

*Leave of Absence*

*Friday, November 20, 1998*

**HOUSE OF REPRESENTATIVES**

*Friday, November 20, 1998*

The House met at 1.31 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I wish to advise that I have received communication from three Members who have asked to be excused from today's sitting: the Member for Couva North, the Member for St. Joseph and the Member for Port of Spain North/St. Ann's West. These three Members are duly excused.

**FORESTS (AMDT.) (NO. 2) BILL**

Bill to amend the Forests Act, Chap. 66:01, brought from the Senate [*The Minister of Agriculture, Land and Marine Resources*]; read the first time.

**SAWMILLS (AMDT.) (NO. 2) BILL**

Bill to amend the Sawmills Act, Chap. 66:02, brought from the Senate [*The Minister of Agriculture, Land and Marine Resources*]; read the first time.

**PAPER LAID**

Fifty-second Report of the Salaries Review Commission on a General Review of the Salaries and Other Conditions of Service of Officers within the Purview of the Commission. [*The Minister of Housing and Settlements and the Acting Prime Minister (Hon. John Humphrey)*]

**ORAL ANSWERS TO QUESTIONS**

**Cazabon Paintings**

1. **Dr. Keith Rowley** (*Diego Martin West*) asked the hon. Minister of Trade, Industry and Tourism:
  - (a) Is the Ministry aware of the importation into Trinidad and Tobago of any original Cazabon paintings during the last eighteen (18) months?
  - (b) If the answer to (a) is in the affirmative, could the Minister identify the importer and date of importation?
  - (c) Could the Minister also state the declared value of any such paintings and give details of all duties payable by the importer?

- (d) Could the Minister further state whether all duties and taxes payable on such paintings were paid and if so by whom?

**The Minister of Public Utilities (Hon. Ganga Singh):** Mr. Speaker, the Ministry of Trade, Industry and Tourism is not aware of the importation of any Cazabon paintings during the period in question. In light of the aforementioned answer, (b), (c) and (d) are inapplicable.

**Dr. Rowley:** Just for clarification, did the Ministry of Trade, Industry and Tourism get any advice from the Ministry of Finance on this matter as far as customs is concerned?

**Hon. G. Singh:** Mr. Speaker, in order to answer the question, enquiries will be made of the Customs Department.

### **Road Rehabilitation and Bridge Reconstruction (Phase II)**

2. **Mr. Martin Joseph** (*St. Ann's East*) asked the hon. Minister of Works and Transport:

- (a) Would the Minister name the "several roadways" and the seven (7) bridges that constitute Phase II of the Road Rehabilitation and Bridge Reconstruction Programme as stated in the Public Sector Investment Programme 1998/1999?
- (b) Would he indicate the estimated cost associated with these works?
- (c) The expected time of commencement and completion of each of these items of work?

**The Parliamentary Secretary, Ministry of Works and Transport (Mr. Chandresh Sharma):** Mr. Speaker, in response to part (a) of question No. 2, the original seven bridges have now been reduced to six bridges. The seven roadways and six bridges that constitute Phase II of the Road Rehabilitation and Bridge Reconstruction Programme are as follows:

- i. SS Erin Road from Duncan Village to Papoure Road, a total of 12 kilometres;
- ii. SS Erin Road from the Silver Bridge to PowerGen, a total length of 6.2 kilometres;
- iii. Siparia Road to Fyzabad Guapo Road, a total length of 2.7 kilometres;

- iv. Southern Main Road from B1/61 to Cedros Composite School, including Gregg Street, a total of 16.9 kilometres;
- v. Couva Road from Solomon Hochoy Highway to the entrance of the service station, approximate length of 6.2 kilometres;
- vi. Cedar Hill Road from intersection of Southern Main Road to B1/5, a total of 6.6 kilometres;
- vii. Guaracara Tabaquite Road 2.5—18.5 kilometres;
- viii. Cipero Road from Skinner Park to St. Croix Junction, a total length of 12.5 kilometres;
- ix. Naparima/Mayaro Road to St. Croix Junction, total length of 11 kilometres;
- x. Moruga Road from the intersection of Naparima/Mayaro Road to Burton Trace, a total length of 10.1 kilometres;
- xi. Mayaro Guayaguayare Road from the intersection of Naparima/Mayaro Road to Galeota Point Road, a total length of 15.9 kilometres;
- xii. North Coast Road from entrance to Maracas Bay to La Filette Bay Road, a total length of 12.6 kilometres;
- xiii. Maracas Royal Road from Riverside Road, a total length of 8.3 kilometres;
- xiv. Diego Martin Main Road from Acton Bridge to the intersection of St. Lucien Road, a total length of 6 kilometres.

The bridges are as follows:

- i. B1/39 Eastern Main Road, Manzanilla;
- ii. B1/20 Naparima Mayaro Road;
- iii. B1/5 Couva Main Road;
- iv. B3/5 Couva Main Road;
- v. B1/3 La Fortune Pluck Road;
- vi. C1/3 La Fortune Pluck Road.

The list of roads are only proposed at this point in time and have not yet been confirmed. Note that phasing of the construction work is subject to the availability of funds.

In response to part (b), the design review consultant for Phase II of this project started work on October 1, 1998. The design period is four months and the original design was done approximately four years ago but since then the roads have gotten worse. Consequently, significant changes in the design are expected to take place during the design review period. As a result, the estimated cost associated with these works will not be available until January, 1999.

However, the rehabilitation cost in Phase I was approximately \$1.75 million per kilometre of road, hence the cost of 144 kilometres will be in the order of \$250 million.

The cost of the 6 bridges would be in the approximate order of between \$15 million to \$20 million.

In response to (c), the construction of the bridges is expected to start in April 1999 and the roads in June 1999, subject to the availability of funds. The construction period for both roads and bridges is approximately 12 months.

### **Major River Cleaning Programmes**

**3. Mr. Martin Joseph** (*St. Ann's East*) asked the hon. Minister of Works and Transport:

- (a) Would the Minister state whether the Major River Cleaning Programmes referred to in the Public Sector Investment Programme 1998/1999, include the Santa Cruz watercourse which drains into the San Juan river?
- (b) If the answer is in the affirmative, would the Minister state:
  - i. the area(s) of the watercourse targeted for cleaning;
  - ii. when the work is scheduled to begin;
  - iii. whether the work will be done by the Ministry of Works and Transport or contracted out?

**The Parliamentary Secretary, Ministry of Works and Transport (Mr. Chandresh Sharma):** Mr. Speaker, the major cleaning programmes referred to in the Public Sector Investment Programme 1998/1999 does not include the Santa Cruz watercourse. However, improvement works are currently in progress on the Santa Cruz River under the National Emergency Drainage Programme. These works include widening, desilting and realignment.

The improvement works are being undertaken in the Cantaro Extension Road area, as well as the Hololo area. The works commenced on September 14, 1998 and are proposed for completion at the end of this month, November, 1998. The length of the improvement works is estimated at 2.0 kilometres.

Part (b) as well as (i), (ii) and (iii) do not apply.

**Public Sector Investment Programme 1998/1999  
(Phase III)**

**4. Mr. Martin Joseph** (*St. Ann's East*) asked the hon. Minister of Works and Transport:

Would the Minister provide a list identifying the precise location of each of the forty (40) bridges and the 230 km of roads earmarked for rehabilitation in Phase III of the Public Sector Investment Programme 1998/1999?

**The Parliamentary Secretary, Ministry of Works and Transport (Mr. Chandresh Sharma):** Mr. Speaker, I am sure Members would appreciate the quantum of work being done by the Ministry of Works and Transport. [*Desk thumping*]

The hon. Member of Parliament for St. Ann's East may be aware that the Ministry of Works and Transport obtained the services of the consultants, Lea Trintoplan in 1993/1994, to conduct a Comprehensive Highway Maintenance Study. This study identified approximately 600 kilometres of roads and a number of bridges as being in dire and immediate need of repairs.

Arising from this evaluation, the Ministry of Works and Transport embarked on a Road and Bridges Rehabilitation Programme. Roads from the identified list were earmarked and designs were completed for Phases I and II of the programme. Under Phase I of the programme, approximately 70.5 kilometres of roads and eight bridges were rehabilitated. Under Phase II, it is proposed to repair approximately 144 kilometres of roads and six bridges.

As the Member for St. Ann's East might be aware, it is necessary to undertake design reviews since the last designs were done more than five years ago. Accordingly, design review is presently being undertaken for this phase of work.

The list of roads and bridges for Phase III has not yet been finalized since there is a need to examine the remaining elements of the list so as to determine those sections of the road network that are most critical. The ministry is in the process

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of obtaining design consultants to assist in the selection of such roads and bridges. The design consultants have been scheduled to start work in April 1999, and it is expected that the final list will be determined around August 1999.

It is to be noted that the start of the design consultancy will be subject to the availability of funds.

**DEFINITE URGENT MATTER (LEAVE)**

**Protests**

**Mrs. Camille Robinson-Regis** (*Arouca South*): Mr. Speaker,—[*Desk thumping*]

**Mr. Manning:** That is welcome back.

**Mrs. C. Robinson-Regis:** Thank you. Mr. Speaker, I seek your permission in accordance with Standing Order 12 of the Standing Orders of the House of Representatives, to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, to wit, the recent and continuing series of protests, entailing among other things, blockage of roadways in Maloney, La Horqueta and Mayaro and the blockages—

**Hon. Members:** You organize it.

**Mr. Speaker:** Order please!

**Mrs. C. Robinson-Regis:** Like the ones you organized in 1990. [*Desk thumping*] And the blockages on the Churchill Roosevelt Highway. The matter is definite in that it is a real issue occurring almost daily in parts of Trinidad and Tobago.

Mr. Speaker, the matter is of urgent public importance because there is a growing sense of unease prevailing, not only throughout the East/West Corridor, but also in the South-western Peninsula of Trinidad and, indeed, throughout Trinidad and Tobago.

Mr. Speaker, it is even more urgent because the protesters have exhibited an increasing sense of outrage and with each successive day, their actions become more volatile because there has been absolutely no guarantee from the Ministers or other government officials as to remedial action to be taken in the short or long term. [*Desk thumping*]

Mr. Speaker, the matter is also—[*Interruption*]

**Mr. Speaker:** Hon. Members on both sides, I appeal to you that when someone is presenting something, the Member is actually asking leave of the

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Speaker that certain things be done. At least one may not agree with it, but one surely has to listen, and what is more important is to allow me to hear the content of it so that I could judge on it. I ask you please.

**Mrs. C. Robinson-Regis:** Thank you, Mr. Speaker. I contend that the matter is also of urgent public importance because the national community is alarmed at the frequency and intensity of these protests and is beginning to feel that protesting is their only recourse to ensure some form of action by this Government, and consequently, protests have begun to engulf our beloved Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, on behalf of these people and, indeed, on behalf of all the bright thinking people of Trinidad and Tobago—

**Mr. Sudama:** Where? In the PNM?

**Mrs. C. Robinson-Regis:** —several of whom are my own constituents, I crave your indulgence to have this matter considered by you as definite and of urgent public importance, and allow the motion for the adjournment of this honourable House.

Thank you, Mr. Speaker.

**Mr. Speaker:** Hon. Members, I have considered the request for leave and I am satisfied in my own mind that it is not a definite matter of urgent and public importance as may be properly raised on the motion for the adjournment of the House. In the circumstances, I refuse to allow leave.

**Mr. Valley:** [*Inaudible*]

**Mr. Speaker:** It is not right for you to make that comment to the Speaker when he has ruled on an issue. It is not either the polite or the correct thing to do.

**Mr. Valley:** I withdraw that statement, Mr. Speaker, unreservedly.

**Mr. Sudama:** He is in the habit of doing that. He should be given six months.

**1.50 p.m.**

#### **DANGEROUS DOGS BILL**

Bill to provide for the regulation of the importation, breeding and keeping of dangerous dogs which present a serious danger to the public; to make further provision for ensuring that such dogs are kept under proper control; and for connected purposes, [*The Attorney General*]; read the first time.

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, within recent times, the problems caused by dangerous dogs have increased to alarming proportions. The spate of attacks on persons in many parts—

**Mr. Narine:** Especially in Mid Centre Mall.

**Mr. Speaker:** Hon. Members, may I, on one occasion, ask you please, to keep the standard in this House high today and, could we please have some silence while something is being presented. I ask you, please.

**Hon. R. L. Maharaj:** I am much obliged to you, Mr. Speaker.

As I was saying when I was interrupted by the other side, the spate of attacks on persons in many parts of the country has understandably generated much public interest and concern. In 1998, dog attacks have been occurring at epidemic levels. Unfortunately, the record reads like an unrelenting indictment on pitbulls.

Mr. Speaker, some of the headlines in daily newspapers read as follows: March, 1998, "Dogs push open a gate and launch a bloody attack on a fifty-year old woman. A pitbull was one of the dogs"; September, 1998, "Three pitbulls and a Rotweiller attack and kill a seventy-one year-old woman as she entered her home"; October 14, 1998, "Pitbulls attack a morning jogger"; October 15, 1998, "Mother and daughter attacked by five pitbulls"; October 21, 1998, "Student, victim of pitbull attack". Mr. Speaker, these reports are a chilling testament to what has become a growing public concern in Trinidad and Tobago and, indeed, throughout the world.

The problem of attacks on persons by dangerous dogs is not confined to Trinidad and Tobago, but is now a global one. Pitbull attacks in Canada, England and the United States have been widely publicized in the past several years. In 1992, the United States Centre for Disease Control reported that 42 per cent of the confirmed dog bite deaths that occurred in the United States between 1979 and 1988 involved pitbulls. In Britain, the dogs have been referred to as "devil dogs" and the *Equinox Magazine* calls this dog a "superb killing machine".

Mr. Speaker, in the illegal blood sport of dog fighting, the pitbull is considered the "Cadillac of killer dogs", because of its strength, agility and tenacity. The *Globe* and *Mail* of Toronto, Canada state that the "pitbull has been bred to kill other dogs". "Its vise-like jaws can exert a pressure of 1,800 pounds per square inch and can inflict terrible damage on other animals and humans, especially children unable to defend themselves", according to the *Toronto Star*.



Gruesome accounts of attacks include that on a nine-year-old girl who required five hours of plastic surgery to her face after she was mauled by a pitbull.

The executive director of the Toronto Humane Society once believed that with proper training, the pitbull would be just like any other dog. However, she later admitted that the pitbull has a genetic code that makes it a very unpredictable animal, a truly aggressive dog bred to attack without any provocation whatsoever. The general manager of the Animal Control Services branch of Toronto's Public Health Department noted, "The pitbull is a time bomb. You cannot be sure when it is going to go off".

Mr. Speaker, during the last decade, law makers around the world have been trying to resolve the problem of attacks by dangerous dogs by instituting and enforcing a variety of regulations. For example, pitbull owners in Edmonton, Canada are required to carry a minimum of \$500,000 in liability insurance and pay a \$100.00 licence fee. A 1992 report states that in Winnipeg, Canada, no new pitbulls are allowed within the city limits and owners must leash and muzzle their dogs and show proof of \$300,000 of liability insurance.

The British Parliament, following a rash of pitbull terrier attacks, enacted a Dangerous Dogs Act in 1991. Some breeds originally bred for fighting and aggression have been deemed dangerous, and importation of these dogs into the United Kingdom has been banned. These breeds include the American pitbull, the Japanese Tosa, and the two South American breeds, the Argentine Dogo and the Fila Brasillero. Since the ban, British pet owners are required to have these breeds muzzled while they are in public places and they must be registered, insured, tattooed and sterilized. Owners who do not comply with these regulations risk heavy fines and having their dogs destroyed, regardless of their behaviour.

Other countries which have similarly banned specific breeds include: Australia, Denmark, Hong Kong, and Singapore. Additionally, Hungary, Canada and the United States have implemented restrictions regarding dangerous dogs to stem increasing attacks.

Mr. Speaker, here at home, in response to public outrage against this trend and in recognition of the fact that this is a serious public health problem that requires greater attention and investment in resources, the Government considered that there is an urgent need to introduce into the Parliament the proposed legislation entitled, the Dangerous Dogs Bill, 1998.

*Dangerous Dogs Bill*  
[HON. R. L. MAHARAJ]

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In July, 1997 I gave instructions to the Law Commission to draft this important piece of legislation and the Law Commission engaged in extensive consultation with, and received comments from various interest groups, including the Trinidad and Tobago Society for the Prevention of Cruelty to Animals, the Dog Training Club and other concerned individuals and groups. The Law Commission also examined trends in the law in other jurisdictions including Canada and Australia. In essence, the Bill will provide for the regulation of the importation, breeding and keeping of dangerous dogs which present a serious danger to the public and will make further provision for ensuring that such dogs are kept under proper control.

The existing legislation governing dogs is to be found in the Dogs Act, Chap. 67:54, which had been passed years ago. However, it has become evident that more robust mechanisms are needed to deal with irresponsible owners of dangerous dogs. There is a need to address the concerns of our society in this regard. However, in proposing an enactment of this kind, my Government is fully cognizant of the need to balance the rights of the individual to the enjoyment of his property, with the need for the society to feel safe from the threat of vicious attacks by dangerous dogs.

In formulating this piece of legislation, we have followed closely the British model. However, whereas Britain has imposed an outright ban on pitbulls, we have chosen instead to impose certain serious and weighty obligations on owners of these dogs. The underlying philosophy of the Bill is the promoting and encouraging of responsible ownership. The principle that owners of dogs are entirely responsible for the behaviour of the dogs is firmly established in the Bill. The Bill seeks to address the threat posed by dangerous dogs by banning the importation of these dogs into the country and by providing a workable, regulatory framework for the control of existing dangerous dogs.

The Bill would also place restrictions on the breeding of these dogs and would impose several requirements such as the requirement that a dangerous dog be muzzled and kept on a lead while in a public place. It will also place an obligation on owners of dangerous dogs to ensure that the premises on which these dogs are kept are so secured as to prevent the escape of these dogs.

We are of the view that dangerous dogs are a major threat to the welfare of our citizens and, therefore, stringent measures for control need to be implemented. Mr. Speaker, accordingly, very heavy sanctions would be imposed in respect of

offences created under the Bill and these offences would attract fines in the sum of \$50,000 to \$75,000. It is further proposed that owners of dangerous dogs would be required to have in effect liability insurance in the sum of \$1 million. The Bill also seeks to impose a strict regime of licensing and registration of dangerous dogs.

Mr. Speaker, the proposed Bill incorporates important guidelines provided by Australia's Society for the Prevention of Cruelty to Animals, including effective control of dangerous dogs in public places. Following precedents set by Canada and the United States, the Bill also seeks to ensure that owners of dangerous dogs are adequately covered by liability insurance so that, where injury to a person is caused by a dangerous dog, medical expenses incurred in the treatment of those injuries can be defrayed.

There are also provisions in the proposed Bill to have dogs neutered. We found it necessary to do this, since various reports reveal that the best predictor of whether a dog will bite a person is whether it is neutered. There is a general international support for the theory that neutering decreases the aggressive tendencies in dangerous dogs. This neutering provision has the added advantage of ensuring that there is no increase in the proliferation of dangerous dogs.

Finally, another major concern of the Government and, indeed, of many Governments around the world, is that an increasing number of persons are buying dogs to use as weapons, either offensively or defensively, and not for the purpose of companionship. There is need to address this potentially dangerous situation. The United States reports that the financial and emotional costs of dog bites are staggering. In 1984, an 11-year-old girl was awarded a record sum of more than \$1 million for physical and mental trauma caused by a dog bite which left her permanently disfigured. The United States insurance industry estimates that \$1 billion in dog liability claims was paid in 1994.

Even though this Bill is being introduced in Parliament for its first reading, its policy is not cast in stone. The policies enunciated herein are subject to comments which we hope we would get members of the public to make. The Bill is being introduced on the premise that it will form a basis for consultation with the national community and, therefore, persons who would wish to make comments and recommendations in respect of the legislation can still send their comments to the Law Commission as early as possible.

The proposed Bill requires a specified majority and, therefore, requires the support of the Opposition for its passage in Parliament. But may I say, we are not

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going to allow the Opposition to frustrate the passage of this Bill, as they frustrated the passage of the Bill dealing with the death penalty, which, if they had supported, the death penalty would have been able to be carried out in Trinidad and Tobago. If the Opposition does not indicate that it is going to support this Bill, there are plans in place for this Bill to be passed in this Parliament, even without the support of the Opposition.

The introduction of this Bill could not have come at a better time, when the public outcry is loud against the threat to their safety. Newspaper reports are replete with pleas from members of the public that something be done urgently to alleviate the fear that grips them as a result of the prevalence of attacks by dangerous dogs. It is hoped that this Bill will provide some measure of comfort and reassurance to our society.

Thank you, Mr. Speaker.

