

Leave of Absence

Friday, March 12, 1999

HOUSE OF REPRESENTATIVES

Friday, March 12, 1999

The House met at 10.32 a.m.

PRAYERS

[Mr. Speaker *in the chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from the Member for Arouca North who has asked to be excused from today's sitting. The leave of absence which he seeks has been granted.

**DR. ANSELM ST. GEORGE
(DEATH OF)**

Mr. Speaker: I also wish to advise hon. Members that it has come to my notice that a former Deputy Speaker, of this honourable House, died a few days ago, and I refer to Dr. Anselm Gladstone St. George. It is significant that he was, in fact, presiding at the time of the aborted coup and hon. Members on both sides may wish to express words of condolence.

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, it is with sadness that we have received the news of the death of a colleague, Dr. Anselm Gladstone St. George, the SC MD LMCC position who was in general practice, was born in 1924, so he was our senior. Mr. Speaker, he had a very interesting career, part of which brought him to this House as an elected Member, that was in 1986, and he served from 1986 to 1991, but between 1987 and 1991, Dr. St. George served as Deputy Speaker.

Some of the Members of this House were present on that very memorable occasion of July 27, 1990 when Dr. St. George was presiding over that fateful sitting and at approximately 6.30 on that Friday evening we were visited by a group of insurrectionists with machine gunfire and, Mr. Speaker, Dr. St. George was terribly traumatized because, presiding over the sitting, he was singled out as one of the targets of the venom of the group that invaded this House. It was a period very unusual for Parliament in that Dr. St. George did not have the opportunity to close the sitting, so I believe, in fact, that we had, for six days, a sitting of Parliament where the Speaker or Deputy Speaker did not preside but where insurrectionists who were armed, in unbelievable fashion, presided.

Dr. Anselm St. George (Death of)
[HON. J. HUMPHREY]

Friday, March 12, 1999

However, it came to an end and some of us survived it psychologically, others, I am afraid carried the scars very deeply embossed in their psyches, and from what I understand from Dr. St. George's brother, he never fully recovered from the trauma of that event. I think it is terribly unfortunate, Mr. Speaker, that people who offer themselves in service to the electorate and who come to this Parliament to give that service should have to end their lives with bitter memories of having given that service and that the service should end in such traumatic sacrifice.

On behalf of the Government, Mr. Speaker, I wish to express our deepest condolences to the family of Dr. St. George and to give the assurance to the national community that those who knew him will always remember him and I want to count myself among those. So, Mr. Speaker, with those few words I represent the Government side in offering condolences to the St. George family. Thank you.

Mr. Barendra Sinanan (*San Fernando West*): Thank you very much, Mr. Speaker. Anselm Gladstone St. George died peacefully on March 10, 1999, Wednesday of this week. He was, until his death, the President of the southern branch of the San Fernando Red Cross Society. As President of the society he laboured selflessly in promoting and advancing the good works of the society for the benefit of the southern community. He was always actively involved in the affairs of the society, organizing and staging the society's annual dinner and dance as well as the annual Kiddies Carnival parade which, for many years, was the only avenue available to children of the southern community to participate in the national festival. He also served as chief judge for many carnival shows and competitions.

Anselm St. George was also a longstanding member of the Lion's Club of San Fernando where he served as its President. He was, for many years the President also of the Naparima College Old Boys' Association where he served with distinction, always promoting that institution as the premier Boys' College in San Fernando. Anselm was also the Member of Parliament for San Fernando West during the ANR's governance from 1986 to 1991 and served the House as its Deputy Speaker during this period. He was in the Chair when the insurgents stormed this honourable House on July 27, 1990 and suffered quietly the consequences of that traumatic experience until the day of his death.

In the politics, Mr. Speaker, history will remember Anselm not only as a good Member of Parliament and Deputy Speaker but also as the only non PNM Member to win the San Fernando West seat this century, and I dare say he will be the only such person to have done so well beyond 2015.

Dr. Anselm St. George (Death of)

Friday, March 12, 1999

More than anything else, Mr. Speaker, Anselm will be remembered as a medical practitioner who served his community with dignity and good will, always caring for the less fortunate in our society, always giving of his talents, at most times free, and at all hours of the day and night.

He also served as medical officer of the Family Planning Association's southern branch and medical officer for the workers of the then San Fernando Borough Council. Anselm also was a sports enthusiast. He was, for many years, the President of the southern branch of the Football Association. Mr. Speaker, Anselm St. George was definitely a community person. It is for his community work the government recognised him when he was awarded the Humming Bird Medal.

We on this side of the House, Mr. Speaker, extend to his three sisters, five brothers and other members of his family our heartfelt condolences, feeling assured that Anselm's good works and deeds will long live in the memory of the southern community for many years hence. Mr. Speaker, I thank you.

Mr. Speaker: Hon. Members, I wish to join both sides in expressing condolences on the passing of Dr. Anselm St. George. It was not my privilege to have known him before he entered the House of Representatives. Indeed I got to know him when he attended one of the Commonwealth Parliamentary Association seminars in London where I served as the Deputy Secretary General there of the CPA, and I too could testify that in the short time I knew him he never ceased being a gentleman and one who was obviously committed to this country and community life. I would accordingly ask the Clerk of the House to send a suitable letter of condolence to his bereaved family.

I would ask the Members of the House to stand for one moment's silence in his memory.

The House stood.

DENTAL PROFESSION (AMDT.) BILL

Bill to amend the Dental Profession Act, Chap. 29:54, brought from the Senate [*The Minister of Health*]; read the first time.

Motion made, That the next stage of this bill be taken later in the proceedings. [*Hon. H. Rafeeq*]

Question put and agreed to.

LEGAL AID AND ADVICE (AMDT.) BILL

Bill to amend the Legal Aid and Advice Act, Chap. 7:07, brought from the Senate, [*The Minister of Legal Affairs*]; read the first time.

10.45 a.m.

PAPERS LAID

1. The Minimum Wages Order, 1999. [*The Minister of Labour and Co-operatives. (Hon. Harry Partap)*]
2. The Report of the Auditor General on the accounts of the Queen's Hall Board for the year ended December 31, 1985. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
3. The Report of the Auditor General on the accounts of the Queen's Hall Board for the year ended December 31, 1986. [*Hon. R. L. Maharaj*]
4. The Report of the Auditor General on the accounts of the Queen's Hall Board for the year ended December 31, 1987. [*Hon. R. L. Maharaj*]
5. The Report of the Auditor General on the accounts of the Queen's Hall Board for the year ended December 31, 1988. [*Hon. R. L. Maharaj*]
6. The Report of the Auditor General on the accounts of the Queen's Hall Board for the year ended December 31, 1989. [*Hon. R. L. Maharaj*]
7. The Report of the Auditor General on the accounts of the Trinidad and Tobago Television Company Limited for the year ended December 31, 1997. [*Hon. R. L. Maharaj*]
8. The Report of the Auditor General on the accounts of the National Broadcasting Service of Trinidad and Tobago Limited for the year ended December 31, 1997. [*Hon. R. L. Maharaj*]
9. The Report of the Auditor General on the accounts of the Princes Town Regional Corporation for the year ended December 31, 1995. [*Hon. R. L. Maharaj*]
10. The Report of the Auditor General on the accounts of the Public Library of Trinidad for the year ended December 31, 1997. [*Hon. R. L. Maharaj*]

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

ORAL ANSWERS TO QUESTIONS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the Government would not be able to answer questions Nos. 28, 29 and 35, and requests a deferral of one week.

Mr. Speaker: By the agreement of both sides questions Nos. 28, 29 and 35 would be deferred for one week. [*Interruption*] The question I would ask is whether this was agreed?

Mr. Valley: I said I have no problem.

Mr. Speaker: Well, the English language is so imprecise that by that answer I neither interpret it to mean there was agreement or... [*Interruption*] I would rephrase it because—

Mr. Valley: Mr. Speaker, we would prefer a deferral of three weeks, especially with respect to questions Nos. 28 and 29, since the questioner would not be here next week.

Mr. Speaker: Again, to be accurate, I take it that in respect of Nos. 28 and 29 there is agreement, no objection?

Mr. Valley: I am asking now that rather than a deferral of one week I did not consult with the Leader of Government Business, Mr. Speaker, I am now asking the House to have it deferred if it cannot be taken today for three weeks rather than one week.

Mr. Speaker: All I am asking is whether you are prepared to agree that both matters be deferred [*Interruption*] Is there agreement, Mr. Attorney General?

Hon. R. L. Maharaj: Yes, Mr. Speaker, we also agree. [*Laughter*]

Mr. Speaker: Well, there being agreement on both sides with respect to the deferring of questions Nos. 28, 29 and 35 for three weeks, these questions would be deferred for three weeks.

Question No. 19, the Member for Laventille East/ Morvant. [*Interruption*]

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Thank you, Mr. Speaker—

Mr. Valley: Mr. Speaker, just a small clarification, we are asking that questions Nos. 28 and 29 be deferred for three weeks, but if No. 35 can be answered next week we will accept that. Question No. 35 is by the Member for St. Ann's who will be here next week. [*Interruption*]

Mr. Speaker: Hon. Members, there is agreement that questions Nos. 28 and 29 be deferred for three weeks, and question No. 35 for one week.

The following questions stood on the Order Paper:

**State's Teak Fields
(Harvesting)**

28. (a) In the last four years, has the Government given any approval for the harvesting of any of the State's teak fields by any person/s, who is not a licensed sawmiller, or owner of a sawmill?
- (b) If the answer is in the affirmative, could the Minister:
- i. Identify all the recipients of such approvals or licences and state the exact date of each approval as well as the size and location of each field;
 - ii. State the estimated open market value of each allocation based on the volume of timber contained in each coupe;
 - iii. State the terms and conditions attached to each allocation and outline the process which was used to select the respective awardees?
- (c) Could the Minister further state how many licensed sawmills operated during the said period without any access to the State's teak fields?
[*Mr. Martin Joseph*]

Caroni (1975) Limited
(Motor Vehicle for Board Members)

29. (a) Is any member of the Board of Caroni (1975) Limited entitled to a motor vehicle and its operating expenses to be borne by the Company?
- (b) Has Caroni (1975) Limited been providing such facilities to any Board member?
- (c) Has Caroni (1975) Limited purchased or made available any vehicle/s for the purpose of providing transportation for any Board Member?
- (d) If the answer to (c) is in the affirmative, could the Minister identify the member/s and the respective vehicles so assigned to each member?
- (e) Could the Minister further state the total cost to the Company for any and all such transport facilities provided from January 1996 to February 1st, 1999? [*Dr. Keith Rowley*]

Mahatma Ghandi Cultural Institute
(Delay in Construction)

35. Will the Minister advise why there was a five-year delay in the start of construction of the Mahatma Ghandi Cultural Institute since the site was formally handed over as long ago as April 29, 1994?

Questions, by leave, deferred.

**Local Government Elections
(Prisoners Right to Vote)**

19. **Mr. Fitzgerald Hinds** (*Laventille East/Morvant*) asked the Minister of National Security:

- (a) Would the hon. Minister indicate whether prisoners and persons on remand at the state's penal institutions would be allowed their right to vote in the upcoming Local Government Elections?
- (b) Would the Minister outline his Government's policy on the right of prisoners and others in state custody to vote?

The Minister of National Security (Sen. Brig The Hon. Joseph Theodore):
Mr. Speaker, this honourable House is advised that with respect to part (a) of the question, dealing with the upcoming Local Government Elections, the Prisons Authority has approached the Elections and Boundaries Commission to put the necessary machinery in place to accommodate any prisoner or person on remand who may be eligible to vote, and wishes to do so.

With respect to part (b), pursuant to provisions of the Representation of the People's Act, Chap. 2:01, prisoners are debarred from becoming or remaining eligible to vote when they are on death row or are serving sentences of 12 months or more or are on remand awaiting appeals against sentences of 12 months and above.

However, prisoners on remand, those awaiting trial or sentencing and/or those serving sentences of less than 12 months, provided that they are entitled to vote in accordance with the election rules set out in law, may be eligible to be treated as special electors under Election Rule No. 59(J)(ii). The Government, therefore, is bound by law to allow this special category of inmate at the state's penal institutions to vote, should a request be made. Thank you.

National Petroleum Marketing Company

(Ken Soodhoo Report)

23. Dr. Keith Rowley (*Diego Martin West*) asked the Minister of Energy and Energy Industries:

- (a) Did the Minister of Energy and Energy Industries engage the services of any legal expert/s during the preparation of the report in response to the Prime Minister's request for all details surrounding the hiring of Ken Soodhoo at the National Petroleum Company Limited?
- (b) If the answer is in the affirmative, could the Minister identify the expert and state if any reference was made to him/her in the report?
- (c) Could the Minister further give a breakdown of the total cost of legal services incurred during the preparation of the said report and also state the source of funds from which the legal bills were paid?

The Minister of Energy and Energy Industries (Sen. The Hon. Finbar Gangar): Mr. Speaker, with respect to part (a) of the question, the answer is yes, the Minister of Energy and Energy Industries did engage the services of two legal experts during the preparation of the report on the hiring of Mr. Ken Soodhoo at National Petroleum Marketing Company Limited.

Mr. Speaker, the legal experts who were engaged were Mr. Trevor A. Lee, S.C. and Dr. Fenton Ramsahoye, Q.C. Yes, reference was made to these experts in the report insofar as their legal opinions were used.

The total cost incurred for the services of the two experts are as follows: Mr. Trevor Lee, S.C., TT \$15,000; Dr. Fenton Ramsahoye, Q.C., no invoice received to date. The legal Bill was paid from funds allocated to the Ministry of Energy and Energy Industries, account No. 40/02/001/16, Consulting and Other Contracted services.

Dr. Rowley: Mr. Speaker, I have a supplemental. Is there an outstanding bill for Dr. Ramsahoye?

Sen. The Hon. F. Gangar: Dr. Ramsahoye has been reminded on two occasions to submit his bill and he has not done so to date.

Dr. Rowley: Is it that you are expecting a bill will come some time in the future? Does the Minister have any idea what that bill would be like?

Sen. The Hon. F. Gangar: I cannot anticipate what Dr. Ramsahoye's bill would be, I am awaiting it. He has been reminded on two occasions.

Dr. Rowley: Is this the report which involved two senior counsels? Is this the same report that the Prime Minister has deemed to be entirely libelous and, therefore, unfit to be heard by the Parliament? *[Interruption]* I am not talking to you! *[Interruption]* Answer the question, it is a supplemental!

Hon. Member: He is rude! *[Crosstalk]*

Mr. Speaker: Order please! That supplemental question, I rule, does not arise on part (c). Part (c) dealt with breakdown of cost, and that has been answered.

Dr. Rowley: Can I ask a supplemental question?

Mr. Speaker: Yes you may.

Dr. Rowley: I am asking the Minister whether, in fact, this is the same report that has been deemed entirely libelous?

Mr. Speaker: No, I rule that is not a fit supplemental question, and what I was trying to say is that when, in fact, you are asking a supplemental question, I need to approve it.

Dr. Rowley: Mr. Speaker, I ask another question of the Minister. In view of the fact that the report has been deemed libelous and has cost \$15,000, is the Minister prepared to seek a refund from the advisors?

Sen. The Hon. F. Gangar: Mr. Speaker, the answer is no.

**NIPDEC Airport Contract
(Board Member Assignment)**

26. Mr. Kenneth Valley (*Diego Martin Central*) on behalf of Mr. Martin Joseph asked the Minister of Finance:

- (a) Will the Minister advise the House whether the Board of the National Insurance Property Development Company Limited (NIPDEC) has assigned one of its members direct responsibility for overseeing the Northern Construction Limited, Yorke Structures Limited, and Coosal's Construction Company Limited (NYC) contract between NIPDEC and NYC at the airport?
- (b) If the answer to the above is in the affirmative, will the Minister:
 - i. Name the board member, and state the level of remuneration being paid by NIPDEC to the member; and

- ii. Inform the House whether this individual is otherwise employed, the nature of this other employment and the level of remuneration he/she receives related to the other employment?

The Minister of Finance (Sen. The Hon. Brian Kuei Tung): Mr. Speaker, no member of the Board of Directors of the National Insurance Property Development Company Limited (NIPDEC) has been assigned direct responsibility for overseeing the Northern Construction Limited, Yorke Structures Limited and Coosal's Construction Company Limited (NYC) contract between NIPDEC and NYC at the airport.

The NIPDEC Board, however, did appoint one of its members, Mr. T. Romano, in April 1998, to represent the board at such meetings as may be held with external parties pertaining to the Airport Development Project.

Mr. Romano is also Executive Director of the National Insurance Board, which is sole shareholder of NIPDEC, and receives no remuneration from the Board of NIPDEC in respect to this special responsibility.

Dr. Rowley: Mr. Speaker, could I ask a supplemental? In view of the fact that NIPDEC is a subsidiary of the National Insurance Board (NIB), is it not the discharge of NIB's function to the subsidiary the same job at NIB? *[Interruption]* In view of the fact that NIPDEC is a subsidiary of NIB, is it proper to pay an NIB employee separately for work done for NIPDEC?

Sen. The Hon. B. Kuei Tung: Mr. Speaker, I thought I had indicated that no remuneration from the board of NIPDEC was being given, so there is no question of payment? Is your question on payment of compensation?

Dr. Rowley: Am I to understand that no payment from any source, NIPDEC or NIB, was made to that person?

Sen. The Hon. B. Kuei Tung: I am saying that he is paid by the National Insurance Board as a substantial officer of NIB. National Insurance Board has assigned him to attend meetings, so he continues to get his regular compensation from NIB, but NIPDEC to which he is assigned, which is a subsidiary of NIB, does not pay him any compensation for attending the meetings.

Dr. Rowley: What I am asking is, does NIB pay any additional compensation for the assignment?

Sen. The Hon. B. Kuei Tung: No, no additional compensation.

Dr. Rowley: Thank you.

11.00 a.m.

Establishment of Environmental Commission

27. Mr. Kenneth Valley on behalf of Mr. Colm Imbert asked the Minister of Agriculture, Land and Marine Resources:

Will the Minister indicate to the House the precise time-frame within which the Environmental Commission, as provided for under the Environmental Management Act, is to be established?

The Acting Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Vincent Lasse): Mr. Speaker, it has become necessary to amend the Environmental Management Act 1995, to allow for the Chairman and Deputy Chairman of the Commission to be appointed by the President on the advice of the Judicial and Legal Service Commission in keeping with the constitutional provision for the appointment of officers of the High Court. The commission, when established, would be a superior court of record. The appointment of Commissioners has been deferred pending the amendment of the Act. The process of amending the Act has been initiated and is expected to be completed shortly.

Mr. Speaker, in the interim, initiatives are being pursued on several fronts to have the commission operational in the shortest possible time frame following the amendment of the Act.

In this regard, accommodation has already been secured for housing the offices of the commission and the process of procurement of office equipment and staff has been initiated.

It is envisaged that the proposed amendment to the Act will be completed within three (3) months and the commission will become operational shortly thereafter.

Environmental Impact Assessment of the Nariva Swamp

30. Dr. Keith Rowley (*Diego Martin West*) asked the Minister of Agriculture, Land and Marine Resources:

- (a) Has the Minister received the final report for Environmental Impact Assessment of the Nariva Swamp as done by the Institute of Marine Affairs?
- (b) If the answer is in the affirmative, could the Minister state when this report was submitted?

- (c) Could the Minister outline all the major findings and recommendations contained in the Executive Summary of the report and state when they will be implemented?

The Acting Minister of Agriculture, Land and Marine Resources: Dr. The Hon. Vincent Lasse): Mr. Speaker, the answer to part—

- (a) Is yes.
- (b) The report was submitted to the Ministry of Agriculture, Land and Marine Resources on August 07, 1998.
- (c) The major findings and recommendations of the final report for the Environmental Impact Assessment of the Nariva Swamp contained in the Executive Summary are as follows:

MAJOR FINDINGS:

- (i) The hydrological studies found that the activities of the large scale rice farmers altered the seasonal distribution of water within the swamp, with reduction of ground water levels in Block B and increased drying out of regions of the swamp during the dry season. Salt water intrusion into the swamp was more likely to occur.
- (ii) Whereas this study did not record significant alteration to the quality of water of the environment, the chemicals used in the agricultural activities have proven to be toxic to flora and fauna at their recommended application rates. The timing of the study, more than one year after the cessation of activities, effectively ruled out recording or verifying any such impacts in Block B or the swamp in general.
- (iii) The rice-growing activities resulted in social conflicts between the large-scale rice farmers and other users of the swamp. In addition, there was conflict within the large-scale rice farming community.
- (iv) The rice-growing activities contributed only marginally to the social and economic development of the communities surrounding Block B. The public and private amenities in these areas are very poor compared to the rest of Trinidad and Tobago.
- (v) Finally, the rice-growing activities contributed marginally to national rice production and satisfaction of national demand. However, although it generated a positive return on investment to the farmers, this was achieved at a significantly negative return to the national economy.

