. However, this, Mr. Speaker, goes in the other direction. It creates a monopoly but alludes to the fact that there might be competition across the way.

Mr. Speaker, I think this particular clause is incorrect. I believe it is a wrong thing to do at this time and I believe that in the long run, it will hinder, deter the development of competition and efficiency in the Trinidad and Tobago Postal Corporation. [*Desk thumping*]

Further, Mr. Speaker, let us look at another issue. The hon. Minister spoke about financial viability of the Postal Service and then the Postal Corporation. He spoke about the subsidy that the Government must currently provide for the

continuation of service in the current arrangement. However, and this is something I want to have cleared up when we look at clause 10, it refers to membership of the Universal Postal Union, and let me read the clause. It says:

The membership of the UPU?..

That is the Universal Postal Union.

shall be held by the Government but the Minister may make arrangements with the said UPU for Trinidad and Tobago Post to represent that membership.”

Again I stand corrected, but let me explain something about the UPU. The UPU is a convention as I understand it, of all these different countries and the mail services. It allows for a certain attempt of standardization of service because they must all come up to a certain standard to compete with the FedExes and UPS and so forth. It makes no sense the United States has all those computerized things and yet the mail arrives late or gets lost for another 17 days. Everybody has to come to the same kind of standard.

Mr. Speaker, one of the arrangements that occurs in the UPU is a certain amount of reciprocity in the remittance of postal rates. What that means is, if I send mail to a particular country as this country, and that country sends mail to me, there is a cost to the actual delivery of the mail within the country to which the mail is sent. That is, we are sending mail to the United States, folks in the United States Postal Service are collecting mail and sending it to Trinidad and Tobago. When the mail arrives here it is the Trinidad and Tobago Postal Service, as it is now, that then takes that mail and delivers it to your or my doorstep or puts it in my letter box.

Similarly in the United States, when our mail gets there, eventually it is the US Postal Service that then takes that piece of mail and delivers it to someone's home or wherever the destination is. As a result of this, there is a cost involved in the inland transport and delivery of that item of mail. At the end of a particular period, both countries under the aegis of the UPU, get together and reconcile the amount of mail that has gone on either side and then whatever the net amount is, it is remitted to that other country.

Now, Mr. Speaker, let us look at the case of Trinidad and Tobago. We send mail to a lot of the metropolitan countries and they send mails to us. I am advised that it is almost always the case that they send us more mail than we send to those countries and, therefore, the net amount of remittance comes to countries such as

Trinidad and Tobago in our case. So our membership in the UPU is what guarantees this. Now, the current arrangement is such that that remittance goes into the Consolidated Fund and then gets disbursed or dealt with in a manner prescribed by the Minister of Finance and the Cabinet and, certainly, by the Parliament.

Mr. Speaker, why is it if we are so concerned about the financial viability of the Trinidad and Tobago Postal Corporation, we do not say we would allow these funds to go to the Trinidad and Tobago Postal Corporation, or even so, that the funds that are remitted here in foreign currency whatever that is an equivalent amount in TT currency is automatically transferred to the Trinidad and Tobago Postal Corporation?

What clause 10 alludes to and again I stand to be corrected is the fact that the Government retains membership in the UPU which means that the funds, when remitted, will be going to the Government and not to the Postal Corporation as we are questioning now whether or not it should. So we are talking about financial viability but we are changing the current *status quo*. We are excluding from that arrangement, a condition which may assist in funding the operations of the Trinidad and Tobago Postal Corporation.

Can you imagine now, Mr. Speaker, that when we are setting up this organization and start to look at income versus revenue and somebody says, Well, because of our current plan and because of our projected revenue based on the mail and services that we are offering, we must keep our staffing levels to a particular smaller level, therefore, we have to reduce our staff according to other provisions that are contained in this Bill and, therefore, so many hundreds of you must go.?

Mr. Speaker, I think we ought to rethink this because it has the provision to add a significant amount of financing to the Trinidad and Tobago Postal Corporation, and that can assure us of better service but can also assist in the staffing levels and other things that would be necessary to ultimately provide the service that is required. In other words, we do not have to be talking about this huge deficit that the postal service is running under because we are paying so much salary and this and that and that. There is money that is coming in and we need to consider, with all the other investments that we are arranging for in the society, whether we can at this time, afford to send the funds that come from this source directly to the corporation and, of course, at a later stage, alleviate us from

certain personnel and industrial relation problems that may come about as a result of this activity.

Mr. Speaker, then the Minister alluded to it. He talked about where he has instituted a whole number of nice and wonderful, positive personnel things that have been out of place and have not been done for so long. He talked about all of the folks who have been promoted and all the persons who have been confirmed in their posts and so forth, and that sounds nice. But there are clauses in this Bill that provide for, in essence, the constructive dismissal of individuals. If they do not fit into the new organization or if they do not fit into the public service, then they have the option to opt for voluntary separation.

Again, part of clause 36 talks about competition, it talks about efficiency and financial viability. Those are the things that this Bill is seeking to achieve. Yet still we are excluding from the new arrangement, several pieces of policy that could assist in achieving those things. I have to wonder why. I really have to. The Minister went on to speak about how the postal service was known as Hollywood with so many people acting and so forth. Let me tell you what the story really is. The real issue is public service reform because when I was a public servant that was always the problem. Do you know what has happened now, and people are seeing it all over the place? When it comes to Hollywood and acting, there are certain members on Government's side who are very good at that.

3.20 p.m.

In addition to which, this Government is one of the most travelled Governments this country has ever seen. Members are everywhere. They have gone posing everywhere. In fact, the hon. Member for Couva North has just left us yesterday for something that is going to happen next Tuesday. He has gone to Kensington in London. This Government is behaving like a nomadic tribe in a film in Hollywood. It is shiftless, flying all over the place and posing, acting and having people believe that it is a Government that cares about things that sound as high as national unity. They are leaving on a jet plane and do not know when they will be back again!

Mr. Speaker, telling the public servants that the public service is like Hollywood is not the correct way to go. We should be putting in place those systems and policies that will encourage proper public service reform.

[Interruption] Can one imagine that the Minister of Planning and Development is asking me what he should do? Where are we going?

There are several key problems with this Bill. Let us move on to another issue. Clause 11(4) is part of Part III which deals with the Board, and it reads as follows:

"A person who is appointed to the Board shall advise the President of his membership of any other Board, prior to his acceptance of the appointment."

In other words, an appointment to the Board is by the President; it is a presidential appointment.

So, the President comes and says "I believe that means the Minister is going to put you on this Board, but are you on another Board?" Not that it is really an incorrect thing, but this is a protocol issue. This should be dealt with prior to the presidential involvement, because by the time it gets to the point that the president is issuing an invitation, as we all know, in the proper protocol, a presidential invitation or appointment should not be refused. By putting it in the order in which it is, it may, in fact, be offensive to the President, and I do not think that we would like to let such a piece of legislation pass this situation. Again, I wish to be guided on that. Just the order in which it is a procedural one is easy to fix, but they should not wait until the President is ready to appoint to find out that a person may or may not be eligible, or that there may be a conflict.

Clause 12(1) seeks to define who is eligible or suitable to be the Managing Director of the Trinidad and Tobago Postal Corporation. It reads:

"The Board shall appoint as Managing Director a person who successfully demonstrates skill and experience in corporate management and who has an understanding of the welfare of employees."

What does this mean? Does this prescribe any particular knowledge of postal norms or postal service practice? Does this prescribe any particular academic combination, specific or a basket thereof? What does this mean? In other words, instead of using all of these words, they could have said, the Board might appoint a suitable person as Managing Director? It is a nonsense!

I believe, Mr. Speaker, that concerning the person or persons who will be put or should be put at the helm of this very vital corporation, either in the present or future, there should be a particular type of candidate to be considered, and this current definition makes a nonsense of that. In addition, clause 12(2) reads:

The Managing Director shall hold office for such period not exceeding

Why are we putting a time-frame on the appointment? We are talking about how we want to encourage young, dynamic, bright people. There are throughout this city, people in senior management positions, or even at the helm, who are in their thirties. We want to attract somebody to be the head of the Postal Corporation who is approximately 35, and what we are saying is that by age 40, he is looking for a job, whether he performed or not. There is no security of tenure. What is the point? In other words, they are likely to get somebody who would like to ensure that they have another term of office, assuming of course that the Government that puts him or her is still there, or the Board is still there. So, they may get somebody who may be less than independent—

Mr. G. Singh: Just by way of clarification, my reading of clause 12(2) is that notwithstanding the five-year limit, he is eligible for re-appointment, so it is a contractual thing, and he is eligible for re-appointment.

Mr. E. Williams: Mr. Speaker, I thank the hon. Member for his intervention, but I think I did allude to that fact that the person is, indeed, eligible for appointment. If he knows that his contract is for five years in a corporation such as this where, as I understand, a certain amount of continuity is important to the organization, if they put somebody who is 35 years old as the Managing Director, they are telling that person that at age 40 he or she might or might not be eligible. Is that the way we want to wish? It is just a rhetorical question. Is that how we want to encourage any professional in this nation, or anywhere else, to proceed?

As far as I understand it, the Board can remove a Managing Director of any organization for a particular cause. So, why are we limiting and putting this period? As I said, it is untidy. They could quite likely get someone whom they simply wish to please, so he could get another five-year term as Managing Director. Is that what we want to do? If, for instance, there is somebody in their late thirties, early forties, who is a Permanent Secretary in a Ministry, are we going to say that he could only be the Permanent Secretary for five years and at the end of those five years, we would review his contract? That is *infra dig*. This is an organization where someone may rise through the ranks, or in which they may seek to bring someone in. It does not sound right, and I believe that this needs to be reviewed. Mr. Speaker, clause 12 suffers from poor wording, both in subclause (1) and subclause (2).

Let us look at clause 13 and then at clause 14(1)(b). I like clause 13, except for one minor thing. It needs a little clearer definition. These clauses have a term in their carrying on of any business. Clause 13(3)(c) seeks to define a situation where the holder of the office of Managing Director, or any holder of the office of Board member, would not be in a situation that puts him into conflict with the operations of the organization.

First, let me say why I like this clause. With regard to certain activities, particularly in the public utilities and other energy business, I wish this could apply to every Minister in that Government. They must declare any business or their interest in anybody carrying on business in any of the industries or things that are associated with them. *[Desk thumping]* I love it, Mr. Speaker, because now we are dealing with the InnCogen matter a little. It looks here as if they agree with the principle, but from some things I am hearing, they may have a difficulty with practising the principle. Be that as it may and that debate will come clause 13(3)(c) reads:

“an undertaking to the Board that he will not engage in any business, directly or indirectly, with any person carrying on business, or competing in business, with Trinidad and Tobago Post.”