**2.05 p.m.**

#### ARRANGEMENT OF BUSINESS

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. President, the Government proposes to proceed as follows: the re-appointment of the Joint Select Committee on the Management Structure of Parliament; the Land Acquisition Motion; the conclusion of the committee stage of the Trinidad and Tobago Postal Corporation (No.2) Bill; and if time permits, the Criminal Procedure (Amdt.) Bill and the Criminal Procedure (Plea Discussion and Plea Agreement) Bill.

*Agreed to.*

#### PARLIAMENT MANAGEMENT STRUCTURE REFORM

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

*Whereas* the Working Paper on the Reform of the Management Structure of Parliament of Trinidad and Tobago was laid in the House of Representatives on Friday June 12, 1998 and in the Senate on Thursday June 16, 1998;

*And whereas* both Houses of Parliament agreed that a Joint Select Committee be established today to consider the said Working Paper and to report to Parliament thereon, and appointed such a Joint Select Committee by

resolutions passed by the House of Representatives on Friday June 26, 1998 and the Senate on Tuesday June 30, 1998, respectively;

*And whereas* that Joint Select Committee reported to this House on Thursday September 24, 1998 that it was unable to complete its deliberations and recommend that continued consideration of the matter be undertaken in the next session of Parliament;

*Be it resolved* that a Joint Select Committee be established to consider the Working Paper on the Reform of the Management Structure of the Parliament of Trinidad and Tobago; and

That this Joint Select Committee be authorized to adopt as part of its records all the work done by the Joint Select Committee appointed to consider the matter in the last Session.

*Question proposed.*

*Question put and agreed to.*

*Resolved:*

That a Joint Select Committee be established to consider the Working Paper on the Reform of the Management Structure of the Parliament of Trinidad and Tobago; and That this Joint Select Committee be authorized to adopt as part of its records all the work done by the Joint Select Committee appointed to consider the matter in the last Session.

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that the following Members be appointed to serve with an equal number from the Senate on the Joint Select Committee to consider the Working Paper on the Reform of the Management Structure of the Parliament of Trinidad and Tobago: Hon. Ramesh L. Maharaj; Hon. Kamla Persad-Bissessar; Dr. Rupert Griffith; Mr. Chandresh Sharma; Mrs. Camille Robinson-Regis; and Mr. Martin Joseph.

*Question put and agreed to.*

#### LAND ACQUISITION

**The Minister of Housing and Settlements (Hon. John Humphrey):** Mr. Speaker, I beg to move,

That this House approve the decision of the President to acquire the lands described in the Appendix for the public purpose specified.

*Land Acquisition*  
[HON. J. HUMPHREY]

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This is a very simple acquisition measure, but it is very late in coming to the Parliament. It is to approve the decision of the President to acquire five parcels of land together comprising 5,095.1 square metres, more or less, situated south of Sumaria Trace, Charlieville in the Borough of Chaguanas, for the public purpose specified. These lands are described as follows:

- (a) 1,220.5 square metres more or less said to belong now or formerly to Zakir Mohammed;
- (b) 998.8 square metres more or less said to belong now or formerly to Zakir Mohammed;
- (c) 961.2 square metres more or less said to belong now or formerly to Boodoo Alladin and others;
- (d) 781.3 square metres more or less said to belong now or formerly to Boodoo Alladin and others;
- (e) 1133.3 square metres more or less said to belong now or formerly to Deonarine Sewdass.

These parcels are more particularly shown coloured raw sienna on a Survey Plan filed in Book 1140, Folio 182 in the vault of the Lands and Surveys Department, Red House, Port of Spain.

The subject acquisition is at the request of the Minister of Works and Transport and was for the purpose of dualling the Uriah Butler Highway. Proceedings for the acquisition of the aforementioned parcels of lands were initiated on July 5, 1979, when notice of intended acquisition under Section 3 of the Land Acquisition Act, Chap. 58:01, was published in the *Trinidad and Tobago Gazette*, and authority to commence work under Section 4 of the said Act, was issued on July 31, 1979. For those Members opposite who are laughing, they were in office at that time. The PNM government was in power in 1979.

The procedure for the acquisition of lands for public purposes is standard, and we have brought these arrangements before this House, from time to time. On this occasion, we are honoured to carry the process forward.

*Question proposed.*

**Dr. Keith Rowley** (*Diego Martin West*): Mr. Speaker, this matter of land acquisition is an issue which comes before this House from time to time, and would continue to do so. Basically, we do not have a problem with providing

support for this procedure to enable the state to acquire private property for public use. But just as I was thinking that we had made some progress after the debacle of the last three weeks, the Acting Prime Minister disappointed me again, because he had to talk about the PNM, 1979 and God knows what.

What this Government has to understand is that, if it always takes the position that what had to be done in this country ought to have been done by a previous government, then there would have been no need for them to come into office. Government is a continuous process. [*Desk thumping*] Every time a Member of the Cabinet gets up—especially the Acting Prime Minister—and talks foolishness like that, it insults the country.

This matter of land acquisition has been with us for quite some time. I had the privilege and honour to be in this Parliament when the problem associated with this process of land acquisition was brought before the people's Parliament. Members of the Parliament at that time—and I see some on the other side—my friends from Naparima and Point Fortin, the said Acting Prime Minister, the Member for Couva South and many of my colleagues on this side, my colleague from Tobago West—were in this Parliament when action was taken to rectify the problem, because that is what Parliament and government is about. If there is a problem the government addresses it and the Parliament puts procedures in place to address it. That was done.

What did we find? We found that there was always this backlog of land which had been acquired from private citizens, utilized by the state, and the persons have not received their compensation, sometimes years after. We also found that it was not as a result of any malice on the part of any administration, but the process of acquisition lent itself to this kind of problem.

We took steps, and I had the honour to be the minister at that time, to table and have passed in this Parliament, the new Land Acquisition Act, which was meant to prevent this backlog situation. The Land Acquisition Act was passed in 1995, I believe, and was assented to during the early days of this Government's tenure. This Government has now been in office for three years!

Mr. Speaker, what I would have preferred the Acting Prime Minister to say—if he had to say anything at all—was to tell us whether, in fact, this new system was at work and whether the problems that we are seeing here with land acquired, signed by the Director of Surveys since July 1995 and is only coming before the Parliament in 1998. Therefore, if in fact he wants to talk about laying blame, I

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could ask the question: the Director of Surveys signed it in 1995, what happened in 1996, 1997, or 1998? Who was in charge of this country during that period?

I do not want to become contentious on the matter. If the Prime Minister had said to us that there was some particular problem here—because what I am seeing, in the absence of any information from the Acting Prime Minister, it may very well be that the steps we took a few years ago to establish new acquisition proceedings, to put new processes in place, may not be, in fact, dealing with the problem.

I pointed this out in the budget debate, because the main item in the new Land Acquisition Act which was different from the old Act was the process by which the acquisition was done. We no longer had to go the way of publishing a section 3 or 4, wait until certain things happened, get into the parliamentary agenda and get forgotten off the table. The new Act requires that on entry upon the property, the state has to pay either 60 or 80 per cent of the value of the land.

I made the point then in the budget debate, when I saw the paltry sum of money allocated for land acquisition—if my memory serves me right the figure was a quarter million dollars or some ridiculous thing, or \$2.5 million—I asked the Government then, with this small sum being allocated for land acquisition, if it could tell us whether, in fact, all the backlog of payments had been made and, therefore, we no longer needed to have a subvention of a substantial amount to deal with paying off these people whose lands have been acquired over the years.

**2.20 p.m.**

Mr. Speaker, not a soul on the other side saw it fit to respond to that. I raised the point, I said if, in fact, we have not completed the payments to those persons who had outstanding matters with the state for which we had taken specific action to eliminate that problem, then the amount of money allocated for land acquisition is too small. Not a word from the Government on the matter.

Today, we have an opportunity where before us we have a land acquisition matter and instead of giving us useful information, they get up again to beat the same old drum about the PNM, the PNM, the PNM. They like to beat people at home and in the Parliament but they cannot beat us. They are the Government of Trinidad and Tobago and they have a responsibility. When they come to Parliament and talk that kind of nonsense they are negligent and delinquent because people do not have any information and in the absence of information as to what the Government is doing they are marching up and down the place and blocking roads and then they say it is the PNM which is causing it.



My friend from Mayaro has his constituents making noise every day and putting fire in the road because they do not know what is happening in their constituency; they do not know what is happening with the roads and water and as a result of that they take action and then they tell them it is the PNM.

**Mr. Speaker:** I do think that one is veering away too much from the matter before us.

**Dr. K. Rowley:** Mr. Speaker, I accept your ruling without hesitation. The point I am making is that the Government is not giving us pertinent information. [*Desk thumping*] In the absence of information people are led to think all kinds of things. Unfortunately some people think the worst and with this Government they are quite right because this Government is the worst.

I am making the point here, Mr. Speaker, that I wanted to see information as to what is happening with the land acquisition procedure. No information but stupid talk about the PNM. The PNM has not been in government now for three years. If the PNM were the government of Trinidad and Tobago then we would be on that side getting their salary and making decisions. Every time this Government has to account for its behaviour or its performance, it is the PNM.

I am saying to the Government that simply will not do because right now—Mr. Speaker, I do not know if you know but I do not know whether, in fact, this money is going to be paid from a sum that is allocated and whether, in fact, there is money there to pay for these parcels of land. I am making it in the context that this problem had come to this Parliament before, and we took steps to rectify it. If it is not rectified then the Parliament must know and if we have to address it we have to address it. The Government is not functioning because it is not concerned about bringing it on time or making an adequate allocation to ensure that they can be paid on time—because you see, Mr. Speaker, the current Land Acquisition Act is such that if there is no money to pay the 80 per cent for the parcel of land, the land cannot be acquired; it is as simple as that. Whereas before you could have simply published the section, enter upon the land, use it for public purpose and then pay sometime in the future, whether years or months, the current land acquisition regulation under law does not permit that.

I do not think anybody on the Government side is aware of what is going on. This Government has left this country on auto pilot. When I saw the amount of money that was allocated for land acquisition I was convinced that the Government did not know what was required of them. I would like when the

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Minister gets up—let us take it for granted that he has the worst to say about the PNM, we will accept that. Let us take it for granted he has nothing useful and sensible to say, we accept that. I would like to ask the acting Prime Minister to help us with the information. Tell us what is the situation with respect to land acquisition subsequent to the assent of the recent Land Acquisition Act. [*Desk thumping*]

Specifically, tell us whether, in fact, all the outstanding matters that were meant to have been disposed of—and, again, do not tell us they were there under the PNM because we know that and that is why we came with new propositions, a new law and new allocations in 1995 to deal with the problem. Tell us if the problem is being solved.

That is what a government is supposed to do, not to fight the media and “cuss” the country. A government is supposed to solve the people's problems. They must tell us what they are doing; they are duty bound. I am sure my friend from Couva South will agree because he has been a great advocate of information. Remember? Freedom of Information Act. When are we getting that? Well, I want this for free, I want to know what is happening with the Land Acquisition Act. [*Desk thumping*] While they are at it—I would appreciate an answer and I also want to know the truth.

Mr. Speaker, I know that land acquisition is a low item of priority on the Government's agenda. In fact, when we debated the new Land Acquisition Act, having served both teams of the Government at different times, it was acknowledged that given what the Government has to do, land acquisition items normally find themselves at the end of the priority list.

Mr. Speaker, even if you accept that, this Government has something else to answer for, because if you look at the Government's performance with respect to the carryings on of parliamentary business, you will see that parliamentary business is at the convenience of Government travel. Every time a steelband knock anywhere, half the Government gone there, with or without reason. Imagine the Prime Minister of Trinidad and Tobago goes to London to receive an award for Trinidad and Tobago and we did not even win. I was told the Prime Minister was going to England to receive some tourism award for something they had done with respect to tourism. I said, but the Prime Minister? What about all the other functionaries? At least they could send some useless person there. They are plentiful on the other side. The Prime Minister? But when I discovered that we did

not even win the award I said this has to be the limit. The Prime Minister alone, by himself.

[WORDS EXPUNGED]

**Mr. Speaker:** Order. The hon. Member knows that the Standing Orders provide in terms of aspersions against Members of the House. I think that what has just been said is not quite good. [Interruption] If the Member for San Fernando East, who I am not addressing, will allow me to deal with the issue with the Member for Diego Martin West, without questioning me while he is sitting and while I am on my legs, it would be greatly appreciated because he himself knows that is not done.

It is not in order for a Member to make the type of reference that you were just making of any Member in the House. I think what you were saying concerning the Prime Minister is not proper. I ask you to make your contribution but not make suggestions or innuendoes concerning a Member of the House.

**Dr. K. Rowley:** Mr. Speaker, I thank you for your guidance but I would appreciate if you can guide me as to exactly what item of my contribution was out of order so I can withdraw it unreservedly.

**Mr. Speaker:** I am referring to the question concerning drinks in London and what followed immediately after it. It is not right. I ask that it be expunged from the record. Please proceed.

**Dr. K. Rowley:** Mr. Speaker, is “drinks” an unparliamentary word? I am seeking your guidance.

**Mr. Speaker:** I have just ruled on it. Could the Member please proceed.

**Dr. K. Rowley:** I am seeking your guidance, Mr. Speaker, just to withdraw it. I will withdraw it.

**Mr. Speaker:** I have already had it expunged. Please proceed.

**Dr. K. Rowley:** Mr. Speaker, I feel trampled upon. If it is not unparliamentary, on what basis is it withdrawn?

**Mr. Speaker:** I regard that as questioning the ruling of the Speaker. If you cannot proceed with your contribution I will call on—[Interruption] Does the Member for Toco/Manzanilla want to say something to me?

**Mr. Boynes:** If you will allow me to.

**Mr. Speaker:** Well, you cannot do it while I am on my legs. *[Interruption]* Yes, and I was putting it politely because you had absolutely no right to be addressing me while you were sitting. *[Interruption]* No! Please. *[Interruption]* No, I am on my legs. Please sit. Please keep quiet.

**Dr. K. Rowley:** Thank you, Mr. Speaker, I accept your ruling. It was not my intention to challenge your ruling I just wanted clarification. It was never my intention to challenge your authority or ruling. I simply want you to declare as to what I did wrong, so that I can withdraw it. Now we move on.

I was saying that previous governments had the problem with having land acquisition matters at the low end of their priority list as a result of which land acquisition matters fell further and further behind, resulting in considerable delay in bringing these matters to Parliament resulting in compensation not being paid and the matters not being brought to conclusion. That has been our experience.

I was saying that this Government ought not to have had that problem because the Government has had a lot of parliamentary time available to it which it has not made full use of, because what we have observed is that the parliamentary time is not maximized. That is the point I was making, Mr. Speaker. I did not seek to cast any aspersions on anyone. I was simply saying that parliamentary time seems to be whether or not the Government has to travel. If that is the wrong information I would like somebody on the other side to tell me no. How many times matters like this: land acquisition, the national budget, half the Government out of the country. You understand, Mr. Speaker?

I would like the Government to tell us whether, in fact, land acquisition is up to date in terms of payments, that we now have no backlog and that as fast as Government acquires a parcel of land from here on, or in recent times, that the Government is paying for it as per the law and, therefore, that the system is working. If that is not so, tell us whether, in fact, development programmes and projects are being delayed because Government cannot enter upon certain parcels of lands because they have not been able to acquire the lands because there has not been enough money allocated during the period. This is what I would like to know.

The next issue that one can raise is the whole question of what the Government does with the land once it acquires it.

### **2.35 p.m.**

But, Mr. Speaker, I am not in the mood today to deal with that, so I would leave that for others. I say, simply, that if the Government is going to be effective,

it is not simply a matter of acquiring land; that is only the beginning of the process. It is what is done with the land that is important. On that score, this Government also has much to answer when it talks about the Uriah Butler Highway, because that is a debate in itself.

Having acquired land for the Uriah Butler Highway, could anybody on that side tell us what is happening with the Uriah Butler Highway? Except that the people of South Trinidad and those from North who go to South Trinidad are, in fact, asking the question: Does Trinidad and Tobago have an effective Government?

Mr. Speaker, that is all I say for now and I leave it to the Government to reply on the matters of facts and on the matters of clarification which I have raised.

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

**Miss Pamela Nicholson** (*Tobago West*): Mr. Speaker, I am on my feet just to give solid support to what was just stated by the Member for Diego Martin West. [*Desk thumping*] I am very concerned, Sir, about the procedure with regard to acquisition of land. I am also supportive even if lands are to be acquired compulsorily for the welfare of the society, but I am very, very concerned about the procedure used because at present I have a big problem confronting me in my constituency. It was only this week that a number of people from the Tobago West constituency—in particular the Crown Point area, Compston—approached me in connection with work to be done soon at the Crown Point Airport.

What I am very concerned about is, that is prime land and I want to know what is the procedure. How is the land valued? The Government is offering people \$4.50 per square foot and right alongside there, other people are selling their land for \$25 and \$30 per square foot.

**Dr. Rowley:** That is very illegal!

**Miss P. Nicholson:** Very illegal and unfair! [*Desk thumping*] I do not know how I made the mistake that my documents are not with me here. I have my documents. It is illegal. One would have thought that people must be paid value for their property, even though the land was acquired five years ago and they have not been paid. The price of land in that area is now over \$25 per square foot.

One would also have thought that the senior citizens in the area—people who have lived there all their lives, who are being offered \$4.50 per square foot with over \$100 being taken to move equipment, *et cetera*, from their homes—have

been suggesting that they want \$20 per square foot at least. They say they will accept that. The senior citizens are saying, “We also would like lands to be developed and homes to be built because we cannot take that on at 75, 70 or 60 years of age.” That is happening under this present Government, Mr. Speaker.

As I said, it was only on Wednesday that I was in the Canaan/Bon Accord area and visited a number of people and that is the complaint before us.

Therefore, I would like to support the whole question—it is good for us to know something about the procedure. I would also like to know if the Tobagonians who, for years and years under a number of governments, have received payment for lands which have been acquired but had problems getting their money, whether that has been addressed. The major issue before us is what confronts 24 families in the Compston, Crown Point area including a number of senior citizens.

There is also another situation which I will deal with at another time—the diversion of the runway, where part is left out and part brought in. There is an unfair approach, where certain people who are in line of the runway with some of these same people, their areas are left out while others are taken care of in the whole development. I would like to hear something about that. For us to have development of the Crown Point Airport, the people’s lands must be paid for.

As a matter of fact, 80 per cent—is it? Member for Diego Martin West.

**Dr. Rowley:** I think it is 60 or 80 per cent.

**Miss P. Nicholson:** Whatever it is, but I want to know that the people get value for their properties, because we will not entertain that. We will go every inch of the way with this Government to ensure that the people are properly compensated. I support that kind of argument. I am not against the lands being acquired for public purposes. I am not against that, but I am of the opinion that people must be properly compensated and when questions are raised, they must be listened to and addressed in a meaningful way.

Thank you, Mr. Speaker.

**Mr. Jarrette Narine** (*Arouca North*): Thank you, Mr. Speaker, for allowing me some time to enter into this debate.

I am in total agreement with what was said by the Members of Parliament for Diego Martin West and Tobago West, in that we have had matters coming here

for payment of persons owed for properties used by Government for a number of years. As a matter of fact, the last time that we had acquisition of lands debated in Parliament here, the very Member of Parliament for St. Augustine and Acting Prime Minister, stood up at that time and said those lands were being acquired in order to alleviate flooding in the Arouca area which was totally false, because the work was done in 1994 and they were coming to Parliament in order to pay the people whose lands were acquired.

At that time, I remember that we spoke at length about title of property. In certain instances, on that parcel of land in Arouca, one of the owners did not have his title of deed being properly fixed at the time and he could not be paid. I am happy to know that in this instance, the people were paid. But, there are instances where lands were acquired for over 10 years. As a matter of fact, in the last land acquisition debate, it was indicated in this House that there is over \$43 million owed to persons who were not paid from whom lands were acquired by the Government over the years.

What I am seeing here is that this parcel of land is questionable, because when this parcel of land was acquired recently, it was to open an exit onto the Churchill Roosevelt Highway in Charlieville to accommodate a contractor, Alescon Contractors, which now has access onto the highway. May I remind some Members of Parliament here that there was protest action at that point in time when that road was opened. The Member for Chaguanas and the Minister of Works and Transport went there to open this piece of roadway and the people from the eastern side of the highway were saying that they did not need a bye-pass onto the highway for one contractor to get his vehicles onto the highway. They needed an overpass to link the Caroni Savannah Road to the eastern side of the highway. As a matter of fact, at that time, they were saying it was a waste of time going to the Member for Chaguanas because he could do nothing to help them, if I may reiterate what was said by the residents of that area at the time.