MAJOR RECOMMENDATIONS:

- (1) The Management Agency of Nariva should be formulated and should involve all stakeholders of the swamp.
- (2) Habitats destroyed in Block C as a result of activities of the large-scale ricefarmers should be restored.
- (3) Public awareness programmes aimed at informing stakeholders about the wise use of the swamp's resources should be undertaken.
- (4) If rice cultivation is to be permitted in Block B, the following measures should be implemented:
 - (i) The hydrology of the area should be restored to its previous state, that is, prior to 1986. A more efficient system of water management must be adopted.
 - (ii) An improved Crop Management (ICM) approach, using zero fertilizers and pesticides, should be the first option if rice farming is allowed in the area.
 - (iii) If chemicals are allowed, the least harmful of these should be selected for use in rice cultivation.
 - (iv) Land tenure for farmers in Block B should be regularized to ensure well-defined, exclusive, secure, transferable and enforceable property rights.
 - (v) Any venture to grow rice on a large-scale should require a proposal, including plans for an Environmental Impact Assessment (EIA). There should also be a restoration agreement within any land lease arrangement.

Mr. Speaker, the Environmental Impact Assessment (EIA) Report was reviewed by the Cabinet appointed Monitoring Committee, and the following recommendations were submitted to the Cabinet appointed Wildlife Conservation Committee and the National Wetland Committee for consideration:

- (1) There should be no farming in Block B.
- (2) The agricultural development of Block A should be maximized with all the supporting measures (land tenure, water availability, integrated crop management techniques) having been put in place.
- (3) Block B should be rehabilitated to restore its biological diversity.

Oral Answers to Questions
[DR. THE HON. V. LASSE]

Friday, March 12, 1999

Mr. Speaker, these recommendations were endorsed by the two latter committees and submitted to Cabinet for its consideration on October 15, 1998. The Ministry sought the advice of Cabinet on whether the recommendations of the National Wetland Committee emanating from the Environmental Impact Assessment Report should be adopted by the Ministry or not.

Since rice production was a major activity in the Nariva Swamp, Cabinet recommended the establishment of a committee comprising technocrats of the Ministry of Agriculture, Land and Marine Resources and stakeholders in the rice sub-sector to develop a policy for rice production in Trinidad and Tobago taking into consideration the recommendations of the Report. The report of this committee was submitted on January 29, 1999. Mr. Speaker, this report is currently under consideration by the Ministry before submission to Cabinet.

I take this opportunity, Mr. Speaker, to inform the honourable Member for Diego Martin West that copies of the EIA Report were placed in the Parliament Library for ease of reference.

I thank you.

Defective Police Vehicles

31. Mr. Fitzgerald Hinds (*Laventille East*) asked the Minister of National Security:

- (a) Is the Minister aware that several marked and unmarked police vehicles are defective, in that they have no rear lights, no side-view mirrors and in some cases one headlight and therefore operate on our roads in contravention of some of our Road Traffic Laws?
- (b) Could the Minister kindly indicate how many of the fleet of Jeep Cherokee" vehicles rented from Platinum Motors and contracted for maintenance service from the said Platinum Motors are now dysfunctional and therefore not in service as at February 15, 1999?

The Minister of National Security (Sen. Brig. The Hon. J. Theodore): This honourable House is advised that it is not the policy of the Ministry of National Security to operate in contravention of the laws of Trinidad and Tobago. However, steps have been taken to ascertain the veracity of these allegations and if necessary, follow-up action will be undertaken.

Mr. Speaker, with respect to part (b), it should be noted that one hundred (100) Jeep Cherokee vehicles were purchased by the Ministry of National Security from

Platinum Motors Limited. The National Insurance Property Development Company Limited (NIPDEC) was contracted to administer the maintenance of the vehicles.

As at February 15, 1999, thirteen (13) Jeep Cherokee vehicles were out of service for maintenance under the terms of the contract.

Mr. Speaker, thank you.

Mr. Hinds: Would the Minister indicate when were these vehicles purchased and at what price?

Sen. Brig. The Hon. J. Theodore: Mr. Speaker, although I answered that question some time ago, I am quite prepared at another time to entertain the question.

Mr. Hinds: Is the Minister saying that he had previously reported to this House that those vehicles were purchased, or leased?

Sen. Brig. The Hon. J. Theodore: Mr. Speaker, there was always a confusion between one hundred (100) vehicles that were leased for the police service, and the one hundred (100) Jeep Cherokees that were purchased for the police service. The vehicles that were leased, were seventy-nine (79) four wheel- drive vehicles and twenty-one (21) motor cars. This was around early June 1996. Those were leased.

Subsequent to that, the purchase of the Jeep Cherokees was made. So, there were two different transactions actually.

11.10 a.m.

Unemployment Relief Programme (Uncollected Cheques)

32. Mr. Fitzgerald Hinds (*Laventille East/Morvant*) asked the Minister of Finance:

- (a) Would the Minister indicate how many uncollected cheques are held by the Treasury Division for payees who provided goods and services to the Unemployment Relief Programme, to be drawn on the Unemployment Relief Fund for the period June 1, 1996 to November 30, 1997?
- (b) Would the Minister provide a comprehensive list of such cheques giving the names of payees and in each case the goods and/or services provided?

The Minister of Finance (Sen. The Hon. Brian Kuei Tung): Mr. Speaker, no uncollected cheques are held by the Treasury Division for payees who provided

and \$143,489,508 respectively.

As indicated, there was no over-expenditure.

Thank you.

WRITTEN ANSWER TO QUESTION

**State Enterprises/Statutory Corporations
(Fees and Allowances)**

- 34. Mr. Kenneth Valley** (*Diego Martin Central*) asked the Minister of Finance:
Will the Minister outline the fees and allowances paid to the Chairman and Members of the Boards of Directors of State Enterprises and Statutory Corporations?

The Minister of Finance (Sen. The Hon. Brian Kuei Tung: Mr. Speaker, I have supplied a written reply to the Clerk for onward transmission to the hon. Member.

Vide end of sitting for written part of the answer.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I announce that the Government intends to proceed today as follows: The continuation of the debate on the Constitution (Amdt.) (No. 3) Bill 1998, and, at a certain stage of the proceedings the House would be asked to defer further debate on that matter for later in the proceedings today; but the Government does not intend to complete debate on that matter today.

Then, the Government intends to proceed with the debate on the Validation of the third Report of the Elections and Boundaries Commission, Local Government Bill, and the debate on the Dental Profession (Amdt.) Bill, and thereafter, we resume debate on the Constitution Amendment (No. 3) Bill.

Mr. Kenneth Valley (Diego Martin Central): Mr. Speaker, I should like the House to know that there is no agreement.

The Leader of Government Business has indicated that with respect to the parliamentary committee of the Bill, he wants to put in one of his speakers and then adjourn. I am saying that if the Government is stating its case on the matter today, at least one Opposition member should also be allowed to speak before there is any adjournment on this matter.

I am informing the Speaker and the House that there is no agreement on an adjournment of that matter after one Government speaker has his say. I think justice demands that, at least, a member of the Opposition ought to have his say immediately, and not sometime tonight.

Mr. Speaker: I would just indicate that it is quite in order for you to indicate to me that there is no agreement; but to continue and to make a speech on it is not really acceptable. I know that it is quite in order for the hon. Member to indicate that there is no agreement absolutely nothing is wrong with that, and I appreciate your saying that and, therefore, at the right time it would be put to the House. But, to proceed with a speech is not really allowed.

Hon. Members, the debate on the Second Reading of a Bill entitled a Bill to amend the Constitution of Trinidad and Tobago which was adjourned on Wednesday, February 24, 1999 would be resumed.

CONSTITUTION (AMDT.) (NO. 3) BILL [SECOND DAY]

Order read for resuming adjourned debate on question [February 24, 1999].

That the bill be now read a second time.

Question again proposed.

Mr. Manning: [*Inaudible*]

The Minister of Planning and Development (Hon. Trevor Sudama): You have a problem? Are you anticipating something? [*Interruption*] Are you saying that as a result of having attended something at the Queen's Park Savannah recently?

Mr. Manning: One of the devils!

Hon. T. Sudama: You went there for the devil in you to be exorcised?

Mr. Speaker, I am happy to have the opportunity to participate in this debate on this landmark legislative proposal before the House. But, I cannot help but comment that the debate seems to be conducted in an atmosphere of unreality by those who oppose, as if they are oblivious to the realities of the working of the real world, and secondly, in an atmosphere of sheer hypocrisy as epitomized by the Member for San Fernando East and others on that side.

I thought that today I will engage in a discourse as a student of politics and the theory and practice of parliamentary democracy for the education, of course, of the other side; but that will take me too much time, so I would not get into that exercise.

Mr. Speaker, what are some of the arguments which have been raised? The first is a constitutional argument that the Bill seeks to undermine the constitution of Trinidad and Tobago, as if the constitution of a country is an abstraction, as if it does not have a practical purpose and as if it is derived from some mysterious source and power. Therefore, if one sought to amend the constitution in the light of emerging needs, then that was construed by the Opposition as being undemocratic and as trying to institute a creeping dictatorship in this country.

11.20 a.m.

Mr. Speaker, a constitution, if I may remind this House, is a set of fundamental rules an overarching legal framework of reference for Governments which a country adopts at a particular point in time and which will of necessity express the perceptions, perspectives, hopes, aspirations, fears and anxieties at that particular point in time.

Inherent in this view, Mr. Speaker, is that a constitution can, and indeed, should be amended as circumstances change, in order to meet the imperatives of governance. This is a view supported by no less a person than the Member for San Fernando East, when he was the Prime Minister. If I were to quote a report in the newspaper [*Interruption*] I have to restate it for your benefit:

The Prime Minister in March 1995, took the opportunity to express his dissatisfaction with the service commissions. He told a regional conference of the People's National Movement, the service commissions must go. He complained that they were hindering his administration's reform process and had outlived their usefulness. Even if they were important at the time of independence, Manning argued, the population of this country had become sufficiently educated and mature to do without them.'

Today, what we are merely seeking in this Bill is to have a system of oversight of the service commissions—not to do away with them; not to eliminate them—but apparently the population was educated and mature when he was in office, and suddenly, when he is out of office the population has reverted to immaturity and therefore, we must protect them.

Mr. Manning: The Government.

Hon. T. Sudama: This is the argument. You see the illogic of the Member for San Fernando East? He speaks with forked-tongue, like a chameleon, he changes his position from one day to another day. When he was in office he wanted to eliminate service commissions, today he is the biggest champion of service commissions in the whole country. Pure opportunist, Mr. Speaker.

The point really is that constitutions need to be amended from time to time, and it is often forgotten when we talk about constitutions, where did constitutions derive their authority? They derive their authority from the will of the people, and the will of the people is the ultimate authority. That ultimate authority has the right and the power to change a constitution acting through the legislature which constitutes their will, as we are constituted here today, Mr. Speaker.

I just want to go through very briefly, particularly for the edification of members on that side, what the constitutions of some of the eminent democracies of the world say. How do they start off? The Constitution of the United States:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves

Constitution (Amdt.) (No. 3) Bill
[HON. T. SUDAMA]

Friday, March 12, 1999

and our posterity, do ordain and establish this Constitution for the United States of America.”

Section 1.

f. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

The people gave authority to the constitution, and by the constitution this Parliament is established, and that constitution has been amended several times over its history.

I want to quote from the Constitution of India:

We, the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation; In our constituent assembly, this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution.”

People as the final authority. Of course, in our own constitution, Mr. Speaker, it starts with:

Whereas the people of Trinidad and Tobago have affirmed that the Nation of Trinidad is founded upon certain principles...”

Then it went on to outline those principles.

Now, therefore, the following provisions shall have effect as the Constitution of the Republic of Trinidad and Tobago.”

Authority derived from the people.

We are here sitting as representatives of the people of Trinidad and Tobago, and if the role of this Parliament is the highest governing authority of the land because it expresses the will of the people through its elected members, then this

We have indicated the purpose of openness, transparency and accountability in the preamble to this Bill.

The UNC proposes that select committees of the Parliament be appointed to monitor the operation and functioning of all Ministries of Government”

and other agencies.

Freedom of information legislation would also be enacted by a UNC government so that government-held information, subject to certain exceptions, would be accessible to members of the public”

And finally we ended by saying, Mr. Speaker:

This manifesto is our pact with the people of Trinidad and Tobago to provide leadership into the 21st Century”

Therefore, we derive that authority from the people, in our position here as the Government of Trinidad and Tobago.

We have a political mandate, a constitutional legal and moral mandate to pursue the reform process in Trinidad and Tobago, *[Interruption]* and therefore, to bring this Bill to this House. *[Interruption]*

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, just to educate this Member for Tunapuna, our parliamentary system is one where it is possible to be in government with a minority of the votes cast. That has happened hundreds of times in the

Constitution (Amdt.) (No. 3) Bill
[HON. T. SUDAMA]

Friday, March 12, 1999

parliamentary system that we adopt and operate under. That does not deprive this Government from an authority to effect change. It does not.

What this Bill seeks to do, and again we need to reiterate this, is to review and monitor the functioning of service commissions including the Judicial and Legal Service Commissions, Ministries, Statutory Bodies and other agencies of government, including the Public Service Commission, the Police Service Commission, the Teaching Service Commission, the Statutory Authorities Service Commission, but excluding the Elections and Boundaries Commission, which does not come under the purview of this Bill or the section we are trying to amend.

11.30 a.m.

So all those who are trying to create confusion by arguing that the Government is seeking to scrutinize the Elections and Boundaries Commission are off track. It seeks to do this in pursuit of the principle of accountability, transparency, openness, freedom and the right to know.

Mr. Speaker, the world is moving in this direction, democracy and standards of governance are moving in a direction to strengthen the role of Parliament through the enhancement of the committee system. It happens all over the world. The British Government viewed new select committees as a catalyst for progress, it said so in 1984. There is a universal development where there are certain fears that the Executive, through its operations tends to dominate the Legislature. That is a fear expressed worldwide.

This Bill is trying to enhance the status and authority of the Legislature by giving it the power of scrutiny over the actions of both Government, and other agencies. I would have thought that this was an imminently necessary and sensible piece of legislation before us. Our view is that the vast majority of people in Trinidad and Tobago support the Government in proposing this piece of legislation, and we have no doubt that the business community of Trinidad and Tobago supports this piece of legislation; and the majority of academics support it. We even have the support of the *Catholic News* speaking on behalf of the Catholic Church, and the Catholic Board of Educational Management has expressed its concern over the way in which the Teaching Service Commission has disregarded their recommendation for appointment without giving reasons for so doing.

[MR. SPEAKER *in the Chair*]

I am sure that members of the public service who have been demoralized by the manner in which the Public Service Commission has operated over the years would

Selwyn Ryan and he supports tongue in cheek and it looks more like PNM tongue in academic cheek.

He says:

“On the face of it, no one could quarrel with the insertion of what the Bill seeks to provide in the Constitution of a society which claims to be democratic.”

He goes on:

It is possible that there are unintended consequences as a result of the passage

He did not elaborate what those unintended consequences were, but he did say that the UNC’s proposal did not work, that it was proposed by the Wooding Commission that we would have an oversight of service commissions and so forth, and that the committees were to be empowered to scrutinize nominees for certain offices.

He said:

“The Wooding Commission said that these oversight commissions of Parliament should have the power to scrutinize certain nominees among whom are the Auditor General, members of the Elections and Boundaries Commission and the Ombudsman prior to their being confirmed by the national company.”

We are not here to question, we are merely seeking that they come and explain and, therefore, the Parliament has a monitoring role to ask questions, to make recommendations on the basis of what has been told to them, to act in a recommendatory, monitoring and advisory role to the Executive. But strangely enough, although Dr. Ryan was a Member of this Wooding Commission and supported his views, he quotes Dr. Williams approvingly in opposing the views.

He says:

Constitution (Amdt.) (No. 3) Bill
[HON. T. SUDAMA]

Friday, March 12, 1999

‘And Dr. Williams’ objection is that he did say that nobody concerned with the rights of the people’s representatives in Parliament and the control of an Executive could possibly object to such a proposal, but warns Williams, there are certain things you cannot say at a certain time.’

This was the crux of his objection. What are the things we cannot say at a certain time? We do not know. But surely, the only bar to being not explicit is the question of national security. Whether it concerns the area of national security is something, of course, we should keep circumspect, but that is not really an argument. He then talked about small Parliaments and the inability and the impact of parity in small Parliaments with which I would deal later on. He tries to propose alternatives. He knows in his heart that this is a right thing to do, it was a proper measure, he cannot support it because it comes from the UNC and then he is proposing all sorts of alternatives which do not have a ghost of a chance of being implemented.

Then we had the ancillary to the Leader of the Opposition, a gentleman by the name of Nizam Mohammed who is the leader of the NAR who says:

‘One cannot dispute the need for service commissions to be accountable for their administrative actions or inactions but the Public Accounts Committee and Public Accounts (Enterprises) Committee would not function.’

He did not say the reason they did not function was because they did not have the resources. So it is a question of strengthening these committees.

It goes on:

‘There is need for service commissions to be accountable for too numerous have been their complaints over the number of years.’

He proposes legislative steps to be undertaken to give the President of the Republic of Trinidad and Tobago the power to appoint an independent governing body to oversee another independent governing body called the Public Service Commission and after all this, to report to Parliament. This is the jokey proposal of the Leader of the NAR. *[Interruption]*.

Mr. Speaker, the difficulty with all this is that these two gentlemen support and know that this is a valid and necessary piece of legislation but they had to bring all sorts of excuses and pretexts in order to try to oppose it.

With respect to the Leader of the NAR, a sleeping partner of the Opposition, I understand, when it comes to the UNC he seems to have a b’hot in his bonnet but in his beard when it comes to dealing with anything coming from the UNC. So I have

no doubt that by far the vast majority of people in this country would support this legislation.

From where does the objection come? It comes from certain sources, the first is from certain very eminent men, former presidents and chief justices, from certain editorial writers who represent nobody actually, from the President of the Oilfield Workers Trade Union who has his own problems, and I do not want to go into that. I want to tell this House that the eminent men who have signalled their opposition to this measure, are men of the highest eminence, men of integrity, great legal experience whose views must be respected and cannot be lightly dismissed, but it also behoves us to examine their concerns and to look at the merits or otherwise of what they are saying. Whether their concerns are based on fears and anxieties, or whether real and imagined fears and anxieties, or whether their concerns are real and valid. I want to look at that and go into the detail of what the gentlemen said.

They have stated, and I quote from the *Daily Express* of February 24, 1999.

Since Independence, it has been a fundamental policy of our Constitution to isolate and insulate the Public Service and the Judicial and Legal Service from political influence by vesting the power to make appointments of, and to discipline, persons in those services in independent Service Commissions.”

Note, this Bill does not seek to influence the appointment and to discipline people in these commissions, this Bill has no such purpose or intent so I think on that score the concern is not really valid because this is not the intent. The intent of the Bill is to have a review and monitoring role of the administrative functions of these services.

Then they argue we are facing the prospect of Members of Parliament delving into the personal files of legal and judicial officers and cross examining members of the Judicial and Legal Service Commission as to why they appointed Mr. X” to a particular office and not Mr. Y”

Mr. Speaker, this is not a question of delving into personal files, it is a question of asking persons to explain criteria by which they have made their decisions. If you have made the right decisions, why do you fear coming and telling the public body the basis on which you have made that decision. Why? I want to state that one of these very eminent gentlemen was the one who said that in the appointment of judges, there seems to be too much water in the brandy. Maybe the public would like to know how come there is so much water in the brandy and what

Constitution (Amdt.) (No. 3) Bill
[HON. T. SUDAMA]

Friday, March 12, 1999

would happen in the future when the brandy is further watered down and they could not distinguish brandy from water.

11.45 a.m.

Therefore, if he has made that comment, surely, the public ought to know how the brandy is being watered down? I think they have a right to know, in the interest of justice in this country.

Then, the argument is and I want to mention in this respect, this question of insulating the Judiciary. We are not talking about the judgments that our judges make; that is not the question here before this House. We are talking about the administration of justice. Why is it that cases take so long to be heard, and the average member of the public is so frustrated? Why is the justice system so costly? What criteria are there for the appointment of people at the higher and lower levels of the Judiciary? From time to time you pick up the newspaper and you see some very damning condemnation of judicial officers in this country, made by higher and superior courts. Now, if that were the case, it just throws into question, in the public's mind, the competence of these judicial officers, who are subject to just such condemnation. Surely, the public is entitled to know, through its parliamentary representatives, how it is that these people were appointed—on what basis and what criteria? What were the elements taken into account in making their appointments? And then they ask, if the committee fails to recognize any proper limitations on the scope of its powers or abuses, then who is to restrain the committee? They say, normally, it would look to the courts but that would put the Parliament in conflict with the courts.