So, he is not going to engage in any business, whatsoever, with any person who is carrying on business with the Trinidad and Tobago Post.

If I buy a stamp at the Trinidad and Tobago Post, I am carrying on business, in a sense, with the Trinidad and Tobago Post; and if, in any event, I have any business with the Managing Director, he then becomes ineligible. It is a nonsense! It is untidy! It needs to be re-worded. It is the same story with 14(1)(b). It is too loose. It can be open to interpretation. I like the principle. I love it! I wish they would apply it across-the-board, from top to bottom. So, Mr. Speaker, I think we need to look at the drafting of that.

Let us now look at clauses 62(1) and (2) and 63(1) and (2) which have to do with regulations that govern the conduct of business activities of the Trinidad and Tobago Post. What this points to is that the regulations would be published in some place and we move on, but in an organization such as this, there really ought to be some parliamentary oversight. At the very least, these regulations ought to be published in the *Gazette*, and it must say so. More importantly, it should come to the House, either for positive or negative resolution.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Port of Spain South has expired.

Motion made, That the hon. Members' speaking time be extended by 30 minutes. [*Mr. F. Hinds*]

Question put and agreed to.

3.35 p.m.

Mr. E. Williams: Thank you, Mr. Speaker and I thank other hon. Members of this Chamber.

As we were saying, at the very least, *Gazette* it, but more appropriately, all of these regulations, whether prescribed by the minister or by the board, ought to come to this honourable Chamber for affirmative or negative resolution, whichever is the more appropriate of the two. Because these are regulations which affect the key sectors; it is one of the key planks of communication in our nation. Clearly, it should not be left to chance that these regulations may or may not be seen by an individual in the population and, certainly, the representatives of the people ought to be able to represent them in the definition or in a discussion of these regulations.

Clearly, also, there must be some time-frame that has to be put into the whole process. Really, if we are doing the business of the nation, bring it to the people's Chamber, the highest court in the land, positive or negative resolution, whichever is preferred, but it should come here, submit it, bring it here within a prescribed time period. Let us go for it. We do that when the minister declares an area a water conservation district. We do that any number of other situations. Let us bring these regulations to this House and then *Gazette* it; do not leave it to chance, *Gazette* it.

I want to go back a bit to clauses 15, 16 and 17, which define certain relationships and obligations of the board, and relationships of the board with the Minister. In a sense—and the Minister pointed it out—it is another one of those in here that, I really love the principle. It is excellent. The board must not meddle in the day-to-day activities of the corporation, unlike what has come to light, particularly in the operations of NIPDEC! [*Desk thumping*] The principle is here! There it is! Do not meddle in the day-to-day operations of the corporation! I love it! Name them: National Flour Mills, T&TEC, Petrotrin, WASA, and NP. The board, in fact, has taken pattern from some of my honourable colleagues who find themselves as Cabinet Ministers, who believe that they are the CEO of the organization; as

opposed to the head of the policy section of the ministry charged with the implementation of Government policy. You all are not the CEOs, nor is the board an executive board.

Mr. Speaker, I like the principle, but like everything else, Government seems to have a definite difficulty with practising what it preaches and seeks to legislate. At the end of the day, how can we then be surprised that the population is beginning, more and more, to have the blinkers removed from their eyes and to see them for what they are? [*Desk thumping*] Your deeds, you put nice words, but your deeds belie your words.

Let us look also at clauses 19 and 20. We need some clarification on this. In these clauses, essentially, we are talking about setting up business plans and strategies, who we are going to deliver post for, how much we are going to charge and all of those kinds of things. It is just a point of clarification I would really like to have. We talk about having the Government and other agencies which now have a free delivery of mail. We talk about those areas now having to pay for that service. I do not necessarily have a problem with that, but you know what I want to understand: are we going to retain that or not? Because, it is a very simple one and it caused me very great concern.

As a Member of Parliament, I am allowed to communicate with my constituents in the legitimate performance of my duty by having mail that goes from my office through the postal service at no cost to me personally as a Member of Parliament. Government departments send mail out to various people, we all have gotten mail from some Government department, schools for instance, just simple things: announcements of a PTA meeting and so forth. What provisions are we putting in place to ensure that this type of public service is assured? Because it is needed. It is necessary. So, not to say that it is not in here somewhere, not to say that it would not be considered somehow, but we must make sure that certain things are retained in the new arrangement. Let us not be unmindful of the fact, we are giving three-year tax holidays, we are doing a number of other things which will impact on the national wheel and we want better service, we want to be granted all of those things, but fitting within this plan here must be some means of preserving the social conscience that has been built into organizations such as this today.

So, in the final analysis, I have to say, a good idea. The Bill goes in the direction that we know is the correct one. It conforms with certain international norms and general trends and, certainly, conforms with policy of, at least, the past two Governments. But, as with so many things, with this honourable Government—a good idea gone awry with some bad things in it. Let us fix them so that we have, today and into the future, a viable, efficient, competitive Trinidad and Tobago Postal Corporation.

With those few words, Mr. Speaker, I thank you.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, like most legislation coming out of the Ministry of Public Utilities, I have to ask: who drafted this Bill? It is replete with errors. My colleague from Port of Spain South has referred to some of them and I would really like the Minister to pay attention, please.

If one looks at the interpretation section, there is a reference to electronic communication. If one goes to the end of the legislation and looks at the section which deals with: POSTAL MATTERS GENERALLY, Part VII. Clause 41 states:

"For the purposes of this Part a postal article—

- (a) is deemed to have been posted when, for the purpose of being conveyed or delivered by Trinidad and Tobago Post, it is put into a letterbox..."

There is absolutely no reference whatsoever to electronic mail, faxes, or anything of that nature in the section on "POSTAL MATTERS GENERALLY". So there is a bit of conflict here. We really need to clean up this aspect in the legislation. To remove the belief that what you are seeking to do is to charge persons for sending a fax or receiving an e-mail, or whatever. We really need to clean this up and you need to determine whether you need to have the words "electronic communication" in the definition of "letter" and "postal article" at all, or whether you need to define it more tightly.

Because again, in the functions of the Trinidad and Tobago Post, clause 6(b) indicates that:

"Trinidad and Tobago Post—

- (b) may carry on any business or activity...including financial services and any electronic or telecommunications service..."

But then, as I said, there is no reference to that whatsoever in the section on what is the definition of an article being posted.

I must join my colleague from Port of Spain South and object strenuously to this ridiculous imposition in clause 9(2) which indicates that if there is to be a competitor to Trinidad and Tobago Post, that company or individual must charge 10 times the rate. Now, come on, let us be serious here. So the Post charges \$1.00 to deliver a letter, and if I am to compete with them, I must charge \$10! This is madness, Mr. Speaker. It is contrary to the entire thrust of the Minister's arguments, here and prior, because this will not encourage efficiency within the system. If the Post knows that its nearest competitor must charge 10 times as much as it does, then there is absolutely no incentive to charge a reasonable rate or to ensure that people are not overcharged for letters and so forth.

Really, they must explain to us why they have put the number 10 inside of here: why not five, why not fifty, why not a reasonable rate? This is really crazy, absolutely crazy. Even if one wants to protect the Post and the employees of the Post, one does not need this much protection. It would take about 1,000 years for people to demonopolize this sector. So that is something else the Minister must look at very, very carefully. Take it out and put in something else which deals with the whole element of competition.

In clause 14, I see an effort here by the Government, the Minister, to deal with conflict of interest, but clauses 14(a) and (b) appear to be in conflict. If a board member has a direct or indirect pecuniary interest he must tell the board and then he must not take part in decisions relating to that, but on the other hand, he must give an undertaking he will not engage in any business, directly or indirectly, with any person carrying on business or competing in business. So what you are saying, he must not have a partner with a company that has something to do with post, but he could do it himself. It does not seem to make sense to me, that you are telling a board member to declare his interest in any business that carries on any business with the post, but he must give an undertaking that he must not engage in any business with any person carrying on business. I do not understand what this means. It means that board members can have companies dealing in the post, but they must not have friends dealing in the post. It does not make any sense to me, I would like the Minister to look at that. Is this really what he is driving at?

The other thing I do not understand is that clause 17, which deals with the relationship of the board to the minister, states that:

"With the exception of those matters referred to in section 9(1), the Minister may give directions in writing, to the Board on matters of broad public policy and the Board shall give effect to that policy."

But let us go to clause 9(1). Unless this is a typographical error, Clause 9(1) states:

"Trinidad and Tobago Post has the exclusive right to—

- (a) carry any letter weighing two kilograms or less;
- (b) produce and sell postage stamps;
- (c) rent or lease post boxes."

What else does the post office do?

What else other than carry letters, sell stamps and rent post boxes does the post do?

3.50 p.m.

Therefore, why in this clause does it say that with the exception of those matters referred to in clause 9(1) you may give directions on matters of broad policy? This is absolutely ridiculous. Why exempt the entire business of the post from this clause, unless it is another clause? It is not 9(1) because that is the entire business of the post office other than cleaning the floor, fixing the roof or something like that.

I would like the Minister to explain. Is this an attempt to fool us? Is he trying to pretend that he is not going to interfere in the post but he has the little sting in the tail that all of the matters in 9(1) are exempt from this broad policy thing? Is the Minister trying to be clever or is this just an error? Is this a Ganga sting? I would like the Minister to explain to us what is the meaning of that.

The normal clause that one sees in this type of legislation is the Minister may give instructions or directions of a general or specific nature or the Minister may give broad policy direction. One of the two but this is a hybrid clause which, as far as I am concerned, is a not so invisible attempt for the Minister to have total control of this Trinidad and Tobago Postal Corporation.

The other thing I do not follow is if we are moving to a corporation, foreign management and so forth, why in clause 25 are we going to have appropriations by Parliament from the Consolidated Fund? Is this a transition provision? It

seems to me this goes against the grain of the Minister's expressed intentions that he wants to make the post office profitable and so forth. Why do we need to have appropriations from the Parliament especially when no one else is allowed to charge less than 10 times what the post office charges? Not only can they charge what they want but they can appropriate from Parliament as well. It appears to me that there is no desire here for efficiency.

With regard to staff matters, again I have to ask who drafted this Bill? Look at clause 36:

This section applies to an officer who on the date of assent of this Act—

- (a) holds a permanent appointment...a public office specified in the Third Schedule”

When you go into the Third Schedule you see a number of typical public service designations and so forth.

Is the Minister saying that no one would be able to transfer from another ministry? Is that what he is saying? Is that the intent of this? He is talking about the Third Schedule and that schedule refers to officers in the public service on the establishment of a postal services division. Is there any room here for transfer from another ministry or public department into the post office? I do not see it mentioned at all in clause 36. Perhaps the Minister can take a look at that. I do not know if the schedule is incomplete or that is his intention. I am not sure what he is trying to do. Is he saying that everybody working for the post office right now can transfer into this new Trinidad and Tobago Post?