What is happening here is that this acquisition refers to—"the Director of Surveys dated July 19, 1995 and filed in his office..."—I am certain that there are other acquisitions to be paid. If the Minister said in another debate they were owing over \$43 million, why hustle to pay these people first? Because there is a situation here where there are probably friends and family involved. This is what has been happening.

In one instance in Arouca, it was a party hack who pushed the matter for these things to happen. What is happening now is, what I call an illegal part of the

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highway was opened, and there is now a set of concrete blocks on the side of the highway just to give access to one person who is a contractor to have access onto the Churchill Roosevelt Highway.

Now, we have Zakir Mohammed, Boodoo Alladin and Deonarine Sewdass. Those lands are to be acquired. Something is wrong. Why is it that persons who have been owed for years—let me say that at this present time, that value of their land is worth nothing to them. So that, while lands were acquired, say 10 years ago at say \$3 per square foot, it is now valued at over \$10 and \$12 per square foot, so that people are being put under pressure when their lands are acquired but they are kept waiting 10, 15 and 20 years without being paid.

Hence, the PNM brought legislation to Parliament by the Member for Diego Martin West to correct this situation so that as lands were acquired, people would be paid. But if there is a backlog, how will people who are owed for one or two years be paid, but people who have been owed for 15 and 20 years are owed \$43 million for land acquisition?

I am saying the Government should be fair and those people should be paid first, that it should go in sequence. Those who are owed for the longest period should be paid first and it should, after time, come up to the level that the last set of acquisitions would be paid—not pay the last set of people owed because they are connected to you. They are your friends, family, or they have some connection to the Government; and people who have money outstanding to them for a number of years have not been paid.

I thank you, Mr. Speaker.

**The Minister of Planning and Development (Hon. Trevor Sudama):** Mr. Speaker, I really had no intention of participating in this debate. I really came here to spend a very quiet afternoon but, having heard comments from the other side, I think it is my duty to put the record straight on behalf of the Government.

I have heard a number of comments about this acquisition for highway improvement along the Uriah Butler Highway, and the first question I want to ask those on the other side is: Are they against highway improvement and, if they are against highway improvement, are they against highway improvement along the Uriah Butler Highway in Charlieville? I want an answer to that question.  
[*Crosstalk*]

**Dr. Rowley:** You all are disgraceful!



**Hon. T. Sudama:** Are they against highway improvement? They must answer the question.

[*Mr. Hinds stands*]

**Hon. T. Sudama:** Sit! Sit!

**Mr. Hinds:** Mr. Speaker, on a point of order.

**Mr. Speaker:** Which is the relevant Standing Order?

**Mr. Hinds:** Mr. Speaker—

**Mr. Speaker:** We have a procedure. If you are saying you are rising on a point of order, could you indicate to me the point of order on which you are rising? Which one of the Standing Orders are you claiming is being infringed? [*Mr. Hinds remains seated*] Minister, please proceed.

**2.50 p.m.**

**Hon. Sudama:** Thank you, Mr. Speaker.

Mr. Speaker, it is extremely curious that we are discussing acquisition on a highway where people have had to protest. The Guayamare residents of the very same location on the Uriah Butler Highway have had to protest for years and years, under a PNM regime, in order to get some measure of redress. [*Desk thumping*] For years and years they have had to protest. They have had to sit on the highway and do all sorts of things in order to get the PNM to acknowledge their existence as legitimate owners of the land which they sought to acquire. They boldly drove a highway along their lands and then sought to deal with the question of acquisition and compensation at a later date. This is what they sought to do. That was the autocratic behaviour of the PNM government.

[*MR. DEPUTY SPEAKER in the Chair*]

Mr. Deputy Speaker, you will recall those years of protests when a former Member of Parliament was a leader in that debate. The former Member for Chaguanas led that protest against the PNM government. I emphasize that she was protesting against the then PNM government. Now, today, hear their talk about protest. They talk about protest all over the country. There are protests in Mayaro, instigated by the PNM; in Maloney and La Horqueta, all instigated by the PNM.

**Mr. Deputy Speaker:** Hon. Member, please get back to land acquisition?

**Hon. T. Sudama:** Mr. Deputy Speaker, today we are discussing a simple motion for land acquisition. Where in the past it took 20 years and more, under a PNM regime, to get redress or compensation, we are doing this in three years, 1995 to 1998, and they are complaining that it is too long. Three years is too long, when under a PNM regime it took 20 and 25 years to get compensation for people who have long been suffering because of the PNM's arbitrary actions.

Mr. Deputy Speaker, the Member for Diego Martin West spoke about provisions for land acquisitions without even checking his facts, which he is very prone to do. He just comes here and makes a lot of loud noise in this House, unsupported by any facts or figures. When he says, "I thought they had made a provision for some \$250,000 for land acquisition in the current fiscal year", perhaps, he did not look through his documents. He is too busy with other things. I want to just draw his attention to the *Public Sector Investment Programme 1998—1999*, page 41, and emphasize that provision is being made for lands acquired for non-agricultural purposes because a separate provision is being made for lands being acquired for agricultural purposes. That the sum total of the provision is not what is recorded here.

Let me quote from page 41:

"Payment for lands acquired for non-agricultural purposes by the state will be facilitated by an allocation of \$8 million"

Not \$250,000 as he claims. This activity is administered by the Lands and Surveys Division which will continue its programme of restoration, upgrading and storage of cadastral records in computerized digital form. We are not only talking about compensation for land. We are putting a procedure in place whereby one can more quickly, and expeditiously, identify the lands and therefore get the compensation process going much more quickly. Resources for these developments, that is, for the restoration, upgrading and storage of cadastral records amount to \$6.1 million.

**Dr. Rowley:** What document is the Member reading from?

**Hon. T. Sudama:** The *Public Sector Investment Programme, 1998—1999*, page 41. I think the Member does not believe what I am reading, Mr. Deputy Speaker.

Mr. Deputy Speaker, of course, we are also spending money on the strengthening of land administration. It is all a package. The whole issue of land administration, registration and records and the upgrading of the land registry of

this country are all part and parcel of a programme which will facilitate the identification, processing and compensation for not only the acquisition of land but for transactions in land, generally.

This is something which the PNM could not initiate when they were in office for 34 long years. They could not do something in 34 years which this Government has done in three years. [*Desk thumping*] They could not initiate it in 34 years and today, only after three years in office we have put this programme in process. Within a year or two we are going to have land administration, the processing of land transactions and land documentation on a basis that will be superior to what we have had in the past.

Mr. Deputy Speaker, we know that there is a backlog and we are addressing it, but as you are fully aware we would like to do so many things. The revenue flow to the Government does not permit us to do everything at the same time, but we have done more in three years than they have done in 30 long years. [*Desk thumping*] The revenue situation in Trinidad and Tobago, due to no fault of our own, is perhaps not as positive as we would have liked it to be. Nevertheless, given the constraints which we are currently facing, we are going to improve things in Trinidad and Tobago by leaps and bounds and one of the areas which we are strenuously concentrating on is the whole issue of land reform and land administration improvement.

I come to the other question. [*Interruption*] He speaks about racial. I want to quote what his leader said.

**3.00 p.m.**

Mr. Deputy Speaker, just a response to that, his leader—I am quoting from the *Daily Express*:

“Speaking about his tenure in office as Prime Minister between 1991 and 1995, Manning said one of the few mistakes his government made was not to spend enough time looking after its own supporters which he said would not happen again.”

I wonder what they were doing for 34 long years and where were the media? I wonder if the political leader of the UNC had made such a statement one would have seen the splashes on the front page. This wicked, vindictive media that we have in this country. We could hardly read it; they put it on a back page. But he

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has made a commitment that he is only going to look after his own supporters. We have the misfortune in this country if the PNM ever gets back into office, that Mr. Manning is only going to look after his own supporters.

One has to ask what is going to happen to the rest of the country. Whether the supporters are deserving or not, he is going to look after his own supporters and to hell with the rest of the country. This is what they were doing for 34 years. This is why the country was in the state it was when we took office, and this is why after \$60 billion of revenue, they have brought this country to the situation of 1986. This PNM. Now he is going to look after his own supporters. Nobody else matters in this country because all he is concerned about is winning the next election. That is all that is on his mind, not the development of Trinidad and Tobago but what would subserve the interest of his ego to win the next election.

**Mr. Hinds:** Which we will win.

**Hon. T. Sudama:** I wonder what on earth they were doing for 34 years if they were not looking after their own supporters. Where was the expenditure going? They were not looking after anybody else in Trinidad and Tobago. Now the Member is claiming he was not even looking after his own supporters. Who were they actually looking after then? Some few with foreign bank accounts? Are these who they were looking after?

**Hon. Member:** Say it, say it!

**Mr. Deputy Speaker:** Once again, we are dealing with land acquisition.

**Hon. T. Sudama:** Thank you, Mr. Deputy Speaker. I just got a little carried away because it seems that when we talk about acquisition some people think it is acquisition of bank accounts. [*Laughter and desk thumping*] I was just trying to explain the expenditure of the 34 years under the PNM rule. They claim they were not benefiting their own supporters and the country. So I am just asking whether they were benefiting certain bank accounts. That is all.

Mr. Deputy Speaker, the other question I want to make reference to is the procedure for determining compensation. There is a procedure laid down in the Act for determining compensation which is, the Valuation Division of the Ministry of Finance goes out there and holds discussions with the owners of land. Before I forget, I want to make the point that the land records of this country are so bad and in such poor shape that very often it is not clear who the owners of lands are. One does not know and that is a great hindrance and delay in the

process of acquisition. One spends months and years trying to determine ownership. At the end of the day one does not know and that holds up the process. What we are trying to do is correct that procedure so that one can determine rights of ownership very expeditiously. That is what this Government is about: improvement in the land administration system.

But there is a procedure in the law. The Valuation Division gets in touch with the owners of those who have rights of land and there is a process of negotiation which takes time. This is a democratic country.

**Mr. Hart:** And why did the media march today?

**Hon. T. Sudama:** It is supposed to be a democratic country and this Government observes the tenets of democracy and that is, you negotiate. Owners have rights.

**Miss Nicholson:** The system must be consistent. Maritime and they must not do what they want and the ordinary people cannot get.

**Hon. T. Sudama:** Owners have rights and, therefore, you negotiate. Where, of course, there is no agreement then there must be some arbiter in the system.

**Miss Nicholson:** Four dollars against \$30?

**Hon. T. Sudama:** Therefore, sometimes by a process of voluntary negotiation, one comes to an agreement and determines the value and go ahead and process. Where there is no agreement, then one has to go through a process of arbitration or go to court in order to determine what is to be paid and bring the procedure to closure. That is what it is. It is not the Government going roughshod and deciding, look here, I am going to pay you "X" amount for the land and that is the end of the story. No, the procedure does not work that way. I want to inform the Member for Tobago West of that.

**Miss Nicholson:** I do not agree with you. Mr. Deputy Speaker, just a clarification. There is a situation in the same area where all the people were sent letters telling them the price of the land. One individual under tremendous stress, poverty and everything, accepted but the other 25 persons are standing up. That should never happen because when we have finished with the resolution of this, he could end up with \$4.25 per square foot and all the other persons could get \$20 or \$25 a square foot. Would that be fair to him?

**Hon. T. Sudama:** Mr. Deputy Speaker, in all these matters it is a question of private contract and negotiation. If the Member wants that to be reopened, I am

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sure there may be avenues for reopening it, but it is a private, individual contract between the state and the landowner. If he wants to be part of a larger group to negotiate, then there is no problem with that but if he accepts the offer it is a question of individual offer and individual acceptance. If he does that, then I do not know what else we can do about the matter.

**Hon. Member:** The PNM kept it for so long that you have to accept my offer.

**Hon. T. Sudama:** I am not a lawyer. I do not know if the Attorney General could advise me if in such a situation where a man has already accepted an offer that has been made to him, he can reopen that offer and go to court on the basis of equity or whatever. My credentials are in the bush really, but I do not know if that is a possibility. If so, then he has recourse to the courts. That is the situation.

What I am arguing is, the law has laid down a procedure; the Government is following the procedure laid down by the law and this Government is not trampling on anybody's rights with respect to land ownership.

**Miss Nicholson:** You have already trampled. [*Desk thumping*]

**Hon. T. Sudama:** It is observing, given the kind of instigation and incitements that is going on in this country aided and abetted by the PNM.

**Miss Nicholson:** Who is inciting more than Panday is?

**Hon. T. Sudama:** If we were in a mood to deal in a firmer manner, then there was action open to the Government. But this is a Government that is very sensitive to the democratic terms and procedures that underlie our administration. We know what is happening. If you feel this Government does not know what is happening out there, who is instigating, what forces of instability are coming together to destabilize Trinidad and Tobago, we know that, and the role of the Opposition PNM in all this.

**Mr. Valley:** Ask Ralph.

**Mr. Deputy Speaker:** Members, the Member is responding very well to the question. If one has to say anything one can ask him to give way and he will answer your questions. Member for Oropouche, please continue.

**Hon. T. Sudama:** Thank you, Mr. Deputy Speaker. So this whole question of land procedure and land acquisition which we are debating here today, falls within the framework of the regulation, rules and laws that we are abiding by. I do not see what the complaint of the other side is. They like protests, I know that.

Whether they protest here or out in the streets, they just love it. Whether it is here or to incite people out on the streets, they just love to protest. This is their *modus operandi*. That is the only way the PNM knows how to oppose. They do not know how to legitimately oppose.

**Miss Nicholson:** How are you all so quiet? You are not telling the man Basdeo Panday was born out of protest.

**Hon. T. Sudama:** Mr. Deputy Speaker, I have been in this Parliament for 17 years.

**Hon. Members:** Doing what? Protesting?

**Hon. T. Sudama:** I have been in government for four years or more, but in the other years— [*Interruption*]

**Mr. Deputy Speaker:** Order!

**Hon. T. Sudama:** —I have opposed constitutionally. I have carried out my opposition duties in a constitutional manner in this country. [*Desk thumping*] I have not gone underground and collaborated with insidious groups in this country to incite and destabilize Trinidad and Tobago. I have not done that.

**Hon. Members:** You wrote a book on race.

**Hon. T. Sudama:** I have not done that.

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

**Hon. T. Sudama:** I have worked as a responsible Member of the Opposition of this country.

**Dr. Rowley:** Who did that?

**Hon. T. Sudama:** Your leader, whoever he may be.

**Mr. Manning:** On a point of order, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Could I ask for the Standing Order?

**Mr. Manning:** Point of order Standing Order 36(5). The hon. Member for Oropouche is without provocation and without justification, casting aspersions on the Leader of the Opposition in a dangerous way. In light of what the Member is saying and in the light that we know they are planning to declare a state of emergency—

**Hon. Members:** Ahhh!

**Mr. Deputy Speaker:** Would the Member for Oropouche just withdraw that last statement please?

**Hon. T. Sudama:** Whatever it was—

**Mr. Deputy Speaker:** No, no. Withdraw, incited by their leader, whoever he may be.

**Hon. T. Sudama:** “Whoever he may be”, Sir, I withdraw that.

Mr. Deputy Speaker, this issue about land acquisition and rights is a very serious matter because we have known civil wars to be fought over land rights. In this country we have not had civil war over land matters, but if they have their way they may very well want to incite that. In other countries civil wars have been fought over rights to land. What we are trying to do here, is establish a proper legal procedure for the acquisition of land by the state.

In the old days the king had all power. He could have just gone into anybody's property and taken away that property because he had that authority, until we had the development of parliamentary democracy and the establishment of the rule of law and the rights of the citizen.

So we have come a long way and this procedure before us for acquisition, one would notice that it has to come before the Parliament of this country because of the importance attached to land acquisition. It must come before this Parliament for approval because it is the acquisition of land for a public purpose. The specific reason being, should there be no voluntary agreement between the state and the individual citizen, then the state has certain rights that must be sanctioned through the operation of Parliament. This is why this matter comes before us. It might seem to be a rather mundane issue but it is not. It is a very fundamental issue dealing with the rights of property.

As you know, Mr. Deputy Speaker, right of property has been guaranteed in the Constitution and this is a Government that wishes to observe the Constitution to the letter of the law. We are a lawful Government, not a lawless government as existed before our times.

**Mr. Hinds:** Demonic.

**Hon. T. Sudama:** So we are here to put before this Parliament, the simple procedure to give people from whom we have acquired land for public purposes,



to improve the lot of the general public. When we build and improve a highway, it is not just for a few people but for the benefit of the entire country, the general public. Therefore, we have come here to do that and those on the other side must understand that things are done not for the benefit of one or two and their cronies and so forth, but when we do things we do them for the benefit of the general population. In this case, we are widening and improving the Uriah Butler Highway to improve traffic flow between North and South and to facilitate the people of Central and other areas of Trinidad. This is what we are about.

**Mr. Hart:** Filling the contractors' pocket; \$4 contractors.

**Hon. T. Sudama:** I cannot understand why for the life of me, it has taken three Members on the other side—no, no, two Members of the other side have spoken and the Member for Tobago West. She sits on the other side, I do not think she is on the other side.

**Miss Nicholson:** I made you Government. You have no shame. Do not interfere with me. [*Desk thumping*] You have no shame.

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

**Hon. T. Sudama:** I said you are sitting on the other side. You do not belong on the other side.

**Miss Nicholson:** I am so aggrieved that I made such an error. [*Desk thumping*]

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

**Miss Nicholson:** Pray that does not happen again.

**Hon. T. Sudama:** I said three persons spoke, two from the Opposition and one from the other side. [*Interruption*]

**Mr. Deputy Speaker:** Member for Tobago West, please have some order in the House.

**Hon. Member:** Cool yourself.

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

**Miss Nicholson:** The Member for Pointe-a-Pierre, you did not hear him?

**Mr. Deputy Speaker:** All Members have order in the House.

**Miss Nicholson:** Thank you.

**Dr. Rowley:** Be careful he slaps you.

**Miss Nicholson:** He could slap me? No Tobago woman would take a slap.

**Hon. T. Sudama:** Thank you, Mr. Deputy Speaker. I am trying to bring some order to this House. [*Laughter*] It is with great pleasure that I want to commend this Motion to the House, that we approve this for the benefit of the travelling public and the population of Trinidad and Tobago.

Thank you very much.

**3.20 p.m.**

**Mr. Colm Imbert** (*Diego Martin East*): Mr. Deputy Speaker, it is very unfortunate that the Member for Oropouche chose to enter this debate. He has introduced so much trivia and arrant nonsense into the proceedings of this House today, that I will have to spend some time debunking the foolishness that we have heard.

Before I proceed, I have to take strong objection to a point made by the Member for Diego Martin West when he accused the country of being on auto-pilot. There is no pilot whatsoever or otherwise. [*Desk thumping*]

Mr. Deputy Speaker, I was constrained with some matters over the last few days and did not read the newspapers, and only today, I had the opportunity to look at the newspapers of yesterday to see burning tyres on the front page of the *Trinidad Guardian* and protests in Mayaro and Maloney. I am very concerned that because of the actions and inactions of the Government that this country could possibly be sent into chaos if they are not very careful. When we hear inane absurdities such as those we heard from the Member for Oropouche, that the protests in Mayaro and Maloney were instigated by the PNM, when you see potholes all over the roads in Trinidad, when questions are being asked—we are talking about land acquisition for highway improvement!—about what is being done with our Road Improvement Fund and we cannot get answers, no reporting—I see the Minister who piloted this motion has returned to the Chamber.

On the last occasion that the Member brought a land acquisition motion to this honourable House, we made the point that with his usual flippant arrogance he opted not to give any information whatsoever about the status of land acquisition in the Ministry, the backlog of arrears—

**Mr. Deputy Speaker:** Hon. Member in Standing Order 36(4) it states:

“It shall be out of order to use offensive or insulting language about Members of either Chamber of the Legislature.”

Flippant, arrogance directed to a Member. I think it is insulting language to the Member.

**Mr. C. Imbert:** Mr. Deputy Speaker, I am guided, but arrogance and flippant is not unparliamentary. But, if that is what you say, I am very surprised. If the Government is flippant and arrogant I cannot say so in this Parliament? Is that what is going on?

**Mr. Deputy Speaker:** If one uses it collectively, it is not a problem. If a Member uses it directly to a Member it is insulting.

**Mr. C. Imbert:** Mr. Deputy Speaker, I must respect your ruling, you are the Deputy-Speaker, but this is wrong.

Mr. Deputy Speaker, that hon. Member is delinquent and negligent in his duties and I do not consider that to be insulting. That is a statement of fact. The Minister of Housing and Settlements is negligent and delinquent. On the last occasion when the Minister brought a land acquisition motion we asked him why he was being so arrogant as not to respond to questions asked about the status of land acquisition since the advent of the UNC Government. He contemptuously responded by dismissing our questions as being irrelevant. That is the fact! He was contemptuous of this Parliament—and he says it again. He is contemptuous of us. We represent 250,000 voters in Trinidad and Tobago, more than you! And, that is what I mean when I say that the Minister, and he represents the Government, he is Acting Prime Minister—one gone another one come. Same khaki pants, same behaviour.