Mr. Speaker, this really cannot be an argument. The whole question of abuse, or whatever, is subject to parliamentary control and the Parliament sets out the procedures, the rules and regulations by which these committees would operate. Why this fear? And as I said, I think their concerns are based on irrational fears and not on real concerns.

Why should the Service Commissions be insulated from any type of scrutiny, is a question that everybody would wish to ask. They are saying, that if someone has a grievance, while there is the constitutional provision for immunity of the Service Commission, the Courts could determine that. But you see the unreality of the situation is, Mr. Speaker, how often can a person aggrieved by a decision of a Service Commission go to court? How many have that option? It is a very costly thing to go to court, and therefore, we would think that if the administration of

these commissions is improved, that would be a more facilitatory remedy, as far as the average member of the public is concerned.

I find it difficult, when they go on to say that accountability, transparency and openness are beguiling and laudable objectives. But we must be careful what we perpetrate in their name. If these are laudable objectives, and this is the trend worldwide, how is it that Trinidad and Tobago is so different, that we want to resist accountability, transparency and openness? Why is it we want to do that?

I am not sure whether these eminent men, given the fact that we have introduced an amendment to the Bill and so on, would continue to support their original contentions as recorded in the *Express* newspaper of February 24, 1999. I am not sure whether they would continue to do so, and also what is on record, is that the Chief Justice and I do not want to embroil the Chief Justice in this controversy, but he has embroiled himself. I do not want to embroil him. He says, that it is he who drafted this statement. The Chief Justice drafted this statement and then he got the other people to sign. So, he has now come into an arena to fight a Bill before the Legislature.

Mr. Patrick Manning: I thank the hon. Member for giving way. I wonder if the hon. Member is prepared to make the distinction of the Chief Justice in his capacity as Chief Justice or the Chairman of the Judicial and Legal Service Commission, and if it is that he sees them as one and the same? Is he really trying to make out a case of reform of some kind? Please, I want you to be explicit on this matter.

Hon. T. Sudama: Mr. Speaker, I am not sure in which capacity the Chief Justice drafted this statement, which he got the other eminent men to sign. [*Desk thumping*] I am not sure whether he drafted it in his capacity as Chief Justice, or as head of the Judicial and Legal Service Commission.

Mr. Speaker, when I read statements like these, I cannot help but wonder. Listen to what the Chief Justice says:

It sounds good but does not make any sense.”

So, it means that one has a hearing impediment; if it sounds good but it does not make sense. This is what the Chief Justice said, and it has the potential to threaten the independence of the Judiciary. We dealt with that on the last occasion and we will continue to deal with this question of the threat to the Judiciary.

Constitution (Amdt.) (No. 3) Bill
[HON. T. SUDAMA]

Friday, March 12, 1999

He says that the Bill proposes that public bodies must show greater openness and transparency, but there has to be a limit to openness and transparency. What is that limit to openness and transparency? He ought to tell us.

Mr. Speaker, he says the Judicial and Legal Service Commission dealt with matters that required confidentiality. I am sure that if there are matters that require confidentiality and you go before a review committee of Parliament, you would state so and, state the reasons why there must be confidentiality to be maintained. That is not a reason not to have an oversight commission, at all. Then, he says that to seek to justify political intrusion by calling it openness and transparency was simply sophistry and he goes on to ask as well, to whom is the President accountable?

Mr. Speaker if we are talking about the separation of powers, there is no such absolute separation of powers. The President of the Republic of Trinidad and Tobago is elected by the Legislature, by the Electoral College which comprises the House of Representatives and the Senate. The President is so elected. Then he says, take the office of the Head of the Defence Force, both are funded by the Treasury, but who would suggest that either should be supervised by parliamentary committees. I want to tell the honourable Chief Justice that the Head of the Defence Force is under the control and supervision of a Member of the Parliament here, who then reports to the Parliament via that Minister. To whom do the Service Commissions report? To which ministry are they accountable? To whom do they report?

11.55 a.m.

Mr. Speaker, as I look through the arguments being advanced by the eminent gentlemen and the Chief Justice, I am reminded of a statement which was said by an eminent jurist in England: Justice is not a cloistered virtue and should be subject to the respectful scrutiny of ordinary men. There the judge was talking about the decisions of judges, and we are not talking about the decisions of judges, we are merely talking about the administration of justice with respect to this Bill before us.

What has been the experience of the United States and the experience of the United Kingdom? On that basis, the Attorney General elaborated on the role of the Lord Chancellor in the appointment of judges. He is a member of the Executive. He has a role in the appointment of judges. In the United Kingdom, the mother of parliaments and in Trinidad and Tobago we are resisting that he has a role in that appointment, and then he subjects himself to scrutiny by a parliamentary

committee. If that idea was so bad do they think the United Kingdom would have adopted it to bring the Judicial and Legal Service Commission under the scrutiny of Parliament?

Mr. Speaker, what happens in the United States? In the United States, the Legislature is directly involved in the appointment of judges; the members of the Supreme Court. One cannot be appointed to the Supreme Court of the United States except one gets the approval of the Senate. One cannot be appointed to the Bench in the United States without the approval of the Senate, and when one goes before the Senate, one's whole history, from the day one is born to the current day, is exposed for scrutiny. After one passes that test, then one is appointed a judge.

Secondly, the Executive nominates the judges for appointment; no independent commission. The president, as the Executive, nominates judges to be appointed and then they go before the Legislature for approval.

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

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

Question put and agreed to.

Hon. T. Sudama: Mr. Speaker, except they want to argue on the other side that the American democracy is a flawed democracy—if they want to argue about that, they should say so—I am showing the interaction between the judicial appointments in the United States and the Executive and the Legislature. There is an intimate relationship in that exercise of judicial function.

[MR. DEPUTY SPEAKER *in the Chair*]

Furthermore, the Wooding Commission made a very pertinent statement, and I want to quote that statement. In 1974 they said:

Openness may inhibit frankness and cause decision makers to be cautious, but if publicity is a worrying factor to those who are inclined to recommend things that are known to be unwise, it would also give support to others who believe that what they are urging is right and proper.

Those who accept public responsibility must know that their acts and decisions must be open to public scrutiny.”

I will repeat that:

Constitution (Amdt.) (No. 3) Bill
[HON. T. SUDAMA]

Friday, March 12, 1999

Those who accept public responsibility must know that their acts and decisions must be open to public scrutiny.”

Therefore, if one is getting into public responsibility, like we are going in the direction of greater accountability and openness, then it is only logical to assume that one's acts will be open to scrutiny.

Mr. Deputy Speaker, I cannot, for the life of me, see the real crux of the reason for the objections which have been raised. The other objection which has come from the other side is that the Parliament is too small and, therefore, there is a small pool from which to draw in order to implement the committee system. This really is not a valid argument, simply because we are dealing with the principle of oversight and, therefore, we have to make provision in order to give effect to that principle.

One of the ways we can deal with that is that the committee will draw from both Houses: the Senate and the House of Representatives. We have a total of 67 Members in both Houses, yet they are telling us it is not sufficient. If that is not sufficient, our proposal here is that all parliamentarians should be full-time. They should work from Monday to Saturday, if need be, and they will be paid accordingly. Once there is a full-time operational parliament here, we are going to effect the committee system.

We have the time and the resources to do it, but they do not want to be full-time parliamentarians. The last time we saw the Member for Port of Spain North/St. Ann's West was in South Africa. He journeys all over the world and the last place he finds himself is in this Parliament to which he has been elected. The Member for Diego Martin East is always up and down the islands securing contracts and deals. They have no time to do the things for which they were elected. They do not want a full-time parliamentary status.

We said that in order for them to be full-time, we would accept the report of the Salaries Review Commission and we would raise their salaries. They do not want that either. They do not want to be full-time and they do not want their salaries raised. All they want is to come to this Parliament and oppose whatever measures are put forward. That is their concern.

Dr. Rowley: We want you to stop the thieving! [*Desk thumping*]

Hon. T. Sudama: Do you want me to delve into National Fisheries and National Quarries? Tanteak? How you built your house? I do not have the time.

Mr. Bereaux: No. He wants you to talk about the little boys who go to your house every night.

Mr. Deputy Speaker: Excuse me, Member for La Brea. I am on my feet. *[Interruption]* I am on my feet! Could you please respect the Chair, if not me?

Hon. T. Sudama: Mr. Deputy Speaker, another objection that was raised is that if we do have these committees, what will they do? What will be the outcome of their reports and whatever they produce? That question betrays a lack of understanding of the democratic process. The democratic process is both about process and outcome, and that if one wants a certain outcome, it must come via a certain process.

Even if the process itself is valid, that is one of the ingredients of democracy. That means transparency, openness, getting the views of people, getting dialogue, having things done in public and having information given. That is the purpose of this committee providing an overview and making recommendations on the basis of which, at some later point, one will have effective action by the Government. That is the whole purpose of it. So, to say that the committee will be a useless committee is to miss the point as to what these committees will actually do and their role in the democratic process.

Mr. Deputy Speaker, I will now say something about the operations of these service commissions. I have dealt with the Judicial and Legal Service Commission and the whole issue of their fear of intrusion in the operation of the Judiciary and the whole question of the independence of the Judiciary. We have dealt with that and we feel that given the problems we have, given the delays in the administration of justice, given all these issues and the dissatisfaction that is generally observed among members of the public, generally experienced with the way justice is dispensed in Trinidad and Tobago, we feel there is sufficient argument and need for oversight and scrutiny.

What about the other service commissions? What about the Public Service Commission, the Teaching Service Commission, the Statutory Service Commission and the Police Service Commission? Let us examine a little closely what these commissions are supposed to do, how they have been functioning and what is required in the real world of Trinidad and Tobago in 1999 with respect to their operation.

The commissions have the power to appoint persons to hold or act in offices, to promote, transfer, confirm appointments, remove and exercise disciplinary

control. They are independent and they are protected under the constitution. One cannot question how they perform. Inherent in the exercise of these powers is a notion of human resource planning; the concept of best fit between person and office.

I do not know in Trinidad and Tobago whether anybody who has the Executive responsibility to run anything does not have control over human resource management. That is not a reality today, but we have to work with the constitution. Human resource management is under the control of another organization over which we have little or no influence, and yet, we are responsible to the public for the efficient delivery of public services. This is the anomaly we face in Trinidad and Tobago today.

We are the Executive. We have been elected, we are accountable to the people for good governance, efficient management and effective delivery of services, and yet, one of the critical requirements of that is proper human resource planning in the public service, over which the Executive has absolutely no control.

Dr. Rowley: So is control you want?

Hon. T. Sudama: I talk to many businessmen and they say that seems to be a situation which is so anomalous and out of the ordinary that they cannot understand that any business could be run on that basis, but this is not strictly a business; this is a political situation. But it is a political situation in which one still has the objective of delivering whatever one is doing efficiently and effectively, but one has little or no say in the human resource planning and management.

12.10 p.m.

The Public Service Commission meets, at best, twice weekly. Here we have a huge bureaucracy to manage, but the Public Service Commission meets, at most, only twice a week, sometimes once, sometimes once in two weeks and so on. The Judicial and Legal Service Commission meets when they feel there is a need to meet: there is no obligation to meet regularly.

The commissions may consult with senior public service managers, but they are not obliged to do so. The commissions themselves conduct interviews for the filling of senior offices at the management or professional levels. They themselves do that. But the question arises; are the members of the commission trained in selection techniques in the best fit—as regards qualifications and experience and the position that is being advertised? There is no post-evaluation undertaken to

determine the effectiveness of the way in which they do their selection~~in~~ their selection device.

With regard to the other selection methods utilized by the commission, the focus tends to be biased towards seniority. So the longer you are on the job, whether you perform satisfactorily or not, you are being pushed up simply because you have been there for a long time. In this exercise of seniority, the difference of one day could affect the entire career of an officer. There is an option that greater weight should be attached to merit and ability when promotion is being made to the higher offices. But in practice, what happens Mr. Deputy Speaker, is that the seniority principle is applied willy-nilly to promotions in the public service. It reinforces the belief in the public service that promotion is a right, as long as you have seniority. Therefore, when you have that situation occurring, it tends to demotivate people who are superior performers. Superior achievers are demotivated once that principle is applied to any significant extent.

The other issue is the question of formal training in human resource management skills among members of the service commission. Do they have this which is so critical today? They have to ensure, because if they do not do this, it means that the Government cannot function effectively. They have to ensure that there are appropriate careers and succession plans in place in the public service. When you see what is happening in the public service today, you will realize that there is really no career succession planning in the public service.

Then they ought to constantly monitor whether certain jobs are still relevant. Today times are changing, the needs of yesteryear are not the needs of today and yet you have positions in the public service which may be of little relevance and that is not~~an~~ awareness as managers of the public service, an awareness of where the needs and scarcity in skills are and of course where the demand and over supply is.

Added to all this deficiency with respect to the functioning, the human resources management of the public service, is the whole question of discipline. You and I know that it takes years to discipline someone in the public service~~years~~ and years. The procedure is rather cumbersome~~the~~ Permanent Secretary appoints an investigating officer, he has a period of time, I believe it is six months, to report. When he reports, if he does report, it takes another period of time to have the case heard and everybody has to give their views and so forth. Two to three years may elapse, the officer may or may not be sent on suspension, depending on the merits of the case. If the investigating officer, for one reason or another, is unable to meet

Constitution (Amdt.) (No. 3) Bill
[HON. T. SUDAMA]

Friday, March 12, 1999

his deadline, then the Commission just throws out the whole matter. So discipline goes down the drain and no further action is taken.

[MR. SPEAKER *in the Chair*]

Mr. Speaker, the posture adopted by the Commission is one that is largely reactive. It is inflexible, it is supportive of the *status quo*. There is no dynamic in that full change. There is no impulse to change. Therefore, what effect does this have? This may not be the fault of the public servants themselves, but the public service as a result, remains rather unresponsive to the demands of good and effective government. In fact, there is no system of telling public servants who have applied for positions, applied for promotions why they have been successful or unsuccessful. We think that in the interest of fairness, justice, equity and openness people should be informed.

I want to present a case of what has happened in my own ministry. This is just to give an example of how things work. We had a director in one of our critical divisions in the ministry whose post became vacant on November 01, 1995. It took a little time to get someone to act. To get someone to act was one year later to officially act in the position one year later, November 10, 1996. That person was acting and performed the duties and so forth. While he was performing the duties, he was not appointed to act until August 25, 1997. When he went to act, the assistant director's position became vacant on the same day. That assistant director's position has not been filled to date, this is January 1999. A request was made to have the position advertised and it was only in 1998 that a circular memorandum was sent out by the Director of Personnel Administration on July 28, 1998, inviting applications from qualified officers in the respective ministries to apply for the position July 1998. Today in March 1999 no appointments have been made, none. So we have a situation I wonder how people in business would have tolerated this. A situation where two offices virtually became vacant on November 01, 1995 and up to March 12, 1999 no appointments have been made to these offices. This is what we are attempting to look at.

Dr. Rowley: I wonder if the Minister would give way. I thank the Minister very much for giving way but, in the event that this Bill is passed and is put into force and a similar situation arises, what action would the committee take?

Hon. T. Sudama: Mr. Speaker, surely, if a question is asked, the commission will be able to explain why such delays have occurred. Maybe the delays have occurred for reasons not of their making maybe, but at least they have an

opportunity to explain to the committee, and the committee notes that and the people know, and the committee will make satisfactory recommendations to alleviate that position.

Dr. Rowley: I do not want to upset your trend of thought, just a follow up question. Is there anything now that prevents anyone from asking the commission why that delay is there?

Hon. T. Sudama: We may ask, but we are not sure to get an explanation. They are independent. They cherish their independence. So the executive cannot go and ask them: look here why did you not do so and so and why not? They will say: "No we are not responsible to you, we are under the Constitution an independent body" Do you understand?

Dr. Rowley: But that is nonsense.

12.20 p.m.

I mean, one of the fears is political intrusion in politicizing the public service. I am not condoning that, but the political intrusion in the public service started under the authority of Dr. Williams when a number of Permanent Secretaries—Doddridge Alleyne and Eugenio Moore and all the others—were summarily sent home. So, what are you talking about intrusion? We are not going that route. All we are asking for is a parliamentary committee. That is your experience. That is the way you did things. We are asking for parliamentary committees in order to monitor, supervise and get explanations as to why things have been done and have not been done. That is all we are asking for.

Mr. Valley: Mr. Speaker, I just wanted to ask the hon. Member whether it was not correct that in a situation such as that, the Permanent Secretary in the Ministry would talk with the Director of Personnel Administration with respect to an explanation of such an occurrence. Is that not correct?

Hon. T. Sudama: Mr. Speaker, that is correct. In this instant case, the Permanent Secretary made representations to the Director of Personnel Administration, had been making representations since 1966 to the Director of Personnel Administration to advertise the positions to have them filled, but there was no response. What could the Permanent Secretary do if there was no response?

Mr. Maharaj: Write letters; write letters.

Hon. T. Sudama: All the Permanent Secretary can do is make a request to the Commission. But, Mr. Speaker, we have a problem with the way the service

Constitution (Amdt.) (No. 3) Bill
[HON. T. SUDAMA]

Friday, March 12, 1999

commissions work with the management of the public sector in the human resource management.

They acknowledge there is a problem. The Member for San Fernando East wanted to do away with the Police Service Commission and put a board of management. He wanted to do that. Now, they are coming here to oppose what we are proposing here. [*Crosstalk*] I cannot understand the thinking. They know there is a problem.

We are proposing, maybe not the final solution, but something which will take us there, which will air the matter and bring it under public scrutiny. That is what we are proposing. We are proposing something. What are you proposing? [*Crosstalk*] Are you proposing anything at all to deal with the issue of the problems we confront in the public service? They have no ideas; nothing; barren of thinking and yet all they come here to do is oppose.

They did ask a question about the relationship and so forth, whether we can talk to people and we made an attempt. The Minister of Public Administration made an attempt [*Crosstalk*] because we are having all these difficulties with respect to the appointment of teachers, a number of problems in the Teaching Service Commission and so forth. We thought we would speak on an informal basis. When the request went, I want to put on record, the response of the Chairman of the Teaching Service Commission.

He responded by letter dated February 24, 1999 to the Minister of Public Administration as follows:

Dear Minister,

The Teaching Service Commission wishes to postpone indefinitely, the meeting carded for 5th March, 1999 with the Minister of Education, the Honourable Adesh Nanan and yourself.

The Commission is of the view that it is inappropriate to meet with the Honourable Ministers in light of the publicized concerns regarding the perception of political interference with respect to the functions of the Service Commission.”

So, there is a wall put up there. We cannot go beyond that. There is secrecy behind that as to how the teaching service operates and functions in its appointment, discipline and transfer of teachers. We cannot go behind that wall, the constitutional wall that has been set up. This is what we have to face. This is the reality that all governments have had to face. While they were there, they

wanted to eliminate commissions; when they are on the other side, they refuse to face the reality.

This is one of the critical questions we face with respect to governance in this country, the delivery of public services efficiently and effectively, which is so dependent on proper human resource management in the public service. [*Crosstalk*] How are you going to get around to that? How are you going to deal with that burning question today in 1999?

Mr. Speaker, I understand the concern which had been raised in 1962. The concern then was much fear as we were entering into a new era of politics, into independence; there was a fear as to how the government of the day would manage its powers and deal with the Opposition.

Remember, in 1961, there was a state of emergency declared in certain parts of Trinidad and Tobago by the then government under Dr. Eric Williams. [*Crosstalk*] There were fears of how the government would treat with minorities; there were fears for the public service; there were all sorts of fears and it was felt that in order to meet those fears that certain checks and balances would be put in the Constitution.

Dr. Rowley: The fears that you would not deliver.

Mr. Speaker: Order please! Order please!

Hon. T. Sudama: This is 1999. The Member for San Fernando East said the population has matured. We do not need any colonial anachronisms anymore.

Mrs. Robinson-Regis: But the Government is now the worst thing that has hit Trinidad and Tobago.

Hon. T. Sudama: That is what his statement constituted society has matured and if it has matured and times have changed, [*Crosstalk*] surely we have to look at this whole question as to what extent the insulation of the service commissions could be tolerated.

Mr. Speaker: May I appeal to the Member for Tunapuna, particularly as he is sitting so closely to the reporter. He will have his opportunity to talk. Please do not continue talking while the Member is on his feet, particularly right there. Thank you.

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

I want to say in conclusion that the country understands the crying need for reform; reform of the public service commissions, the way they operate, the

question of accountability and so forth. There is absolutely no doubt in our minds as to the understanding of the majority and the support for this measure. We fully understand, as well, that there is nothing more difficult than to initiate a new order of things. This is what we are proposing. But this Government would not be true to its mandate because it has a mandate of reform which I read out here in the Parliament.