If that is what you are saying why do they have to get the permission of the Public Service Commission? Are you saying there is going to be a selection process, that some people will be approved to transfer into the Trinidad and Tobago Post and others will not? I would think that all existing employees of the Postal Services Division, as a right, should be allowed to transfer into the Trinidad and Tobago Post.

I think that you really need to take out the words ‘with the approval of the Public Service Commission’ unless it is your intention to retrench some people or to debar them from going into the postal corporation. I would like the Minister to deal with that. What is his intention? Is he going to send people home or is he taking everybody into this postal corporation? If so, take out the words ‘with the approval of the Public Service Commission.’”

In clause 46 very strange drafting here. Perhaps the Attorney General can explain:

Where a postal article has not been delivered to the addressee but comes into possession of a person other than the addressee, that person shall return it to Trinidad and Tobago Post for delivery.”

Mr. G. Singh: That is a mistake.

Mr. C. Imbert: That is a mistake? Okay, you get away. All right, I await your explanation on this matter.

Let us look at clause 50. We had a famous case in Trinidad and Tobago recently about the possession of pornographic articles. The person won the case because it is not illegal to possess these things. I am wondering if clause 50 and I would ask the Attorney General to look at this because I totally agree that the post should not be abused for the transmission of indecent articles and so forth; but constitutionally people have a constitutional right to freedom of expression.

In passing a Bill like this with a simple majority can one really prevent people from doing this? What is he really trying to do? Can he really prevent people from freedom of expression? I think the Minister needs to look at that. I understand what he is trying to do but, as I said, I saw this famous case with someone who had a thousand blues or whatever it is and they gave him back because it was not illegal. There were flaws or loopholes in the law. As a matter of fact there was reference to it recently where he was quite upset when he was interviewed.

In clause 50:

‘A person who posts or causes to be posted any article containing any indecent material or representation of any kind,...is liable on summary conviction to a fine of five thousand dollars...’

See if that is not in conflict with Articles 4 and 5 of our Constitution. Just check it out for me, please.

Mr. Speaker, the other matter which makes no sense to me is clause 57:

If a question arises as to whether or not a postal article is a letter...the decision of Trinidad and Tobago Post shall be final.”

Certainly, that does not prevent anybody from going to court over the interpretation of what a letter is.

I am wondering what this is all about. Why should the Trinidad and Tobago Post be the one to determine what a letter is? Is that not a matter for the courts? Coupled with this thing about a competitor cannot transport or deliver mail unless he charges 10 times what the post office charges, then you are saying it is only the post office which can determine what is a letter. They are really locking up this thing so that even if someone else tries to transmit or deliver articles and says, this is not a letter they are saying the post office can say, no, that glass there is a letter. This coaster on top of this glass is a letter because it has words on it."Who drafted this Bill? Is this another Bill that his Ministry has received from an unknown source as in the case of the Regulated Industries Commission Bill which parachuted or dropped into a ministry from outer space?

I am asking the Minister to take a good look at certain clauses here. Do not be arrogant please. If he has to take away this legislation and come back next week, no problem. Do not be arrogant and try to railroad it through the Parliament today because especially the question of the confusion about electronic mail and what constitutes a letter and what constitutes posting and this whole concept of 10 times the rate and so forth. He really needs to go away and think about that. An arbitrary figure like 10 times can be constitutionally wrong as well. Why did he not say 100 or 1,000? Why pick 10?

I would recommend to the Minister, from my own experience, he needs to have something in here which expressly allows him to revoke a board appointment. There is an obtuse reference to it in the First Schedule section 1(7) where it talks about where the President revokes the appointment of a member but he needs to state categorically that the President can revoke the appointment of a member at any time because there are certain pieces of legislation like the Port Authority legislation where, through an oversight, there is no mechanism for revocation of appointment and you have to then persuade the person to resign if there is a problem. You have to ask them politely to resign and, really, you do not want that. You want, as an executive, if you are going to appoint you must have the power to revoke as well in your judgment. I am not saying that you will exercise it wisely but for future governments it needs to be here.

Basically that is it. I want to reinforce the point made by the Member for Port of Spain South that the tender rules be subject to tabling in Parliament and they do not come into force and you cannot award a contract until these tender rules and regulations are brought here. I want to reinforce and support that point. Bring all

the rules and regulations here before you get involved in this thing; before we see another InnCogen fiasco.

I have not heard any complaint yet about the process of selection of a foreign partner for the postal services. I emphasize the word yet. What surprises me is within the Ministry of Public Utilities they can be so circumspect in the process of selection of a foreign partner for the post office; so circumspect and so appropriate in their actions in the selection of a partner for the post office. When it comes to electricity the rules change. Do you know what the reason is, Mr. Speaker? One is governed by an international financial institution. One is being financed or assisted by the World Bank and they have been very careful in outlining the procedure so very little racket and bobol'can take place. I would like to know why is this Minister schizophrenic? Why does he, in one half of his Ministry, go through a public process of tendering and on the other half he goes through a process which could, by any examination, be seen as giving favours and rewards to party hacks; InnCogen. InnCogen, imagine that!

4.05 p.m.

The Minister has a lot to answer for in that InnCogen issue and I am only happy that this was something that the PNM administration initiated. I remember well when the World Bank team came to this country in 1994 and I remember distinctly the officials of the World Bank telling me that they were dealing with the Trinidad and Tobago Post Office. The previous Minister of Public Utilities is the one who initiated this process. As a matter of fact, it is in the *Medium Term Policy Framework 1995-1997*, laid in this House in November 1994 by the former PNM administration as part of our public sector reform process.

I am happy that we, the PNM, put a process in place that stopped corruption in the award of the tender for the postal services. We did that. We put the system in place that stopped racket and bobol;' or at least appeared to have. Mr. Speaker, there are people in this country today aligned to that party on that side.

Mr. Bereaux: They are so ingenious.

Mr. C. Imbert: They are so ingenious. Look at what is happening at the airport. Scandalous! A tissue of lies and half truths coming out of the mouths of public officials. The Attorney General says the contract is illegal. NIPDEC publishes an advertisement in the newspaper saying we never asked nor did the Attorney General advise that the contract was illegal. I have Minutes of a meeting

held at the Attorney General's office in 1997, chaired by the Hon. Ramesh Lawrence Maharaj, attended by the Chairman of NIPDEC, the Chairman of the Airports Authority and General Manager of the Airports Authority, at which the Attorney General reiterated his advice that the contract was *ultra vires* and that they shall go out for public tenders on Package Six of the airport contract.

Mr. Bereaux: That is why he was not here for the budget debate.

Mr. C. Imbert: We have reached the stage in Trinidad and Tobago today, where Government appointees on boards are willing to publish blatant lies in the newspaper. I read in this advertisement from NIPDEC, "We never asked or received advice from the Attorney General..." It is in black and white.

Mr. Speaker: I think we are going off the main track. Please, stick to the matter for discussion.

Mr. C. Imbert: Mr. Speaker, the point I am making is that this is yet another enterprise that is being created. We are moving from a traditional public service department—the department is now under the Minister of Public Utilities—moving it out of the main stream of the public service into a corporate entity that is not going to be bound by the Central Tenders Board. I am warning the Minister about the kind of things I see going on in Trinidad and Tobago today, where board members can publish lies in the newspaper to excuse the rampant corruption at the airport, and the Attorney General is implicated in this tissue of lies. I think the Minister has to be very careful. The Government has to be very careful about where they are taking this country. It is not just Members of Parliament and not just Members of Cabinets. In my opinion, it is members of boards who are stealing the people's money in Trinidad and Tobago. I thank you.

Mr. Hedwige Bereaux (La Brea): Mr. Speaker, I did not intend to join this debate today. However, a statement made by the hon. Minister provoked my entry. I am seriously interested in that statement and I know that the postal services is a part of the public service where we have a large number of persons employed.

When I look in the public gallery today, I was attracted by the peculiar and very bright and unique colour of the T-shirts out there with the union insignia on them. I remembered that a number of persons there—I know they have come from humble beginnings—may not have all the GCE A levels, O levels and the degrees that the members of some other parts of the service have. Nonetheless, they have been performing and they do so under very difficult circumstances.

When I hear people speaking about managerial skills and when I see what is going on today in the Ministry of Works and Transport with respect to temporary workers, I thought that I would take a little look at what is happening in respect of the workers who are likely to be displaced in the postal services.

I just want to look particularly at clause 36 of the Bill. It says:

“(1) This section applies to an officer who on the date of assent of this Act—

- (a) holds a permanent appointment to; or
- (b) holds a temporary appointment to, and has served at least two continuous years in,

a public office specified in the Third Schedule.”

The Third Schedule deals with a number of offices. It starts with Postmaster General and goes through the whole list of postal services employees up to Handyman and Van Washer.

It says here:

“(2) A person to whom this section applies may, within three months of the date of the assent of this Act, exercise one of the following options:

- (a) voluntarily retire from the public service on terms and conditions agreed between him or his appropriate recognized association and the Chief Personnel Officer;”

So what we are doing here, Mr. Speaker, we are about to put another entity in place ~~an~~ entity which, by the manner in which it is going to be run, will not need, apparently, either the numbers or the types of employees of the present postal services division. We are saying that when this entity comes into being, a person may voluntarily retire from the public service on terms and conditions ~~that~~ is an option.

I have had the benefit of retiring voluntarily, and believe me all that glitters is not gold, Mr. Speaker. You run ahead and take these sums of money and unless you are very careful about how you spend, you run into problems in a short time. But do not worry, shed no tears for me. I could take care of myself.

Mr. Maraj: You are glittering, man.

Mr. H. Breaux: Mr. Speaker, I am concerned because some persons may not reach retirement age or an age close for which they may receive pensions. So the nature of the agreement between the Chief Personnel Officer and those persons is very important. When I see him that him" is possibly the royal him which includes herI—get worried immediately because I know that, but for a few managerial persons within the postal service, the postal service is unionized. The very nature of this particular provision strikes at the root of the strength of the union. It is an immediate attack on the solidarity of the union and the rights of persons in the public service.

What they are trying to do is to pull them aside and agree with them; divide and rule. They intend here, to find maybe the postal clerk or the postman or somebody, and one by one at least this is what it tells me enter into some agreement with somebody, who for some reason or another, would like to collect some money quickly and go and then undermine the authority of the union. But not so much the authority, Mr. Speaker. I am not really concerned too much with authoritarianism. I am concerned with the fact that the protection that the weak, uninformed or unskilled negotiator private person employed in the postal services could singularly ever negotiate effectively with the Chief Personnel Officer or some of the others who might be people negotiating on behalf of the Chief Personnel Officer.