I will put certain questions to the Minister again. Why, in tabling this motion, did the Minister not indicate what was the status of this matter? Has the work been done? What was the cost? Was market value paid for the lands in question? What was the effect of the acquisition? Was it successful? Did it achieve the intended objective? I will ask him again because the particular Minister has a habit of coming into this Parliament—he presented a Bill on planning and development controls, 123 clauses and he spoke for 15 seconds, and read it and sat down. That is typical of the Minister and it is the typical arrogance of the Government. The Minister and the Government are famous for not saying anything when important questions of the public interest—you ask questions of

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the Prime Minister and of the Government, and all you get is abuse, threats and intimidation. That is what is going on in this country.

Let me deal with some of the issues raised by the Member for Oropouche. In 1986 there was land acquisition in Guayamare, Chaguanas and by private treaty, arrangements were reached with land-owners who stood in the way of progress in Guayamare, and whose lands were acquired for acquisition to widen the north/south highway. Agreement was reached by private treaty with these land-owners. Cheques were prepared and accepted and the party to which Members on that side belong—the then U.L.F., incited those persons to return the cheques in order to stop the development of that highway. They blocked the road, they protested, they carried on, they got on, they might have burned “tyre and all” in 1986.

The humour of that matter is that an important development was taking place that would benefit everybody in Trinidad and Tobago, the widening of the main north/south highway helping everybody, but that particular Member for Oropouche and his cohorts at the time incited persons to hand back the cheques! So we could not widen the highway.

Do you know what is the humour of the whole thing? As soon as the Member for Oropouche was appointed to Government, people took back the cheques, the highway was widened and they pretended nothing ever happened. Do you think it is easy Mr. Deputy Speaker? That is the height of irresponsibility. There was never any issue of land acquisition because they took the money afterwards. It was not dishonesty of the ULF party at the time blocking progress on the development of that highway for which land is now about to be acquired. That was the typical behaviour of the then Opposition.

### **3.30 p.m.**

Lie down in front of a tractor, stop demolition squad and all kinds of things and the Member for Oropouche is making a statement that they do things constitutionally in that pious voice. What utter rubbish! The Freudian slip is that some people feel acquisition is acquisition of a foreign bank account. Freudian slip! The only persons who feel that, are supporters of the UNC. They feel acquisition is acquisition of a foreign bank account. It is local too, it is foreign and local bank account.

Mr. Deputy Speaker, the interesting thing is that the Member read from a document, the *Public Sector Investment Programme 1998—1999* alleging that an

allocation of \$8 million has been made for the next 12 months for land acquisition in that document. That is the same Public Sector Investment Programme which was virtually destroyed during the period January to September, 1998 where allocations were made for land acquisition and all other types of development and marginal sums of money were spent. As a matter of fact, in that particular vote for land acquisition, the actual money disbursed between January and September 1998 was a fraction of the allocation, so the Member for Oropouche is not fooling me.

One could put what one wants in a Public Sector Investment Programme document. You could say you are going to spend \$2 billion, but it is at the end of the year when you have to account you see actually what is spent. So I do not accept this. As a matter of fact, it is the Member for Oropouche who wrote it, he is the author of that bogus document who put all kinds of fudge figures saying you will spend 10 here, 20 here, 100 here and 50 here, and at the end of the year you find out it is one, two, three and four, and hear all kinds of foolishness that there were implementation problems, project implementation units could not be put in place, staff left the ministry and all kinds of foolishness. That is what you hear and you see no expenditure in the vote. Total testimony to incompetence, delinquency and negligence.

The Member for Tobago West has raised some valid points. Why is the Government—and I have to say the Government, do not blame the valuation division, they are simply carrying out the dictates of the Government—seeking to bully persons in Tobago to sell their lands at \$4.00 per square foot when the market value is \$20.00 per square foot? It is a very important question. One of the reasons this matter is coming before the Parliament today is because the law requires it to be so and it is a law which was put in place by the People's National Movement.

If we look at the track-record of this administration, in three years how many land acquisition matters have been brought before this Parliament? Only two. One after 18 months, and then another one after another 18 months. Why? Because the new law requires it to be so. If the old law was still in place, they would have brought none. That is the kind of non-performance of this administration.

They have been in power for 36 months. They promised to right every wrong and to deal with every problem, but for 36 months, no comprehensive report has been brought to this Parliament about what the Government intends to do about

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land acquisition. There is no indication of the backlog, no indication of the arrears, a priority listing, nothing. Utter nonsense! Unacceptable! That is why when they bring this little piece of paper today and one sees a survey—signed by the director in 1995—of the highway improvement, one has to ask the question as we asked a year ago: What about the other lands, what about all the other people who are owed money? Why are they not being compensated? Why are they not dealing with them? They cannot answer and that is why they are burning tyres in Mayaro. After 36 months, there are potholes in the roads and the people want to know what is going on. They cannot get any reply from the Government because this is a Government of mamaguy, deception and public relations.

The Minister brings a Motion for highway improvement, he wants to acquire land. I want the Minister to tell me why has the Government acquired the shoulder on the Churchill Roosevelt Highway illegally and put it as a lane? Answer that! Why, when I am driving from Piarco to Port of Spain and have to pass the river just after the Uriah Butler intersection, I have to force myself to negotiate through a narrow bridge with three lanes without a shoulder? I want to know, Mr. Deputy Speaker.

The PNM administration of 1976—1981 invested in highway development. *[Interruption]* Mr. Deputy Speaker, I think I would have to describe that last comment as flippant. In 1979—1980 when the dualling of the Churchill Roosevelt Highway was under construction, the Government at that time followed international highway codes and prescribed to published standards for highway development and respected the law. At that time in 1980 they put two lanes on the bridge by the river, with proper width and shoulder by the bridge, all in accordance with international standards. But this UNC administration had decided just because the Minister with responsibility for Works and Transport was in trouble because of the Piarco airport scandal at the time, they needed something to divert public attention away from the Deyalsingh Report and all the scandalous goings on at the airport. That is what was happening. The Minister of Works and Transport was under pressure, the Deyalsingh Report was in process, so the Minister decided he would put three lanes on a bridge which was designed for two and there is now a situation of no shoulder on the bridge. That is an accident waiting to happen, and anybody who dies, the blood would be on the hands of the UNC. With that poor approach to Government, there are lower standards in Trinidad and Tobago with more reduced public safety, total disregard of the population at large, and organized chaos. That is what this Government is about. Organized chaos.

Mr. Deputy Speaker, I would like the Minister to tell us: if he wants to acquire lands for improving the Uriah Butler Highway, how is he going to improve the performance of the Ministry of Works and Transport on that highway? When this UNC Administration inherited a project which we put in place with funding from the European Community with proper specifications, this administration, which is always up to tricks—just how they put three lanes where there are supposed to be two—changed the specifications for the foundation material on the North/South highway. That is what happened. They do not know what is going on, they are victims of mamaguy and public relations.

**Dr. Rowley:** They are playing they do not know.

**Mr. C. Imbert:** It is this UNC Administration that changed the specifications of the foundation material on the highway resulting in substandard materials being used, which eventually had to be removed causing delays to the project and millions of dollars in cost overruns. That is performance UNC government style, and the European Community say they are not paying for that piece of negligence on the part of the UNC. That is what is going on in this country.

The Member for Oropouche wants to tell us they cannot pay for land acquisition, they do not have the money because the revenue flows do not permit the Government to deal with the backlog, and through no fault of their own, revenues are not as good as they could be. That is what the Member for Oropouche says. But when I opened the newspaper yesterday on page 4 of the *Trinidad Guardian*, I came across the heading “InnCogen to make \$1b from TTEC deal” and the Government has given InnCogen an eight-year tax holiday and it is going to make a profit of \$1,000 million in those eight years, but the Minister is talking about revenue problems. They cannot pay nurses, cannot pay doctors, cannot fix potholes in the roads, but they are giving InnCogen a billion dollars in tax holiday.

It is spending a billion dollars to put money in the pockets of its supporters and financiers at Piarco on a project where over 60 per cent of the population—which transcends class, race, political party—say they do not want that airport, but this administration is spending \$1 billion on that corruption at Piarco, but cannot pay for land acquisition because revenue flows are down. Revenue flows are bound to be down when they raise NIB contributions to fund that corruption at the airport. Absolute scandal!

One hears so much nonsense coming from a senior Minister who should know better. He is not prepared to speak in the debate, he does not know what this is all

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about, he says it is for widening the highway. It is for a link road. Why does he not go and do his homework? He does not even know what this land acquisition is all about. He does not have a clue.

Mr. Deputy Speaker, one is not talking, and the other one is talking nonsense. *[Desk thumping]*.

**Mr. Sudama:** Corrupt, thieving Minister of Works and Transport.

**Mr. C. Imbert:** Mr. Deputy Speaker, did you hear what he said? I heard what he said. He said, “The Minister of Works is corrupt and thieving.” That is what he said. He must be talking about the present Minister of Works and Transport, it could not be me.

Mr. Deputy Speaker, he said if they were in a mood to take firm action. What is he trying to say? What is he doing? Are they going to put people under house arrest now? Is that the firm action about which he is talking? You want to wet people down, do you think this is carnival, “wet me down”? Is that what is going on in this country? The UNC is in power so “wet me down.” I have to expose the negligence, incompetence, and ignorance of the Member for Oropouche.

**3.45 p.m.**

I have before me on page 59 of the Development Programme for the Financial Year 1998/1999: Consolidated Fund, Land Acquisition, 1998/1999 Estimate, \$250,000. *[Interruption]* The acquisition of sites for development purposes is in your Ministry. *[Interruption]* What is that, one estate? *[Interruption]* Do you hear the nonsense that is being said, Mr. Deputy Speaker? What could they do with \$250,000?

Mr. Deputy Speaker, in 1997, it was \$4.3 million and in 1998, it is zero. Mr. Deputy Speaker, zero was allocated in the Estimates for acquisition of sites for development purposes under the Ministry of Agriculture, Land and Marine Resources, and in 1998/1999, \$250,000 to buy one estate belonging to a UNC—

**Mr. Sudama:** Mr. Deputy Speaker, on a point of order, the Member is misleading the House, Land Acquisition no longer falls under the Ministry of Agriculture, Land and Marine Resources.

**Hon. Members:** No, no. *[Interruption]*

**Mr. Deputy Speaker:** Which Standing Order? *[Interruption]* Both Members must recognize that the Deputy Speaker is on his legs. Member for Oropouche, which Standing Order is the Member for Diego Martin East breaching?



**Mr. C. Imbert:** Mr. Deputy Speaker, having spent 17 years in this House misleading the Parliament I understand how the Member feels. The Member spent 17 years here speaking untruths, distortions, half truths, innuendoes and so forth. He is speaking about himself, that is what he is doing. But the point is, Mr. Deputy Speaker, that in 1998—

**Mr. Sudama:** Mr. Deputy Speaker, you passed out these.

**Mr. Deputy Speaker:** I passed on rules from *Erskine May's Parliamentary Practice*. What is your point of order, Member for Oropouche?

**Mr. Sudama:** Mr. Deputy Speaker, the point of order is in *Erskine May's Parliamentary Practice* on page 111 it says: "Members deliberately misleading the House. The Commons may treat the making of a deliberately misleading statement as a contempt." This is what I am speaking about. *[Interruption]*

**Mr. Deputy Speaker:** Member for Oropouche, I am going to look at that and get back to you.

**Mr. C. Imbert:** Mr. Deputy Speaker, the statements made by the Member for Oropouche were replete with assertions that his Government is making provision for land acquisition. I have already made the point—and I am going to say it slowly so the Member could understand—that the allocation for land acquisition for agricultural development in 1998/1999 is \$250,000 and that could only buy one estate from a party supporter. That could only buy one estate from "Ish", "Bri" and the others. That is all that could do! It could buy one lot of land, perhaps, or a painting.

Mr. Deputy Speaker, you have to ask yourself, what kind of Government allocates \$250,000 in the whole of Trinidad for land acquisition for development for agricultural purposes? The Member comes here and beats his chest, but it is no wonder persons in the agricultural field are starving, it is no wonder agriculture is in difficulty!

The Member for Oropouche accused all Members of the Opposition—including myself and I take strong objections, and I hope it is going to be expunged from the record—of going underground. He said, "The PNM is going underground inciting insidious groups to create a civil war in this country." I am a Member of the Opposition and I take strong objection to that. The only people I know—

**Mr. Deputy Speaker:** Members in reference to the last point of order, our Standing Order 91 says:

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“In any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House.”

Members directly mislead the House and the Member for Oropouche, quite rightly, made his point of order on that basis. What he can do if he believes a Member is misleading the House, is to file a motion or send it to the Committee of Privileges. There is a Committee of Privileges and the Member for Oropouche and any other Member here could file.

**Mr. C. Imbert:** Mr. Deputy Speaker, the hon. Member knows that. Early in the life of this Session of Parliament, the substantive hon. Speaker of the House ruled, at least, three times that that is not a point of order in the Parliament of Trinidad and Tobago and the Member for Oropouche was present. The Member is up to absolute mischief, Mr. Deputy Speaker.

Mr. Deputy Speaker, the Member for Oropouche made the very serious allegation that the Opposition, which includes me, is inciting insidious underground groups to create civil war in this country.

**3.55 p.m.**

I have to remind those hon. Members opposite that the UNC entertained a visit from a group that stormed this Parliament soon after they took office. It was the UNC that met with a group that took over this Parliament and staged an attempted coup. [*Desk thumping*] It was the Attorney General who met with the same group. They have a tape recording of that encounter published in the newspaper; no libel suit ever filed. They promised this same group \$12 million as compensation for land at Mucurapo. It was the UNC which did that! But he has the audacity to accuse the Members on this side of consorting with insidious groups. In 1995, members of that same group were on platforms of the UNC working as bodyguards, security detail, drivers and messengers. All of them were working for the UNC; that same group that stormed this Parliament and took this country ransom. Yet they come to this Parliament to talk about meeting with underground groups. It is himself he is talking about!

This land acquisition motion is very relevant because the questions raised by the Member for Tobago West are very pertinent. Why is there not a consistent, fair and equitable approach to land acquisition? Why, in Tobago, are poor people

being pressurized to take \$4.00 per square foot for valuable land when the market value is \$20.00? It is a very pertinent question, because it brings us back to the point we are debating today. Why has the Minister only brought this matter before the Parliament? What about everybody else? Do they not support UNC? Is that the situation? The other persons whose land has been acquired and are owed money, do they not support UNC? Is that what is happening in this country, Mr. Deputy Speaker?

We really have to wonder what is going on when a Minister, for the second time in his tenure, brings a land acquisition motion and would not report on the performance of that department and tell us the effect of this acquisition. He would not tell us how many parcels of land need to be paid for, acquired, and so forth, and when Ministers in a Government refuse to give this important public information, it creates a feeling of alienation in the population. That is what they are seeing today.

When people ask legitimate questions, as I am asking today, and the Government replies with contemptuous arrogance and threats of intimidation, we see the reaction, because democratic societies will not stand for that, especially when people in this country have a very strong belief and sense of their constitutional rights and their fundamental human rights. When people feel they are being discriminated against by the Government, they cannot speak to anyone, the head of the Government behaves in a disgraceful manner—I hope that is not unparliamentary; when the roads cannot be fixed, they are not getting any reply, no one is taking them on, and the Minister of Works and Transport would not answer the phone and would not come in this Parliament and report on the road improvement fund.

One hears that they spent \$14 million fixing some M1 and M2 road in some cane field in South; \$3 million on one back road in the constituency of Oropouche in the same year and \$145 million spent in UNC constituencies. When one sees that in the documentation presented, after a lot of extraction and the Government would not answer questions, that is why there are these problems today. When the Minister could go to John John and stir up public mischief and deny citizens of this country their legitimate right to shelter because he has some grandiose plan; he the champion of the oppressed and the downtrodden! When people see a Government come into power and a Minister who has built his reputation correctly or incorrectly claiming to be the champion of the oppressed, the first thing he does is deny poor people in John John their legitimate expectation to

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shelter; three years and they still cannot get it, but he is putting his rich family in Glenco. [*Desk thumping*] When you see this kind of thing happening and he brings that Land Acquisition Motion and would not account to the population, that is why we are seeing this expression of outrage in Trinidad and Tobago.

I would like the Minister—he is not going to do it this time because he has come to the Parliament unprepared, as his colleague from Oropouche—to give us any information about this land acquisition matter and how it is dealing with the general plans for highway improvement in the country. On the next occasion, Mr. Deputy Speaker, I would ask the Minister to respect the rights of the population and give us the information required, because if he is not going to tell people what is going on with land that has been acquired for highway development, I will tell people.

In San Fernando, the former PNM administration negotiated a loan with the Caribbean Development Bank, some US \$20 million for the extension of the Solomon Hochoy Highway to the Cross Crossing area and a connector road back to the South Trunk Road. We negotiated that in 1995, put everything in place, sourced the funds, made the arrangements and then this Government came into power and, as I said, I was reading a report of the Caribbean Development Bank some months ago, and the cost of that project has now gone from US \$20 million to US \$60 million! When we look at the reasons given, it is the delays in land acquisition under this UNC administration. That is one of the major reasons given for the cost escalation. Delays in land acquisition!

This Government has perpetrated a hoax on the population and what they do not understand is that public relations and “mamaguy” could only take one so far. But when people are not getting their constitutional rights to shelter, food, income, health care and so forth, and three years pass and all there is, is “ole” talk, corruption, over-spending, incompetence and “mamaguy”, it is amazing.

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

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

*Question put and agreed to.*

**Mr. C. Imbert:** I would like somebody on the other side to get up and deny that there has been bungling and incompetence in the dualling of the San Fernando Bye Pass and the extension of the Solomon Hochoy Highway. Deny that

the Caribbean Development Bank Report does not say delays in project implementation, squatter regularization, squatter relocation, land acquisition and so forth. Deny it! Move from \$20 million to \$60 million!

They had a grandiose plan to put an overpass somewhere. Normal lack of proper planning, Mr. Deputy Speaker. We have been hearing about land acquisition for an overpass at the intersection of the Uriah Butler and Churchill Roosevelt Highways for the last three years. They were going to do it in 1996, 1997 and 1998, and in the last budget we heard they would do it in 1999. Incompetence! That is what is going on with this Government.

When we put systems in place—we negotiated the \$120 million from the European Community for the reconstruction of the Solomon Hochoy Highway from Chaguanas to Couva, made sure proper designs were done, accessed the funds and put everything on a platter for this UNC administration, what do they do? They come in, change the spec, racket on the highway! Traffic on the highway! Killing people on the highway! That is what they do. We put funding in place for the extension of the Solomon Hochoy Highway. I met with the Caribbean Development Bank for a year, I met with the European Community for two years and put everything in place. What are they doing? Three years later, we do not know what is going on with the project, we do not know if it started or when it is going to finish; the cost has gone from \$100 million to \$300 million. They are not reporting to this Parliament and telling us what is going on.

Mr. President, I have to ask myself, is the delay in land acquisition deliberate? Is it to allow members of the UNC to buy up prime property? [*Desk thumping*] For the last three years, I have heard talk about members of the UNC buying land in Toco, Valencia, Matura, Rampanalgas, Balandra and Salibia. We heard about this ferry port and one wonders if the port is not being delayed and land acquisition is not being delayed to allow members of the UNC to buy up all of the prime land along our North East coast.

It is the same thing taking place at the airport. Are we going to see land acquisition motions in this Parliament next year and in 2000, where land is to be acquired to widen the road going to Toco and land is to be acquired for airport development? When one checks the identity of the owners, one sees that it is the supporters and financiers of the UNC. Is that what is going on in this country, Mr. Deputy Speaker? I want to know. Is that why the Minister would not report on land acquisition? I do not doubt it at all. Is that why we cannot get a report in this

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Parliament on land acquisition matters, because all sorts of "simidimi" is taking place, the financiers and the boys behind the scene are buying up land all about the place, and then a highway will come through like the highway from Princes Town to Mayaro? That is why that project is being delayed; so that UNC people could buy land along the shoulder for the Government to come and acquire it and pay them market value, which is not taking place in Tobago.

**4.10 p.m.**

Mr. Deputy Speaker, that is why people have to be very suspicious about what is happening in this country. We have to ask why the Minister brings a land acquisition motion and will not report to us. The Government acquired the Huggins building on South Quay.