Mr. Hart: You have no mandate.

Hon. T. Sudama: It will not be true to its mandate, having satisfied ourselves that what we are doing is in the interest of the large majority of the people of this country, we are determined to do our duty without fear or favour, affection or ill-will. That is our determination.

Dr. Rowley: Like the airport contract!

Hon. T. Sudama: We are confident of the rightness of our purpose and our cause and we will not be deterred.

Thank you very much, Mr. Speaker.

PROCEDURAL MOTION

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that further debate on this Bill be adjourned to a later stage of the proceedings.

Mr. Speaker: The question is that further debate on this matter be adjourned to a later stage of the proceedings.

Mr. Valley: No.

Mr. Speaker: It has not been put yet, Member for Diego Martin Central.

Mr. Valley: Sincere apologies.

Question put.

The House divided: Ayes 19 Noes 13

AYES

Maharaj, Hon. R. L.

Panday, Hon. B.

Persad-Bissessar, Hon. K.

Procedural Motion

Friday, March 12, 1999

Lasse, Dr. The Hon. V.
Griffith, Dr. The Hon. R.
Humphrey, Hon. J.
Sudama, Hon. T.
Maraj, Hon. R.
Khan, Dr. F.
Assam, Hon. M.
Job, Dr. The Hon. M.
Singh, Hon. G.
Nanan, Dr. The Hon. A.
Partap, Hon. H.
Rafeeq, Dr. The Hon. H.
Singh, Hon. D.
Ramsaran, Hon. M.
Sharma, C.
Ali, R.
NOES
Valley, K.
Rowley, Dr. K.
Draper, G.
Imbert, C.
Robinson-Regis, Mrs. C.
Hart, E.
James, Mrs. E.
Bereaux, H.
Joseph, M.
Sinanan, B.

Procedural Motion

Friday, March 12, 1999

Hinds, F.

Williams, E.

Nicholson, Miss P.

Question agreed to.

Mr. Speaker: The sitting of the House is suspended for lunch until 2.00 o'clock this afternoon.

12.32 p.m.: *Sitting suspended.*

2.00 p. m.: *Sitting resumed.*

**VALIDATION OF THE THIRD REPORT OF THE ELECTIONS AND BOUNDARIES
COMMISSION (LOCAL GOVERNMENT) BILL**

Order for second reading read.

The Minister of Local Government (Hon. Dhanraj Singh): Speaker, I beg to move,

That a Bill entitled an Act to validate the Third Report of the Elections and Boundaries Commission under the Municipal Corporations Act 1990, and the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50 for the purpose of holding Local Government Elections be now read a second time.

Mr. Speaker, this Bill seeks to validate the late submission of the Third Report of the Elections and Boundaries Commission, (Local Government) Act, Chap. 25:50 for the purpose of Local Government elections by deeming the said Report to have been submitted to the Minister in accordance with section 4(2)(b) of the Elections and Boundaries Commission (Local Government) Act.

Mr. Speaker, section 4(1) of the Elections and Boundaries Commission (Local Government) Act clearly stipulates that the Elections and Boundaries Commission, hereinafter called the Commission, shall define and review the boundaries of the electoral districts into which an electoral area is or is to be divided and shall submit to the Minister of Local Government reports thereon.

Mr. Valley: Mr. Speaker, could I ask the hon. Minister, I am just looking at the Bill are you giving way?

Hon. D. Singh: I have not really gotten to anything for you to begin comments.

Mr. Valley: It is just that I have a simple point. The Bill says, "An Act to Validate the Third Report of the Elections and Boundaries Commission under the Municipal Corporations Act, 1990." I am asking simply where is that Third Report? I do not have it in my possession. What are we validating? If we are validating the third report could we get a copy of that report so that we can see what—

Hon. D. Singh: Mr. Speaker, if the Member for Diego Martin Central had waited I would have gotten down into the explanation, because we are, at this point, validating the late submission, that is, we are really asking for an extension of the time the report is to be submitted here. Once that extension is granted and the Report validated, then the Report will be submitted. Then when the order for the Local Government election is submitted to this House for debate. So at this point in time, Mr. Speaker, I would like to make my contribution.

Further, Mr. Speaker, it should be noted that section 4(2) of the Elections and Boundaries Commission Act clearly states that reports under section 4(1) of the said Act shall be submitted by the Commission not less than two nor more than three years from the date of the submission of its last report. The Third Report of the Commission was submitted to the Minister on November 2, 1998, that is, more than three years from the date of the submission of the Commission's last report. The Commission has indicated that the late submission of this report was mainly due to the custom which allows the Commission to submit reports of this nature as close as possible to the due date of an election. This custom ensures consideration of updated and relevant topographical data and hence their reflection in the Commission's report.

Mr. Speaker, the term of office of councillors expires on June 24, 1999. Thus, new elections are to be held within three months of this date. Mr. Speaker, this Bill was presented in the Senate and passed without any objections or any alterations. This Bill is really seeking an extension of time because of the late

submission of the Third Report by the Commission. Once the extension is granted and this Bill passed, the Report will then be validated and the next step will be the presentation to the House of an order for Local Government elections to be held.

The Third Report of the Elections and Boundaries Commission will be presented for debate when the order for the holding of Local Government elections is submitted to this House. So the point is made here, and I hope the Member for Diego Martin Central is satisfied with the points made here. A similar situation regarding the extension of time occurred with the Sixth Report of the Elections

EBC (Local Government) Bill
[HON. D. SINGH]

Friday, March 12, 1999

and Boundaries Commission (Tobago) Act. This was presented for validation in 1996. On that occasion a Bill for the validation of the Sixth Report of the Elections and Boundaries Commission, which was submitted out of time, was debated and passed. So there is precedent for that, Mr. Speaker.

In view of the foregoing, through you, Mr. Speaker, I ask Members of this House to support the Bill entitled, 'An Act to validate the Third Report of the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50' for the purpose of Local Government elections.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, it is as though with a new Government you really have new rules. This is not the first occasion when a government is coming to the House to validate the late submission of a report. It occurred in 1992, Mr. Speaker, where the PNM government brought a Bill, the Validation of the Fifth Report of the Elections and Boundaries Commission (Tobago) Bill, 1992. On that occasion the report that was being asked to be validated was presented to the House before we brought the Bill.

Mr. Speaker, again we had a situation, the Sixth Report in early 1996 and again once more that related to the Tobago House of Assembly. Again once more the report was here. For the life of me I do not understand how the Government can expect us to validate something that we have not seen. I mean, to me it is an impossibility but I do not understand how the Minister of Local Government can expect to come to this Parliament and ask the Opposition to buy cat in bag, especially from that Minister. So I do not know we cannot take part in this debate, Mr. Speaker. I so submit.

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, this has clearly shown that the hon. Member for Diego Martin Central, who has been a Minister responsible for local government, does not understand what this involves. As a matter of fact, it clearly shows also—[*Interruption*]

Mr. Speaker. Please, order please?

Hon. R. L. Maharaj: Mr. Speaker, that Members of that Opposition do not read before they come to this Parliament. It merely shows that they can get up in this Parliament and say anything they want to say and expect the media and the public to consume it. They get up in this Parliament to try to obstruct. Mr.

Speaker, let me illustrate how wrong the hon. Member for Diego Martin Central is. If he read this Bill he would see what the Bill says but he has not read it. He has not read it. Mr. Speaker [~~Interruption~~] but if he read it he did not understand it, Mr. Speaker. [*Interruption*]

Mr. Speaker. Please, please, please, please. No. This debate is going to be carried on in a manner that befits this Parliament. A Bill has been presented, the Member for Diego Martin Central has got up and said what he wants to say on it, and it is quite wrong, having indicated that that side would say nothing on it, for the Member for San Fernando East, for the Member for St. Ann's East, for the Member for Diego Martin Central to be shouting down the Attorney General when he is making a contribution on it. It is not right. And I ask hon. Members please to observe the rules of debate. Everybody will have an opportunity to speak. Notwithstanding what the Member for Diego Martin Central has said, every Member who wants to speak will be able to speak. And I will not have Members shouting down another Member who wants to speak and who is to be heard by everybody in this House. Please. Please continue.

Hon. R. L. Maharaj: Thank you very much, Mr. Speaker. I am very much obliged to you, Mr. Speaker. Mr. Speaker, the hon. Member for Pointe-a-Pierre and the hon. Minister for Local Government explained in a very clear manner what this Bill is about. And he quoted from the Act, and for the purposes of the record, in order to demonstrate that the hon. Member for Diego Martin Central has failed to appreciate what the contents of this Bill are and what they mean, Mr. Speaker, I am reading from section 4 of the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50 and I am reading from section 4.

Mr. Speaker, section 4 states:

- (1) The Commission shall define and review the boundaries of the electoral districts into which an electoral area is, or are to be, divided and shall submit to the Minister reports either—
- (a) showing the constituencies into which it recommends that an electoral area should be divided in order to give effect to the Rules set out in the Second Schedule; or,

EBC (Local Government) Bill
[HON. D. SINGH]

Friday, March 12, 1999

- (b) stating that, in the opinion of the Commission, no alteration is required to the existing number or Boundaries of electoral districts in order to give effect to the said Rules.”

Subsection (2), Mr. Speaker:

- (2) Reports under subsection (1) shall be submitted by the Commission, in the case of the first report, after the commencement of this Act, not later than six months after the date of the commencement and
- (b) in the case of any subsequent report, not less than two nor more than three years from the date of the submission of its last report.”

So, Mr. Speaker, subsection 2(b) is relevant. It states:

In the case of any subsequent report, not less than two nor more than three years from the date of the submission of its last report.”

The hon. Minister of Local Government and the hon. Member for Pointe-a-Pierre stated that that report was late and more than three years have elapsed. As a matter of fact, Mr. Speaker, the presentation of the Third Report of the Elections and Boundaries Commission falls outside the prescribed period mentioned in section 4(2) (b) which I just read. The Third Report was submitted by the Commission on November 2, 1998 and the previous report, the Second Report, was dated August 15, 1994. Mr. Speaker, one does not have to be a Member of Parliament to check and to see that that is more than three years. And if the hon. Member for Diego Martin Central would like time to check that, he will note that that exceeds three years and therefore if it exceeds three years then under section 4(2) (b) it is outside the period.

2.15 p.m.

Mr. Manning: Mr. Speaker, I thank the hon. Attorney General for giving way. I wonder if he would not agree with me that the short title of this Bill gives an impression that may not be correct; "An Act to Validate the Third Report of the Elections and Boundaries Commission." It gives an impression that may not be correct and, therefore, gives rise to tremendous suspicion in circumstances where there are antecedents. I wonder if the hon. Attorney General would consider amending the short title of the Bill to more adequately reflect what is before this honourable House.

Hon. R. L. Maharaj: Mr. Speaker, from the situation which has arisen in the past, it has been recognized that if the time has passed for the report to be

submitted, if the time is extended you would, in effect, be validating the report. Because under the Act—the hon. Member for San Fernando East gave me an opportunity, I would be able to show him there is no provision for the report to be laid. In the next section—

Mr. Manning: I thank the hon. Minister for giving way. If the Minister is taking that road, insisting that what we are doing is validating the report, then we must have a report to validate. If in the past that was the approach taken, it could only have been taken if the report was before Members of this honourable House. He cannot expect Members of Parliament who are elected to look after the national interest, to agree to something like that without seeing what the report contains. We do not know what we are agreeing to. We could only go this route if the report is before us. If not, then some other course of action has to be pursued.

Hon. R. L. Maharaj: If the hon. Member for San Fernando East would wait, he would see that the Parliament would have an opportunity to have the report and be able to debate the contents of the report, but that is not at this stage.

Mr. Manning: But you are missing the point.

Hon. R. L. Maharaj: As I was saying, it offends because of the late submission of the report by the Election and Boundaries Commission. It falls foul of section 4(2)(b) of this Act. [*Interruption*] But you did not want to talk. Section 4(3), the next section, this is what it says:

- "(3) As soon as may be after the Commission has submitted a report under section (1)(a), the Minister shall lay before the House of Representatives for its approval the draft of an Order by the President for giving effect, whether with or without modification, to the recommendations contained in the report, and that draft may make provision for any matters which appear to the Minister to be incidental to or consequential upon the other provisions of the draft.
- (4) Where any draft made under this section gives effect to any such recommendations with modifications, the Minister shall lay the draft before the House of Representatives together with a statement of the reasons for the modifications.
- (5) If the motion for the approval of any draft made under this section is rejected by the House of Representatives, or is withdrawn by leave of

EBC (Local Government) Bill
[HON. R. L. MAHARAJ]

Friday, March 12, 1999

that House, the Minister shall amend the draft and lay the amended draft before the House of the Representatives.

- (6) If any draft made under this section is approved by resolution of the House of Representatives, the Minister shall submit it to the President who shall make the Order in terms of the draft; and the Order shall come into force on such day as may be specified therein and, until revoked by a further Order made by the President in accordance with this section, shall have the force of law.
- (7) The question of the validity of any Order made by the President purporting to be made under this section and reciting that a draft thereof has been approved by resolution of the House of Representatives shall not be enquired into in any court."

Mr. Speaker, if I may explain what that says: where there is a period of time which has not been complied with, as in section 4(2)(b), the House is approached as it has been approached in 1992 and 1996. I want to make it clear, if the hon. Member for San Fernando East does not know, that is not correct. When the House is approached for this part of the process, the report is not presented. *[Interruption]* I have checked also with the Clerk of the House and have gotten the procedure, and at this stage the report is not presented.

As a matter of fact, when Act No. 21 of 1992 was passed, it was an Act to Validate the Fifth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts of the electoral area of Tobago. No report was presented at that time. The report is given to Members when the draft order is prepared. It is amazing how people have been Ministers of Local Government and they do not know. The draft order which would have to be laid in the House contains the contents of the report. This is the draft order for this report. After this process is finished this order will be laid in the House and then this would be debated, because they would have the report and the order. That is the procedure, that is what they have been doing and that is what the Parliament has been doing. But they are not prepared. They came here today not having done any research.

As a matter of fact, the parliamentary record could be checked for Act No. 21 of 1992. When that Act was passed there was no report before the House or the Senate, but when the order was debated the report was made available. There is no provision for the report even to be laid, and the reason for that is, the order contains the contents of the report.

Mr. Manning: Mr. Speaker, I thank the hon. Attorney General for giving way and for the very compassionate contribution he just made. In the light of all that, would he be prepared to change the short title of the Bill to more accurately reflect what is before the House today? It is unreasonable to expect Members of Parliament to validate a report which they have not seen, and that is what he is asking us to do anyway. Let him say something else, tell us exactly ~~in~~ fact, could he not consider saying: an Act to Extend the Time During Which" so an so should be submitted? That is more accurate. We are very suspicious of any proposal which asks us to validate a report that we have not seen. That we cannot do!

Hon. R. L. Maharaj: Mr. Speaker, he does not understand the legal significance of validating.

Mr. Manning: I am no lawyer!

Hon. R. L. Maharaj: Where the Act says that the report had to be submitted within a particular time, the report was not submitted, and the time is being extended, the report is being validated as from the time it left the commission to the Minister. When the report left the commission to the Minister it was not valid because it lapsed, therefore, if the time is extended it means that the report is valid, so the contents of the report could be put in the order, for the House to have the order. That is what it means. [*Desk thumping*] That is why the previous year they looked at it very superficially.

According to the Act, the commission has to submit the report within a certain time. That report was not submitted by the Elections and Boundaries Commission until November 2, 1998, thus, it was outside the period, so juridically there was no report. When the time is extended it validates the report, and the report is validated for the purpose of its contents appearing in the order to be laid in the Parliament. That is the legal significance of it. They did the same thing. [*Interruption*]

Hon. Members: Does that make it right?

Hon. R. L. Maharaj: No lawyer got up there and showed any authority whether this would be agreeing to the contents of the report. [*Crosstalk*]

Mr. Speaker: May I one more time appeal to Members of the Opposition to refrain from carrying on that dialogue while the matter is being debated, and a Member is on his legs. I ask you please. I promise that nobody would be denied the opportunity to talk.

Hon. R. L. Maharaj: I am much obliged, Mr. Speaker. Since they do not seem to understand I would try to explain, because in the final analysis I am

convinced that some members of the media would understand and they would write the truth. [*Crosstalk*]

Under section 4(2)(b) it states:

"(2) Reports under subsection (1) shall be submitted by the Commission—

(b) in the case of any subsequent report, not less than two nor more than three years from the date of the submission of its last report."

The commission did not submit its report within the time-frame specified in 4(2)(b). When that report was submitted the next step was that the order to be laid before the House would contain the contents of the report and that was debated. You cannot have an order prepared for the House if the report itself is invalid, that is to say, if the report did not leave the Commission to the Minister within the given period of time.

When in law, in these matters, it says to validate the report, that is what it means. It does not mean that the contents of the report are accepted because the House could still discuss the report. [*Crosstalk*] That is what it is. So, in effect, it may be that they could understand how you could put an order into the House if the validation of the report does not occur, when it leaves the Commission to the Minister of Local Government. It has to be valid and it would have been valid when it left within the time-frame, it is not valid when it does not leave there.

As a matter of fact, when we debate the order, we are not debating the validity of the report, but we are debating whether we agree with the contents of the report. This is not a court of law to determine whether the report is valid or not. When the Members of Parliament debate, it is the contents of the report they are debating. We are not passing judgment on the validity of the contents of the report.

To say, "We do not want to participate in this debate because we do not have a copy of the report," is, in effect, saying that we have not prepared for this debate, we want to use an excuse, we know that this would be sensational and the media would print it all over the banner. [*Crosstalk*] Mr. Speaker, this is gallerying to the media. This is an Opposition which has reached the stage that they have failed their party and country, and their only hope is to gallery to certain sections of the media. We now have an Opposition which is resorting, not to serious debate, but to just gallerying.

But I think I owe a duty to this Parliament to put on record what has happened in this matter so that we will have it for the future children of the nation to read. I want to read from the 1992 Act. We can compare the present Bill with the

December 4, 1992 Act. As I read before it is the same wording, "validate the report of the Elections and Boundaries Commission". It states:

"Whereas it is provided by subsection (1) of section 4 of the Election and Boundaries Commission (Local Government) Act that the Elections and Boundaries Commission (hereinafter referred to as 'the Commission') shall define and review the boundaries of the electoral districts into which an electoral area is, or is to be, divided and shall submit to the Minister reports thereon:"

That is the first paragraph of that preamble.

2.30 p.m.

The 1992 Act:

“WHEREAS it is provided by subsection (1) of section 4 of the Elections and Boundaries (Local Government) Act that Elections and Boundaries Commission (hereinafter referred to as the Commission) shall define and review the boundaries of the electoral districts into which an electoral area is, or is to be, divided and shall submit to the Minister reports thereon:”

That is the first paragraph of that preamble.

Let me read the present Bill now.

“WHEREAS it is provided by subsection (1) of section (4) of the Elections and Boundaries Commission (Local Government) Act, that the Elections and Boundaries Commission (hereinafter referred to as the Commission) shall define and review the boundaries of the electoral districts into which an electoral area is, or is to be divided and shall submit to the Minister reports thereon:”

Identical Act.

Mr. Speaker, the parliamentary records would not show that any report was laid when this was passed. And the Minister was the Member for Diego Martin Central.

Mr. Speaker, the second section:

“And whereas it is provided by subsection (2) of the said section 4 that reports under subsection (1) shall be submitted by the commission inter alia not less than two, no more than three years from the date of the submission of its last report:”

EBC (Local Government) Bill
[HON. R. L. MAHARAJ]

Friday, March 12, 1999

Now, that is the Bill that is before us.

‘And whereas it is provided by subsection 2 of the said subsection 4 that reports under subsection (1) shall be submitted by the Commission, *inter alia*, not less than two nor more than three years from the date of the submission of its last report:’

Mr. Speaker, the fact of the matter is, that quite apart from the information which I got from the Parliament that the report was not before the House when this was debated, it shows, that it is totally irrelevant for the report to be here for this to be done.

‘And whereas the Third Report of the Commission under the Municipal Corporations Act, 1990 and the Elections and Boundaries Commission (Local Government) Act, Chap 25:50 for the purpose of local government elections was submitted to the Minister on the 2nd day of November, 1998, that is to say, more than three years from the date of the submission of the Commission’s

This is the Bill. The third paragraph, and let us see what the third paragraph says:

‘And whereas the Fifth Report of the Commission on the boundaries of electoral districts in the electoral area of Tobago was submitted to the Minister on the 5th day of August, 1992, that is to say, more than three years from the date of the submission of the Commission’s last report:’

So, it is identical apart from the dates and the name of the report.