So I am saying that unless this him" or her" as the case may be, should be only reserved to those employees who by virtue of their managerial status in the postal service it could only be for those persons I think we have to remove that him." It should be, between his appropriate recognized association and the Chief Personnel Officer in cases where there is no appropriate recognized association covering any particular worker... and that will only be those persons who will be in managerial positions. I do not know. I think it may be the Postmaster General and Deputy Postmaster General and they may, even to some extent, be covered by the Public Services Association. I am saying that except in those cases, there should be no ability to enter into any private arrangement with the CPO. None.

If anybody had told me that this Government that purports to be led by people who represented workers would come with such a retrograde provision in a Bill before this honourable House, I would never have believed it. But, Mr. Speaker, I recall that 1,200 employees, members of the National Union of Government and Federated Workers (NUGFW), are out there still although they were promised that

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they would be rehired when they assembled out in Woodford Square. I do not think you were here, Mr. Speaker; you were abroad. I trust that we would receive the same benefit of the information which you gathered abroad, Sir, and I want to welcome you back. I look forward to your continuing in the manner in which you have always done, Sir, along with the Attorney General. I could understand why he was not here because they have stopped taking his advice.

I was saying, Mr. Speaker, that there were 1,200 persons out there waiting who had lost their jobs, who had been summarily retrenched without any severance.

Mr. Ramsaran: There was an arrangement.

Mr. Hart: The people are out on the street.

Mr. H. Bereaux: Their leader came in here after he went out and tried to blame the political leader of the PNM for having them out there, and told us that they had arranged to take them all back. I heard him for the first time in a long time, accepting the fact that he was betrayed by his very colleagues in this Government. They used him and then betrayed him. [*Desk thumping*]

I want to say again in this Parliament, Mr. Speaker, I make a statement which I will make time and time again, that in respect of the treatment of the dispossessed and the people who can least defend themselves in this country, this Government does not discriminate. You could come from La Brea; you could be from Caroni; you could be NUGFW; or you could be postal services people, I expect that they will treat you just as bad— you may even be a journalist trying to do your work: they will lick you down with "Coke" bottle, Mr. Speaker.

Mr. Imbert: Rum bottle.

Mr. H. Bereaux: Rum bottle. I err on the side of a bottle but I stand corrected. Rum bottle.

Mr. Speaker, there is the other position, transfer to Trinidad and Tobago

A person to whom this section applies may, within three months of the date of assent of this Act, exercise one of the following options:"

And I have dealt with (a) already.

- (b) transfer to Trinidad and Tobago Post with the approval of the Public Service Commission on terms and conditions no less favourable than those enjoyed by him in the Public Service;”

Mr. Speaker, in the Third Schedule, we have Postmaster General, Deputy Postmaster General, Assistant Postmaster General, Regional Postal Controller, Postal Planning Officer and so forth. And as I said, Clerk Typists, Postal Inspectors and a number of positions all in the Postal Service.

So here we have a number of persons all in the Postal Service at this time this new corporation that we are debating here today to bring on stream shortly doing the same work these very persons for years have done. They now seek to go over from the public service into the employ of this new entity and they are not saying provided there is a place for you in the new entity. No, that is not what is being said. What they are saying is, the Public Service Commission must say we are going to let you go there. And I have a problem with that. This is the behaviour of this same Government.

In Petrotrin, Mr. Speaker, they are making people apply for their old jobs so that they could bring in their friends and could behave in the most discriminatory manner.

4.25 p.m.

The board which was appointed by this Government did that and it is going to do the same thing here. Someone who is a postal inspector today there is room for the job of postal inspector in this new corporation and people are being told that the new corporation wants to get them but that they must go through the Public Service Commission to get permission to go in the same job. They must apply for the same job again. How could that happen?

It is being done in Petrotrin, and if I had said that really and truly I could not believe something like that would happen in this country and, under normal circumstances, I would say that maybe I am going a little overboard. But, I know that it is happening in this country in another state enterprise. Donald Baldeosingh, who is the chairman of that corporation, was put on the board by this Government and his colleagues two of whom have had to resign and leave the board because of crookedness. If I am not speaking the truth and if you want me to call their names, I will call them Ramlogan and the other one, John, had to leave because of crookedness. Mr. Speaker, those are the same persons who have

caused people who have performed well for years in that corporation to have to reapply for their jobs. All sorts of pressure being put on them and they are changing it.

Mr. Speaker, they even went to find out how much the president was getting in another place and made him a bigger offer just to bring him back. I know he is a petroleum professional so I am not going to call his name. I am going to leave him alone because he is a professional and I would not want to treat with it. *[Interruption]* No. I would not do that. I would not behave to him in the way that you behaved to your fellow journalists when you did nothing about people pelting them.

Mr. Speaker: I do not believe that the hon. Member is speaking to me.

Mr. H. Bereaux: Mr. Speaker, as I said, you are back on the ball with all the tenacity with which I am accustomed to you having here, and I bow to your ruling. I will speak to you.

I was saying that I am not going to call the name, or interfere or treat the president badly, in the way that the hon. Member for Nariva failed to come to the defence of the journalists who were so attacked at a certain rally, where I understand the Member for Couva South was not present because he knew the bad behaviour which would go on there.

Mr. Hinds: He was there.

Mr. H. Bereaux: He was there? No. He was not there.

As I was saying, Mr. Speaker, we have a situation here where, on the basis of this provision (b), the postal workers will have, in effect, to be reapplying for jobs which they now hold and, knowing the propensity of this Government to discriminate, I could just see a new board coming in, bringing in all their relatives, friends and supporters to take the jobs of the existing postal workers and causing them to be forced to accept the Voluntary Separation of Employment Plan (VSEP).

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

4.30 p.m.: *Sitting suspended.*

5.03 p.m.

Mr. H. Bereaux: Mr. Speaker, before we took the tea-break, I was drawing attention to clause 36(2) which says:

‘A person to whom this section applies may, within three months of the date of assent of this Act, exercise one of the following options:’

I dealt with the option to:

(a) voluntarily retire..."

and showed wherein by utilizing that option there was the possibility that the employee might be forced, coerced or, because of his particular circumstances, be made to accept conditions less than he could have had if his representative union had bargained on his behalf. I was asking that that particular word "him," which appears to be a royal "him" in this case including her, be deleted and read instead as:

Voluntarily retire from the public service on terms and conditions agreed between his appropriate recognized association and the Chief Personnel Officer;"

Mr. Speaker, the second option was the question of transfer to Trinidad and Tobago Post with the approval of the Public Service Commission. I pointed out that one could well expect that if we are talking about somebody coming from another branch of the public service, which was not the postal division of the public service, fine; but then one may be a revenue officer, or something like that, who wants to go to the Trinidad and Tobago Post. I could see this, provided that the Public Service Commission is able to release the person who wants to be transferred.

In the instance where there is a person who has been working in the postal services and is seeking a transfer to the Trinidad and Tobago Post, then the only condition would be that the Trinidad and Tobago Post having a vacancy for that person. There should be no question of having to get the Public Service Commission to come in. In fact, it appears to be that the person would now be reapplying for the job that he had all the time. If that appears to have been a position which I have taken—drew attention to another state enterprise, Petrotrin, and showed that that very activity is going on there, but I warn this honourable House that the Government is trying to do the same thing in Lake Asphalt.

Mr. Speaker, I was a bit surprised that they are trying to do this having regard to the chairman who is there now—you know people deceive and the flesh is deceiving—but I put this House on notice that whereas Petrotrin's people may be sufficiently sophisticated to take care of themselves, I hope, the same would apply to Lake Asphalt, which is in La Brea. I understand that the reason they are trying to do this in Lake Asphalt is because they are making room for people who would be displaced in Caroni. I am warning this country, and this Parliament, that we

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will have a serious situation and they would have to deal with me. I would have to bring it forcefully to the attention of this country if they ever try something like that in La Brea. They are doing it in Lake Asphalt.

Mr. Speaker, I come to the other point which is going to underscore what the Minister has failed to say. He has pointed out that there is bad management in the postal service and highlighted all the negatives in that institution. However, I want to highlight some positives because I have received my mail regularly and reasonably well for many years. I used to save in the Penny Bank—do not save there any more because it is a penny bank.”The point I am making is that there are a number of persons who have worked there and done yeoman service. Every time ministers of this Government get up they forget that before they came into power this country ran and ran better in most instances than how it is running now—definitely with less corruption.

I am saying that the postal service workers performed under difficult conditions and when one has to measure the way in which they worked one has to do it in the context of the amenities that were available to them. So, when the Minister tries to talk about all these new and great managerial things the Government wants to do they are working in air-conditioned offices that postman who walks, with pitbull wanting to bite him, performed over the years, and still performs. *[Desk thumping]* Somebody has to point that out.

Mr. Speaker, all we hear are the new fangled names which they have learnt from managerial *[Interruption]* Well, not text. I do not want to call them text. You know when we studied law we had those Qs”and As? They must have learnt it from one of those. *[Interruption]* Yes, made simple; Management Made Simple. *[Laughter]* They come here and repeat those hackneyed phrases which they do not understand and try to denigrate an area in the public service that has performed. Part of the reason one would have found why the postal service did not perform, obviously, was because there were some crooked post people, as in everything else. *[Words expunged]* *[Laughter]* When they do their scampishness, Mr. Speaker, and the boards of directors—

Mr. Speaker: The hon. Member knows that what he has just done blatantly contravenes the Standing Orders. What you said is not acceptable. If you want to bring a substantive motion you can do it, but to make that type of statement in the House, under privilege, is not allowed. That statement should be expunged from the record. I would ask you, please, do not allow your emotions to run away with

you. I know that you, perhaps, did not mean it, but, please, I ask you to withdraw that.

Mr. H. Bereaux: I would be guided, Mr. Speaker, and I apologize. I did not really intend to make an imputation to anybody like that.

Mr. Speaker, having been guided by you, I was saying that there are dishonest people operating at the highest levels in all countries, Trinidad and Tobago not excluded. Therefore, if from time to time, because of the situation in the post office, you find that certain mails are lost, you tighten that. I am in agreement that we need to modernize and make the post office more efficient, but in doing that I must stand firm and oppose in the most strenuous manner, the denigration of persons who have served long and faithful in the postal services. To say that the managerial skills are not there is to also admit over the years that they may not have been properly trained.

Mr. Speaker, I went into an organization and stayed there for some 20 years and in the course of that time I was trained seven times and when I went into the organization I was not only qualified but experienced. So, when you have people in an organization and you say that they do not have competence in management you are saying something else. The facts belie the statement because if you had a truly incompetent postal service we would not have been able to be getting mail now.