**Mr. Ramsaran:** Land and building.

**Mr. C. Imbert:** But who did it belong to? Land and building. Thank you, hon. Member for Chaguanas. I know you did not agree with that transaction but would not say it publicly. I know that the Chairman of the National Insurance Board was almost dismissed for that transaction and it would have helped the country if the Member had followed through with his plan. You should have gotten rid of the Chairman of the National Insurance Board. But land was acquired, the building was acquired at a price double what certain persons paid for it. So the building was bought by persons unknown for \$4 million or \$5 million. Three months later, motions and Cabinet Notes are piloted by persons who are notorious for this kind of thing.

**Dr. Rowley:** Say by the Mafia.

**Mr. C. Imbert:** By the UNC Mafia, notorious for this kind of thing. So an unknown group buys it for \$5 million and then the Mafia pilots it through the Cabinet for \$10 million. So some fellows make a nice profit of \$5 million in three months.

**Mr. Sudama:** Mr. Deputy Speaker, what does this have to do with the motion?

**Mr. C. Imbert:** It is land acquisition we are talking about.

**Mr. Sudama:** For widening a road.

**Mr. C. Imbert:** We need to open people's eyes in this country. What about the land that was cleared in Caroni for InnCogen? Will that be acquired for public or

private purposes? Mr. Deputy Speaker, we need to look at these things. What is public and what is private? What is land for public purposes?

**Mr. Singh:** That is law.

**Mr. C. Imbert:** That InnCogen acquisition—very interesting. I ask the Minister to tell me whether he knows that land is going to be acquired for private purposes or for public purposes or at all. These are the questions people are asking in this country, Mr. Deputy Speaker. They want to know what is going on. When a Member as experienced as the Member for Oropouche comes to this Parliament and derails the discussions here with all kinds of unfounded allegations about the PNM instigating underground groups, listen to what he says: “UNC is not trampling on anybody's rights. Government is not doing anything to assist its political cronies.” How does that come into this debate?

**Dr. Rowley:** He does not know the meaning of rights, obviously.

**Mr. C. Imbert:** Why does the Minister feel when we are talking about highway improvement initiated in 1995, that he has to make a statement about not doing anything for his cronies? Is it some kind of guilty conscience?

**Mr. Breaux:** You are all haunted by Narine Singh and the account in the Cayman Islands.

**Mr. C. Imbert:** The UNC Administration is taking people in this country for granted. Imagine for the past two weeks there has been widespread condemnation of the attack by the Prime Minister on the media. Freedom of the press is enshrined in our Constitution as a right. It is one of the few cases in the world.

**Mr. Partap:** And the press is free.

**Mr. C. Imbert:** It is one of the few constitutions in the world that has freedom of the press enshrined as a fundamental right, and the framers of our Republican Constitution were very careful to put that in.

**Mr. Breaux:** Free to pelt, that is what he means.

**Mr. C. Imbert:** But this hon. Minister, the Member for Oropouche, says UNC is not trampling on anybody's rights. We saw people get hosed down in Mayaro and they say they were outing a fire. So people engaging in protests now must be hosed down like animals. That is what is going on in Trinidad and Tobago.

**Mr. Sudama:** We are trying to out a PNM fire.

**Mr. C. Imbert:** Everybody “breaksin”. The fire service say they were outing a fire, the police say they were stopping a protest. Nobody told this one, they do not know who was holding the hose, who wet down the people, all that kind of thing. Up comes the Attorney General who says he is going to launch an investigation. Next day he says that is a matter for the Minister of National Security so he is not investigating anymore. But the Member for Oropouche will say in reference to land acquisition, that the UNC is not trampling on anybody's rights; they are not doing anything for cronies.

[MR. SPEAKER *in the Chair*]

**Mr. Bereaux:** They wetting the rights.

**Mr. C. Imbert:** What are we to believe, Mr. Speaker, when in three years all we have received in this House with regard to land acquisition from this super Government with all these super Ministers—performers and so forth—are two bits of paper, one somewhere in Arouca. What was it for, a wedding?

**Mr. Bereaux:** Rain in a wedding.

**Mr. C. Imbert:** And another one for highway improvement. The Minister who pilots the Motion does not even know what it is for. The other Minister who gets up to defend it does not even know what it is for.

Mr. Speaker, in 1995 we brought landmark legislation to this Parliament. I compliment the former Minister of Planning and Development who was responsible—

**Hon. Member:** Saith.

**Mr. C. Imbert:** Yes, he was the one who developed the new Land Acquisition Bill and then handed it over to the Minister of Agriculture, Land and Marine Resources who then received the portfolio to run with the ball. For three years I happen to know that the former Minister of Planning and Development took special care to ensure that what happened in the past would not happen in the future, that when land was being acquired for public purposes a percentage of money had to be paid. So for the first time a government in Trinidad and Tobago put in place legislation which imposed conditions on itself. For the first time, Mr. Speaker, a government had the courage to bring legislation to Parliament with regard to land acquisition which is a very sensitive area because it deals with people's rights, which would force future governments to pay people for land acquired.

**Dr. Rowley:** As you acquire it.



**Mr. C. Imbert:** As you acquire it. It was a PNM government that had the courage and decency to do that; to rectify the problem that had been in existence for a number of years. [*Desk thumping*] And I remember the Minister speaking about land acquired from his family many years before, that the family had not yet been compensated for this land for public purposes. In recognition of the problem, the PNM recognizing that people were being dealt with in a manner that was not entirely appropriate, brought that legislation.

How was the legislation operating? The Minister tells us nothing. What has happened since the Bill was passed and assented to? He tells us nothing. The particular Minister has a very curious approach to his portfolio. He treats the Parliament with contempt, he treats the people's representative with contempt, he treats the Opposition with contempt, he treats poor people with contempt, he treats the press with contempt. These are facts. I remember an incident in Tobago not too long ago, where there was an altercation between the Minister and a representative of the media.

I remember the Planning Bill, because these are matters of national development, infrastructure development. That is what land acquisition is all about. If one looks at the whole list of land acquisition, matters that have been in the government system for the last 20—30 years, the majority are infrastructure development—highways, recreation grounds and so forth. The Minister treats the whole question of infrastructure development in a very trivial manner because this and land acquisition are all about people. So when units are constructed in John John for people and a government comes in and says the people shall not get those units, it puts a certain framework into people's minds.

Mr. Speaker, when questions are asked on serious bits of legislation like the Planning and Development of Land Bill and a sensible and proper request is made that it goes to a joint select committee and the Minister contemptuously dismisses the recommendations made by the elected representatives of the people; goes to the Upper House and concedes to a committee causing the Bill to lapse, restricting and preventing development in this country—that is the approach of this Minister; he trivializes everything. He comes to this Parliament on land acquisition and we ask what is the cost, what is the market value, what is the purpose, what was the effect, what is the status of this, how many other matters are in the pipeline, what is the Minister doing in his ministry to reform the process of land acquisition? No answer.

The Minister brings a bill which was the work of a lot of senior and experienced people in development control in Trinidad and Tobago, serious

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questions are asked about it and he says, "I am not listening to you all." This is what the Minister said. "Waste, I am not listening to you all." The Minister goes in the Senate, the same questions are asked, select committee, bill lapsed. What is the effect? No reform of Town and Country Planning legislation for six months. That is the effect of the arrogance of the Member for St. Augustine. Six months! So Town and Country Planning is still in problems because of the arrogance of the Member for St. Augustine, because he has no interest in listening to the people's representatives.

When we come to this Parliament, we are serious. Unlike Members such as the Member for Oropouche and so forth, we do not come here to make joke, Mr. Speaker. When important matters come before the House, we make what we consider to be informed and important comments in order to improve the legislation in the Parliament. One would expect the Minister and a government with an interest in national development to listen to what the people's representatives have to say.

It happened with the squatting bill also. All the Minister wants is control. He wants control of Land and Surveys. He wants control of Town and Country Planning, so that he can do his projects, so that more apartments could be built in Glencoe and given out to rich people.

**Mr. Bereaux:** Relatives.

**Mr. C. Imbert:** More apartments could be built in John John and people could be denied of them. Highways could be built between—

**Mr. Humphrey:** Turn off the switch. You are like a wind-up toy.

**Mr. C. Imbert:** Mr. Speaker, the Member wants to turn off the switch. Well the day of reckoning is coming. I opened one newspaper today—and to use the words of the Member for Oropouche, what did he say? "The wicked and vindictive media." They do not learn, Mr. Speaker. The Prime Minister has been very injudicious over the past two weeks and had to be sent off to London because he was creating problems in this country. He was packed off to London and left so quickly he went without protocol and security. If Prime Minister Panday had remained in this country, the country would have descended into a state of civil war, in my opinion, because he was dividing the country. That is what he was doing.

**Mr. Speaker:** I honestly do not think— The Member is always given a certain amount of latitude but I think he is engaging in flights. So please.

**Mr. C. Imbert:** Thank you, Mr. Speaker, but the point I was making is that after the bacchanal that ensued with the Prime Minister, for the Member for Oropouche to come in this Parliament today in a debate on land acquisition to say “the wicked, vindictive media”, only—

**Mr. Sudama:** The media is part of a plot.

**Mr. C. Imbert:** Do you hear that, Mr. Speaker? The Member for Oropouche just said the media is part of a plot. I guess he means the plot to overthrow the country. That is what he must mean.

**Mr. Sudama:** At 4.00 a.m. the media is going to Mayaro—TV 6.

**Mr. C. Imbert:** It is interesting, Mr. Speaker, that the Member for Oropouche, with his 17 years’ experience that he boasted of, will not learn. I opened the newspaper today, and in one paper I see the entire page full from left to right, top to bottom, with letters to the Editor from people all over the country, condemning the Government in the strongest possible terms—Charlieville, Cunupia, Cedros, Toco, Mayaro, Diego Martin, San Fernando, Nariva—for its undemocratic and dictatorial attack on the press.

**Dr. Rowley:** Nastyng the country’s name. We are on CNN now for that.

**Mr. C. Imbert:** When we ask the Minister pertinent questions about land acquisition: what about the other parcels due for acquisition; how much did you pay for this piece of land; why did you pluck this piece of land out of the thousands or hundreds of parcels of land that have been acquired; why have you leapfrogged this piece of land to the top of the cue; are these people UNC supporters; are they party hacks; are they financiers of the UNC; how much did you pay them for this land? Mr. Speaker, we are asking these questions but they would not answer.

The Member for Oropouche laughs and the Member for St. Augustine says I wish I could turn you off. Mr. Speaker, let them turn off all the things going on in the country too. Turn off the tyres burning in Maloney, turn off the blockade of the road in Mayaro, turn off the letters in the newspapers, turn off the media.

**Mr. Speaker:** Let us turn off this part of the session. [*Laughter*] Hon. Members, the sitting is suspended for half an hour.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Mr. Barendra Sinanan** (*San Fernando West*): Mr. Speaker, I join in this debate to take up on a point made by the Member for Tobago West when she spoke of procedure. I am not sure exactly what procedure is followed in terms of land acquisition. For example, when we say:

“1220.5m<sup>2</sup> more or less said to belong now or formerly to Zakir Mohammed.”

This implies to me that the ministry is not aware of the exact ownership of the land to be acquired. “Now or formerly” connotes that it could either be owned now by Zakir or was formerly owned by him.

Mr. Speaker, when the ministry proposes to acquire a parcel of land, how would it know who is the owner of this land? Where do they go to get that information? Do they go to the Lands and Surveys Department to find out who owns the land or do they go to the Search Room of the Land Registry at the Red House? Very often land is acquired by the Government for a public purpose and the owner of that land is not aware that his land has been acquired. It happens every day—in my practice as a conveyancer for over 24 years I have seen a number of occasions where that has happened. Land is acquired by the state and the owner of the land is not aware.

So, I would wish that the Minister or somebody on the Government side could certainly educate me, and others who are not aware of the procedure, as to exactly how this is done. Let us know whether you go to the Lands and Surveys Department, which is supposed to have a survey map of the entire country, and would have the name of the owner, perhaps, of the piece of land. However, that information is not necessarily current.

Mr. Speaker, I dare say, in most cases, that information is probably about 15 to 20 years old. You cannot search the land registry to find out who the owner is simply because you do not have a deed. You must have a deed to be able to search the land registry. The point I am making here is simply on the procedure. When you say “said to belong” during a debate on land acquisition, it implies that the ministry is not aware of the true ownership of the land. Perhaps that is something the Government needs to look into.

Insofar as it affects practitioners of the law dealing with land, you may have, for example, a parcel of land acquired for a public purpose where the owner of that land is not aware that his parcel of land has been acquired. The owner goes to the bank and raises a mortgage, or sells the land. At this stage there is no note or

record of that land being acquired—when I say nowhere I am talking about in the land registry. No entry of that acquisition is indexed in the land registry, it is published in the *Trinidad Gazette* and in one of the daily newspapers.

Mr. Speaker, I am sure you have seen it. However, one would really need a magnifying glass to see these things because, usually, they are in extremely small print. I dare say hardly anybody would notice it and few land-owners would buy the *Trinidad Gazette* to read. I do not know of any citizen, in the normal course of things, who would buy a *Trinidad Gazette* to read whether land that is acquired belongs to them or not, and certainly, those citizens who read the daily newspapers can easily miss the publication because it is so insignificant. There is no way a practitioner dealing with a piece of land that has been acquired by the state can safely know that that piece of land has been acquired unless he reads the *Trinidad Gazette* or the daily newspapers in detail, front to back.

In terms of procedures, I am appealing to the Government to put in some mechanism whereby when land is acquired they have, firstly, to determine the exact ownership of that land. Very often land is acquired and one does not know who the owner is. Even if the owner is known, that information should be properly indexed in the land registry. Mr. Speaker, you know that if I buy a property from you it is indexed downstairs in the land registry and then if it is sold, that is also indexed and properly recorded.

What I would like to see in terms of land that is acquired by the state, is a proper system of recording that in the registry downstairs. We on this side have said before that the Minister did not explain the purpose for this acquisition. The Motion states that it is “highway improvement” for a public purpose. The Minister in moving the Motion, did not explain how it will improve the highway. He just read the Motion in its entirety. The public purpose is for highway improvement, but the Minister did not say in what way the highway will be improved; whether in fact it is for a public purpose or whether it is to assist somebody and not necessarily be for a public purpose.

Mr. Speaker, when we talk about highway improvement, there is a stretch of the Solomon Hochoy Highway which is now a national scandal and disgrace. It is about eight months now since the delay, money is spent and even the Minister of Works and Transport is now admitting that he is disappointed, but he is, seemingly, not doing anything about it. I travel on that road, as do many Members of Parliament, and when I tell you that one would see nothing going on there, it is true.

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**5.10 p.m.**

I have said here on an occasion before, that they are taking slag from Ispat to put as foundation on the road. The Member for Diego Martin East in his contribution did allude that the material being used for the base of that road is not acceptable to the industry. I wish the Government, when they talk about improving highways, would really pay attention. That is a major road linking north and south, and it is a total and national disgrace to have that road in the state in which it is without any progress being made.

We have something called a Road Improvement Fund, all of which hinges on improving highways, byways and secondary roads. In my own constituency of San Fernando West, the roads have not been maintained for the last three years.

I must pay tribute to the Member for Pointe-a-Pierre, the Minister of Local Government. I have appealed to him on occasions and he has assisted in getting some roads in the Gulf City area repaved.

The Minister of Works and Transport lives in my constituency, and the road where he lives is in a deplorable condition. The roads in the constituency of San Fernando West are in a deplorable condition, they are not being maintained. Perhaps the Minister of Local Government should be the Minister of Works and Transport because certainly, he seems to be getting things done to some extent. The Minister of Works and Transport is gallivanting and running up and down this country doing what, I do not know, but certainly, where roads are concerned, they are not being repaired.

I listened to the Member for Oropouche, and in his contribution, he spoke about the revenue position in Trinidad and Tobago, and at the moment, the lack of revenue is not the fault of the UNC. The UNC is in Government, the UNC is boasting of the state of the economy up and down the place and yet, he is complaining about lack of revenue to fix roads and potholes. I do not understand it. It is either that the Government and the country are doing well enough to be able to repair roads, as they say they are doing, or they are not doing that well! We all know that things are tight and, contrary to what the Government is saying, the Government is having difficulty in raising moneys on the international and local market. So I do not know, it would appear, certainly to me, that in terms of road and highway improvements, we are in for a rough ride. Certainly, the money to fix those roads does not seem to be forthcoming in the near future.

The Minister also spoke about acquisition of bank accounts. Again, I do not know why he is trying to throw stones at this side of the House when he should really be looking in a mirror and at his own side. He, the Member for Oropouche—and he did not say the former Minister—said the Minister of Works and Transport is corrupt, or words to the effect that he is in corruption and “bobol”. He did not say the former Minister. It was, perhaps, a slip of the tongue. I do not know, but he did say that. He did not say the former Minister, he said the Minister of Works and Transport. I would call upon him to withdraw that statement, because he is casting aspersions on the current Minister. If he says the Minister of Works and Transport is in corruption and “bobol”, what would a Member sitting here think? Of whom is he speaking? He cannot be speaking of the former Minister! He did not say former.

**Mr. Bereaux:** We know you all do not like Sadiq.

**Mr. B. Sinanan:** I have heard the Member for Diego Martin East speak of the escalation in the cost of—I do not know whether it is the Bypass or the Solomon Hochoy Highway, from \$20 million to \$60 million. Now, this seems to be the norm with this Government. Everything starts off at “X” and before it is completed, it is “X-plus”. Now, I do not know who there is looking. One has an estimate to repair a road at \$20 million, how on earth can the dualling of a road go from \$20 million to \$60 million and the road is not finished? That is \$40 million more! I am asking you on that side, because it is happening under your charge.

He, again, spoke about the media being in cahoots, that the media are part of a plot, they are going down to Mayaro at 2 p.m. But I hope that the media in this country would be ever vigilant and whatever they do, if they have to go down 1.00 a.m. or whatever, they would be diligent and do what they have to do. We are seeing a situation in this country where the Government is, perhaps, panicking and is blaming everybody for its shortfalls. They are blaming the media, they are not blaming themselves.

For the benefit of the Minister who came in when I was making the original point, I want the Minister, in winding-up, to explain exactly how the process of acquiring land is done. How does one know who owns the land? Does one source that information from the Lands and Surveys Department or from the Land Registry? And having acquired the land, that there is some procedure being put in place so that land that is acquired could get on to the title records. Simply because, if somebody is dealing with that parcel of land and is not aware of the acquisition,

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from certainly, the *Trinidad Gazette* or one of the daily newspapers, there is no way one can know that a piece of land is acquired. There must be some procedure to have acquisition of land indexed on the title deed in the Registry downstairs.

Mr. Speaker, I just wanted to follow on the point raised by the Member for Tobago West, that is, certainly the procedural point of view. I hope that the Minister or somebody on that side would be able to help me and help those of us, not only on this side, because I am sure those on that side are not aware of how the thing is done.

I thank you very much, Mr. Speaker.

**The Minister of Housing and Settlements (Hon. John Humphrey):** Mr. Speaker, so much has been said and so many words have been used, but so little relevance has been expressed from that side; filibuster, filibuster, filibuster. If anyone has contempt for a Parliament, it is those who will waste the time of the Parliament and what the Members on that side have done for the entire afternoon is waste the time of Parliament.

Starting with the Member for Diego Martin West, who spoke in very negative terms about the Prime Minister of Trinidad and Tobago, I want to correct the error that he has put on record and to advise this honourable House that Trinidad and Tobago won the Crystal Palace Award. [*Desk thumping*] The Hon. Basdeo Panday was the only Prime Minister present—[*Uproar*] and he was a monumental success, as he always is when he represents Trinidad and Tobago in these meetings abroad. I have no doubt that as a result of his going to London and receiving that award, he would have made contacts that would enhance the resort sector of this country enormously, Mr. Speaker.

**Mr. Valley:** Mr. Speaker, I just wondered whether the acting Prime Minister would inform the House, how come the Prime Minister is in London receiving this award and the Minister of Foreign Affairs is here in Trinidad and Tobago?

**Hon. J. Humphrey:** Mr. Speaker, I do not know how they used to run the affairs of this country, but the Minister with responsibility for Tourism is with the Prime Minister. [*Crosstalk*]

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

**Hon. J. Humphrey:** The Member for Diego Martin West requested that I tell the truth, so I will tell the truth. The PNM was in power from 1956—1986, 30 unbroken years of PNM governments in this country; six consecutive terms of



Government, then they were out of office for five years and then back in for another four years. We have inherited a mess like one cannot imagine, after they had been in power for so long. You want to know why records are not clear and why answers cannot be given? Because of the conditions that they had the Division of Lands and Surveys working in for all of those years, conditions where officers, in using the elevator to move from one floor to the next, fell through the floor of the elevator; conditions where the building was not designed for natural ventilation and the air-conditioning did not work. That was the legacy of the PNM. And we are putting these things in order, but in three short years, one cannot remedy the mess that had been made in 36 years by those people. [*Desk thumping*]

**Mr. Speaker:** I am asking hon. Members of this House, please, to allow the standard to be lifted a bit and to allow the Minister to reply. It will not do, that as he says two words, he gets three from the other side, and we have other Members on the Government Benches joining issue with that across the floor. I ask you please, let us not conduct the business of this House like that. Please continue.