I am reading now from the Bill before us.

‘And whereas it is expedient that the submission out of time of the said Third Report of the Commission be validated for the purposes of the forthcoming local government elections:’

1992 Act:

‘And whereas it is expedient that the submission out of time of the Fifth Report of the Commission be validated for the purposes of the forthcoming election to the Tobago House of Assembly:’

Same preamble. Let us see what next.

Enactment—I am reading from the Bill, enacted by the Parliament of Trinidad and Tobago as follows:

1992 Act: Enacted by the Parliament of Trinidad and Tobago as follows:’

Mr. Speaker, clause 1 of the Bill:

This Act may be cited as the Validation of the Third Report of the Elections and Boundaries Commission (Local Government) Act, 1999.”

1992 Act:

This Act may be cited as the Validation of the Fifth Report of the Elections and Boundaries Commission (Tobago) Act 1992.”

Identical, except the name.

Mr. Speaker, Clause 2 of the Bill.

The Third Report of the Elections and Boundaries Commission under the Municipal Corporations Act, 1990 and the Elections and Boundaries Commission (Local Government) Act, Chap 25:50 for the purpose of Local Government Elections is deemed to have been submitted to the Minister in accordance with section 4(2)(b) of the Elections and Boundaries Commission (Local Government) Act.”

Let us see, what section 2 says:

The Fifth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago deemed to have been submitted to the Minister in accordance with subsection 4(2)(b) of Elections and Boundaries Commission (Local Government) Act:”

Same thing, passed in the House.

Mr. Speaker, here it is; 1992 Act, Bill, same thing, with the exception of the names of the report and the date.

Mr. Speaker, that is not all. In 1996 under this administration when we came with a similar bill, no report before the House in 1996, no report and they supported it you know, they supported it. Let us read that one.

Mr. Speaker, I have Act No. 31 of 1996 in my left hand, and I have the Bill in my right hand, Mr. Speaker.

Mr. Valley: Mr. Speaker, I wonder whether the hon. Minister would just inform us the date on which Act No. 31 of 1996 was passed in the House of Representatives.

EBC (Local Government) Bill
[HON. R. L. MAHARAJ]

Friday, March 12, 1999

Hon. R. L. Maharaj: It was passed in the House on the 11th October, 1996; and passed in the Senate on the 14th October, 1996.

Mr. Valley: Thank you.

Hon. R. L. Maharaj: Mr. Speaker, on the left I have the 1996 Act, and on my right I have the Bill. And Mr. Speaker, anyone can examine it and one can see it is the same provision. As a matter of fact, I have now been informed that in 1992, the report was laid in Parliament in August of 1992, long before the debate took place.

Mr. Speaker, I am now informed of that.

Mr. Valley: What are you saying? That the report was laid—

Mr. Speaker: What is this?

Mr. Valley: I thought he had given way.

Mr. Speaker: No, no. He is still standing, surely.

Mr. Valley: I am sorry, Mr. Speaker. Are you giving way?

Hon. R. L. Maharaj: Yes.

Mr. Valley: Thank you very much. Mr. Speaker, I am just asking the hon. Attorney General whether he would now agree that when we came with the Validation Bill, that in fact the report was already laid in the House in August, and the Validation Bill in December the Member said.

Hon. R. L. Maharaj: Mr. Speaker, I was obviously misinformed [*Desk thumping*]

Mr. Speaker: Hon. Members, the Member for Diego Martin West, the Member for Diego Martin East, the Member for St. Ann's East, I appeal to you; that is not the way to do it.

Two of you with the exception of the Member for St. Ann's are very experienced Members of this House, and it is all well and good to make a point; but that is not right.

Hon. R. L. Maharaj: Mr. Speaker, I was misinformed that the report in 1992 was not before the House. The fact of the matter is, we are saying on two bases firstly, what is before the House is not for the contents of the report to be approved. What is before the House is for the validation of the Report from the time it left the Commission.

Therefore, Mr. Speaker, the point that I was making that it is not necessary for the report to be here, is not altered.

Mr. Speaker, this Government is not a Government which if it gets wrong information would perpetuate the wrong information. This Government is a Government if it is informed of a particular matter and the matter turns out to be wrong would be able to say it is wrong: and Mr. Speaker, the information is wrong.

Mr. Speaker, that does not alter what is before this House. What is before this House, is a Bill to validate the report from the time it left the Commission to now.

2.40 p.m.: *Sitting suspended.*

3.25 p.m.: *Sitting resumed.*

Mr. K. Valley: Mr. Speaker, we are all aware that the House has been suspended for some time, and whatever part we played in that, we want to apologize most sincerely. [*Desk thumping*]

Hon. R. L. Maharaj): Mr. Speaker, I am much obliged.

Mr. Speaker, just before the House was suspended I had mentioned that the factual information which was supplied to me was the report in 1992. During the adjournment I understand that in 1996 both reports were before the Parliament sometime before the Bill was debated.

Mr. Speaker, in the highest tradition of the Parliament, I think it is my duty that if information which I got has turned out to be wrong, to indicate to the Parliament that that information was wrong, at the first opportunity. I hope that I would not be misinformed again. I feel very confident that the officials of the Parliament when that information was given to me, obviously, I was not aware that the actual records were not checked. I have since spoken with her. The records have been checked and I think that the individual did not deliberately mislead me. I would want to ensure that that position is understood.

Having said that, however, I want to make it quite clear that that does not alter the price as to what this Bill is about. One can easily look at the Bill—was about to look at the Bill and analyze it. I analyzed what was passed in 1992 and 1996 and what is before this House.

Mr. Manning: Mr. Speaker, I thank the hon. Attorney General for giving way.

EBC (Local Government) Bill
[HON. R. L. MAHARAJ]

Friday, March 12, 1999

In light of what we have now discovered, I wonder if the hon. Attorney General will agree that the only proper way we can now proceed on a matter of this nature is if the report is before us.

Mr. R. L. Maharaj: Mr. Speaker, I do not agree because the Bill as I was going to show has nothing to do with the contents of the report. As a matter of fact, I would show, from the debates in 1992 and 1996, that the contents of the report were not even referred to. So, I want to be able to show that the availability of the report, or the non-availability of the report, must not be used as the reason for postponing the debate. What is before the House is to validate the submission of the report, and what was before the House in 1992 and 1996 was virtually this same thing, and the contents of the report were not even referred to either by Government or Opposition. [*Interruption*]

Mr. Speaker: Quite clearly, whoever has that telephone which is ringing in the chamber should not have it ringing.

I would ask all members, any strangers and anybody who comes into the House please, the last thing you do before entering the doors is to check that it is off or leave it outside functionally, so that one could perhaps be called if it is absolutely necessary. It is not right.

Mr. Maraj: Mr. Speaker, I apologize.

Mr. R. L. Maharaj: Mr. Speaker, as you would know but I think I would want to put it on the record when one looks at a Bill, when it becomes an Act after it is passed, the Bill would have the title and the Act will have a preamble, and the Act would have the contents of the Act. What is operative and what is the law is the contents of the Act. The title to the Act or the preamble is really not what is operative.

What much complaint is made of is that in order to pass this Bill or in order to debate it properly, the House must have the report of the Elections and Boundaries Commission. I want to demonstrate that the report of the Elections and Boundaries Commission is not relevant, it does not form part of a debate validating what is before us.

When we look at the contents, the operative part of the Bill, and what will be regarded as the law when it is passed there are two clauses, because that is what is operative. If for some reason Parliament makes an error in the preamble or in the title, that does not affect the law. What is operative is the law. I am not saying

there is any error, I am just trying to highlight what is important. Therefore, parliamentarians and law-makers would have to understand that when they come here to debate, what is important is what is in the operative parts.

If it is that the Opposition had got up and said, "Well, you know, I would like the title to be amended and so forth," we could have done that in the committee. What is important here is whether the contents of the Bill require the contents of the report. Let us look very closely at what the contents of this Bill say:

This Act may be cited as a validation of the third report of the Elections and Boundaries Commission (Local Government) Act, 1999."

That is the short title; that is the title of the Act. What is being validated? What are the operative parts of this Act which is being validated?

"The Third Report of the Elections and Boundaries Commission under the Municipal Corporations Act, 1990 and the Election and Boundaries Commission (Local Government) Act, Chapter 25:50 for the purpose of Local Government Elections by deeming the said Report to have been submitted to the Minister in accordance with section 4(2)(b) of the Elections and Boundaries Commission (Local Government) Act."

So what is being legislated here today is that the Commission's report to the Minister is deemed to have been submitted to the Minister within the time stated in the Act. So, it is to validate the submission of the report, the time, in respect of which the report was supposed to be validated.

In order to decide that, one does not need the contents of the Elections and Boundaries Commission Report as to their recommendations, in order to determine whether the Parliament would pass legislation to validate the period, in order for the period to be regarded as having been complied in law.

Mr. Speaker, you would recall that I had mentioned the 1992 Act. The 1992 Bill was introduced in the House of Representatives by the then Attorney General under the last administration. On November 6, 1992, when he introduced the Bill, his contribution consisted of three paragraphs. I would like us to understand what happened today in respect of this matter.

3.35 p.m.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Madam Speaker, I beg to move,

EBC (Local Government) Bill
[HON. R. L. MAHARAJ]

Friday, March 12, 1999

That a Bill to validate the Fifth Report of the Elections and Boundaries Commissions on the boundaries of the electoral districts in the electoral area of Tobago, be now read a second time.

The Bill has gained even more significance having regard to the statement made by the Member for San Fernando East earlier in today's proceedings. It seeks to validate the Fifth Report of the Elections and Boundaries Commission which was submitted to the Minister on August 5, 1992. The report prior to that report was submitted on August 5, 1988, a period of four years having elapsed."

So, the then Attorney General, was asking to validate a Bill to validate the report, because the time period for submitting the report was four years and the required time was three years.

"According to the provisions of the Elections and Boundaries Commission Local Government Act, specifically section 4, the Commission is required to submit its report not later than three years after the previous report. This report was submitted four years after the earlier report, and it is necessary to pass this Bill in order to validate the Fifth Report of the Commission so that we can proceed with dealing with the electoral matters which have to be dealt with in Tobago."

So, you have a similar Bill, in which the Act was to validate the report, and the then Attorney General mentioning because the time had past.

Mr. Speaker, when one looks at this debate, one sees that there was a contribution from the then Member for Tobago East, Mr. A.N.R. Robinson, and he talked about the consultation which the then Prime Minister should have had with him, instead of with the Tobago House of Assembly. That was the gist of his contribution, no referral to the contents of the report. That report, as I corrected today, was laid in the Parliament two months before the debate in 1992. In the debate for the validation, there were no discussions on the contents of the report.

The then Minister of Agriculture, Land and Marine Resources, now the Member for Diego Martin West, got up to respond to the matters which Mr. Robinson had raised with respect to consultation. He mentioned that the Tobago House of Assembly should be consulted by any Prime Minister, and his contribution dealt with that. Nobody referred to the contents of this report from the Elections and Boundaries Commission. That was the end of the debate. A very

short debate. The question was put and the debate just lasted a few minutes and a few pages.

Mr. Speaker, this 1992 debate, therefore, recognized that the contents of the report were not relevant in relation to Parliament agreeing to deem the time which had expired, for the submission of the report, to have complied with the Act.

In 1996, the Act that I was holding in one hand, Act No 31 of 1996, what happened to that matter? That debate started, and with respect to that 1996 *[Interruption]*.

Mr. Valley: Mr. Speaker, could I ask the hon. Attorney General whether he has the information now, as to whether the Sixth Report was laid when we got to the debate on the validation?

Hon. R. Maharaj: Mr. Speaker, I do not think that the hon. Member for Diego Martin Central was listening to my contribution. I mentioned very early, that during the adjournment I got that information, and I mentioned it just now.

Mr. Speaker, on October 11, 1996, the present Minister of Local Government moved a Bill to validate the Sixth Report of the Elections and Boundaries Commission. He made his contribution and then nothing about the contents of the report, as to which boundary should go where, and which boundary should not go where. Because the recommendations of the Elections and Boundaries Commission should contain those kinds of matters, as to whether there should or should not be a shift.

Mr. Speaker, then the Member for Diego Martin Central made his contribution, and again, the contribution was very short. I want to read his contribution:

Mr. Speaker, I would have thought that in the Minister's presentation, we would have heard at least one commitment. That is, that steps would be taken to make a suitable amendment to the parent legislation to avoid the recurrence of this difficulty. I think it is highly untidy to have an institution such as the Elections and Boundaries Commission come to the Parliament for the validation of their actions. Given the nature of that institution, if there is a difficulty that appears to be a permanent one, the Government has an obligation to make the amendment that is required to avoid a recurrence of the problem.

The situation occurred in 1992 for special reasons. One did not expect a recurrence. At no time in 1992 was the case made by the Elections and

EBC (Local Government) Bill
[HON. R. L. MAHARAJ]

Friday, March 12, 1999

Boundaries Commission that the term of office for the Tobago House of Assembly was four years rather than three years, and because they wanted to have the change in boundaries as close as possible to an election, that was why the report was late. It was late in 1992. Members would remember that the municipal elections of 1991, were postponed and there were other difficulties. I am making the simple point that if, in fact, the case made by the Elections and Boundaries Commission is with merit and I have no reason to believe that it is not let us take steps to have the legislation suitably amended so that we would have the Elections and Boundaries Commission, which is perhaps the most important institution with respect to our democracy, acting in accordance with the legislation. That is my only submission. We, of course, would approve the validation of this action.

I thank you.”

Again, Mr. Speaker, he made no reference to the contents. When one looks at the Act, and when one looks at the operation, what is before this Parliament is the validation of the submission of the report. In order to have the validation of the submission of the report is a matter of the time period and has nothing to do with the contents of the report. As a matter of fact, the law provides for the stage at which Parliament would have an opportunity to debate the issues contained in the report. I will demonstrate that by reading, again, section 4(3):

‘As soon as may be after the Commission has submitted a report under subsection (1)(a), the Minister shall lay before the House of Representatives for its approval the draft of an Order by the President for giving effect, whether with or without modification, to the recommendations contained in the report, and that draft may make provision for any matters which appear to the Minister to be incidental to or consequential upon the other provisions of the draft.’

3.45 p.m.

Mr. Speaker, the process is that the report goes to the Minister from the Elections and Boundaries Commission. If the report is within time, obviously an Order is prepared with the recommendation and the law provides that if there are going to be modifications, there are recommendations for that. That Order is then laid in the House. It consists of the recommendations, and at that time the Parliament would obviously have the report because the Government would not give the report to the Parliament, it would give the report to the Members of Parliament before the Order is debated and the Parliament would have that in order

to debate the Order to give effect to the recommendations contained in the report. So there is no question of the Government hiding the report, or not making it available. There is no provision that makes it mandatory for the report to be laid, but if the Order, which contains the recommendation has to be debated, then obviously it is only natural that you must have the report because it is important to debate the Order.

Mr. Speaker, we are not doing that today because we cannot lay the Order for there is no valid report since it was out of time. What we are doing as a condition precedent for that Order to be debated, we have to first get Parliament's approval to deem the report to have been submitted within the particular time. So at the present time, the Third Report appears not to have any legal effect because it has been submitted out of the prescribed time in the Act and, therefore, this Bill is a Bill in order to validate that time.

If it would give any comfort to the Opposition, at the committee stage I would be prepared to even amend the title to read: *Validation of the submission of the*
[Desk thumping] If that would give any comfort.

Mr. Speaker, I am saying this in an effort to show that what this Bill does in the operative part is not to deal with the contents of the report because the law provides the Government cannot change that, it is the law that after this is done, the Order has to be filed and it would contain the recommendations, and the report would obviously have to be debated because the recommendations in the Order would, in effect, be the report. I do not see what difficulty the Opposition had with it this morning because it must have been known by them that what this is in substance, is to validate the submission of the report, and if it has to be validated, the report itself is being validated for the purposes in order to satisfy the Act. There has to be a valid report for the Order to be made, for the Order to be filed, and for the Order to be debated.

We came here this afternoon with semantics as though this is to approve the contents of the report, but there is no motion to approve the contents of the report. We are not asking the Opposition today to approve the contents of the report. As a matter of fact, that is not before the House. One does not need to be an Einstein to know that what is before this House is a simple process. “..The Third Report of the Elections and Boundaries Commission ... for the purpose of Local Government Election is deemed to have been submitted to the Minister in accordance with the Act.” That is what is before the Parliament.

EBC (Local Government) Bill
[HON. R. L. MAHARAJ]

Friday, March 12, 1999

Mr. Speaker, of what use is it whether a report was laid in Parliament two months before, or after this? Of what use is it in order to determine whether this time should be extended or deemed to have been the appropriate time? What has happened is that the Opposition had nothing to hang on to, they came here totally unprepared and said they are not debating this Bill because they do not have the report.

Mr. Speaker, the school children who were sitting there would understand that even if they have to do a debate like this, they would not need this report in order to determine whether as a Legislature we should say we want to agree to an extension of time. So this process is very important and it is important because the Local Government Elections are statutorily due at a particular time and, therefore, this report has to be considered by the Parliament and that is the urgency of the matter. The urgency of the matter is that, by law, Local Government Elections are due and this process has to be completed.

Mr. Speaker, I would respectfully ask the Opposition that notwithstanding the fact that they were not prepared, and notwithstanding the fact that I may have given them some discomfort when I mentioned from the information that the report was not before the Parliament on the previous occasions, but the fact of the matter is that it has been corrected and the true position is that the report was before the Parliament. The substance of the matter is, as a true Legislature, can you really say that you need to see that report in order to determine whether the time period for which the Elections and Boundaries Commission has to submit that report to the Minister should be deemed to have been complied with in order for the next process to continue, that is, for the Order which would contain the recommendations of the Elections and Boundaries Commission report to be debated in this Parliament?

Thank you.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, we have had a display of monumental incompetence this afternoon, and of course, the Attorney General has been foremost in misleading the Parliament. One of the absurdities we have heard today, was that the Opposition was not prepared, but the only group that was not prepared was the Government. [*Desk thumping*]

Mr. Speaker, imagine the Attorney General had the audacity to state in this House that on previous occasions, acts to validate the Elections and Boundaries Commission's reports and late submissions were brought before the Parliament

when these reports did not exist. When his Government this is the absurdity of the whole thing and the Attorney General must apologize, he must not just say he is sorry that he misled the Parliament, he must apologize because it is the UNC Administration who in 1996 was the Government which laid the Sixth Report of the Elections and Boundaries Commission on September 20, 1996 and then brought the bill to validate it on October 11, 1996. So the precedent is not just in the PNM, it is in the UNC.

What kind of Attorney General would come to this Parliament and try to “gally,” and wine on the Opposition and carry on. *[Interruption]* Yes, wine, wine, local parlance, if I would be permitted, Mr. Speaker. Try to wine on the Opposition and say it did not lay the report in 1992 and he does not even know that his own Government laid the report in September in 1996 and brought a similar piece of legislation in October.

He must apologize! He made a Freudian slip. He said they are not trying to hide anything, but we submit that they are, because in 1992 the Fifth Report was laid on August 28, and the debate to which he had referred, took place on the November 6. So the Validation Act in 1992 took place four months after the report was laid in Parliament and was made available to all political parties, and Members of Parliament for scrutiny and review. *[Desk thumping]* The PNM administration laid the report in August and validated it in November. Four months! And his Government in 1996, laid the Sixth Report in September and brought the Validation Act in October, and he talks about not being prepared. Even in the Fifth Report, the commission is very careful with its words. On page 2 of the Fifth Report of the Elections and Boundaries Commission, paragraph 4 states.

4. However, while this Report is being submitted as close as possible to the due date of the forthcoming election, its presentation today falls outside the deadline prescribed... The Commission therefore recommends that for the purpose of the forthcoming election its receipt out of time be validated...”

Go back to school! The commission is saying that they want us to validate the late submission of the report. I would read it again for you. You talk about not being prepared. Where are your documents? I have all my records. I came here with them. Where are yours? I would read it again.

- The Commission therefore recommends that for the purpose of the forthcoming election its receipt out of time be validated...”

EBC (Local Government) Bill
[MR. IMBERT]

Friday, March 12, 1999

Mr. Speaker, it is very interesting that the Attorney General said that they are not trying to hide the report but the Minister of Local Government has had that report since November 2, 1998.

Hon. Member: Where is it?

Mr. C. Imbert: He had December, January, February, and March so the UNC has had the Elections and Boundaries Commission report on the forthcoming Local Government election for the last four months but we cannot get it and you are bringing a Bill today to validate something that you had for four months which you do not want to share with the other political parties in the country.

4.00 p.m.