5.15 p.m.

Let us face the facts from what the hon. Minister said, and the way in which he wants to do things. He said straight and plain to the workers in the postal service that some of them have got to go and if they want to go, okay, but if they do not want to go, some still have to go. The Minister must say so in those words, because that is the fact, and I will tell you why. One has the option to retire voluntarily, the option to transfer, and then there is the option to remain in the public service, provided that an office commensurate with the office held by him in the public service prior to the date of the assent of this Act and two simple words after it, is available?" How is it going to be available when they are modernizing and cutting the public service, trimming it down all over, so those offices will not be available more likely than not?

It means, therefore, to tell the country, tell the postal workers, listen, we are cutting down the postal services, we are trimming it, we are making it more

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efficient and we are sending some home. Those who want to go we will give you some money—voluntary separation. If you are wanted on the other side and we feel to let you go and the other side wants you, then you go. If not, you would stay, but you are staying in circumstances which indicate that there is no guarantee that you will find a place here.

Why I am saying that and I want us to depart on this point. When a company or an organization decides for its own benefit, for its own efficiency, it needs to get rid of some of its employees, there are certain things which have to be done. They sit with the union, work out the cost and they say, we will send you home and give you early retirement, early pension. Your pension will be the same as though you had reached age 60 years, and a number of other things like that. We will give a sweetener and pay you for the months and years you lose.

There are some persons who went home with more money than they could have earned if they had worked through the time because the particular organization needed to get them out. If that is what this government intends, because of modernization of the postal service, regardless of which government it comes from in the beginning, now that you are ready to deal with workers, do not try any tricks and tell them they are going with voluntary early separation. No! Attempts have to be made to give them their pension early and also to enhance it in order to get rid of them because you need to get so many years' pay or so many months' pay for the years which you still have to work before retirement, and from age 50 years upwards you must be able to go on full pension.

The difference is that in the public service you are dealing with a particular pension Act, whereas those of us who were in private enterprises had a pension fund so it was easy to calculate that. But we have to talk about the gratuity, and how it is going and, where their pension will be when they leave. If you leave at 50 years it must not be pension to 50 years, it must be your full 33 1/3 years.

I am making these points because I smell as the people—I do not want to use the old hackneyed phrase, 'I smell a rat and I see it floating in the air.' The minute I saw him and this intention to try to deal individually with employees, the suspicion immediately arose that, in fact, they do not intend to give the necessary enhancement to the workers as a result of their leaving.

I do not want them to tell me there is a Severance Pay Act. It is not as though something happened and the post office bust.' The Government of Trinidad and

Tobago decided that they are going to shift around the way they do business in the postal service and they are going to send home some people. This callous treatment of workers that has reached its pinnacle, under this so-called labour-led Government, must stop. It is time we wake up and make them accountable for the treatment of workers. Putting the union leaders on boards and in the Parliament and enabling them to get certain pensions which they might have had difficulty in getting, is insufficient and that does not see about any worker.

Mr. Speaker, I want to send this message throughout Trinidad and Tobago that the workers in the union—I am not trying to put any coach and six' or any wedge between them and their union leaders. The union leaders have a role to play and they will always have a role to play because workers singly are weak, workers collectively are strong. If you want to run business well, those of us who have business and have run business, know that whereas you are serious with your worker to perform, you also prefer them to be well and intelligently led so that you could work, deal and move with them to prosperity. This Government must not be permitted to reorganize at the cost of workers.

I know that this is the same Government that is treating sugar workers different from other people. As soon as they make some noise they put more money into a losing company called Caroni. Billions of dollars to keep people and then trying to mamaguy them saying it is putting hotel in Caroni. Now, with the postal service workers, you intend to get rid of them by this year.

I was not going to talk on this Bill but when this was pointed out to me, I saw the sinister motive of this Government that manifested itself and as a result of that, I say to this Government, what they did in Petrotrin and think they got away; what it is doing in Lake Asphalt—I take a hand today. We will reorganize the postal service, we want a competitive postal service, we want a postal service that will compete with DHL and with FedEx, that will do a series of things and be profitable to Trinidad and Tobago. But do not tell me you want to reorganize, foregoing taxes and a number of things. It is the classic capitalist approach where you jump over the lowest fence. I am aware today, and I am sure the workers are aware too. I do not know who else the Government is going to try to put on board, or in the Parliament in order to make them ease you up. But, if they ease you up, I would not.

Mr. Speaker, thank you.

5.25 p.m.

The Minister of Public Utilities (Hon. Ganga Singh): Mr. Speaker, I thank Members opposite for their contribution on this Bill. I thank them for their advice. Some of the recommendations will be incorporated at the committee stage, in particular the one on clause 9(2), which deals with the issue of electronic mail. There will be the opportunity to tighten that.

This was not meant to preclude people from e-mailing or faxing each other. There is a new hybrid messaging system that is emerging as a market for the post office and we do not want to preclude our post office from being able to capitalize on this technological development that is taking place in post.

I quote from page 139 of a book entitled, *Redirecting Mail: The Postal Sector Reform*, by Kumar Raganathan with Rohini Day. It is published by the Private Sector Development Department of the World Bank, in collaboration with Universal Postal Union. In dealing with the issue of traditional mail and what is in the emerging market, box 5.2, under the rubric, Categories of Message Service

This refers to ordinary mail which is transmitted/delivered in hardcopy form in all steps of postal operations.”

There is the recognition of traditional mail which is delivered in physical form—hardcopy every step of the way. What is emerging in the market is the hybrid mail. This is what clause 9(2)(f) seeks to deal with. What does hybrid mail mean?

This involves the electronic transmission of messages in combination with, at some point in the mail stream, the transmission of hardcopy messages. Thus, hardcopy is an input into the mail stream which is to be distinguished from the creation of hardcopy at the end of an electronic link. Hybrid systems typically accept electronic messages, produced presorted paper messages at a state or regional printing centre, put them in envelopes and then deliver them as part of the regular main stream. Mail may be physically inducted into the mail stream and then electronically delivered.”

That was the intention, but in the process of drafting, there was the kind of interchange between hybrid and electronic, so that will be incorporated into the

Bill. It is part to extend the category of business available to the Trinidad and Tobago Post and, therefore, expand the areas of revenue that we can acquire.

Hon. Members opposite spoke at length on why we are retaining the monopoly. I say retention of the monopoly because under the Post Office Act, Chap. 47:01, the monopoly exists for letter mail. There are several reasons why we need to retain the monopoly.

Firstly, retention of the monopoly will ensure the preservation of rural service. As it currently stands, the post office will be obliged to service rural areas as a way of ensuring that they have access to the service. It is important because we cannot deny communities located in the rural centres their ability to access the post.

The retention of the monopoly will allow for economies of scale. Without the retention of the monopoly, it would be almost impossible to achieve economies of scale due to the small size of the market in the rural communities and the low traffic volume. Particularly, in rural communities, the repatriated income from families abroad serve to ensure that these communities remain alive in some instances.

Currently, in the post office, the letter mail is the mainstay of the postal sector and, together with the sale of stamps, contribute some 80 per cent of the total revenue of the post office. You will recall, Mr. Speaker, that I had indicated to this honourable House in my presentation that the revenue stream is approximately \$32 million annually for the postal sector. Therefore, the letter mail and the sale of stamps constitute 80 per cent of that amount. If we do not retain that monopoly in this initial state, we will ensure that the post office is not viable.

Thirdly, it is necessary to retain the letter monopoly because in the other areas the post office is open to fierce competition with DHL, with UPS and with Federal Express. This is a transition provision. It allows the former monopolist to ensure that there is a transition period into the future. When it gets itself ready to face competition, then we will be able to remove it. In this transition period, we must retain that monopoly if we want to ensure that the workers have a viable enterprise.

Further, the planned monopoly, the extent of the monopoly, the two kilogrammes limit is consistent with the Universal Postal Union guidelines in this

sector in countries that have had and have continued the monopoly: Canada, Malaysia, Australia, Singapore until recently. New Zealand for five years retained the monopoly as it moved the post from a government department to the private sector under corporatization and commercial principles. It is, therefore, necessary that we retain the letter monopoly for an initial period. Eventually, when the post is in a viable position, it will be able to take on competition.

It is an international position. It is not something confined. It is a step toward open competition and a levelling of the playing field. As it stands right now, it is absolutely necessary for the retention of that kind of monopoly.

Another point raised was why it is necessary to get the permission of the Public Service Commission. I am advised that under the current legislation, one cannot transfer or remove anybody from the public service without the permission of the Public Service Commission. The legislation, therefore, provides for the retention of that right under the Constitution of Trinidad and Tobago and for permission to be granted by the Public Service Commission.

The hon. Member for La Brea spoke at length on clause 36(2) which deals with the right of persons to retire voluntarily and the issue of collective bargaining.

5.35 p.m.

Mr. Speaker, throughout this process we have embraced both unions, the Postal Workers' Union and the Public Services Association. Every step of the way, they have been part of the process. I know there is an issue as to whether the individual can access VSEP. We have demonstrated good faith over this long haul of two and a half years for the conception and development of this process. We have demonstrated good faith with the union, and it is our intention to negotiate with the unions to embrace the position of collective bargaining, but I am advised that there are judgments in the Industrial Court that allow for the individual to access VSEP if he so desires, but that was a necessity which had to be included in the law. But as a matter of good faith, we are proceeding on the path of negotiating with the unions and we have demonstrated that for the last two and a half to three years and they are aware of that.

Mr. Speaker, we have been very much up front with respect to the fact that in some instances there would be workers who want to take a severance package voluntarily by its very definition. We sought to avoid what happened to the Regional Health Authorities and to clarify the position where public servants were

flotsams and jetsams, not knowing whether they were coming or going. I take no paternity for that legislation, and I am sure somebody on that side probably did at some point in time.

That is why we sought to approach this issue of taking people into a new corporation by demonstrating a certain measure of sensitivity and we have brought together the CPO, Public Service Commission, through the DPA, the unions, the Ministry of Public Administration, the Ministry of Public Utilities and the General Post Office on a weekly basis to discuss the issue of how many workers can take this option and the unions have been part of the process every step of the way. There was tremendous sensitivity to this issue.

Mr. Speaker, I used to work in the post office and I do not need the Member for La Brea to tell me about the conditions under which people work at the post office. I used to work at Ajax Street mail sorting centre and I am acutely aware of the conditions under which members operate, but it falls on us to do something to provide an appropriate environment for the workers and one can only do so in a commercial orientation with the necessary capital injection. We are going to rehabilitate the existing post offices and move the current General Post Office from its present location and do things differently to ensure that the people who work in the post can say I am a Trinidad and Tobago Post worker, I have the kind of moral and dignity to identify with the Trinidad and Tobago Post. I do not need the kind of crocodile tears they want to shed because if they were really concerned about the workers' interests, something would have been done about the postal service of Trinidad and Tobago after so many reports in as many years. I would not belabour that point.