**Hon. J. Humphrey:** Mr. Speaker, I am a little surprised that the hon. Member for Tobago West would subscribe to the sentiments expressed by the hon. Member for Diego Martin West, especially when it comes to the problems of land in the Crown Point area. The Crown Point Airport was expanded to enable Tobago to enjoy air traffic from all over the world up to international standards during the stewardship of that hon. Member from Tobago West under the NAR government. If there is a residue of matters pertaining to acquisition that dates back from those days, then the NAR government should have resolved those matters at the time. If on the other hand—

**Miss Nicholson:** Mr. Speaker, just some clarity. That is not true. The whole acquisition problem was not one of the NAR government. It is now the extension and refurbishing, it is the new work that is taking place.

**Hon. J. Humphrey:** I was about to say that, Mr. Speaker. I was about to say that on the other hand, the acquisition pertains to the existing airport expansion.

**Miss Nicholson:** It is to the Parliament I must come to support my people. Why are you annoyed about that? You should be pleased. I do not believe he would say something like that.

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

**Hon. J. Humphrey:** Mr. Speaker, one of the problems with Tobago's International Airport is that the design has not yet been selected. Now I dare say, the Member for Tobago West could use her good offices to work closely with the Tobago House of Assembly so that one of the six designed proposals that had been presented for consideration will be decided on. Because the Tobago House of Assembly has a responsibility in this matter.

**5.25 p.m.**

**Miss Nicholson:** Mr. Speaker, I am working with all the political institutions in Tobago, but I am not undermining as that representative, the Member for St. Augustine is doing, in Tobago' business. [*Desk thumping*]

**Hon. J. Humphrey:** Mr. Speaker, I wish the hon. Member would explain that statement, because the Tobago House of Assembly (THA) has certain legal responsibilities—[*Interruption*]

**Miss Nicholson:** You have some too, the Central Government has some too!

**Mr. Speaker:** Order please! One person cannot be on his legs and—please!

**Miss Nicholson:** Mr. Speaker, I am sorry, I will concur with your instruction.

**Hon. J. Humphrey:** Mr. Speaker, the legal responsibility of the Ministers where the Tobago House of Assembly (THA) under the law is responsible for certain aspects of development of Tobago, is for the ministries to enter into memoranda of understanding with the THA, so as to enable the co-operation between the Central Government and the THA to get on with the job. Certainly the ministry under my charge, which is the Ministry of Housing and Settlements, has so done. Therefore, I do not know what the Member for Tobago West is saying when she talks about undermining.

**Miss Nicholson:** I will tell you another time.

**Hon. J. Humphrey:** The other point made by the other side was that this land was acquired from party members and supporters for improving the road, but not in terms of what our Members had said previously, which was to dual the Sir Solomon Hochoy Highway. This acquisition commenced in 1979 which was when that project was undertaken. Thus, the acquisition of those parcels goes back to 1979 and to the design of the Sir Solomon Hochoy Highway, then called the Princess Margaret Highway.

Everything that has come from that side has, in fact, misled this House. But, when Members on this side stand on a point of order because Members on that side mislead the House, we are told that there is no point of order dealing with misleading the House.

Mr. Speaker, my understanding of parliamentary procedure is that, when Members mislead the House they are breaching the privilege of the House and that is a very serious error. [*Crosstalk*] Some members of Parliament in different jurisdictions have spent time in prison for that. [*Crosstalk*] That is my understanding. [*Interruption*]

Mr. Speaker, what I am telling you is the truth. I have been around for very many years, and since the days of Speaker Thomasos I have witnessed in this House, Members standing on a point of order for misleading the House and the Speaker called on the Member so charged to substantiate his allegations. But the Members on that side say the most atrocious things, especially the Member for Diego Martin East—[*Interruption*]

**Mr. Imbert:** "Is me yuh fraid!"

**Hon. J. Humphrey:** —he speaks and cannot stop. It is as if he has what is called, "verbal diarrhoea," words just have to keep flowing out of him, and words without any meaning whatsoever; certainly never relevant to the matter before the Parliament. [*Crosstalk*]

**Dr. Rowley:** That is for the Speaker to say, not for you.

**Hon. Humphrey:** Mr. Speaker, I have every right to express my own viewpoint in this House, and I am responding to what we have been served by Members of this House for the entire afternoon. [*Interruption*] The Speaker is lucky that he could at least retreat to his office, because it is painful to have to sit here and waste time. Time is too precious. [*Crosstalk*] Yes, he can retreat to his office, from the nonsense that is spewed by the Members of the Opposition in this House. [*Cross talk*]

**Mr. Speaker:** It is one of the Standing Orders that the Speaker ought not to be brought into debates of the House. I have given in to you, but I do not think it is correct that the Speaker be brought into a debate. One may bring a substantive Motion with respect to "no confidence in the Speaker," but other than that, it is not right that the Speaker should be drawn into the controversy existing between both sides. [*Desk thumping*].

**Hon. J. Humphrey:** Mr. Speaker, the intention is not to bring you into the political process, but I observe that any Member who does not have to vote in this House, does not have to sit here to be tortured by the nonsense expressed by that side. [*Interruption*] Unfortunately, we who have to vote have to sit here and accept the torture. [*Cross talk*] Time should be used productively, and the Leader of the Opposition in the House, that is the Chief Whip, the Member for Diego Martin Central, is the chief architect filibustering. [*Cross talk*] [*Interruption*]

**Mr. Valley:** Mr. Speaker, on a point of order, Standing Order, 36:5—[*Interruption*]

**Mr. Speaker:** Standing Order 36:5 states:

"No Member shall impute improper motives to any other member of either Chamber."

I do not think that to talk of "filibustering" is an improper motive as such. Please proceed.

**Hon. J. Humphrey:** Mr. Speaker, it is part of the parliamentary process. The word "Parliament" comes from French word meaning to speak.

**Mr. Speaker:** I have ruled on it, it is quite unnecessary to continue. Please proceed.

**Hon. J. Humphrey:** But they can speak nonsense and it is perfectly permitted. [*Cross talk*]

Mr. Speaker, they took us on a tour that went to England. It took us all over Trinidad and Tobago. They talked about roads everywhere in the country. They took us to Tobago with the Crown Point Airport, and all we were doing was seeking to get compensation for a few people whose lands were taken since 1979 by the PNM Government. [*Crosstalk*] The others are lost in the confusion of the mess that they left, and we are trying to put it in order.

I would give an example. [*Crosstalk*] Citizens have applied for the last several decades—I am not talking about just a couple years—to reclaim coastal properties. One would think that there would be some authority to examine applications for reclamation. In fact, there was such an authority, a gigantic committee assembled by the PNM regime that never did any work whatsoever, and all the applications found themselves in a cabinet, nobody ever attending to them.

We put a committee in place to look at the whole of the West coast of Trinidad, a very important part of the country, and all the applications were

delivered in a massive cardboard box to the group of experts that we put in place. They are now going through each application, some dating back to 30 years, not attended to.

How could this country ever hope to develop with a group like that? We heard about the airport that is costing a billion dollars. [*Crosstalk*] The airport is costing US \$105 million, that includes the terminal building, improvements to the runway and all the infrastructure for drainage and fueling the aircraft. It also includes the parking aprons for all the aircraft. The total budget is US \$105 million.

Barbados is right now upgrading their existing terminal building at a budget of US \$80 million. Hong Kong recently built a new airport at a cost of US \$20 billion. Malaysia has just completed an airport which cost US \$16 billion, with the airport and all the infrastructure that is required. We are listening to the nonsense spewed by these people about this Government creating a project for its friends. [*Crosstalk*]

Mr. Speaker, one of their strong supporters and one of the very close partners of the Member for Diego Martin East, made an allegation that we awarded a contract to one of our friends and he could have built the project for 50 per cent of the contracted sum. He did not quote the sum until sometime later when he came forward and said that the contract we awarded to one of our friends was for \$2,000 a square foot. It means that his calculation at 50 per cent of the estimate was \$1,000 a square foot, so I have to assume he was saying to the country that if he got the contract for a \$1,000 a square foot, he could have built it and given \$10 million to charity. [*Interruption*] That is what I have to assume.

But if he could have done the project for 50 per cent, I could have done it for one tenth, but you would have to come off the airplane in rainy season holding an umbrella. You have to tote your own bags from the cargo compartment of the airplane.

The fact is, they have been misleading the Parliament and the country, and have been allowed to do it. [*Crosstalk*] They have been allowed to get away with it. I would continue to insist that this Parliament is where the laws of the country are made in the interest of the people of Trinidad and Tobago, and the time of this Parliament should not be wasted! [*Crosstalk*]

Next week Wednesday we would be having a function at the airport, where the public will be able to see what is going on, and I will deal with a few of the

*Land Acquisition*  
[HON. J. HUMPHREY]

*Friday, November 20, 1998*

allegations that they have made on that occasion. I would let the country see that the new Piarco Airport air terminal is a critical part of the infrastructure required to enable this country to move into the new millennium, and that the other side wants to stop it, as it wants to stop every bit of development that is occurring in this country. They would not be able to do that.

In fact, I do not think it is going to be too long before media personnel in this country realize that the PNM are out to destroy and not to construct. [*Laughter*] Those in the media today who are against this Government and who constantly bombard the nation with propaganda against this Government, those people will change their view in the not too distant future.

**5.40 p.m.**

When the Prime Minister calls the date for the next general elections, I think we will be in a position to ensure that this House becomes more responsible because we will have more seats. [*Desk thumping*] We will have more seats. [*Interruption*] Mr. Speaker, the same unbroken period between 1956 and 1986 is going to be once again experienced by Trinidad and Tobago and we would have an unbroken period between 1995 and the year 2025. [*Desk thumping*] The Opposition will have accounted for that.

Mr. Speaker, since, in fact, there is really nothing to respond to from any Member on that side, I beg to move.

*Question put and agreed to.*

*Resolved:*

That this House approve the decision of the President to acquire the land described in the Appendix for the public purpose specified.

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
1. The parcels of land containing together 5095.1 square metres or less, situate south of Sumaria Trace, Charlieville in the Borough of Chaguanas in the county of Caroni and described in the Schedule and coloured raw sienna on a plan of survey signed.	Highway Improvement

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>by the Director of Surveys and dated July 19, 1995 and filed in his office, is required for a public purpose: Highway Improvement.</p> <p style="text-align: center;"><b>SCHEDULE</b></p> <p>Five parcels of land containing together 5095.1 m<sup>2</sup> more or less, situate south of Sumaria Trace on the western side of Uriah Butler Highway, Charlieville, in the Borough of Chaguanas in the county of Caroni and comprised as follows:</p> <ul style="list-style-type: none"> <li>(a) 1220.5m<sup>2</sup> more or less said to belong now or formerly to Zakir Mohammed;</li> <li>(b) 998.8m<sup>2</sup> more or less said to belong now or formerly to Zakir Mohammed;</li> <li>(c) 961.2m<sup>2</sup> more or less said to belong now or formerly to Boodoo Alladin and others;</li> <li>(d) 781.3m<sup>2</sup> more or less said to belong now or formerly to Deonarine Sewdass.</li> </ul> <p>These parcels are more particularly shown coloured raw sienna on a Survey Plan filed in Book 1140, Folio 182 in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	

**TRINIDAD AND TOBAGO POSTAL CORPORATION (NO. 2) BILL**

*The committee of the whole House resumed its deliberations on the Bill.*

[Chairman: Mr. McClean]

*Clause 41.*

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

**Mr. G. Singh:** Mr. Chairman, I beg to move that the—

**Mr. Valley:** Mr. Chairman, we deferred some clauses previously—

**Mr. Chairman:** We have to get to the end of the Bill before we go back.

**Mr. Valley:** Mr. Chairman, it is just that I know we deferred some and then we deferred all of this so I thought we were starting at the beginning.

**Mr. Chairman:** They are still deferred.

**Mr. Valley:** Okay.

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

**Mr. Valley:** We do not have a list.

**Mr. G. Singh:** There are two sets of amendments. There is the one dealing with the whole issue of what comprises a letter-box—instead of a “letter-box” there is “post office letter-box”, and also the one that is circulated today.

Mr. Chairman, the amendment reads as follows:

“In paragraph (a) delete the word ‘letter-box and substitute the word ‘post

Then, the one that is circulated today reads:

“In paragraph (b), delete the word ‘sender’ and insert the word ‘addressee’.”

**Mr. Chairman:** Is it intended that the one that was circulated today would take the place of the one that has been circulated on the last occasion.

**Mr. G. Singh:** It incorporates that part of it.

**Mr. Valley:** Why could we not have one set of amendments incorporating everything? It is confusing.

**Mr. Chairman:** The amendment to clause 41 that appears on this, is that incorporated in the other?

**Mr. G. Singh:** No, there are two separate amendments.

**Mr. Valley:** Mr. Chairman, we have three sets of amendments, could we not have one document with all the amendments?

**Mr. Chairman:** This is what we are stuck with, so let us just get over it.

*Question put and agreed to.*

*Clause 41, as amended, ordered to stand part of the Bill.*



**5.50 p.m.**

*Clause 42.*

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

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 42 be amended as follows—this amendment took place on the last occasion:

Delete the words “letter-boxes” and “letter-box” where they occur and substitute the words “post office letter-boxes” and “post office letter-boxes”.

*Question put and agreed to.*

*Clause 42, as amended, ordered to stand part of the Bill.*

*Clauses 43 and 44 ordered to stand part of the Bill.*

*Clause 45.*

*Question proposed,* That clause 45 stand part of the Bill.

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 45 be amended as follows:

Delete and substitute the following clauses:

<p>“Insufficient postage</p>	<p>45. Where the sender of a postal article fails to pay the required postage for the transmission of the postal article by Trinidad and Tobago Post, Trinidad and Tobago Post may return the postal article to the sender for the postage prescribed for non-payment or insufficient prepayment of the postal article.</p>
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*Question put and agreed to.*

*Clause 45, as amended, ordered to stand part of the Bill.*

*Clause 46.*

*Question proposed,* That clause 46 stand part of the Bill.

**Mr. Imbert:** Does this refer to a person who receives a letter that has not been addressed to him at his home? So you are saying that if I got a letter addressed to

*Postal Corporation Bill*  
[MR. IMBERT]

*Friday, November 20, 1998*

someone else I must return it to the Trinidad and Tobago Post and if I do not I will be liable on summary conviction to a fine of \$5,000? Suppose I forget or misplace the document? It is not my responsibility. I find this is very oppressive.

**Mr. G. Singh:** It is a part of the obligation to pass on a postal article.

**Mr. Imbert:** If the post is negligent and delivers a letter to me that is not for me why should I be penalized for this? This cannot be right. I doubt this is the intent.

**Mr. G. Singh:** The intention is to place an obligation on the citizen who receives mail that is not meant for him to pass it back to the post office.

**Mr. Imbert:** And fine someone \$5,000 for—and what about the time? There is no time frame here. How do you determine that I failed to comply? Within six months, six days, within a week? There are old people who cannot walk and that kind of thing. This does not make sense. There is no time period.

**Mr. G. Singh:** There is the obligation and, of course, it incorporates a measure of reasonableness.

**Mr. Imbert:** What is reasonable? There is no time period here. They do not say six or three months. There is nothing here. Who is to determine that?

**Mr. Valley:** You cannot hold a citizen responsible for the negligence of the postal service. That is obvious. You tell me that if the postman drops letter belonging to someone else in my post box, you will place me under obligation. I do not even consider it when they come. Do you want to hold me liable for their negligence? Are you paying me for that service?

**Mr. Imbert:** This cannot be the intention.

**Mr. G. Singh:** The intention is to ensure that there is an obligation placed on persons who receive or who are in possession of mail that is not addressed to them and, therefore, the obligation is to—

**Mr. Imbert:** This cannot be right. Suppose I am abroad and mail piles up and when I return I do not check all the mail and there is an article there that I have not seen and a year later you come and arrest me and fine me \$5,000. These are actual things.

**Mr. G. Singh:** Mr. Chairman, clause 46(1) says:

“Where a postal article has not been delivered to the addressee but comes into possession of a person other than the addressee...”

Therefore, if you are away it is not in your possession. We are not moving from this.

**Mr. Valley:** *[Inaudible]*

**Mr. G. Singh:** You can scratch what you want. That is an obligation and it will ensure the process. We are ready to proceed, Mr. Chairman.

**Mr. Sinanan:** Mr. Minister, for clarification. You indicated that if the mail comes into possession, when you say possession is it the post box? Somebody may have a post box and the mail comes and it is delivered into that post box. Is that what you are calling “into possession” or is it actual physical possession?

**Mr. G. Singh:** Comes into possession of a person other than the addressee so clearly you must have knowledge of this.

**Mr. Sinanan:** Then you are talking about coming into the actual possession of the person to whom it was not addressed. You may have an instance where a letter is placed in a post box and somebody is away, you have people opening people's post boxes and going with mail. This is why I need a clarification on the word “possession” because possession meaning what? It could very well be that if you put the letter in the person's post box he is in possession of it. I think you need to clarify that possession part.

**Dr. Rowley:** What is the mailman putting in the boxes?

**Mr. G. Singh:** Mr. Chairman, this places an obligation and responsibility on the citizen and we are saying that in the event that you have mail being delivered or coming into possession of someone it is not meant for, then there is an obligation on the citizen to send that mail back to the post office.

**Mr. Valley:** Which constitution are you trying to bring that under? You must have your own constitution.

**Dr. Rowley:** We understand what you are trying to achieve. We do not have a problem with the fundamental principle of saying if you receive mail which is not yours you have to return it. What we are saying is that the mechanism by which you are seeking to accomplish that creates some questions which you must address. You have to accept that. You cannot just jump on your horse and get on so. We are saying what you have put here is questionable.

**Mr. G. Singh:** We are satisfied with this and we have had discussions on the matter.

**Mr. Hinds:** Mr. Minister, through you, Mr. Chairman, for example you have spoken about other examples. In the United Kingdom is that a legal obligation? Is criminal liability affixed on individuals in those circumstances?

**Mr. G. Singh:** I cannot say but the Post Office Act, Chap. 47:01, places a similar obligation on the person who receives mail that is not his. The current Postal Act which is in operation.

**Mr. Hinds:** That could involve if, for example, someone steals a bag of mail from the postman or woman and takes it to my home or gives it to me and I, knowing that, take it, that is the kind of offence it contemplates. But if mail comes into my post box, to affix criminal liability to me saying I am obliged to return or carry it to the person to whom it belongs is really too much.

**Mr. G. Singh:** The obligation is to return it to the post office.

**Mr. Hinds:** I can see that should be a moral obligation but not a criminal liability.

**Dr. Job:** We live in a society where lawlessness has become endemic in the last 40 years. People do not have obligations to do anything. I do not see it as being criminally liable because you received a piece of mail that does not belong to you but I cannot see why you cannot encourage people by the use of law that they have certain duties and responsibilities. I do not understand what the argument is about.

**Mr. Imbert:** A fine of \$5,000? Suppose it is a bill?

**Mr. Chairman:** Could I have some silence please.

*Question put.*

*Committee divided:*      Ayes 17      Noes 11

AYES

Singh, Hon. G.

Humphrey, Hon. J.

Persad-Bissessar, Hon. K.

Lasse, Dr. The Hon. V.

*Postal Corporation Bill*

*Friday, November 20, 1998*

Griffith, Dr. The Hon. R.

Sudama, Hon. T.

Maraj, Hon. R.

Rafeeq, Dr. The Hon. H.

Job, Dr. The Hon. M.

Khan, Dr. F.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, Mr. C.

Ali, Mr. R.

NOES

Valley, K.

Rowley, Dr. K.

Imbert, C,

Narine, J.

Hart, E.

James, Mrs. E.

Joseph, M.

Sinanan, B.

Boynes, R.

Hinds, F.

Nicholson, Miss P.

*Question agreed to.*

*Clause 46 ordered to stand part of the Bill.*

**6.05 p.m.**

*Clauses 47.*

*Question proposed,* That clause 47 stand part of the Bill.

**Mr. Imbert:** Mr. Chairman, clause 47.

**Mr. Chairman:** Surely, you cannot really raise these things after I have put the question.

**Mr. Imbert:** Well, I was not really sure when.

**Mr. Chairman:** Any objection should be raised and all we have at that stage is the voting, but you may raise it.

**Mr. Imbert:** The same objection applies to clause 47 which states:

“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...”

There is imprisonment now for six months. No. What is reasonable cause or excuse? I get a letter; I do not read to whom it is addressed; I just have 10 letters; I am opening all and I open a letter that is not for me. Six months imprisonment. What is reasonable cause? How does one prove that one opened the letter in error?