And we must agree to that. You see, Mr. Speaker, there is a certain contempt for protocol and established rules and practice in this country—a certain contempt. There is a thread of contempt running through this UNC administration. They have absolutely no regard for rules and standards of behaviour and protocol and tradition. *[Desk thumping]* None! *[Desk thumping]* This hullabaloo about this parliamentary committee matter, when we heard the Member for Pointe-a-Pierre cast aspersions on the Chief Justice—Who is he? Who is he? You know, this is what is going on in this country today. There is a contempt that runs through the UNC administration for the established institutions and standards of behaviour, norms of decency, of proper conduct, Mr. Speaker.

Even the wording of the Elections and Boundaries Commission, Local Government Act, Chap. 25:50, speaks to the House of Representatives, and we are the elected Members. The Members in the other place are not elected, nobody votes for them, and the framers of our constitution recognized that when you are dealing with matters relating to the conduct of elections and matters of electoral boundaries that is a matter for the House of Representatives. *[Desk thumping]*. But in the contemptuous manner, that is so symptomatic of the UNC; they took this Bill, this irregular and improper legislation to the Senate, to the other place, and bamboozled the Members in the other place, mislead them.

When we read the Elections and Boundaries Commission Act, Chap. 25:50 section 4 (3) states:

As soon as may be after the Commission has submitted a report under subsection (1) (a), the Minister shall lay before the House of Representatives for its approval the draft of an Order by the President for giving effect, whether

with or without modification, to the recommendations contained in the report...”

We have to debate it here, you have no business carrying it in the other place, carrying any Act to validate anything or anything to do with elections; it is like a money bill. You have no business carrying a money bill in the other place before you bring it before the elected representatives of the people. [*Desk thumping*]

Mr. Speaker, they are fast and out of place. The people voted for us and it is we who have the mandate to debate matters relating to elections and boundaries and the conduct of general elections.

Mr. Speaker, it is clear to me that this Government is up to no good. Let me educate the Attorney General, using the *Concise Oxford Dictionary*, 9th Edition, page 1548 ‘validate’ means to make valid, to ratify, to confirm, and we have before us a Bill to validate which means to ratify and/ or confirm the third report of the Elections and Boundaries Commission. And this is why all previous administrations, including the UNC, always brought the report before the Parliament and gave the Members of Parliament time to see if there was anything inside of there, that was out of order, that was outrageous or outlandish and then brought the order to validate its late submission. If you go through the records, there has never been an instance, where an Elections and Boundaries Commission report was late, and it was not laid prior to any debate on an act to validate its late submission. The Parliament has always given time to peruse the report, whether it was early or late, so all of the nonsense that we have heard from the Attorney General falls flat.

We need to ask the question and the Government has to answer, what do you have to hide? [*Desk thumping*] I am asking the Government today, prove that you have nothing to hide, suspend this debate and bring the report. [*Desk thumping*] And you see, they are saying no. So you want to validate the report and maybe three weeks before the Local Government Election, you would come like a thief in the night with the report, so that UNC would have had the information in its possession for eight or nine months to do all of their strategy and all of their canvassing and planning and so on, keeping the report secret and come like a thief in the night just before the election and bring the boundaries report, bringing our electoral system into disrepute, and for the first time creating a situation, where there would be the possibility that suspicion could be directed at our electoral system.

EBC (Local Government) Bill
[MR. IMBERT]

Friday, March 12, 1999

Dr. Rowley: Undermining everything.

Mr. C. Imbert: Undermining everything. If the report has been done properly, as I am sure it has. If it has been done in accordance with the rules; if the various electoral districts have been defined in accordance with the formula; if that is so, we want to see it. Bring it here. [*Desk thumping*]. We are not validating any report that we have not seen. [*Desk thumping*]. The Attorney General could jump high, jump low, twist and stand up on his head, the fact of the matter is, it is a contempt for the Parliament and for the voters in this country to try to railroad this legislation through the Parliament, when never before in the history of Trinidad and Tobago has any other administration, NAR or PNM, done something like this. [*Desk thumping*]

Dr. Rowley: Ah smelling it, ah smelling it.

Mr. C. Imbert: Mr. Speaker, I do definitely smell a rat, something is cooking and it is offsomething is cooking.

Hon. Members: Stalin was right.

Mr. C. Imbert: You see, we are also aware that the Commission does not have adequate resources, adequate staff, adequate materials and when you go down to register there are delays. Just recently and I will share this with the Parliament we requested the establishment of a temporary registration centre in a part of my constituency because of the fact that a number of identification cards are expiring in 1999. As a matter of fact, Mr. Speaker, it is a little known fact, that identification cards have an expiry date. They are valid for 10 years, and the new identification cards were issued in the 80s 1985, 1986, 1987, 1988, 1989. I, for example, got my identification card in 1989. As a matter of fact, through misaddressing, I was informed today, by letter, by the Elections and Boundaries Commission that my identification card expires on March 15, 1999, three days from now. I only received communication today, because the letter was not sent to the correct address, that my identification card is expiring in three days.

Mr. Speaker now, there are thousands of people thousands and I dare say, hundreds of thousands of voters who may very well be in the same position, where their identification cards are expiring in 1999 2000, and some of them do not even know.

4.10 p.m.

As far as I am concerned, there has not been an education programme that has been sufficiently widespread so that people are aware of this. People are discovering that their identification cards have expired, they are attempting to get their identification cards renewed, but because the Government is not giving the Elections and Boundaries Commission the funds, the staff and the resources it requires, there are long lines in Salvatory Building and all of the registration centres. As I said, we applied for a temporary registration centre and the Commission had to regretfully inform us and I cast no aspersions upon them that they do not have the capability at this time to do so and that they would establish the centre at some other date. *[Desk thumping]*

So that is what is going on in Trinidad and Tobago today; not this set “ we are hearing from the other side. I am trying to get my voters registered and I am having difficulty in doing so, all because I know that this administration is not going to play it straight in the next election. I am calling on the Government today to provide the Elections and Boundaries Commission with the finance, the staff, the equipment and other resources required to deal with this crisis of expired identification cards in Trinidad and Tobago. It is a serious matter. *[Desk thumping]*

You see, when there is all of this going on, they do not want us to get the report because, in my constituency there may be changes within because the local government legislation is such that once the external boundaries of the Corporation or the municipality are defined, the changes take place within those external boundaries. So, for example, if the boundaries of the Diego Martin Corporation extend from Chaguaramas to the Queen's Park Savannah and Flag Staff Hill and the sea on the other side, the changes that will take place will be within those boundaries.

There are nine districts and one may change the alignment between the various districts, but we do not know what is going on. We do not know if this boundary is going to be here on the next occasion or there. We do not know if this group of people is registered to vote in this district or that district, but the UNC knows. When we then explain that there is a group of people in a part of the constituency who fall into a unique position that their identification cards have expired, they have difficulty and they live quite a distance away from the nearest registration office and some of them are old people and we request that they establish a registration centre, we are told they do not have the capability.

Is the Government deliberately starving the Elections and Boundaries Commission of resources so they could do their *šimi dimi* and gerrymandering to

EBC (Local Government) Bill
[MR. IMBERT]

Friday, March 12, 1999

get an unfair advantage in the next local government elections? *[Desk thumping]* I am beginning to believe there is some validity in all of this. I am wondering what is going on. Why has the Minister kept this report in his possession for four months? Since November 2! What has transpired between November 2 and now? All sorts of foolishness! All kinds of nonsensical legislation on service commissions, wasting the Parliament's time, the Attorney General getting into one big dog fight with persons who are infinitely superior to him in the law. *[Desk thumping]* That is what is going on in this country. But the Minister of Local Government has the report in his possession since November 2, he would not lay it, the UNC is doing their fatchifee'behind the scenes and they do not want to give it to us.

If the UNC was so honest and upright as they pretend to be, then they must demonstrate that to us in this Parliament today by deferring the conclusion of this debate. I say it again. If the UNC is so honest, upright and transparent, as it claims and pretends to be, then bring the report of the Elections and Boundaries Commission, let us see what is contained therein, and then we will go on to these procedural matters, because these are merely procedural matters.

The Attorney General made a big song and dance about the fact that on previous occasions there was no debate on the contents of the report. Mr. Speaker, through you, do you think we are stupid? When was there debate on the Elections and Boundaries Report? I want to know when. It is a convention that there is no debate on the contents of the Elections and Boundaries Commission Report. When the report of the Elections and Boundaries Commission is brought before this Parliament, it is not normal for MPs to get up and start to carry on and say, "Hey, I saw that you moved my boundary from here to there. You just moved out 10 polling divisions. Why did you do that? How come the boundary for Port of Spain has now moved two miles? Why move the Port of Spain East constituency?" That is not the convention in this country.

We on this side believe in the integrity and independence of the Elections and Boundaries Commission. *[Desk thumping]* That is why we do not debate the contents of the report. Neither does the UNC. I do not recall the then Leader of the Opposition, Mr. Panday, the hon. Prime Minister, ever getting up and saying, "You know they just move 10 polling divisions from Couva North to Couva South; them wicked people in the Commission! You better put it back!"

I have never, in my term in this Parliament—I have been here since 1991 and I have heard the hon. Prime Minister, then Leader of the Opposition, and even the Attorney General who was then in Opposition, take part in debates on Elections and Boundaries Commission reports, and not once did they ever carry on about the contents of the report. So again, this is an attempt by the Attorney General to mislead this Parliament. [*Desk thumping*]. It is not customary to adjust the report of the Elections and Boundaries Commission.

Even as I remember, in 1991, they deleted the constituency of Port of Spain East; dear departed Morris Marshall. They took out his constituency and created a new constituency. That is how Caroni Central came to be. But did the PNM get up in this Parliament and say that it was the wicked NAR administration which went and interfered with the elections and boundaries because they knew that Morris Marshall was a popular person in Laventille? We said no such thing. Not a word! Even when an entire PNM constituency was deleted; gone from the East/West Corridor. Even when they took one of our constituencies and sent it down to Central Trinidad, we did not say a word, not a peep, because it is the convention of us on this side to respect the independence of the Elections and Boundaries Commission. [*Desk thumping*]

They are trying to change that now. They do not respect the integrity and the independence of the independent commissions. Again, I come back to this bacchanal about the service commissions and the parliamentary committees, because one of the commissions they want to interfere with, through that piece of legislation, if it had been passed in its original form, would have given Members of the Government powers of a commission of inquiry to enquire into the Elections and Boundaries Commission. It is all a big smokescreen!

I am aware that the Chief Justice and the members of the Judiciary are rightly concerned about a commission of inquiry into the Judiciary, but with respect, that is not the real thing. It is the Elections and Boundaries Commission, I submit, Mr. Speaker. That is the one they want to haul before them with powers of arrest and imprisonment and that sort of thing.

I have a document here from the *Express* news desk dated March 11, 1999:

Minister of Housing and Settlements John Humphrey said by the next election the constituencies of St. Augustine and Tunapuna will be linked to form one constituency.

EBC (Local Government) Bill
[MR. IMBERT]

Friday, March 12, 1999

This he indicated was part of an exercise by Government to rationalise administrative planning and development boundaries and better serve the people.

I wish to welcome you to the constituency of St. Augustine which by the next election may be the constituency of Tunapuna.”

Standing up in Tunapuna and telling the population that as part of an exercise by the Government, the constituencies of St. Augustine and Tunapuna will be linked to form one constituency.

These things do not happen by accident. It is a pattern. We have the Minister of Housing and Settlements who acts as Prime Minister, so that when he is in that capacity as Prime Minister, he can interface with commissions in his capacity as acting Prime Minister. He has information that would come on his desk in his capacity as acting Prime Minister. He has all sorts of information at his disposal. He has the entire regiment, the defence force, Special Branch—you name it—under his command. So he must know what he is saying with all of that power and information control at his disposal when he makes a statement that by the next election, the constituencies of St. Augustine and Tunapuna will be merged.

Some people say that the Member for St. Augustine and I have said it too is affected by the moon. Just bear with me, Mr. Speaker.

Mr. Speaker: Please. I will have to ask the Member to take his seat if we have any recurrence of that. It is insulting to say that somebody said something; to hide it behind there are some people who are saying—is a no no in this House. That is quite unnecessary. Very unnecessary!

In addition to which, I was just about to rise and say that I am satisfied that you are going outside of the contents of this Bill. We are supposed to be talking about measures for certain things that are out of time to be brought in time, and it is my feeling that you are going outside and you are now being very irrelevant. I have given latitude and I ask you please to come back within the terms of this Bill.

Mr. C. Imbert: Thank you, Mr. Speaker, and let me clarify categorically that I was making no insinuation whatsoever. What I was in fact going to do—

Mr. Speaker: It is not the first time that you have come to the House and you have referred to this business about lunar business and moving with the moon. Moon is lunatic! That is not right. It is not done.

Mr. C. Imbert: The point I am making, Mr. Speaker, is that I have no intention of dealing with that, so let us get away from that. What I am saying is that I take the Member for St. Augustine very seriously! That is the point I intended to make, and I will make now. When the Member for St. Augustine makes these statements, I take him very seriously!

4.25 p.m.

I do not see it as a flippant or loose remark Mr. Speaker, that is the direction I was going in. You see, when we go back to this, which was in March 1998~~the~~ statement from the hon. Member for St. Augustine who acts as Prime Minister. November 1998 the Minister of Local Government receives the report of the Elections and Boundaries Commission. March 1999, we cannot see the report. We have to ask; what is the insidious reason or what is the hidden agenda of this administration? Why are they delaying the submission to the Parliament of the report of the Elections and Boundaries Commission? Why?

It is fine that the report of the commission itself was late. We are not arguing that point. We are not complaining that the commission submitted its report late. I want to make that absolutely clear. We are not complaining that the report itself was submitted to the Minister late. It has happened before, and I understand that the commission attempts to bring in the report fairly close to the prescribed date for the election. So that we see in 1994 that the report was submitted to the then Minister of Local Government in August 1994 for an election that was due in 1995. Since a local government election is due in 1999, then again, it falls into the pattern that the commission brings the report in 1998. We are not arguing that point. What we are totally in objection to, is the fact that there will be a local government election within the next three to five months but we do not have the report and they have it.

I go back to that comment from the Member for St. Augustine, because you see, we won the Tunapuna/Piarco electoral district by a small margin—I think it is one or two seats. In 1996, the People's National Movement, despite all of the best efforts of the United National Congress, beat them fair and square in the Tunapuna/Piarco Corporation. [*Desk thumping*]

Mr. Hart: And we will beat them again.

Hon. Member: Not again.

Mr. C. Imbert: You hear not again. So, you have the Member for St. Augustine saying that they are going to merge St. Augustine and Tunapuna, they

EBC (Local Government) Bill
[MR. IMBERT]

Friday, March 12, 1999

are hiding the report from us. They have obviously targeted the Tunapuna/Piarco region as an area where they feel that they can win. Perhaps what is in the report, that we cannot see, is that polling stations have shifted out of the St. Augustine constituency into the [Interruption] No. No. I go back to my point, the boundaries, the external boundaries of the region remain the same but the 12 or 14 local government districts within that Tunapuna/Piarco region can move around. If by some reason of population migration or the growth of a township or whatever, the Elections and Boundaries Commission has seen it fit to shift polling divisions from one district to another and therefore, create an opportunity for the United National Congress only they know that Mr. Speaker, only they know that.

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

4.30 p.m.: *Sitting suspended.*

5.02 p.m.: *Sitting resumed.*

Mr. C. Imbert: Mr. Speaker, I simply repeat our request, which we think is a reasonable request, that in keeping with the long-established tradition in this country that the Government provide this House with the Third Report of the Elections and Boundaries Commission under the Municipal Corporations Act, that this Government which keeps bleating about how transparent it is—

Mr. D. Singh: Yes, very transparent.

Mr. C. Imbert: How upright and honest it is—I saw a comment from the Attorney General about this committee thing and all these people quarrelling about corruption and that they did not want the committee which, again, gives the impression that the Government has some sort of serious intent to be upright, moral, honest and full of integrity. I therefore ask this honest and upright Government to provide us on this side of the House with a copy of the Third Report and I want the Minister to give an undertaking—

Mr. Maharaj: It is premature.

Mr. C. Imbert: No, it is not premature. It has been done before and there is nothing wrong with it. You can say it is premature, but is the Attorney General then saying that his administration was at fault in 1996 when it prematurely laid the Sixth Report?

Hon. Member: It was not necessary.

Mr. C. Imbert: Was it not necessary? Is the Attorney General saying that in 1996, his administration prematurely laid the Sixth Report of the Elections and Boundaries Commission?

Mr. D. Singh: Based on advice we received.0

Mr. C. Imbert: I wish the Minister would tell us when the report would be made available to this Parliament and I am asking the Government to make the Third Report of the Elections and Boundaries Commission available and laid in this House at the next sitting. [*Desk thumping*] I want a commitment from the Minister of Local Government that the Government will lay the Third Report of the Elections and Boundaries Commission before the House of Representatives at the next sitting of the House of Representatives.

Mr. Speaker, we on this side have said what we have to say. We have exposed the incompetence of the administration on that side. The Attorney General has been exposed as a person who is ill-prepared; he does not do his homework; he makes statements in this House which have proven to be totally false. Mr. Speaker, let them go ahead. If they do not want to lay the report; no problem. It will simply reinforce the view in the population that this Government intends to rig the next election, whether it be local or general. I am waiting to hear the Minister of Local Government tell us that the report will be laid at the next sitting.

Mr. Hart: Yes. Make them out.

Mr. C. Imbert: Until that time, we are not dealing with this matter. As my colleague from Diego Martin Central indicated, until we see the report, we are not dealing with this matter before the House.

Thank you, Mr. Speaker.

The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar): Mr. Speaker, I think today we have witnessed in the Parliament one of the things that this Government is about. [*Desk thumping*]

Mr. Maharaj: Tell them what this Government is about.

Hon. K. Persad-Bissessar: There are many things that this Government stands for many, many things. Today, we have witnessed one of those things. I thank the Opposition for congratulating us. Because, Mr. Speaker, it takes a very big man to stand next to a small man; they would never do it when he is given wrong information and, thereafter, he receives the correct information, to place that

information before the public. [*Desk thumping*] So, I am saying that they do not know anything about that.

For the Member for Diego Martin East to stand and chastise the Attorney General because he presented the correct information to this House—the Attorney General could have left it at that. It was passed to him and immediately upon receiving the note, instantly, he provided the correct information. I am saying that is what this Government is about. Therefore, the comments of the Member for Diego Martin East totally go further to emphasize the smallness which is on that side of the House.

Here it is, we are dealing with a Bill to validate the Third Report of the Elections and Boundaries Commission under the Municipal Corporations Act, 1990 and the Elections and Boundaries Act, Chap. 25:50, for the purpose of local government election. Again, the Member for Diego Martin East comes many times to this House and seems to be spouting, expounding and pontificating in the sense that he knows everything.

Mr. Imbert: Me? I do not know everything.

Hon. K. Persad-Bissessar: Therefore, he comes to define for us, pretending that he is a lawyer—he tends to do that on many occasions—and he wants to tell us what this Bill is about. This Bill, he says, is to validate receipt of the report and nowhere is this Bill dealing with receipt of report.

Mr. Imbert: Who said that?

Hon. K. Persad-Bissessar: That is what he said. The hon. Member said the Bill is to validate receipt of the report. [*Interruption*] Mr. Speaker, I am positive he said that the purpose of the Bill was to validate receipt and the *Hansard* record will show that. [*Mr. Imbert stands*]

I will give the Member a moment in time. When he did that, he took the last report of the Elections and Boundaries Commission and read it and he said that the Elections and Boundaries Commission was so careful because it said ‘receipt.’ That is where he got the word ‘receipt’ from and he went on to say the purpose of this Bill was to validate receipt. But, he has not read the Bill in that sense to see clearly that what it is we are validating is submission and the statute itself uses the word ‘submission’ of the report. So, it is not a question of receipt.

It is important to note that it is submission because we come back, again, to the question of ‘validate’ and the hon. Member was kind enough to bring the *Oxford Dictionary* to define ‘validate’—to make valid; to ratify; to confirm. Whilst all that is

fine, that statute is what is known as a validation statute. In law, validation statute has a meaning. If I may read from the *Black's Law Dictionary* on the words 'validating statute':

'A statute, purpose of which is to cure past errors and omissions and thus make valid what was invalid...'

I go further in the same *Black's Law Dictionary* at page 1550 this is the Sixth Edition. It defines 'validity' as:

Legal sufficiency

So, what we have, in effect, is a validating statute which seeks to cure, as it says the purpose is to cure a past omission. The report was not submitted in time. According to statute, it must be submitted within the three-year period. It is outside the three-year period, so what we are seeking to do is to cure that omission to submit it in time.

Further, the issue has arisen as to whether it is legally proper, that the report should have been laid at the same time that we brought the validating statute. That is the issue, whether it should have been brought at the same time, or prior to the debate on this Bill; that is the issue that has arisen.