Mr. Speaker, with respect to the issue of regulations, it is our intention to have a negative vote as we have in the Water Conservation Act passed in Parliament. Unfortunately, there was an omission in drafting but we intend to incorporate that at the committee stage. So we would take on board the appropriate recommendations.

Mr. Speaker, there are certain issues with respect to clause 14, the disclosure of interest. We would argue that at the committee stage, but we feel that it is good corporate governance.

The point raised in clause 17 by the Member on that side: What is the intention of clause 17? It is said:

"With the exception of those matters referred to in section 9(1),..."

It is not for the Minister to get involved in the day-to-day running of the affairs and, therefore, clause 17 is meant to do broad policy.

Mr. Speaker, we welcome the comments made by Members that it is their intention to see a vibrant, thriving, profitable and aggressive Trinidad and Tobago Post and in this light, I wish to commend all and pay particular tribute to members of a team headed by Mr. Atwell, the Deputy Director of planning in the Ministry of Public Utilities who had the managerial fight and competence to guide this process since its inception. I compliment him and his team, together with the Postmaster General, members of the Chief Personnel Office, and members of the union who participated in the deliberations in order to bring this matter to bear before this honourable House. In this light, I gather Members from the other side would join me in saying 'well done.'

I beg to move,

That a Bill to establish the Trinidad and Tobago Postal Corporation and for related matters be now read a second time.

Question proposed.

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, you should have before you two lists of proposed amendments which have been filed. One consists of seven pages, the other is a one-page document. I take it that you have them.

Clause 1 ordered to stand part of the Bill.

Clause 2.

Question proposed, That clause 2 stand part of the Bill.

Mr. Singh: Mr. Chairman, I beg to move that clause 2 be amended as circulated.

"Delete the words "11, 15" and substitute the words "11, 12, 15".

Question put and agreed to.

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Clause 2, as amended, ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Mr. Singh: Mr. Chairman, I beg to move that clause 3 be amended as follows:

A. In the definition of 'dangerous enclosure,' delete the word 'of' in the last place where it occurs.

B. Insert after the definition of 'post office,' the following definition:"

Mr. Valley: There is an issue on the definition of the word "letter".

Mr. Singh: They are working on that amendment.

Mr. Chairman, it is our intention to clarify the technical definition of the word 'letter,' but we would proceed with what we have for the time being.

Mr. Valley: Proceed with what you have here?

Mr. Singh: Yes.

Mr. Valley: Why do we not just take out electronic communication?

Mr. Singh: I take your suggestion. We could put the word "hybrid" instead of the word "electronic". Remember in my explanation I indicated that what you have emerging in the market is the transmission by electronic means into hardcopy which is then put into an envelope. This is called hybrid rather than electronic. The drafters wanted a tighter technical definition of it.

Let us go to the rest of the amendments while they deal with it.

Clause 3, by leave, deferred.

5.50 p.m.

Clauses 4 and 5 ordered to stand part of the Bill.

Clause 6.

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

Mr. Imbert: Mr. Chairman, where there is reference to electronic or telecommunication service, again e-mail comes in there, is that a responsibility of TSTT or the post office?

Mr. G. Singh: It is all part of what will be linked to the hybrid.

Mr. Imbert: So we will come back to clause 6?

Clause 6, by leave, deferred.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Mr. G. Singh: Mr. Chairman, I beg to move that clause 7 be amended as follows:

In subclause (2), renumber paragraph (p) as paragraph (q) and insert after paragraph (o), the following paragraph:

(p) produce and sell philatelic products;”

Mr. Valley: Mr. Chairman, I am just looking at clause 7 that says:

(2) Trinidad and Tobago Post may—

(1) accept gifts, grants, bequests and devices made to it, and act as trustee for money and other property vested in it on trust;”

What kinds of gifts do you expect that statutory corporation to get?

Mr. G. Singh: I think the gifts would be in the normal course of things to which other postal administrations would engage; providing of gifts and so forth.

Mr. Imbert: What does “exercise all powers that are incidental” mean?

Mr. Maharaj: I would have thought that the hon. Member for Diego Martin East, having regard to the experience and knowledge that he has displayed in his contribution on the law, would, in effect, know what is the meaning of incidental. “Incidental” is if you are going to exercise all powers that are incidental; all powers that impliedly relate to it. It is not unusual to have that. It has nothing to do with an incident.

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8 ordered to stand part of the Bill.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Mr. G. Singh: Mr. Chairman, I beg to move that clause 9 be amended as follows:

In subclause (1)(c), insert after the word 'post,' the word 'office.'

Mr. Imbert: I have a problem with the question of this "ten times" in clause 9(2)(a). Are you leaving that as "ten times"?

Mr. G. Singh: Yes, that is the internationally accepted practice. That is the kind of differentiation you have from the monopoly to other things.

Mr. Williams: Mr. Chairman, also in (9)(1), the question of the 'exclusive right,' I think we have a difficulty with that.

Mr. Valley: You are taking away my right to send letters by some other means. Suppose I want to use FedEx or what have you, it seems to me if you want to do this the Bill has to be passed by a special majority.

I am making the point that if, in the Bill, you want to give exclusive right to one corporation, it implies that you are denying certain rights to other companies that are now providing that service. I cannot see how we can do this without going by way of a special majority.

Mr. G. Singh: Mr. Chairman, under the current legislation, the Post Office Act, Chap. 47:01, the letter monopoly is part of the Act retained by the post office of the country. There is existing legislation that allows the letter monopoly to be retained.

Mr. Valley: Now, by making it a statutory authority does not mean that you can do it without a special majority.

Mr. G. Singh: Mr. Chairman, we will defer this until later.

Clause 9, by leave, deferred.

Clause 10.

Question proposed, That clause 10 stand part of the Bill.

Mr. Williams: Mr. Chairman, clause 10 speaks to the question of membership of the Universal Postal Union (UPU). The fact that the Government retains membership of the (UPU), then the funds would go to the Government. In this case, we were wondering whether or not the funds should not go to the corporation. Indeed, it is for the operatives of this corporation to tell us what is best.

6.00 p.m.

Mr. Singh: In any event, the UPU membership is reserved for the state, but by virtue of clause 25, it goes into the Trinidad and Tobago Post.

Question put and agreed to.

Clause 10 ordered to stand part of the Bill.

Clause 11

Question proposed, That clause 11 stand part of the Bill.

Mr. G. Singh: Mr. Chairman, I beg to move that clause 11 be amended as follows:

In subclause (1), delete the words "comprise the Managing Director, who shall be an *ex officio* member" and substitute the following words: "Be comprised of the Managing Director?"

Mr. Williams: Mr. Chairman, in clause (11)4 on the business of declaration of a potential Board member's membership on any other board; I think we spoke a little about the protocol of doing it at this stage in the process, because by the time the President is inviting someone to be a member of a Board, it is a presidential invitation which is difficult to resist, therefore, this procedural matter really ought to take place before that. I think the Bill ought to provide for that.

Mr. G. Singh: I think it is really an administrative matter and I agree with the issue of protocol, but I really think that this matter can be dealt with administratively. There is no need for an amendment.

Mr. Williams: Again, with the greatest of respect, this is left until the point after which the President has issued his invitation.

Mr. Maharaj: With the greatest respect, "a person who is appointed to the Board shall advise the President of his membership of any other Board, prior to his acceptance of the appointment," so he can advise the President even before or after he is appointed. He may be appointed, but he may not accept the appointment.

Mr. Williams: Potentially, he can embarrass the President, because he has already been appointed and then he is invited to declare his membership in some other organization which may then rule him ineligible.

Mr. G. Singh: What is meant here is really for the President and, by extension, the Cabinet, to have knowledge of the membership of any other

organizations and it is not meant to preclude the member, but is rather a sort of information.

Mr. Williams: We understand exactly where they are going and we approve of it. All I am saying is that they should make provision for this prior to the appointment so that they do not embarrass the President, having appointed someone who may then be ruled ineligible based on the procedure of determining his or her eligibility. We agree with the principle, but this procedure may be flawed.

Mr. G. Singh: There may be administrative difficulties. How can one inform prior to the appointment. What would be one's locus? How will one be able to tell the President, 'Prior to my appointment?' Then anyone could do that. There has to be some measure of the process going forward and then the information to convey to the President.

Mr. Williams: Mr. Chairman, with the greatest of deference, it speaks to the screening procedure, and this discovery ought to be made prior to the appointment so that by the time one is appointed, one would not have to then go through an additional screening procedure which may then embarrass the President.

Mr. Valley: Mr. Chairman, I think that last point is valid.

Mr. Chairman: The same point has been made several times.

Mr. Valley: What we are really getting at here is that we want to avoid the conflict of interest. In other words, if someone is the Managing Director of Federal Express, we do not want him on the Board of the Trinidad and Tobago Post. The issue is, why not do that before? Why do we not have a subclause simply saying that the person who is in conflict of interest will not be a?—

Mr. Maharaj: Nothing prevents him from doing it before. With the greatest respect, it is making a mountain out of a mole hill.

Question put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12

Question proposed, That clause 12 stand part of the Bill.

Mr. G. Singh: Mr. Chairman, I beg to move that clause 12 be amended as follows:

In subclause (1), delete the words “who successfully demonstrates” and substitute the words “who, in the opinion of the Board, has demonstrated”

Mr. Valley: Mr. Chairman, my difficulty with this is that it does not say anything.

Mr. G. Singh: The thinking of the drafters was that they could not quantify “successfully” and, therefore, there would be various gradations of success, and in terms of the policy perspective and corporate governance, it really ought to be left up to the Board.

Mr. Imbert: Just delete “successfully”

Mr. Williams: Mr. Chairman, the amendment seeks to indicate that the person has a successful track record of implementation and success, but in terms of the person's suitability to run the postal corporation, the question in our earlier discussion was, what special qualifications ought such a person to have, and do we want to define that at this stage or at least to guide the Board in its choice?

Mr. Valley: Why not just say that the Board will appoint the Managing Director? That is the Board's function. When they start telling me about who has an understanding of welfare of employees and I am looking down the road, I do not know what they are telling me. Just give the Board the authority to hire a managing director, as any board is supposed to do.

Mr. Maharaj: Who in the opinion of the Board has demonstrated skill and experience in corporate management,” because if the Board does not appoint anybody with that skill and experience, it would be accountable for that, but one cannot have somebody in this position who does not have any skill and experience.