**Mrs. Persad-Bissessar:** You see, we have already defined what is reasonable cause.

**Mr. Imbert:** You tell me. What is reasonable cause?

**Mrs. Persad-Bissessar:** It is a term of art within the law. “Reasonable cause or excuse” could be any cause or reason. If it is then that I have opened it, as you

**Mr. Imbert:** How could I prove that?

**Mrs. Persad-Bissessar:** You can prove it. Ask your two lawyer Members. How is any fact proven in a court of law?

**Mr. Imbert:** I am saying, “I opened it by mistake”, but you are saying, “No, I opened it deliberately”. How could I prove that?

**Mrs. Persad-Bissessar:** Mr. Chairman, I do not really see any real objection to “reasonable cause or excuse”.

**Mr. Valley:** What about clause 46? Why did you not come in on clause 46?

**Mrs. Persad-Bissessar:** We have passed clause 46.

**Mr. Valley:** You all are real politicians, you know. I could never be a politician like that because, obviously, you know that clause 46 is wrong and you would not counsel your colleague.

**Mr. Imbert:** How can one prove that? I have to show that I made a mistake.

**Mr. Boynes:** So, the onus is now on the defendant rather than being on the prosecution.

**Mr. Imbert:** That is making no sense.

**Mr. Hinds:** I think that the dictatorial concepts or qualities of this Government are reflected in this legislation.

*Question put and agreed to.*

*Clause 47 ordered to stand part of the Bill.*

*Clause 48.*

*Question proposed, That clause 48 stand part of the Bill.*

**Mr. Imbert:** Mr. Chairman, clause 48(2) states:

“A person, other than an employee or agent of Trinidad and Tobago Post...having examined the contents of a postal article not intended for him, divulges without good and sufficient cause to any other person information...”

That is six months. So, I opened a letter by mistake and I tell my colleague here; six months for me. Mr. Chairman, this makes no sense.

**Mr. Sudama:** That means you cannot read. The only excuse is if you cannot read. Once you can read, you are doing it wilfully.

**Mr. Imbert:** How does one prove good and sufficient cause to divulge information? What is good and sufficient cause? I opened a letter by error and I tell my friend—answer that, please.

**Mr. G. Singh:** You will have to persuade the authorities—

**Mr. Imbert:** I will have to persuade the authorities.

**Mr. G. Singh:**—you had good and sufficient cause.

**Mr. Imbert:** To open it by mistake.

**Mr. G. Singh:** You see, Mr. Chairman, what is emerging is the clear ideological distinction between this side and that side. The Members opposite want no individual responsibility for any action whatsoever and, therefore, they place a premium on an abdication of responsibility. We are placing, by virtue of this legislation, individual responsibility, therefore, you must take care to ensure that the mail that you get is your mail, to make sure that you do not open other people's mail and you do not take out the contents of other persons things.

**Miss Nicholson:** I just want to raise an issue of clarity, Mr. Chairman. If you have a situation—as I have experienced—where month after month, the post people are leaving mail that does not belong to you at your home and you have been informing them all the time that they have been doing that and they are continually doing it. Some time you may just take one up, because sometimes I do that, I will just take it up and open it, I must now go and prove. I am very much concerned about that aspect of it when you have been informing the post office about what is happening, but months after they continually keep bringing mail that does not belong to you. I want to know why I should be threatened with this kind of criminal punishment. I did it like for two to three months and I have been informing them and still I am faced with that coming to me.

**Mr. G. Singh:** You would have established good and sufficient cause.

**Miss Nicholson:** All right.

*Question put and agreed to.*

*Clause 48 ordered to stand part of the Bill.*

*Clauses 49 to 52 ordered to stand part of the Bill.*

*Clauses 53.*

*Question proposed, That clause 53 stand part of the Bill.*

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 53 be amended as circulated, as follows:

Re-number clause 53 as clause 53(1) and insert after subclause (1), the following subclause:



“(2) For the purposes of this section, ‘mail bag’ includes a bag, box, parcel, container or any other envelope or covering in which postal articles in the course of transmission by post are conveyed whether it does or does not contain those articles.”

*Question put and agreed to.*

*Clause 53, as amended, ordered to stand part of the Bill.*

*Clauses 54 and 55 ordered to stand part of the Bill.*

*Clause 56.*

*Question proposed, That clause 56 stand part of the Bill.*

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 56 be amended as circulated on the last occasion, that is to say:

Delete the words “letter-boxes” and substitute the words “post office letter-

*Question put and agreed to.*

*Clause 56, as amended, ordered to stand part of the Bill.*

*Clause 57.*

*Question proposed, That clause 57 stand part of the Bill.*

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 57 be amended as circulated today which replaces the amendment of the last occasion and reads as follows:

Delete the words “If a question arises” and insert the words “Without prejudice to the right of an aggrieved person to apply to the High Court for a determination of the matter, where a question arises”.

*Question put and agreed to.*

*Clause 57, as amended, ordered to stand part of the Bill.*

*Clauses 58 to 61.*

*Question proposed, That clauses 58 to 61 stand part of the Bill.*

**Mr. Hinds:** Mr. Chairman, I have a concern with clause 58. Mr. Minister, I observed that this clause treats what would ordinarily be summary offences as

very serious ones in that charges could be laid at any time. What is the reason for this?

**Mr. G. Singh:** If you look at what happens with respect to issues like mail tampering. For example, in the United States, mail tampering is a federal offence and, therefore, what we are trying to do is not have a time limitation on mail tampering. If someone is tampering with mail and offences of that nature, then one ought not to be limited by the summary offences.

**Mr. Hinds:** However, the offences under this Bill are not all about mail tampering. One of the offences we have just looked at has to do with the obligation to return the mail. That is not tampering.

**Mr. G. Singh:** I just used that as an example.

**Mr. Hinds:** Yes, but the example is not all-embracing. What about the other offences which are not? Now, this treats those offences which are not as serious as the one described. I would still like to know, in respect of the other examples you did not mention, why would you want to be able to prosecute somebody at any time two years after to 20 years after, for the offences under this Bill? It is being treated like an indictable offence.

**Mr. Boynes:** In any case, the onus should be on the prosecution to establish its case. Why should it be on the defendant or on the person through inadvertence or pure mistake?

**Mr. Sinanan:** Mr. Chairman, if I may. When this clause is really looked at, it runs afoul of the current thinking of the criminal courts in Trinidad and Tobago. The criminal courts in Trinidad and Tobago now are dismissing cases which are taking too long to come to court. So, when there is a wide open thing like this, laid at any time, what is really being done is we end up wasting the court's time and public money, because the trend of the courts today is that any matter over 10 years, there is the tendency to throw it out. So, when there is wide open pieces of legislation like this to come at any time, really and truly, it is an abuse of the process, so we need to put a time limit on this.

**Mrs. Persad-Bissessar:** Members, I am also concerned and I have just raised it with the drafting people, because there cannot be unlimited time. It means 100 years later my estate can be sued in this manner, but there is a policy involved with it so they will look at it again to see, but it cannot be unlimited forever. The postal people are saying they have a policy with respect to that.

**Mr. G. Singh:** Mr. Chairman, we will defer this to allow them to look at it.

**Mr. R. Boynes:** Revisit clause 47.

**Mr. Chairman:** Is it, therefore, clause 58 that you want to defer?

**Mr. G. Singh:** Yes, Sir.

*Clause 58, by leave, deferred.*

*Clauses 59 to 61 ordered to stand part of the Bill.*

**6.20 p.m.**

*Clause 62.*

*Question proposed, That clause 62 stand part of the Bill.*

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 62 be amended as follows:

“In subclause (1), renumber paragraph (v) as paragraph (vi), and insert after paragraph (iv), the following paragraph:

‘(v) the implementation of international conventions and agreements relating to compensation` for loss, theft or damage to a postal article’”

*Question put and agreed to.*

*Clause 62, as amended, ordered to stand part of the Bill.*

**Mr. Imbert:** Mr. Chairman, clause 62 deals with the making of regulations. We had raised the point about the tabling of regulations. Has that been addressed in the Bill?

**Mr. G. Singh:** Yes. It is subject to a negative resolution of Parliament. It is clause 63.

**Mr. Imbert:** What about giving effect to the Act before the tabling of regulations? We had also raised that. The time-frame for tabling of regulations, that you should not implement the Act before the regulations.

**Mr. G. Singh:** We have to implement the Act. There is a certain process.

**Mr. Imbert:** Without the regulations?

**Mr. G. Singh:** Yes, we can.

**Mr. Valley:** We want to know whether you are bringing the regulations.

**Mr. G. Singh:** Yes. Clause 63 provides for regulations made in Parliament, subject to a negative resolution of the Parliament.

**Mr. Imbert:** Some Acts are before the coming into force of the regulations.

*Clause 63.*

*Question proposed,* That clause 63 stand part of the Bill.

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 63 be amended as follows:

“In subclause (1), delete paragraph (d).

Insert after clause (2), the following subclause:

‘(3) Regulations made under this section shall be subject to negative resolution of Parliament.’”

*Question put and agreed to.*

*Clause 63, as amended, ordered to stand part of the Bill.*

*Clause 64 ordered to stand part of the Bill.*

**Mr. Sinanan:** Mr. Chairman, I have a question on clause 65 at page 10. In this clause what do you mean by ‘addresses forward to the President?’

**Mr. G. Singh:** I am advised it is a carry-over from the existing legislation.

**Mr. Sinanan:** This is supposed to be improving on the past legislation but, what does this really mean? What is ‘petitions and addresses?’

**Mr. G. Singh:** That is the way it is stated in the legislation.

**Mr. Chairman:** Hon. Members, we are not there yet. We are still at clause 64.

*Clause 65:*

**Mr. Chairman:** There is a new clause 65 and there is a procedure, for it is slightly different from the others.

**Mr. Valley:** Mr. Chairman, there is a clause 65 in the legislation here and I am not seeing any clause suggesting that this one be renumbered. What is the intent?

**Mr. G. Singh:** There is need for the renumbering of clause 65 as 66.

**Mr. Valley:** Why do you have to wait until we come here to do this?

**Mr. Chairman:** We would then therefore do the existing clause 65 that is included in the Bill.

**Mr. Valley:** Mr. Chairman, is there a requirement of the amendment to be circulated?

**Mrs. Persad-Bissessar:** There is.

**Mr. Valley:** We cannot take it.

**Mr. Chairman:** The question is that clause 65 renumbered clause 66 be considered notwithstanding the fact that it was not circulated.

**Mr. Valley:** Mr. Chairman, there was a requirement that we could have gone for.

**6.30 p.m.**

**Mr. Sinanan:** The renumbered clause 65 is now clause 66? Which one are we dealing with now, the new clause 65?

**Mr. Chairman:** The new clause 65.

**Mr. Sinanan:** Then we would return to clause 66?

**Mr. Chairman:** No. That clause 65 has already gone to clause 66.

**Mr. Sinanan:** Mr. Chairman, could the Minister state whether the Post Office Savings Bank is in operation and whether it is viable?

**Mr. G. Singh:** If you recall in my presentation I indicated that it is in operation, but withdrawals are greater than deposits and we would now be looking to determine whether or not it should continue as part of the network.

*Question put and agreed to.*

*Renumbered clause 65 as 66, ordered to stand part of the Bill.*

*New clause 65.*

**Mr. G. Singh:** Mr. Chairman, I propose a new clause 65 which reads as follows:

‘Postage on petitions and addresses to the president

65. Petitions and addresses forwarded to the President by post shall be exempt from postage.’

*New clause 65 read the first time.*

*Question proposed, That the new clause 65 be read a second time.*

**Mr. Imbert:** Mr. Chairman, the word “addresses” does not seem to have any meaning.

**Mr. G. Singh:** I am advised that it means representations and it is a carrying over from the old legislation. The intention is not to deprive someone because they are impecunious from making a petition or representation to the President of the country and, therefore, it is a term of art. I am not familiar with it, but I am advised.

**Mr. Imbert:** It is like a speech. Is it an address like a speech?

**Mr. Sinanan:** The purpose of legislation, hon. Minister is to make sure that it is easily understood by the public. When you have petitions I think one can understand that term. The term “addresses” why do you not use the word “representations”? The layman would not understand this. Not because it is a handover from the previous legislation you would put it in. Put petitions and representations. It has to be representations in writing.

*Question put and agreed to.*

*Question proposed, That the new clause be added to the Bill with a change in the word “addresses” to “representations”.*

It reads:

Clause 65 inserted	“Postage on petitions and representations to the President.”
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*Question put and agreed to.*

*New clause 65 added to the Bill.*

*Clause 3 recommitted.*

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

**Mr. Valley:** Mr. Chairman, we do have a difficulty with the definition of the word “letter”.

**Mr. G. Singh:** If Members would refer to the circulated amendments, you would see that there is a deletion.

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

- A. In the definition of “letter”, delete the words “or electronic”.
- B. Delete the definition of “postal article” and substitute the following definition:

“‘postal article’ includes—

- (a) a letter, document, pamphlet, pattern, packet or parcel or container containing any matter or thing;
- (b) a wrapper containing a communication received by Trinidad and Tobago Post by electronic means or telecommunication and reduced to paper writing for delivery to the addressee;”

Mr. Chairman, I am advised that on the last occasion whilst we have incorporated the thinking arising from the committee’s discussion last week, the amendments which were circulated last week were deferred pending the definition of the words “letter” and “postal article” so we were able to incorporate them in

**Mr. Hinds:** Mr. Chairman, just for clarity, what does clause 4 say?

**Hon. Member:** We have not reached there yet.

**Mr. Imbert:** Mr. Chairman, I wish to comment on clause 3B, is this the appropriate time?

**Mr. Chairman:** Yes.

**Mr. Imbert:** It would appear to me that clause 3B still needs some work because it is defining a postal article as a letter, document, pamphlet, pattern—whatever that is—packet or parcel or container containing any matter or thing. Anything? What is the definition of the word “pattern”?

**Mr. G. Singh:** It is a term within the postal jargon. It means something specific.

**Mr. Imbert:** Could you tell me what it means? A pattern, p-a-t-t-e-r-n what is that?

**Mr. G. Singh:** I am advised by the Postmaster General that it is things like specimen, samples, it is a term of art used in the Post.

**Mr. Imbert:** So it is a postal article even if it is cargo? I am trying to grapple with this. Is an engine in a container a postal article?

**Mr. G. Singh:** Member, if you look at the old legislation you would see that fruits and vegetables once they are packaged—*[Interruption]*

**Mr. Imbert:** Suppose I decide not to post it.

**Mr. G. Singh:** Once the post accepts it.

Mr. Chairman, in the amendments which were circulated last week, under the definition of “post office letter-box” the words “the Postmaster General” are replaced by the words, “under the authority of the Trinidad and Tobago Post.” It is amended to read as follows:

“‘post office letter-box’ includes any pillar-box, wall-box or other box or receptacle provided by permission or under the authority of the Trinidad and Tobago Post for the purpose of receiving postal articles;”

*Question put and agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clause 6 recommitted.*

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

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

“Delete paragraph (b) and substitute the following paragraph—

- (b) may carry on any business relating to postal services including postal financial services and electronic or telecommunication services;”

*Question put and agreed to.*

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

*Clause 9 recommitted.*

*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 circulated on the last occasion and on this occasion as follows:

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

- A. In subclause 1(a), insert after the words “or reward”, the words



- B. In subclause (2), delete paragraph (a) and renumber paragraphs (b) to (f) as (a) to (e), respectively;”

**Mr. Valley:** Are you leaving the concept of exclusive right?

**Mr. G. Singh:** Yes. We have done considerable research taking into consideration what you have said and two issues were raised; one, the issue of competition and that of the Constitution.

**6.45 p.m.**

With respect to the issue of competition, it is found that only three countries in the world have full and non-exclusivity in the post, meaning that there is full competition with respect to the post and couriers and they are New Zealand, Sweden and Argentina. However, prior to their reaching that stage of full competition they had a period of exclusivity of a minimum of five years. So it appears that there is need for a transition period and that is the world's learning in this area.

With respect to the constitutional issue that was raised, I am advised that this is not unconstitutional. *[Interruption]* No, based on the amendment we have eliminated the ten times charge.

**Mr. Valley:** I remember when we were dealing with another matter here, you were strong on the point that if you were privatizing, you had to remove a monopoly situation before privatization took place. So this seems to be going contra to a policy position articulated by you.

Secondly, I cannot understand, having regard to sections 4 and 5 of our Constitution how one could give exclusivity—(b) is fine, postage stamp—in terms of carrying letters in clause 9(1)(a), without going by way of a special majority. It seems clear to me that you would be, in a sense, disenfranchising Federal Express and so forth.

**Mr. G. Singh:** Mr. Chairman, on the last occasion when I was dealing with the issue of monopoly, I indicated that what was required prior to dealing with monopolies before private sector participation was brought in, was a regulatory framework, and we were putting that in place with the Regulated Industries Commission. The RIC will have the right with respect to the letter monopoly which we are seeking to establish for the Post Office, therefore, that would be controlled. So all monopolies would be controlled by the RIC.

With respect to the second issue, currently, the Post Master General exercises that exclusivity privilege on behalf of the state.

**Mr. Valley:** I would submit that it is quite different, Mr. Minister. I remember that 1961 Act, and since then we have had the Constitution that provides for certain things and you are now bringing legislation under that Constitution. It is not as though, simply, that this new body is stepping into—

**Mrs. Persad-Bissessar:** That was existing law, this is new law.

**Mr. Valley:** That is right. That is the point I am making and, therefore, it seems to me that unless you go by a special majority this is going to be unconstitutional.

**Mr. G. Singh:** I am advised by the Ministry of the Attorney General that this is not unconstitutional. We took into consideration what you said on the last occasion and this is our position.

**Mr. Imbert:** Is this an exclusive right in perpetuity?

**Mr. G. Singh:** Let me tell you what we envisage. As the Post Office moves from the period of being a public sector institution into bringing in more commercial practices, we expect, within a five-year period—

**Mr. Imbert:** I understand that, but the clause as it reads now does not refer to any transition period or any five-year period.

**Mr. Valley:** Mr. Minister, what happens if a letter reaches Trinidad and Tobago by Federal Express, could they deliver that letter to me or does it have to be the Post?

**Mr. G. Singh:** The exclusive privilege is confined to letters posted internally and it does not include letters coming into the jurisdiction.

**Mr. Valley:** Does the word “internally” mean, therefore, that I can send a letter to the United States weighing less than 2 kilograms by Federal Express?

**Mr. G. Singh:** You can.

**Mr. Valley:** Then why do we not say that Trinidad and Tobago Post has the exclusive right in Trinidad and Tobago, too.

**Mrs. Persad-Bissessar:** It says that.

**Mr. Imbert:** What about the point that while it is within the boundaries of the territory. If I deliver my letter by Federal Express or they come by me to pick it

up, it is going abroad, but they have to drive on the road to go to Piarco, what happens during that period?

**Mrs. Persad-Bissessar:** On the last occasion you had raised the issue with respect to the ten times rate charged for a letter and had asked for that to be removed. By taking that out what you have done is really given them a monopoly because whilst that was there it created an exception that was, any letter below two at ten times. What is the rate of post within Trinidad and Tobago below two kilograms? I do not know. If (a) is retained, maybe, if not ten times—five times or whatever it may be—you would not be granting an exclusive right, you would have the exception for another operator but that operator is not constrained in a certain manner.

**Mr. Imbert:** No.

**Mrs. Persad-Bissessar:** Most definitely. That operator could then charge the five times or ten times and the Post does not have the exclusive right. They have an exclusive right at a certain price, anything above that you have another operator.

**Mr. Valley:** I do not have a problem if you are talking about an exclusive right within Trinidad and Tobago

**Mr. G. Singh:** To answer the hon. Member's question, where you have mail *en route* to a foreign address, that exclusivity does not cover that.

**Mr. Imbert:** That is outgoing, but what about incoming mail?

**Mr. G. Singh:** Whether it is outgoing or incoming mail—it is from me to you, you to me, internally, within the jurisdiction.

**Mr. Imbert:** No problem, as long as that is the definition.

**Mr. Speaker:** I also wish to bring to your notice that the Parliament now sends correspondence to Tobago by courier and it does, in fact, get there faster.

**Mr. G. Singh:** Mr. Speaker, mail gets faster by courier throughout Trinidad and Tobago at this stage than in the post office, but we will correct that.

**Mr. Valley:** [*Inaudible*] there are a number of firms that use the courier to get invitations out and so forth, rather than sending it via the post. I take Mrs. Persad-Bissessar's point because I think she is correct.

**Mr. Imbert:** Mr. Chairman, is the Minister of Legal Affairs saying, therefore, that having taken out the ten times rate you have now created a monopoly?