Mr. Speaker, again, if we revert to the meaning of 'validity' legal sufficiency in law, the report has no legal existence and we must remember that this report is a creature of statute; it is a statutory requirement and if it is we are out of time, if it is it has no legal sufficiency, in effect, it does not legally exist. Therefore, in my respectful view, the Government would have been wrong to lay a report in the Parliament that had no legal sufficiency. [*Desk thumping*]

So, Mr. Speaker, if it is that we are bringing a validating statute, what we are doing is curing that omission in terms of time. The hon. Attorney General said he was prepared to consider the suggestion made with respect to amending the legislation to insert the words 'the submission of' to read 'An Act to validate the submission of the Third Report.' We have had discussions and having looked at the definition of 'validating statute' and 'validity,' it is our respectful view that there is no need to amend the title or the contents of the Bill.

We will go further. The issue has arisen as well as to whether the Government has acted underhandedly, whether the Government is acting in a manner that is suspicious by not bringing the report. Mr. Speaker, we are saying, and I want to make it very clear, that we are totally prepared to lay the report before the Parliament. [*Desk thumping*]

EBC (Local Government) Bill
[HON. K. PERSAD-BISSESSAR]

Friday, March 12, 1999

Mr. Bereaux: When?

Hon. K. Persad-Bissessar: Once the report has legal sufficiency, that is to say, once the Bill gives us the legal authority to give existence to that report, we will lay it immediately after this Bill is passed, in the next week. We give that undertaking that this Bill—

Mr. Imbert: Oh! You are giving it.

Hon. K. Persad-Bissessar: Yes, we will give that undertaking, because we want to make it very clear that there was nothing in terms of deceit and all the issues raised by the Member for Diego Martin East that we were keeping the report; we were going to use it for our own purposes of electioneering and politicking and so forth; that was never the intention of the Government. The Government is of the view, as I say the report has no legal existence and to have brought a report here prior to the validating statute, would have been to place something illegal before the House.

5.15 p.m.

So, Mr. Speaker, with those very short words I want to repeat, first of all, at this point in time the report has no legal sufficiency as defined in law. What we are seeking to do with this statute, which is a validating statute, is to give legal sufficiency to that report. Once that is done we will lay the report in the Parliament at the first sitting thereafter. Mr. Speaker, many, many other issues were raised by the Member for Diego Martin East which I think were not worthy of any comment. I want to say again that we support this Bill, we believe legally it is a proper thing to do and we ask Members to give their full support to it. I thank you very much.

The Minister of Local Government (Hon. Danraj Singh): Mr. Speaker, I wish to respond to some of the comments made by the Member for Diego Martin West on this Bill. [*Interruption*] Diego Martin East. Mr. Speaker, the Member spoke about the long-established tradition of this House where the report of the EBC is submitted before the validation exercise. But, Mr. Speaker, I wish to remind this House of the long-established-tradition of the PNM of postponing every Local Government election.

Mr. Speaker, this Government is on course regarding the process leading up to the Local Government election which is due three months after the expiry of the term of office of the councillors on June 24. Mr. Speaker, everything has been done according to procedures that have been laid out. On receipt of the report of

the EBC on November 2, my technical team in the Ministry looked at it, examined it and prepared a Cabinet Note which was submitted to Cabinet in January of 1999.

This Cabinet Note was submitted for the information of Cabinet and for the drafting of the relevant order for the holding of Local Government elections. May I remind you, Sir, that this was submitted in January of 1999. Today's date is March 12. The validation exercise has already gone through the Senate and today it is in the lower House for validation. What I am saying, Sir, is that we are on target and we are not about postponing any Local Government elections. Mr. Speaker, we are going to beat them fair and square, bell or no bell.

Mr. Speaker, the report of the EBC is one in which the EBC is the authority for the examination of electoral districts and the numbers of people residing in those districts and for the determination of boundaries. When that report is submitted to us we can only read the report and note its contents. Mr. Speaker, in that report, there is no gerrymandering of boundaries that the present Government can do. The report is final so to speak, Mr. Speaker. So for the Member for Diego Martin East to get up and say that we will gerrymander the boundaries and that some people find themselves in other areas and so on, that is not true. That is impossible. He is only creating mischief.

Mr. Speaker, the procedure outlined in this Bill is correct. Both the Attorney General and the Minister of Legal Affairs have put forward the case and, according to my officers in the Ministry, this procedure is correct, based on the advice received from the Elections and Boundaries Commission. Mr. Speaker, again, before we hold the Local Government elections we must go through certain processes. This is one of them. The next process is where the order will be laid and at that point in time the report will be valid, it will be submitted here for debate and Members can say what they want at length, but at the end of the day they cannot change what will be documented in that report.

Now the Member for Diego Martin East had indicated to the House that he had problems with mail being sent out by the EBC to his home. Is he saying that the EBC is incompetent? Is he saying that we haveis—he questioning the work of the EBC? Is he saying that the EBC is purposely delaying the processing of ID cards? We are presently debating a Bill where we are seeking to have some scrutiny about what these commissions are doing. Will he support us in that vein since he is having problems with the EBC not sending out his mail on time? He is

EBC (Local Government) Bill
[HON. D. SINGH]

Friday, March 12, 1999

always in conflict with himself. One minute he is saying this and the next minute he is saying that.

In closing, Mr. Speaker, I support the Bill and I thank Members for their support also. I beg to move.

Question put.

The House divided: Ayes 17 Noes 8

AYES

Maharaj, Hon. R. L.

Persad-Bissessar, Hon. K.

Lasse, Dr. The Hon. V.

Griffith, Dr. The Hon. R.

Humphrey, Hon. J.

Maraj, Hon. R.

Rafeeq, Dr. The Hon. H.

Assam, Hon. M.

Job, Dr. The Hon. M.

Khan, Dr. F.

Singh, Hon. G.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, R.

NOES

Valley, K.

Imbert, C.

EBC (Local Government) Bill

Friday, March 12, 1999

James, Mrs. E.

Bereaux, H.

Sinanan, B.

Hinds, F.

Williams, E.

Nicholson, Ms. P.

Question agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

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

House resumed.

Bill reported without amendment; read the third time and passed.

DENTAL PROFESSION (AMDT.) BILL, 1998

The Minister of Health (Dr. The Hon. Hamza Rafeeq): Mr. Speaker, I beg to move,

That a Bill to amend the Dental Profession Act, Chap. 29:54, be now read a second time.

Mr. Speaker, I want to thank you and Members on both sides of this honourable House for giving me this opportunity to address this very important national issue today. Mr. Speaker, the Bill before us seeks to give the Minister of Health the authority to appoint an interim dental council for a period of six months with powers to do two things; firstly to register dentists to practise for 1999, and secondly, to conduct elections for a new dental council. Mr. Speaker, you will recall that a few months ago the Dental Profession Act was amended to give effect to a number of measures, chief among them being to place the Dental School, Faculty of Medical Sciences, University of the West Indies on the list of institutions whose diploma is recognized for the purpose of registration to practise

Dental Profession (Amdt.) Bill
[DR. THE HON. H. RAFEEQ]

Friday, March 12, 1999

and secondly, to alter the composition of the Dental Council by including two representatives from the Dental School and a lay person.

5.30 p.m.

The amendment mandated the incumbent Dental Council to conduct an election for a new council within one month of the coming into being of the Act. The Act was assented to by His Excellency the President, on October 26, 1998. In the meantime, however, the members of the existing council, before calling the election for a new council, submitted their resignation from the council.

The amendment also gave authority to the Minister of Health that in the event a council was not elected within one month of the coming into being of the Act, to appoint an interim council for the purpose of conducting such elections for the council.

In accordance with the relevant section, the Minister on January 4, appointed an interim council comprising the following persons: Dr. Surendra Rampersad, dentist, as Chairman; Dr. Daryl Dulan, dentist, as Vice Chairman; Dr. Nandalal Maharaj, senior dental surgeon in the Ministry of Health; Dr. Frederick Lera, dentist; and Mr. Vashist Maharaj, attorney-at-law.

The interim council, in accordance with the present Act and its amendment, convened a meeting of the Dental Board on January 28, 1999 for the purpose of electing a new dental council. For the information of hon. Members, I will outline the procedures that the interim council followed leading up to the elections.

The interim council after it was officially constituted, sought and obtained from the lay secretary of the registered office of the Dental Council, a list of *bona fide* members of the Dental Board. I would mention that to become a member of the Dental Board, a dentist first has to be registered with the Dental Council and, in addition, sign a prescribed form indicating his or her desire to become a member of the board. This means that there are registered dentists who may not necessarily be members of the Dental Board. To verify the *bona fides* of the members of the board, the interim council collected all the signed forms of those who indicated their interest or desire of becoming members of the board.

In compliance with the Act, notices for the elections were sent to all members of the board at least 14 days in advance by hand or prepaid post, informing them of the details of the meeting. In addition, notices were published in two daily newspapers with all the relevant information including the list of eligible voters for the elections. The interim council also sought and received advice and assistance

from the Elections and Boundaries Commission. Ballot papers and boxes were provided on the night of the election.

In order to facilitate the dentists as far as possible, the election was scheduled on the same day, Thursday and the time, 7.30 p.m., that the dentists usually had their meetings. Further, in accordance with the Act, the election was held at the registered office, that is, the Medico/Dental House on Abercromby Street, Port of Spain. On the night of the election, approximately 80 dentists turned up at the compound, but with the exception of eight, refrained from entering the building. The presiding officer conducted the election inside the building, however, no nominations were received for any of the positions. As a result, no council was elected.

Mr. Speaker, the life of the interim council came to an end on February 4, 1999. The situation that exists, therefore is, there is no provision in law for the appointment of a new dental council. With no council in place and no provision for the election of a council, we are faced with a critical situation in that, no dentists or dental auxiliary, can be registered or licensed to practice for 1999 or beyond.

The Dental Council is responsible for a number of things: for managing the affairs of the Dental Board of Trinidad and Tobago, and among these are registering dentists and enrolling dental auxiliaries; regulating the training of persons enrolled as dental auxiliaries; defining the dental work that dental auxiliaries may undertake and the conditions under which they may work; ensuring the maintenance of proper standards of professional conduct by dentists and dental auxiliaries; determining and keeping under review, the professional qualifications and experience required of applicants for registration or enrollment; holding enquiries into allegations of improper or unprofessional conduct by dentists and dental auxiliaries, and disciplining those found guilty; and prosecuting individuals who are not dentists who hold themselves out to the public as dental practitioners. I, therefore, cannot over-emphasize the importance of having a dental council in place.

At present there are hundreds of dentists who need to have their licences renewed, and among them are dentists who need to be registered for the first time as well, many of them being graduates of the University of the West Indies Dental School. As a responsible Government, therefore, and having responsibility for the health of the population, we must put measures in place to appoint a dental council so that the population can be protected and served.

Dental Profession (Amdt.) Bill
[DR. THE HON. H. RAFEEQ]

Friday, March 12, 1999

In order to address this untenable and unsatisfactory condition, the Bill before us proposes that the Minister of Health should appoint an interim council for a period of six months. The composition of the council as proposed, would be three dentists, one of whom shall be the dentist holding the most senior dental post in the Ministry of Health, a lay person, and a dentist who has at least five years standing as a practising dentist and who will act as chairman of the interim council. The council will have the power to do two things: to register and license dentists for 1999 and to convene a meeting of the Dental Board to elect a new council.

Mr. Speaker, the Bill also makes provision in section 3(9) that in the conduct of elections for a new council, the President of the Republic shall by order appoint an independent, fit and proper person to supervise the elections to be held under the proposed Act.

I would like to reiterate, as I said, there is a degree of urgency in this matter, since there is no council in place to register or license dentists or dental auxiliaries. As I mentioned before, today we are not really discussing as we did on a previous occasion, the merits or demerits of the dental school of the University of the West Indies. The issue is one of appointing a council so that the profession can be regulated and the interests of the public can be served. I hope that we would get the support of all the Members of this House. This Bill was already passed in the other place and I hope we will be able to get the requisite support to pass this piece of legislation today.

I beg to move.

Question proposed.

Mr. Eric Williams (*Port of Spain South*): Mr. Speaker, I thank you for recognizing me.

This bit of legislation really has been very contentious, and unnecessarily so. In fact, the road we have travelled that has brought us to this very point, speaks to many inadequacies in the system and in the way this Government has treated with professionals in this regard. We have seen here now, this is the second bit of legislation which seeks to make a very narrow remedy, which is simply to cause by legislation, students coming out of the University of the West Indies School of Dentistry to be registered automatically.

It appears that the amendment before the House also falls short of achieving that stated aim, and I would go into that in a bit of detail. The Minister alluded, in

his presentation, to the attempt to create a new council and, again, the manner in which it was handled bespeaks a certain lack of trust, dialogue and communication which I think is very regrettable.

On the night of January 28, 1999 or thereabouts, when they attempted to call this meeting, many dentists, 80 or 90 plus—I am informed it might have been closer to 90—turned up at the Dental Council, up the road from here, further up Abercromby Street. They were met with six security officers, three of whom were precepted and armed. They were met with a legal officer—I believe from the Ministry of Health—and ballot boxes, as the Minister quite rightly pointed out, from the Elections and Boundaries Commission. The insulting part of the whole thing was that they were then told if their names were on the list they could enter, but if their names were not on the list they could not enter the building. Several of the dentists were observed—it was reported to me—to hold discussions with the person in charge, and convinced that individual that their names ought to have really been on the list, which therefore caused them to be eligible to enter the hall for the election.

That perception is again, quite regrettable, because if this is how we intend to deal with our health professionals in this nation, I think we need to revise the way we approach these things. We have seen recently in the case with another board allied to the medical sciences, where there is conflict between a statement in this House of a Minister of Government and the Medical Board, over a situation which now appears may become part of litigation and case law in this country. This is entirely regrettable. Can you imagine!

The most insulting part of the whole thing as well, is that the dentists, the profession at large, through its council, are 50 per cent owners of the building to which they were denied entrance on the night of the election. The building is a professional building, 50 per cent owned by the Medical Council and 50 per cent by the Dental Council. Can you imagine, having gone through the sacrifice over the years to acquire the building, they were then told that they could not have a seat in their own building in a matter that concerned them, in a situation where the procedure appeared to have been very deeply flawed. We should not have found ourselves in that position at this point in time of our nation's development. It is entirely regrettable that this was what occurred.

Mr. Speaker, can you imagine that 90-odd dentists as a body decided, "We are insulted!" I believe there are other Members on that side who always cry about how insulted they are about various things. Imagine that this process managed to unite the

Dental Profession (Amdt.) Bill
[DR. THE HON. H. RAFEEQ]

Friday, March 12, 1999

majority of dentists in this nation in determining that they were insulted. I am sure that it was quite interesting that the six or eight individuals who eventually went inside were all recent graduates of UWI, in other words, those with a vested interest in the narrow relief and remedy being proposed in this legislation before the House. In any event, they were unable to vote and all declined nomination.

I am advised that there were dentists there who were sympathetic to the entire situation but because of the procedure and the manner in which it was handled, felt that an injustice was being done to the dental profession in this nation. I want to commend to this Government, sit and speak with the dentists. They have gone past the fact that the Government, because of its simple majority, is able to pass the legislation. As professionals they have gone past that, they say, "Okay, if you want to pass the Bill, pass the law, go ahead and pass it, fine, we still have to practise and see about the citizenry, let us see how we can work together to remedy the situation."

I advised that many of the dentists would like to hire graduates coming out of the University because there is, indeed, a need for dentists, there is no argument about that. But the way in which it is being done, it is becoming more and more offensive to the practitioners and, indeed, they are beginning to suggest that there are very real dangers which may be posed to the citizens.

5.45 p.m.

In the previous amendment, we were assured that a particular curriculum, I believe it was the University of Bristol curriculum, would be implemented at the University of the West Indies; and earlier this week Mr. Speaker, I could not get any confirmation that that had in fact been done, and as a result, the proposed improvement in the method of teaching at the University of the West Indies which we were assured would be put in place to help to ameliorate the situation, may not have occurred. I am unable to confirm this, or not. It may not have occurred and therefore we are at the same position that we were at, prior to the beginning of all of this legislation, Mr. Speaker.

A point is to be made too, Mr. Speaker, we are trying to have these people qualified by legislation rather than doing what really is the long lasting and correct thing and fixing the system, amending the procedure, so that we have a better dentist coming out of the University of the West Indies.

So, the fact then Mr. Speaker that this curriculum may not have been put in place means, that whether we have an Interim Council now that can register dentists or not, we still may not have students coming out of the university who

are appropriately trained; and further than that Mr. Speaker, I am advised that the programme at the University of the West Indies Dental School is yet to be accredited, either within the region of CARICOM, or internationally, Mr. Speaker. I have not had any advice that that has changed.

So that, in passing legislation to remedy a narrow window, we are qualifying by legislation. At the same time, we have not fixed the real problem, and so we are in jeopardy. And all of the students who believe that they would have been assisted by these two pieces of legislation—the one passed last year and this one—are still left in the lurch, Mr. Speaker, and still have to repay the loans that they may have taken, and they still will not be able to practise given the legislation.

Further than that, Mr. Speaker, at clause 4, this Second Interim Council is about to insert a new subsection 10(b) into the Bill. In this clause Mr. Speaker, the Dental Council will now have the power to—the Second Interim Council that is being proposed—shall have the power to register dentists as members of the board; and then a dentist may apply to the Second Interim Council for registration for membership of the board on form DRI, set out in the Schedule of the Dental Regulations.

Now, what this means, of course, as the Minister quite rightly points out, is that those who are practising would be properly registered. But, he also pointed to the fact that there are the University of the West Indies students, again, who are themselves waiting to avail themselves of this, so that they could be registered.

But, if we look at the amendment which we passed last year—Aet. No. 31 Dental Profession Amendment Act 1998—if we go to section 5 (1)(a) and (b)—let me read (a).

- (a) "A person who is a holder of a diploma from the University of the West Indies Faculty of Medical Sciences Dental School is entitled to temporary registration."

So, you can get temporary registration.

- (b) "A person who has registered under paragraph (a) is entitled to full registration upon presentation of a certificate from the University of the West Indies Faculty of Medical Sciences Dental School certifying that he has successfully completed a one (1) year period of vocational training."

Mr. Speaker, I am advised that along with the Bristol Curriculum which has not been put in place at the University of the West Indies, there is no one year

Dental Profession (Amdt.) Bill
[DR. THE HON. H. RAFEEQ]

Friday, March 12, 1999

vocational programme that has been arranged; which means then Mr. Speaker, if that is indeed so, the condition that the students at the University of the West Indies now find themselves in, has not been remedied. The most they can get is temporary registration and they may be able to practise with a dentist who may accept them.

But, at the same time there is no one in place to certify them for that year of practice while they may have had temporary registration; and further to that, Mr. Speaker, there are no criteria that have been set to evaluate those students while they are going through this period of vocational training. None that we are aware of. Certainly, the hon. Minister and Member for Caroni Central, did not elucidate us on that matter when he made his opening comments. So, that the question remains a valid one. It is unanswered.

The fact of the matter is, we have legislated qualification for the students at UWI without actually remedying the condition. In fact, they have not moved one step forward from where they were. In fact to my mind Mr. Speaker, it compounds the disservice that has been visited on those very bright young persons, who are students at the university. It compounds it Mr. Speaker.

So, I believe Mr. Speaker, that the hon. Minister really ought to consider meeting with the dental professionals to remedy the entire system, the profession. I am advised Mr. Speaker, that the dentists who have many years of practice are willing to sit with the Minister to formulate an entire Act that would take us into the next century Mr. Speaker; because there have been changed conditions from since the Parent Act was passed in 1980.

As it is now Mr. Speaker, we are in jeopardy of not having the services of the additional dentists which we need to take us forward. So, I hope that a word to the wise is sufficient on this one, because, we are still at the position that we were at before. The students at the University of the West Indies are not in a position to become practising dentists in this nation, and thereby contribute to the national weal and not the least of which, to repay and take care of their financial obligations.

Further than that Mr. Speaker, it is a practice, I am advised, in various other jurisdictions that Dental Councils encourage continuing education for dentists, Mr. Speaker.

In the United Kingdom, I am advised it is mandatory. A general statement then Mr. Speaker, is that one would have to engage in semi-annual, or annual continuing education programmes. That process contributes Mr. Speaker to the

confidence that the citizenry has in its dental professionals; because one is then comfortable that one's dental practitioners are up-to-date with the latest techniques, and that there is enough cross-pollination and fertilization of ideas, and sharing of experiences. So that the entire system moves forward in a positive manner. That is not here. It is not in any of the legislation. So, what are we trying to do? We have set one goal and we have fallen way short of that goal: and at the same time, we have not addressed the very real conditions.

In addition to which Mr. Speaker, none of these amendments seeks to improve the manner in which the dental profession is regulated in this territory.