Mr. Valley: What about this part: “Who has an understanding of the welfare of

Mrs. Persad-Bissessar: I am sure that the Member for Diego Martin Central would recall that he was very involved in drafting the New Companies legislation and, in fact, the Bill that was passed by his government in 1995, that was the wording that was included where, in terms of corporate governance and looking at

the corporate sector, the welfare of employees must be one of the concerns. So, I do not see any difficulty with it at all.

Mr. Valley: I cannot remember, but what I am saying is that when one has five employees who resign because of the managing director, one is putting things there to cause trouble!

Mr. Maharaj: One must have people who are worker sensitive.

Mr. Valley: I agree with all of that, but this could only end up in trouble. Give the Board the authority to appoint a managing director.

Mr. Imbert: Mr. Chairman, with that last comment from the Attorney General, this could allow a challenge to the Managing Director on the basis that he does not have an understanding of the welfare of the employees. It is a very subjective thing.

Mr. Maharaj: No. It is very objective.

Mr. Valley: Objective? Then you have to be more specific.

Mr. Joseph: Mr. Chairman, I wish to suggest that if we need to outline some of the capabilities of the Managing Director, it has to be more extensive than this. Other than that, I would suggest that the Board appoint a Managing Director.

Mr. Imbert: They should delete all of the words after "management" and replace them with "and human resource management." So it would read: the Board shall appoint as Managing Director a person who, in the opinion of the Board, has demonstrated skill and experience in corporate management and human resource management." Those are established definitions. They cannot get into trouble with that.

Mr. Chairman: They are not prepared to accept that.

Question put and agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

6.15 p.m.

Clauses 13 and 14

Question proposed, That clauses 13 and 14 stand part of the Bill.

Mr. Williams: Mr. Chairman, I tried to get your attention. First of all, the Bill is incorrectly numbered. Certainly, the circulated draft: the subclauses are numbered (1), (2) and then (5).

Mr. Chairman: Yes.

Mr. Williams: Okay. The copy I have and I believe other Members on this side.

Secondly, the question of, now 13(3)(c), which would broadly define any business or carrying on any business. Is that not a bit too broad and imprecise?

Mr. Valley: There is an extra "to".

Mr. Chairman: What you are looking at is an old first draft.

Two things have been pointed out. That following on clause 13(2), you have clause 13(5) and that (5) should be changed to (3). And also, it is being pointed out that in 14(1)(b), before the word "engage", you have "to", which clearly should not be there.

Mr. Valley: Also, in clause 13(3)(c), there is also the word "to".

Mr. Chairman: In clause 13(3)(c), before the word "engage", you have "to" again, which again, does not make sense.

Mr. Williams: Mr. Chairman, substantively, in what is now clause 13(3)(c) and, by extension also, clause 14(b), the words "any business" in the second line and then in the third line of each of those subclauses "carrying on business", I would submit that they are a bit too broad in that it lends itself to be open to the widest construction and could in any event be mischievous. In any event, the way it is drafted and worded now, anybody can be carrying on business. So if I purchase stamps, for instance, from the postal corporation, I am carrying on business with the corporation. I am just pointing out possible defects in the interpretation based on this drafting.

Mr. G. Singh: The intention is to have complete disclosure and, matters of that nature as to the purchase of stamps in a normal course of one's activities cannot be regarded as carrying on business.

Mr. Imbert: I assume the word "person" means "company" as well. If one is a minority shareholder in a company, one declares one's interest under clause 13(3)(a), then is debarred from engaging in that business. I am seeing some confusion in this clause and the next one. You are telling the person to give notice

of any direct or indirect interest, then you are telling them that they will not engage in any business with any person, but that person could be a company in which they are a minority shareholder. You understand what I am saying? What is the point of saying you cannot engage in any business with any person carrying on business or competing in business with the post, okay?

Mr. G. Singh: No, no. The idea is that no conflict of interest should arise in the performance of one's duties. Secondly, that there should be a full disclosure of one's interests.

Mr. Imbert: Exactly. But you are telling them they must declare their interests, then you are telling them that they cannot be engaged in any business, in clause 13(3)(c). It is more relevant in the next clause.

In clause 14(1)(a), the board member gives notice. In clause 14(1)(b), he undertakes to not engage in business; but then in clause 14(2), there are procedures where, if an interest comes to light he must withdraw from the deliberations and so forth. I do not understand. Clause 14(1)(b) seems to be absolute to me, they cannot engage in any business directly or indirectly with any person carrying on business or competing in business. So, what other possible interests could one have? What interest or significance could one have that would be of relevance here?

In clause 14(1)(b), one has to give an undertaking that one will not engage in any business directly or indirectly with any person. Now, that person could be a company in which one has a minority shareholding, so then, clauses 14(2) and (3) are not relevant.

Mr. Maharaj: [*Inaudible*] so one has to deal with, "if one engages in any business", and the other one is, "if one has any pecuniary interest in any matter", one should not participate in the matter. They are two different situations.

Mr. Imbert: I know. What I am seeing here is that, very correctly, you are trying to prevent someone who has a business interest that is related to the post from not engaging in that interest, but then you are setting up an opportunity where someone has a pecuniary interest where that person could just come out the meeting and—

Mr. Maharaj: Well. They are two different things. One is that one should not be involved when one is engaging in business directly and indirectly; and there may be a matter that comes before the board and there may be a pecuniary interest.

Mr. Imbert: For example?

Mr. Maharaj: There may be somebody who has made some application in relation to some matter and one may have some pecuniary interest in the matter, not engaging in any business, and therefore, one should disclose it. If a judge has to decide a case, he may have some shares in an insurance company and the insurance company is before the court. Therefore, he ought to say that he disqualifies himself because he has an interest in the matter.

Mr. Imbert: Okay.

Mr. Valley: Mr. Chairman, just to clear my own mind. This clause 13(3)(c), is it saying that the managing director cannot use the services of the Federal Express if he so desires, for whatever reason? That is the effect of clause 13(3)(c), that he cannot use the services of the Federal Express ever, as long as he is managing director. Is that right?

Mr. G. Singh: Is he expecting to get a profit from Federal Express?

Mr. Valley: If he is using Federal Express to carry anything, is that a business relationship? If I enter for a fee as managing director, I give Federal Express a parcel post to take to the US for me, I am paying, am I engaging in business with Federal Express?

Mr. Breaux: Maybe we need to put "except where such activity is in the normal course of the business carried out by"—You see, it is the same way where, if one is on the board of a company, a company cannot lend money to, maybe, its directors, except the company is in the business of lending money in the normal course of its business that is done. So too, we need to put in such a provision.

Mr. Maharaj: Mr. Chairman, let us defer these clauses and we will come back to them.

Mr. Valley: Clauses 13 and 14.

Mr. Maharaj: Okay.

Clauses 13 and 14, by leave, deferred.

Clause 15 ordered to stand part of the Bill.

Clause 16

Question proposed, That clause 16 stand part of the Bill.

Mr. G. Singh: Mr. Chairman, I beg to move that clause 16 be amended as follows:

- a. Delete subclause (2)
- b. Renumber subclause (1) as clause 16.

Question put and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Clauses 17 to 20

Mr. Imbert: I am at a loss to understand what are the matters other than those referred to in section 9(1) on which a minister would give directions of public policy.

Mr. Maharaj: Which clause, please?

Mr. Imbert: Clause 17. It says:

"With the exception of those matters referred to in section 9(1), the Minister may give directions, in writing, to the Board on matters of broad public policy..."

But clause 9(1) is exclusive rights to carry letters, produce and sell stamps and rent boxes. What is going on?

Mr. G. Singh: Mr. Chairman, clause 9(1) deals with the operational aspect of the post.

Mr. Imbert: Exclusive rights? That is not an operational matter.

Mr. G. Singh: Exclusive rights is an operational matter. They have exclusive rights by virtue of the legislation. Therefore, the policy decisions will determine whether or not one will corporatize, whether or not one moves from the management contract into further private sector ownership, one reverts within the public service department; those are the areas one has to give policy directions to down the road.

Mr. Imbert: But you see, on the whole question of monopoly and moving away from the monopoly in five years, that is tied into clause 9(1). So you are not going to give them policy directions on that, on the whole question of moving away from monopoly and so forth? I do not understand.

Mr. G. Singh: The monopoly is a policy issue. Clause 9(1) merely says, carry any letter weighing two kilograms or less for hire or for reward.

Mr. Imbert: Exclusive rights, so you cannot dictate to any policy change with regard to exclusivity. You cannot! Because, under this, it says Trinidad and Tobago Post has the exclusive right to do this.

Mr. Maharaj: Is it not too, that when one looks at clause 6, what are the functions of the Trinidad and Tobago Post, that there are other matters, really, with the exception of those specific matters, which the Minister would give directions on broad public policy?

Mr. Imbert: I agree. What I am saying is that I would think that the whole question of exclusive rights is a matter of policy, and you are debarring the Minister from dealing with exclusive rights. You understand what I am saying?

6.30 p.m.

Mr. G. Singh: It is envisaged that the Regulated Industries Commission will deal with matters of rent and lease and so forth.

Mr. Valley: Is this legislation subject to the Regulated Industries Commission?

Mr. G. Singh: It will be under the schedule of the Regulated Industries Commission. The reserved areas, the letter mail, are under the Regulated Industries Commission. Hon. Members will recall that the Regulated Industries Commission only regulates monopoly areas. Therefore, the letter mail being a monopoly area will fall under—

Mr. Imbert: What you are saying is through the Regulated Industries Commission you will give directions to the post.

Mr. G. Singh: No, No.

Mr. Imbert: I now understand. No objections.

Mr. Valley: At the bottom of clause 18 it starts the board shall immediately

Mr. Chairman: It should be 'give'?

Hon. Members the question, therefore, is that clauses 17 to 20, but for minor corrections being made to the word 'given' so that it will read 'give' at the end of clause 18(f) stand part of the Bill.

Question put and agreed to.

Clause 17 ordered to stand part of the Bill.

Clause 18, as amended, ordered to stand part of the Bill.

Clauses 19 and 20 ordered to stand part of the Bill.

Clause 21.

Mr. Singh: Mr. Chairman, I beg to move that clause 21 be amended as follows:

In subclause (3), delete the words for the provision of and substitute the

Question put and agreed to.

Clause 21, as amended, ordered to stand part of the Bill.

Clauses 22 and 23 ordered to stand part of the Bill.

Clause 24.

Question proposed, That clause 24 stand part of the Bill.

Mr. G. Singh: Mr. Chairman, I beg to move that clause 24 be amended as follows:

Delete subclause (3), and substitute the following clause:

(3) The Minister shall lay the annual report in Parliament within twenty-eight days of his receipt of the report and if Parliament is not then in session, within twenty-eight days after the commencement of its next session.”