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[MR. VALLEY]

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**Mr. G. Singh:** There was the suggestion that ten times was too much. What the ten times did was to create a threshold within which there was existing exclusivity for the letter mail within Trinidad and Tobago and we have removed that, so what you have is total exclusivity.

**6.55 p.m.**

**Mr. Valley:** You are saying no. That was not our intent, because there are a number of firms which may want to outsource.

**Mr. G. Singh:** Then we would revert to 10 times.

**Mr. Valley:** It does not have to be 10; it could be five.

**Mr. G. Singh:** We are saying that if you want to lend a measure of credence to the exclusivity of the letter mail, which is our intention and policy position, then it is 10 times.

**Mr. Valley:** You may have a policy position, but there is a Constitution. If you attempt to do that, you are putting persons out of business. I am willing to learn.

**Mr. G. Singh:** We have removed it and we are going with it.

**Mr. Valley:** I am telling you that your arrogance will not get you anywhere. I am trying to counsel you as a young person.

**Mr. G. Singh:** Mr. Chairman, we have retained the exclusivity. We have listened to the suggestions and removed the 10 times. Our intention is to have the exclusivity established.

**Mr. Valley:** But you cannot just determine that. I am saying that you are bound by the Constitution and governed by laws in Trinidad and Tobago. We are not governed by Ganga's laws.

**Mr. G. Singh:** We are certainly not governed by Mr. Valley's!

**Mr. Valley:** If you would only respect that, we would get our work done.

**Mr. G. Singh:** Mr. Speaker, I beg to move.

**Mr. Imbert:** Mr. Minister, our concern on the last occasion was that the 10-time rate was oppressive and would allow a vast disparity and great measure of inefficiency in the new postal corporation if any competitor had to charge 10 times. That did not make sense. You have now taken out the 10 times but you have not dealt with our objection which was that the question of exclusive right

and the monopoly was oppressive. You have made it even more oppressive than it was before. Previously, someone could do it if they charged 10 times; now they cannot do it at all. That was not what we asked. We are saying that 10 times is too much and it should be reasonable. Now you have completely closed the door.

**Mr. G. Singh:** The policy intention was to retain the exclusivity of the letter mail to the Trinidad and Tobago Post. It is the experience worldwide that if one is going to provide any room, the amount, the world experience is 10 times the postal charges.

**Mr. Imbert:** Mr. Minister, what you are saying is that you wish to maintain the exclusivity and you do not want to put it for a period of five years?

**Mr. G. Singh:** The policy intention is to retain the exclusivity of the letter mail to the whole Trinidad and Tobago Post and it is the experience worldwide, and if you are going to provide any room, the amount that is the world experience is 10 times what the post charges.

**Mr. Imbert:** Mr. Minister, what you are saying is that you wish to maintain the exclusivity and you do not even want to put for a period of five years?

**Mr. G. Singh:** It is the intention to have this exclusivity come to an end over a period of time, but I cannot sit here today and determine what period. I would like for it to come within a five-year period.

**Mr. Imbert:** Then if it does not, come and amend it, but at least put the intent in the law. Put a period. Put five years and if the five years passes, come back. If it is not done, come back and say six years. Put something.

**Mr. Valley:** I want to take out 10 times and put five times maximum.

**Mr. G. Singh:** With the current state of the post office, perhaps five years might be an ambitious period, but it is our goal.

**Mr. G. Singh:** I am advised that while that may be the objective, it may not be prudent to include it in the legislation at this stage.

*Question put.*

*The Committee divided:*                      Ayes 15                      Noes 7

AYES

Singh, Hon. G.

Humphrey, Hon. J.  
Persad-Bissessar, Hon. K.  
Lasse, Dr. The Hon. V.  
Griffith, Dr. The Hon. R.  
Sudama, Hon. T.  
Job, Dr. The Hon. M.  
Khan, Dr. F.  
Nanan, Dr. The Hon. A.  
Partap, Hon. H.  
Mohammed, Dr. The Hon. R.  
Singh, Hon. D.  
Ramsaran, Hon. M.  
Sharma, Mr. C.  
Ali, Mr. R.  
NOES  
Valley, K.  
Rowley, Dr. K.  
Imbert, C.  
James, Mrs. E.  
Bereaux, H.  
Joseph, M.  
Sinanan, B.

*Question agreed to.*

*Clause 9, as amended, ordered to stand part of the Bill.*

*Clause 13 recommitted.*

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

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 13 be amended as follows:

Delete subclause (3) as renumbered and insert the following subclause:

“(3) The Managing Director shall give in writing—

- (a) notice to the Board of all direct or indirect pecuniary interests that he has or acquires in any business or in any body corporate carrying on any business with Trinidad and Tobago Post in the exercise of its functions; and
- (b) an undertaking that he will not engage, directly or indirectly, in any business or professional activity which would conflict with the functions of Trinidad and Tobago Post”

**Mr. Imbert:** Mr. Chairman, if one looks at clause 13(b) on page 4 it states:

“an undertaking that he will not engage, directly or indirectly, in any business or professional activity which would conflict with the functions of Trinidad and Tobago Post.”

Previously, it was any person carrying on business or competing in business, so what you are now allowing him to do is to undertake business which is complementary to the Post. What you are saying is that this person can now engage in business or professional activity which forms part of the function of the post. So, he could give himself a contract to build a new post office, to do a review of the post office, and so forth. Previously, it was better. It was any person carrying on business or competing in business; now it is any activity which would conflict. So, a man can give himself a contract as long as it is not in conflict with the post.

**Mr. G. Singh:** Mr. Chairman, based on the representation made by the hon. Members with respect to the breadth of these provisions indicating that they were too broad or they lent themselves to interpretation for mischief on the last occasion, the Solicitor General advised that this is the appropriate way to deal with it and, therefore, we have adopted these provisions based on her advice.

**Mr. Imbert:** The point is that what you do not want the Managing Director to do is to get involved in some activity where he can receive income from the post improperly or use insider knowledge. He could very well say that he is the proper person to do an internal audit. Suppose he is an accountant, he could say that he is a qualified accountant so he is doing an audit, and it is not in conflict with the

post, and pay himself \$1 million. The whole point of our objection was to avoid conflict of interest; not conflict with the post. It is the interest we want to get away from. What you have done here is amended it in a way which would allow the person to be corrupt. This permits corruption.

**Mr. G. Singh.** I do not agree with that. What it says here is:

“an undertaking that he will not engage, directly or indirectly, in any business or professional activity which would conflict with the functions of Trinidad and Tobago Post.”

It is broad. It covers the conflict of interest of which you speak.

**Mr. Imbert:** If one gives oneself a contract, it may not be in conflict with the post.

**Mr. G. Singh:** I am advised it is sufficiently broad to deal with the issue of breach of advisory duties and others.

*Question put and agreed to.*

*Clause 13, as amended, ordered to stand part of the Bill.*

**7.10 p.m.**

*Clause 14 recommitted*

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

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

Delete subclause (1) and substitute the following subclause:

"14(1) Every Board Member shall give in writing—

- (a) notice to the Board of all direct or indirect pecuniary interests that he has or acquires in any business or in any body corporate carrying on any business with Trinidad and Tobago Post in the exercise of its functions; and
- (b) an undertaking that he will not engage, directly or indirectly, in any business or professional activity which would conflict with the functions of Trinidad and Tobago Post."

*Question put and agreed to.*



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

*Clause 24 recommitted.*

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

**Mr. G. Singh:** Mr. Chairman, to bring this clause in line with respect to the show of return, because the owner of the post is the Trinidad and Tobago Government, I beg to move that clause 24 be amended as follows:

In subclause 2(e), delete the word "dividend" and insert the word "return".

*Question put and agreed to.*

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

*Clause 27*

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

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

Delete the words "The balance of the revenue of Trinidad and Tobago Post" and insert the words "Any balance of the Fund after the defrayments referred to in section 26".

*Question put and agreed to.*

*Clause 27, as amended, ordered to stand part of the Bill.*

*Clause 33 recommitted*

*Question proposed, That clause 33 stand part of the Bill.*

**Mr. G. Singh:** Mr. Chairman, I beg to move that clause 33 be amended as follows:

Insert after subclause (4), the following subclause:

"(5) The Minister shall cause rules made under this section to be laid in Parliament."

**Mr. Imbert:** The amendment indicates that the Minister shall cause rules to be laid in Parliament. It does not say when. There is no time-frame.

**Mr. G. Singh:** I am advised that the Interpretation Act says that where time is not stated, it is as soon as possible.

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[MR. IMBERT]

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*Question put and agreed to.*

*Clause 33, as amended, ordered to stand part of the Bill.*

*Clause 36 recommitted*

*Question proposed, That clause 36 stand part of the Bill.*

**Mr. Imbert:** Are we saying, therefore, there are no amendments to clause 36?

**Mr. G. Singh:** Yes. The advice we have is that the clause should remain as currently worded, and there is the thinking that we cannot interfere with the constitutionally-appointed independent body.

**Mr. Imbert:** You are saying that you are leaving in place a provision where there may be a private agreement between postal office worker and their voluntary retirement, which does not refer to any bargaining body. So someone can voluntarily retire on terms and conditions of his own choosing, without going through the union, you are leaving that in, and you are also leaving in that the current employees have to get the approval of the Public Service Commission. It is not, as of right, they cannot go into the new Trinidad and Tobago Post.

**Mr. G. Singh:** There is a conditional procedural requirement that, before they can be transferred outside of the public service, they require—

**Mr. Imbert:** I am aware of that, but as of right, you are not giving them the right to automatically become employees of the Post.

**Mr. G. Singh:** If I do that, I will be taking away their right to remain within the public service.

**Mr. Imbert:** So they apply, and then they can be turned down?

**Mr. G. Singh:** No, let us not make administrative—

**Mr. Imbert:** Administrative?

**Mr. Valley:** Mr. Chairman, normally in this type of privatization, there is some assurance. Because although an employee may opt for transfer, six months later, the Trinidad and Tobago Post may tell that employee that, "Look, you are retrenched". The precedent has been established that in this type of scenario, there is a commitment that employees who opt for such a transfer be given a minimum two-year guarantee, I am not seeing that here. My question therefore is that given, for example, let us take the Postmaster General, let us assume he opts to be

transferred to the Trinidad and Tobago Post, what assurance that individual has that he will not be terminated within three or six months?

**Mr. G. Singh:** The first requirement is that one has three months in which to make up one's mind, you are clear on that.

Then with regard to the severance, the advice is that under the Retrenchment and Severance Benefits Act, then they require the employer to give notice and then you will have the necessary computation of the benefits.

**Mr. Valley:** I am saying, that the precedent has been established in privatization in Trinidad and Tobago, that such an employee is given the assurance that he is going to remain in the employ of the new firm, because he has not opted for option (a), which is voluntary retirement, he has opted for (b), and one can look at PowerGen, one can look at any of them, and one will see clear commitment that he would maintain that employment, except for cause, for at least two years. I am asking: why are we not doing that here?

**Mr. G. Singh:** The legislation provides three options: to voluntarily retire, to transfer, or to remain within the public service. If one seeks to go with Trinidad and Tobago Post, which has the intention of becoming a commercial organization, then there will be the necessity for one's redeployment as the management operator may see fit. If in that scenario, one's services are not needed, then there is the Voluntary Separation of Employment Programme (VSEP).

**Mr. Valley:** I am saying, Mr. Minister, that in previous privatizations, the precedent has been established that such a person is given a two-year assurance. I am saying that he has opted to remain in the employ of the new organization. I am saying that he has not chosen (a).

**Mr. G. Singh:** I understand what you are saying, but was that assurance given in law?

**Mr. Valley:** It was given by agreement.

**Mr. G. Singh:** I asked a simple question, was that assurance given in law?

**Mr. Valley:** Well, in the Petrotrin—in any case, they were given by agreement, because in those situations legislation was not required, as in this instance. It was given by Government.

**Mr. G. Singh:** In the T&TEC Act there was legislative change. We are proceeding with the way we have, three options.

**Mr. Valley:** I think if you look at the T&TEC situation, you will see that assurance was given, I am sure. You will see it either in the legislation or by agreement.

**Mr. G. Singh:** Right after the agreement and the two years, 27 employees were declared unemployed.

**Mr. Valley:** But that was after two years, not three or six months! That is the only point I am making.

**Mr. G. Singh:** But it is not legislated, Mr. Valley.

**Mr. Valley:** Fine. Is there some other agreement? Are you giving us the assurance that by agreement, the Trinidad and Tobago Post would give these employees that assurance? That is what I am asking you.

**Mr. G. Singh:** The Trinidad and Tobago Post is not yet created. Currently, negotiations are taking place by a negotiating team with the private sector operator.

**Mr. Valley:** Mr. Minister, as the person responsible, I am asking you whether you would ensure that there is a commitment given to these employees who opt to transfer that they would have security of tenure for at least two years? That is what I am asking you.

**Mr. G. Singh:** That is not contemplated.

**Mr. Valley:** Very well. Thank you.

**Mr. Imbert:** Mr. Chairman, through you. There are three options: voluntary retirement, transfer with the approval of the commission, or remain in the public service, provided an office is available. What happens if one's transfer is not approved and the division is abolished, could you answer that question? Would these posts remain after this post is created.

**Mr. G. Singh:** I am advised that eventually the posts will be abolished, but the relevant legislation, pension and others, provide for terms to deal with that.

**Mr. Imbert:** I accept all of that. I am just trying to get it clear. So you are saying that if someone's transfer is not approved, they could end up unemployed, because the post that they are in will be abolished and no other post will be available.

**7.25 p.m.**

## Clause 36

**Mr. G. Singh:** That is a matter for the Public Service's Commission.

**Mr. Imbert:** That is why I want you to give them the automatic right of transfer. [*Interruption*] No problem, as long as your intentions are clear. So they could be retrenched, lose their jobs, all kinds of things. No problem, as long as it is in *Hansard*. Put it on the record. [*Cross talk*]

*Question put and agreed to.* [*Interruption*]

**Mr. Chairman:** We have just finished clause 36. You were outvoted.

**Mr. Valley:** No problem, they have the majority, and I expected them to.

**Mr. Chairman:** I was holding no brief. I was simply saying that—

**Mr. Valley:** You thought I wanted a division?

**Mr. Chairman:** Yes.

**Mr. Valley:** Well, I would take the division then. The Minister does not want to give assurance to employees.

*The committee divided:*                      Ayes 16                      Noes 8

*Question put.*

AYES

Humphrey, Hon. J.

Persad-Bissessar, Hon. K.

Lasse, Dr. The Hon. V.

Griffith, Dr. R.

Sudama, Hon. T.

Maharaj, Hon. R.

Rafeeq, Dr. The Hon. H.

Job, Dr. The Hon. M.

Khan, Dr. F.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, Mr. C.

Ali, Mr. R.

NOES

Valley, K.

Rowley, Dr. K.

Imbert, C.

Narine, J.

James, Mrs. E.

Bereaux, H.

Joseph, M.

Sinanan, B.

[*Crosstalk*]

*Question agreed to.*

*Clause 36, as amended, ordered to stand part of the Bill.*

*Clause 38*

*Question proposed, That clause 38 stand part of the Bill.*

**Mr. Valley:** Mr. Chairman, I had raised an issue about this clause with respect to the recent legislation concerning the transferability or portability of pensions. Could the Minister give us the assurance that in this section the wording here is in accordance with—

**Mr. G. Singh:** Mr. Chairman, of course, whenever the hon. Member makes a valid suggestion, I take it into consideration. The advice that we have gotten from our experts is that the current clauses 38, 39 and 40 are consistent with existing pension laws.

**Mr. Imbert:** Mr. Chairman, if someone exercises his or her option under clause 38—

**Mr. G. Singh:** I am advised that the law provides for immediate payment and pension. So a person can take VSEP get his pension and gratuity and go on working.

*Question put and agreed to.*

*Clause 38, ordered to stand part of the Bill.*

Clauses 39 and 40 ordered to stand part of the Bill.

*First Schedule ordered to stand part of the Bill.*

*Second Schedule*

*Question proposed, That the Second Schedule stand part of the Bill.*

**Mr. Joseph:** Mr. Chairman, I have a question. Mr. Minister, I noticed that item 7 in the Second Schedule states:

"(7) The Board shall provide a signed and confirmed copy of the minutes to the Minister within one week of a meeting."

Is this changing the manner in which boards meet and report? I always thought that minutes of the meeting of a board must be confirmed, therefore, I do not understand this requirement for you to be provided with a "signed and confirmed copy of the minutes within one week of a meeting." How is that to be accomplished? Perhaps it should read: "within one week of its confirmation."

**Mr. Singh:** Mr. Chairman, there is the need to amend item (7) of the Second Schedule to read:

"The Board shall provide a signed and confirmed copy of the minutes to the Minister within one week of its confirmation."

*Question put and agreed to.*

*Second Schedule, as amended, ordered to stand part of the Bill.*

*Third and Fourth Schedules ordered to stand part of the Bill.*

**Mr. Imbert:** I beg the indulgence of the Minister to revert to the First Schedule.

**Hon. Member:** No! [*Crosstalk*].

**Mr. Chairman:** We revert to the First Schedule.

**Mr. Imbert:** There is no revocation of the appointment of a board member. Otherwise, there is an obtuse reference to it in 1(7), but nobody has been given the power to revoke an appointment. I really think you need to have that in there. Somebody needs to have the power to revoke a board appointment.

In addition, I am not seeing the usual clauses in this Bill, that when boards are appointed, if someone becomes mentally incompetent, bankrupt, arrested for a criminal offence and all these kinds of things—which are in every other piece of legislation that I am aware of—one could be removed from the board.

**Mr. Sudama:** You would not be appointed.

**Mr. Imbert:** Unless the person resigns there is absolutely no—[*Interruption*] That only refers to a special appointment, that is the oversight here. The clause which allows you to revoke an appointment only refers to a special appointment and not an ordinary appointment to the board. That is a big hole in this Schedule. There needs to be clauses where if someone is convicted of a criminal offence, become mentally unsound or whatever.

**Mr. Valley:** You have something against John?

**Mr. Imbert:** John will never be appointed to a board. [*Laughter*] [*Crosstalk*].

**Mr. G. Singh:** Mr. Chairman, we are taking that into consideration. I have been advised in relation to the issue of revocation, which is a good point, that under the Interpretation Act any appointing authority can revoke the appointment at any time.

**Mr. Imbert:** One of the problems we had in the past in another situation was that there was no specific revocation clause and we were advised that we could not revoke an appointment unless the person resigned. This was subject to thorough examination by legal luminaries.

**Mr. G. Singh:** I will look at that for the other place.

**Mr. Imbert:** It cannot hurt the legislation. I am asking that you go into other legislation and look at the reasons why someone's appointment should be revoked.

**Mr. G. Singh:** I will like to look at that for the other place.

**Mr. Chairman:** We therefore revert to clause 58.

#### *Clause 58*

*Question proposed,* That clause 58 stand part of the Bill.

**Mr. G. Singh:** Mr. Chairman, with respect to clause 58, we think that it has merit, so we give the undertaking that we will look at it with a view to the appropriate amendments in the other place.



*Question put and agreed to.*

*Clause 58 ordered to stand part of the Bill.*

**Mr. Valley:** Mr. Chairman, I know and I hear the Minister's undertaking, but what happens, however, is that when these Bills leave this House and go to the other place for that House to do the work which ought normally to be done here, they get the view that we do not do anything. They fail to realize that we have some persons on the other side who at times are very arrogant and refuse to take advice. That is the concern I am voicing at this time.

**Mr. G. Singh:** I give the hon. Members the undertaking that I would deal with this.

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

**7.40 p.m.**

*Question put.*

*The House divided:*                      Ayes 17              Noes 9

AYES

Singh, Hon. G.

Humphrey, Hon. J.

Persad-Bissessar, Hon. K.

Lasse, Dr. The Hon. V.

Griffith, Dr. The Hon. R.

Sudama, Hon. T.

Maraj, Hon. R.

Rafeeq, Dr. The Hon. H.

Job, Dr. The Hon. M.

Khan, Dr. F.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

*Postal Corporation Bill*

*Friday, November 20, 1998*

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, Mr. C.

Ali, Mr. R.

NOES

Valley, K.

Rowley, Dr. K.

Imbert, C,

Narine, J.

Hart, E.

James, Mrs. E.

Bereaux, H.

Joseph, M.

Hinds, F.

*Question agreed to.*

*Bill accordingly read the third time and passed.*

#### ADJOURNMENT

**The Minister of Public Utilities (Hon. Ganga Singh):** Mr. Speaker, I beg to move that this House do now adjourn to December 4, 1998 at 1.30 p.m. when the House will deal with the Finance Bill. Notice of the Bill will be sent to Members subsequently and we will deal with all stages of the Bill on that particular day.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.45 p.m.*