Question put and agreed to.

Clause 24, as amended, ordered to stand part of the Bill.

Clause 25.

Question proposed, That clause 25 stand part of the Bill.

Mr. G. Singh: Mr. Chairman, I beg to move that clause 25 be amended as follows:

In subclause (1), delete paragraph (c) and substitute the following paragraph:

(c) such sums received by Trinidad and Tobago Post from international organizations, multilateral or bilateral lending agencies or corporations for the exercise of any of the functions of Trinidad and Tobago Post.”

Question put and agreed to.

Clause 25, as amended, ordered to stand part of the Bill.

Clause 26.

Question proposed, That clause 26 stand part of the Bill.

Mr. G. Singh: Mr. Chairman, I beg to move that clause 26 be amended as follows:

Delete paragraph (h) and substitute the following paragraph:

(h) The payment of the return referred to in section 30.”

Question put and agreed to.

Clause 26, as amended, ordered to stand part of the Bill.

Clause 27.

Question proposed, That clause 27 stand part of the Bill.

Mr. Imbert: The amendment refers to subsection (1). There is no subsection (1).

Mr. Chairman: Yes, there is no subsection (1) of clause 27.

Mr. Maharaj: The Chief Parliamentary Counsel made a mistake. It is deferred in clause 26. Instead of ‘referred to in subsection (1)’ it should be ‘referred

Mr. Valley: You are referring to section 26? Then ‘any remainder’ should be a

Mr. G. Singh: Yes. Mr. Chairman, I beg to move that clause 27 be amended as follows:

Delete the words ‘The balance of the revenue’ and substitute the words ‘any remainder of the Fund after the defrayments referred to in section 26’ and the common ‘in any’ be capitalized.”

Mr. Valley: Mr. Chairman, I wonder if anyone would be prepared to read clause 27 for me now. I am looking at it and what it says is delete the words ‘the balance of the revenue’ and when I delete that and make the substitution it is nonsensical. Read it. We start clause 27 by saying ‘Any remainder in the Fund

after the defrayments referred to in section 26”and then we have ‘of Trinidad and Tobago Post may be’under (a) and (b).

Mr. Chairman and Leader of the House, I really suggest that we adjourn, go back and fix this and return. We agree in principle and we have held some clauses. We need to look at them to see what we need to do.

Mr. Chairman: Hon. Members, is it the wish of the committee that the consideration of clause 27 be deferred? The ayes have it.

Mr. Manning: We are going through this thing and even though some of these clauses are being passed we are not comfortable with what we are agreeing to. I do not feel that we are proceeding in the best way and I suggest that we adjourn the House at this stage and when we meet next week we would have had a week to look at this matter. Even if some of these clauses are being passed we are not comfortable with what we are doing.

Mr. G. Singh: Mr. Chairman, we are proceeding in a certain way and we are taking on board the recommendations of the Members opposite. I think we need to be very thorough in our exercise so that even if we have to return we will return incorporating the suggestions by the Members opposite.

Mr. Manning: Yes, except clauses are being passed.

Mr. G. Singh: Where there are problems we defer.

Mr. Manning: Even if some clauses have been passed we are not comfortable with what we are doing.

Mr. Maharaj: [*Inaudible*] that the Opposition has made comments about which we would want to have further consideration, we are saying that we are going to defer them and come back to them. The clauses that we feel that we can go ahead with, we will do so.

Clause 27, by leave, deferred.

Clauses 28 and 29 ordered to stand part of the Bill.

Clause 30.

Question proposed, That clause 30 stand part of the Bill.

Mr. G. Singh: Mr. Chairman, I beg to move that clause 30 be amended as follows:

Delete the word ‘dividend’wherever it occurs and substitute in each place, the

Mr. Imbert: Mr. Chairman, what is the significance of the change from dividend to return? Is a dividend not a return?

Mr. G. Singh: I am advised that in the instance that dividend is a function of shareholding. As it stands here right now the Government is the sole owner and there are shareholders in this corporation.

Mr. Imbert: But in due course it may not be.

Mr. G. Singh: Then it would require amendment to the legislation to include that kind of approach but certainly not at this stage or in the short term as envisaged. Therefore, at this stage dividend is inappropriate but in the longer term, yes.

Question put and agreed to.

Clause 30, as amended, ordered to stand part of the Bill.

6.45 p.m.

Clauses 31 and 32 ordered to stand part of the Bill.

Clauses 33 and 34.

Question proposed, That clauses 33 and 34 stand part of the Bill.

Mr. Imbert: Mr. Chairman, it changed; you spoke about negative resolution.

Mr. G. Singh: Regulations.

Mr. Imbert: What about tender rules?

Mr. G. Singh: No. Regulations. I said regulations for an affirmative vote.

Mr. Imbert: Not tender rules?

Mr. G. Singh: It is the practice that tender rules must be subject to drafting and the policy position has been subject to vetting by the Attorney General's Office and Cabinet approval.

Mr. Valley: Tender rules?

Mr. G. Singh: Vetting by the Attorney General's Office. In some instances, it is subject to Cabinet approval in some of the statutory corporations. Approval by the Minister meaning by extension.

Mr. Valley: No, Mr. Chairman, especially given what has been happening, I am not happy with this at all. I think that we need—

Mr. D. Singh: What has been happening?

Mr. Valley: Who said that? Gunraj? The sheriff?

Mr. D. Singh: Do you want to see my gun?

Mr. Valley: Anyway, Mr. Chairman, I think we need to see these rules. There is sufficient precedent with respect to tender rules T&TEC, NIPDEC and so forth—and we need to see those, especially given recent occurrences. And I want to ask the Attorney General, that even if it is negative resolution—

Mr. G. Singh: I do not mind them being laid in Parliament, but to go by virtue of negative resolution.

Mr. Manning: We do not want it to be laid for information in Parliament.

Mr. Valley: Well, negative resolution is the same thing.

Mr. Maharaj: We will defer this and come back with the drafting.

Clause 33, by leave, deferred.

Clause 34 ordered to stand part of the Bill.

Clauses 35 to 37.

Question proposed, That clauses 35 to 37 stand part of the Bill.

Mr. Imbert: Clause 36 speaks about voluntary retirement. It then goes on to talk about the approval of the Public Service Commission in 36(2)(b). If it is the intention that all employees can transfer to the Trinidad and Tobago Post, why can a form of words not be added, such as 'which shall not be unreasonably withheld'? Or, is it not your intention? No. You said that the approval of the Public Service Commission is required by law, but I got the impression that that was an automatic thing. Are you saying there will be circumstances where the approval will not be granted?

Mr. Maharaj: We will incorporate this and come back.

Clause 36, by leave, deferred.

Clauses 35 and 37 ordered to stand part of the Bill.

Clauses 38 to 40.

Question proposed, That clauses 38 to 40 stand part of the Bill.

Mr. Valley: Mr. Chairman, I remember that either early this year or last year, we passed this pension portability within the public service. This is a statutory corporation and it appears to me that that ought to apply with respect to the sections. I wonder whether we can defer this and have a look at that pension portability legislation to see whether some amendments are not—

Mr. G. Singh: There is no problem.

Mr. Imbert: I wonder whether clause 38 is specific to clause 36(2)(b) but what about clause 36(2)(a) the superannuation benefits of someone who voluntarily retires. In clause 38, it speaks about superannuation benefits, but I want you to be clear on what I am saying. In clause 38, it refers to one category of person and does not refer to the other category, the one that voluntarily retires.

Mr. Chairman: So, hon. Members, we have agreed to consider further.

Clauses 38 to 40, by leave, deferred.

Clause 41.

Question proposed, That clause 41 stand part of the Bill.

Mr. Imbert: Mr. Chairman, this needs to be tightened. This is the point I was making.

Mr. Chairman: There is an amendment filed.

Mr. G. Singh: Mr. Chairman, I beg to move that clause 41 be amended as follows:

In paragraph (a) delete the word "letter-box" and substitute the words "post

Mr. Imbert: That does not deal with my point. This makes no reference to the hybrid communication. This is specific, so a "postal article" is posted—

Mr. Valley: When you look at the definition of "postal article," it includes a letter and we have a problem with the definition of "letter." I also have a difficulty with 41(b), so I think that we have held the concept of "postal article" or "letter," and we need to come back to clause 41 also.

Mr. Imbert: Mr. Chairman, what I am saying is that clause 41 precludes.

Clause 41, by leave, deferred.

Mr. Chairman: Hon. Members, the consideration of the rest of this Bill will be deferred.

House resumed.

Hon. G. Singh: Mr. Speaker, I wish to report that a Bill to establish the Trinidad and Tobago Postal Corporation and related matters was considered and is still being considered at the Committee Stage and that further consideration be deferred to next Friday.

Question put and agreed to.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House do now adjourn to Friday, November 20, 1998 at 1.30 p.m. and, as announced by the hon. Minister of Public Utilities, the House will continue deliberations on this matter but we would also do Motion No. 1 which has to do with the acquisition of land; we will do Bill No. 2, a Bill entitled an Act to amend the Criminal Procedure Act; and, if we have time, we will do an Act to establish a system of plea discussions and plea agreements and matters incidental thereto.

Mr. Valley: In that order?

Hon. R. L. Maharaj: Mr. Speaker, I cannot say in what order, but what I can say is that the three matters mentioned will be on the agenda. It will depend on whether some of the technical people are around.

Mr. Valley: No. No. Mr. Speaker, the Leader of the House said quite clearly that if we have time we would do Bill No. 3. Am I therefore to take it that if we have time we will do that as the last item of business for that day? Is that correct?

Hon. R. L. Maharaj: Mr. Speaker, I was trying to be very accommodating and I will continue to be accommodating. Then, in order to make it clear, the matters for next week would be Motion No. 1, Bill No. 2 and Bill No. 3 and, also, the Postal Corporation (No. 3) Bill which we have under consideration.

[Mr. Valley and Mr. Speaker stand]

Mr. Speaker: May I?

Mr. Valley: Certainly, Mr. Speaker.

Mr. Speaker: Actually, what has happened is that the Leader of the House has indicated that there is more than one bill that he proposes to do and he, obviously, is saying that he wants to keep his options open with respect to the order in which he does them, but he has narrowed it down to three.

Mr. Valley: Yes, Mr. Speaker, but let me just say to my very good friend with whom I have good agreement about 97 per cent of the time, that if he wants to pursue that strategy, I can assure him he would not get past the first matter which we will do next week.

Hon. R. L. Maharaj: Mr. Speaker, having said that, I think that I could tell him he will not terrorize us with that kind of attitude.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.00 p.m.