5.55 p.m.

It is still not possible for the Dental Council to give today's standards regulate and police the profession in a manner that is suitable. There is not much that the council can do. In the opinion, I must say, of many eminent dentists who might have served in the council, here is not much that they can do to influence the practice in a positive manner and to safeguard the public. Mr. Speaker, I am a bit disappointed that I have not seen any amendments which would assist us in that regard.

Finally, Mr. Speaker, a key point, I think and the Minister alluded to it and I am delighted to hear that he would do that. This Second Interim Council that is being proposed, I am advised that quite a number of the dentists have already signed their DRI forms and have paid their fees. They thought that they had done the correct thing and that they are, in fact, registered. So imagine their horror to see in the press that the Minister indicates that there are no dentists who are practising legally in this country!

I would urge him, if this Bill were to meet with the approval of this honourable House on this occasion, and become assented to, that all the dental practitioners be registered as quickly as possible. I believe that this is something that he identifies with. I want to thank him for that because I am long overdue for a dental appointment, and I would like to go when it is appropriate to do so. Right now, because I have a little understanding of some of the legislation, it is not wise for me to go. But what about the rest of the citizenry?

So, Mr. Speaker, one has to ask of the dental profession in this country *quo vadis*, where are we going? I really would like to repeat that it is unfortunate that we must qualify by legislation. What we are in effect doing is lowering the benchmark to allow individuals to cross over when, indeed, what we ought to be

Dental Profession (Amdt.) Bill
[MR. WILLIAMS]

Friday, March 12, 1999

rightfully engaged in is lifting, building and putting the proper foundations so that we could sustain growth, achievement and quality care for our citizens.

Mr. Speaker, with those few words, I thank you. [*Desk thumping*]

The Minister of Tobago Affairs (Dr. The Hon. Morgan Job): Mr. Speaker, I am indeed grateful to the Member for Port of Spain South for being graceful; for saying little and not providing me with any reason to be long on my feet. I do believe that he has touched on some points that are very dear to me. The question of meritocracy is an issue that I have been articulating publicly all my life.

I am very heartened to find that there are Members on the other side who are extremely concerned with this question of how you accredit, how you qualify and how you promote people. He talks about foundation that we should not be accrediting people by legislation, but building a firm foundation on which professionals can stand equal anywhere.

I do not want to create the sentiment over there that I am here merely to oppose what he is saying and criticizing, but I do believe that it is fair and indeed just, that I should point out that the PNM, for most of the time he is a member, he supports that party seem not to be too concerned with the foundations of the education system from which these dentists come.

When he is impugning the character of the people who are trying to pass this legislation, when he is impugning the validity of trying to accredit these people, and when he states that rather than qualify them by law you qualify them by some meritocratic standard, I think we need to concern ourselves with the damage that has been done to so many people by offering them poor education in this country. We did not get enough sense of urgency that is what Germans would ask that fear and foreboding of the consequences of that kind of thing. He spent much of his time on that question.

I think the Bill is a very simple Bill. It seeks to deal with the shortage of dentists and the fact that you have people qualified from UWI; they went through a procedure. The University of the West Indies is an internationally reputable institution. I do not say that throughout the faculties you have the same level of competence and international status but, indeed, I do not know that the information that is provided to us in this House would suggest that these dentists are going to start breaking people's jaws or causing them to get septicaemia and dying from all kinds of morbidities that are consequent on poor treatment. So, the

profundity of my friend's contribution has to do with his fear that these people are totally unqualified and that they ought not to be let loose in people's mouths.

I do not get a sense that this Government is uncaring enough to expose people—children, mothers and wivestø—that kind of brutality and barbarism. Indeed, we have a situation where dental care in Trinidad and Tobago, like many other aspects of health care, leaves very much to be desired. And the reasons that we are in that situation has little to do with the present administration, but with a whole, long history of circumstances that did not put enough national effort into the same things—quality control and the question of responsibility. Who do you blame for this? Why does this not work? Who has to be fired? We do not have an institutional arrangement that allows this society to run efficiently in these directions.

The fact that we are doing this Bill today seeks, in some measure, to address that, because we are saying as it is now, there is a shortage of dentists, you need to have people there, they are not there, and you need to go according to the law which says in clause 3 of this Bill:

Where a new council is not elected in accordance with subsection (4), the Minister shall appoint for a period of six months a Second Interim Council consisting of..."

He did say that. It is in the Bill.

So generally, I am saying that the substance of the criticism from the other side is not fair, when it is focussing the mind on this legislation as single-mindedly seeking to appropriate the purpose of accreditation unto itself, rather than trying to relieve the nation of the burden of not being advantaged or put to good by using the dentists who are graduating from UWI.

I do believe we should all support the Bill. In fact, I think he said something towards the end, that if this Bill is assented to, and he made some suggestions consequent on this assent. So I do gather that they are preparing to support the Bill.

With these few words, I thank you for the opportunity.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, I have no doubt whatsoever and one does not want to venture into the realm of personality or personalities that the Member for Caroni Central, the Minister of Health, is indeed a

Dental Profession (Amdt.) Bill
[DR. THE HON. M. JOB]

Friday, March 12, 1999

dignified and a decent human being. [*Desk thumping*] It is, of course, the case that he may be if I may use the metaphor—a good horse, but in the wrong stable.

The fact that the Minister of Health could find himself in the position in which he finds himself, is indicative of the fact that he is in the wrong stable and he is obviously being influenced by people who either do not know better or simply do not care.

As my friend from Port of Spain South explained, the road to the position in which we have found ourselves has been a long and winding road, and that road had its genesis, its origin, in 1995, with the coming of the United National Congress and a few other persons to Government in this country. The situation in which we find ourselves, the situation in which the dental profession is now put, demonstrates, in small part, in microcosm form, that the Government is a government of illegitimacy, chaos and confusion.

6.05 p.m.

The dental profession was a settled profession in this country before the coming of the UNC. Like every other profession, of course, there is scope for improvement and betterment. Everything was settled, like cool, calm, crystal water, until the UNC came to office in this country, and the same could be said about almost every sector of governmental activity in Trinidad and Tobago today. It is as if we have been infected and afflicted by a rage of political bacteria. Everything this Government touches in this country leads to confusion and mayhem. That is the record of this Government.

Today, we are here debating a Bill that is an attempt to rectify trouble caused by the UNC in 1998 in the dental profession. The Dental Council was established in 1980, at the passage of the legislation. All went well from 1980, until, as I indicated, this Government came.

The Bill that is before us today, is an amendment to the one that the Government had laid. The one the Government had laid, Mr. Speaker, made mention, not of an interim council, but an *ad hoc* council. I once heard my friend for Port of Spain South talk about the concept of *ad hocism*, and *ad hocism* is what it says, it is responding to crisis as they come about, responding to situations rather than being proactive and dealing solidly with them, but they sanitized the Bill, and now we are talking the language of an interim council, which in effect is the same thing.

I want to ask the Minister of Health two questions, but before I ask I will tell him that the reason he has found himself in this position, is because he ran a

collision course with the dentists in this country. As a result of that, he had to put in place a first interim council, as he said, four dentists and an attorney-at-law. The confusion continues. He finds himself now, running a bit out of time, with a second interim council, and this Bill wants us to be able to say today, that in the event that second interim council does not elect a proper and permanent council, it can be renewed from time to time at periods of six months.

The problem is what it is, and he has run a failed collision course with the professionalsthe dentists, and we know that they did not participate in the election a few nights ago in January. In fact they were not allowed to participate. As my friend for Port of Spain South indicated, the very building they have financed and part-owned, they were not allowed to enter. They were met with security guards and were faced with guns and dogs. Why have we found ourselves in this position in Trinidad and Tobago? As a Member of Parliament and as a citizen of this country, I feel sorry for Trinidad and Tobago sometimes. I feel sad, and I know that the cause and the root of my problem is the United National Congress and the others who have found themselves there; those who have walked across this floor. That is a matter for another discussion. I am ashamed.

Mr. Speaker, the Minister of Health did not tell us that these professionals, the best regulators of their own affairs, advanced 140-plus amendments to the Dental Profession Act, Chap. 29:54. Not a single one the Minister took into account. Why would he act in this way? What has prompted this?

We heard about the University students. Everyone in the Caribbean, everyone in Trinidad and Tobago would like to see the products of our University come forward and take their rightful place in our society. No one has any difficulty with the students of the University of the West Indies being able to do that. The fact remains, however, that it was not the Government, nor the Opposition, nor the President, but the very professionals, the dentists themselves, who in large part seated the council that arranged the professional affairs of those dentists, held the view that the students who graduated from the University of the West Indies School of Dentistry, were not sufficiently and suitably trained to have their go'at

They were strong on theory, but they were weak on the clinical and practical aspects of the matter. In fact, the Minister is fully aware that there were, at least, four independent studies conducted on the teaching and the processes at the University of the West Indies Dental School. They all explained that the methodology, the teaching and the output was strong on theory, but soft and weak

Dental Profession (Amdt.) Bill
[MR. HINDS]

Friday, March 12, 1999

on the clinical aspect. As a result of this, the Dental Profession, through the council, insisted that these students be made to undergo further training in the clinical aspects and to sit and pass an examination before they can practise.

No one has to explain in this Parliament the importance of sound and solid dental care. People have died from mistakes or errors perpetrated by dentists. We know, as a matter of fact, that there are quacks up and down Trinidad and Tobago. As a practising attorney, I have had to deal with a case or two where people suffered at the hands of those. It is quite clear, if you do not know what you are doing in people's mouths, you can have serious problems.

They insisted on this clinical training and the examination, but something must have been going wrong, the students were not doing too well at the dental examination as established by the Dental Council. The students were performing badly. I have heard it said that some of the students are well-known in Trinidad and Tobago or, at least, the children of well-known personalities in Trinidad and Tobago. I have promised not to venture into personalities, and I shall go away from that. At any rate, the Government found itself sticking its hand into the people's pie, and what did it do? It scrambled the whole matter, and imposed itself, as this Government is wont to do, on that professional institution. What they did, Mr. Speaker my friend outlined it they came to Parliament with legislation to abolish that examination, and to impose on the other hand, a clinical period of training for one year. They told the students: "You would not have to write any examination again, you simply have to go to the offices of these practising or experienced dentists, and after a year you would be able to practise. You would have gotten a temporary registration, at the end of the year you would be permanently registered, and therefore you can then go on your own."

As my friend pointed out, that system is still largely in place, except now, the Minister because of his action and inaction ran a collision course with these dentists, and the very experienced ones who are in practise would refuse naturally, to entertain these young graduates from the University of the West Indies. So to whom would they go for their training?

6.15 p.m

It reminds me of the Minister of Education when he became Minister in 1995, he walked into the ministry and declared war on all the senior public servants. He fired three permanent secretaries. As a result, all the programmes and policies which were in place to take education in this country up to the new millennium

have all been sidelined, everything is in trouble and he is scrambling today to recover from it. And that is what the Minister of Health has done because of a very bully-boy attitude. The Government likes to browbeat its way through everything and everyone. We are in charge now. It is we time now. Without understanding that it requires good human relations, finesse and the technique of negotiation. You must sell your ideas rather than bully people to adopt them.

Mr. Speaker, this is how we have found ourselves in the position in which we are at. The Government, in its wisdom, or rather the lack of it, rather than seek to lift the standards up and to level up, because the students are failing their examinations, they could have assisted them financially, arranged or discussed with the Dental Council ways in which they could improve tuition, better resources or whatever. Instead they chose the easier course to level down, rather than raise the standards, they chose to lower the standards, remove the exam and there is chaos in the dental profession.

There were 80 dentists who appeared on the scene on the night of January 28, 1999. With the exception of eight, 72 refused to participate. Those are the actions of angry, disturbed and frustrated people and this Government has done it. They have angered them, disturbed them, as they have done to people up and down this country. That is how the Government does it, because it is short-sighted and myopic as well, selfish, and indeed ruthless. They have destroyed the whole thing.

I had the displeasure of seeing that quiet bunch of goodly citizens, dentists who operate machines that make a very soft noise. They are not a voice that is usually heard in the society, but last year when the chaos started, they found themselves in a running battle with this Government. Why is this Government creating mayhem and turmoil in this country like that? Why?

When they came to Parliament last year to put in place the measures which I explained a while ago, we objected. We took the position as we always did. The People's National Movement has an understanding of governance that obviously the UNC does not have. We took the position that this is a professional body and it should manage and regulate its own affairs. I am hearing from my friend on the other side: If they have problems what would you do, leave it so? Absolutely not, but there is a way that you approach resolving problems as a Government, not the way in which you have been doing it. Look at the result of it today. The facts speak for themselves.

Dental Profession (Amdt.) Bill
[MR. HINDS]

Friday, March 12, 1999

The fact that you have to return here today to pass fresh legislation to give effect to what you tried to do last year, is evidence that you have failed, you are a colossal failure. You have failed in respect of the economy, in respect of crime, in respect of education. In fact, I would be hardpressed to find any area of governmental activity in this country today that you could be proud of, and Trinidadians and Tobagonians could say you are doing well. There is absolutely nothing. You have failed. The only thing in which you have appeared to have masteredeørruption you saidI—do not know if Mr. Speaker would find that as parliamentary language, but you are quite right. We objected to it when it came. We found there were merits in the council's argument, we found that they were concerned about standards and keeping quacks out. We knew that all that was backed by the four reports of the independent studies of the dental school as I indicated. So when they did what they had to do last year, the Minister, driven by the Attorney General, the Prime Minister, and the Cabinet I imagine, all the members of the Dental Council demonstrated their anger and frustration and all resignedsøber men, educated men.

What did they do in response to the action of the Minister of Health with respect to their profession? They simply dropped tools and walked off the job. So the Minister found himself having to apply an interim council. Four dentists; no doubt his personal friends and confidantes and a lawyer. I understand the lawyer is an adviser as well. They walked off the job and the Minister pleaded with this country to understand and bear patience only a few weeks ago. At one point in time, all the dentists in this country were unregistered and, therefore, practising illegally. Imagine that, Mr. Speaker. I am sure that there is no other country in this world where at any pointindependent nations in particularaH the professionals in the field of dentistry were unregistered, unlicensed and, therefore, practising illegally. The United National Congress created that in Trinidad and Tobago—political bacteria!

Mr. Speaker, the Minister now comes with legislation to try to address that, but as I tried to indicate to the Minister of Health the legislation would not solve anything, it does not solve anything, it is much like the University of the West Indies situation. When you take the students out, and insisted that all they must undergo is this year's training, you angered the dentists. What you did is to legislate and accredit UWI by legislation on paper. What is the reality? The reality is that the dentists in the profession still believe that those coming out of the university are inadequately trained and, therefore, there would be problems. The Minister must tell me how does he expect in these circumstances that the interim council,

whether it is the first, second, third or fourth interim council they come six months at a timewould resolve the problem and elect a permanent council? How? The legislation, Mr. Minister, in itself would not assist you. You would have to go on all fours, but you would have to go humbly and apologize to the dentists. Tell them you have erred, blame the Attorney General and the Prime Minister. Tell them you are a decent man and you were misled by the Attorney General and others. Go humbly to them, apologize, and try to retract your erroneous ways and bring some stability back to the dental profession in Trinidad and Tobago. That is my recommendation.

Mr. Speaker, I would like to know how are we in Trinidad and Tobago to take comfort when we know this is the Government that operates legislation by and large, the Medical Profession Act, the Dental Profession Act and who are responsible in some way for the regulating of these professions. Look at what has happened with the Medical Board and I am aware that litigation is in vogue with respect to the actions of the Medical Board and I am sure that as night follows day, we would see the same in respect of the Dental Council. I am certain of that.

How are we to take comfort? We saw the debacle in November of last year when one of my colleagues asked a question of the Government in respect to the qualification of a professional in this country. The medical profession gave birth, if you like, to the dental profession. At one time in history, the dental profession was a part of the medical profession in general. It is only in fairly recent times that the profession took separate ways. How are we to take comfort when the Government behaves like this?

In November last year a question was asked and a certain Minister of Public Administration told this Parliament and the country that a certain doctor was suitably qualified to practise in his special field. A couple weeks ago, in response to a motion filed by a Member from this side, another Minister of Government said that he was suitably qualified. Now the Medical Board is saying that is not the case, but worse than that, the Medical Board tells us that it had told the Minister that was not the case. They say the Minister was telling untruths.

When the Member for Tobago East got up a while ago, I felt sad and I was reminded of his last contribution when he spoke in that very motion and defended the Government's wicked ways, and suggested that we were trying to get involved in judicial matters and all kinds of—

[Word expunged from record]

Dental Profession (Amdt.) Bill
[MR. HINDS]

Friday, March 12, 1999

Mr. Speaker: That is quite unacceptable. That would be expunged.

Mr. D. Singh: That would defy your whole contribution.

Mr. F. Hinds: Mr. Speaker, my sincerest and humblest apologies. I myself would retract that word, though I did not think it was so offensive. Quite honestly. *[Interruption]* Mr. Speaker, when the Member for Tobago East spoke today, I remember the pain and sadness of the family of his constituent, because Dr. Des Vignes of whom we spoke is from Moriah in Tobago, and the Member knows the family quite well. But perhaps it is a case of singing for one's supper. He felt it necessary to defend the Government and he has angered all of Moriah in Tobago and the family who was hurt as a result. We would not tell them who should apologize. We know who should apologize the Government.

Mr. Speaker, we cannot take comfort in the knowledge that this Government runs this country. It is destroying this country day by day and when I read clause 3(7) of the Bill it says:

Where a member of the Second Interim Council resigns the Minister may appoint another person as a member of the Second Interim Council."

In general terms, that may not be unusual, but with this Government it is extremely dangerous, and highly unusual because we are now hearing about the concept of micro management. Is this a case of micro management? Is it a case where the Minister feels he must have his hands constantly in the affairs of the Dental Council and would not let them breathe and practise and live in peace.

Dr. Rafeeq: I thank the Member for giving way. The Minister appoints the entire second interim council. If a member resigns, obviously the Minister would have to replace him.

Mr. F. Hinds: I thought you were standing, Mr. Minister, to do what the Minister of National Security ought to have done since the Medical Board told him that he was not speaking the truth. I thought that you were going to denounce them and say, they were not speaking the truth, but that is not the point you were taking. So I understand.

6.30 p.m.

Mr. Speaker, so here we are. Yes, I will come to that. A number of doctors and this may interest the Minister actually made contact with me concerning what happened in respect of the Dental Council, a few nights ago uptown, with that

fiasco for an election, as there was to be and dogs, guns and security officers to use against innocent, and unarmed professional dentists all wanting to regulate their affairs and practise as professionals in this country. The Minister is a doctor and he ought to understand that. They are not rogues, these are professional men, family people and they had to be subjected to that.

A number of doctors made contact with me since the incident of which we spoke. The Medical Board today, the elections that put that board in place and the Minister knows this quite well, it was put in place under very dubious circumstances, just as well. There was precious little advertisement for those elections. A small ad in a little corner of some newspaper, and this Government talks about accountability and transparency and wants to justify interfering with the service commissions in this country, on the basis of accountability and transparency. We are afraid, and the sad truthful thing about this Government, Mr. Speaker, is that and you know there is a little colloquial saying: even if a bad man does good, that and all would look bad, and that is quite true.

Assuming and this is far from the case that this Government had the most honourable intention, assuming that this Government tried to do the most perfect thing this Government will discover, as it must have discovered, and in particular the Member for Couva/South, that what is lacking is trust and confidence [*Desk thumping*]. Nobody has trust and confidence in you. That is the simple and unadulterated truth of the matter, and the people who feel that, including yours truly, are entirely justified. So, Mr. Minister, because of your own personal integrity, because of your own personal dignity, because of the fact, that you are a responsible man; I know you probably hold, honourable and honest intentions. I think so. You may be solid in terms of intentions, but in terms of your manifestation, it is horrible Mr. Minister, you need to rethink this [*Desk thumping*] you need to rethink it. [*Desk thumping*] And against the backdrop of your Government, you look even worse, yes; and I can make recommendations you know, but I will leave that for the platform or some place else.

Mr. Speaker, I would like to see peace and calm in the dental profession yet again. One member of the former Dental council met me on Henry Street, Port of Spain, sometime, last week. I stopped to have a brief conversation with him, because I had spoken to him at the time of the last debate in preparation for my contribution to it, and he told me, that they were lowering standards. He told me that in some parts of this world, you could go to the market to get your provisions on a Sunday morning, and if you have a little pain you could find a doctor in the

Dental Profession (Amdt.) Bill
[MR. HINDS]

Friday, March 12, 1999

market, who would not even take down your trousers, he would probably give you an injection straight through. He says that is the kind of thing that exists in some parts of the world, and he was confident that this Government was trying to bring Trinidad and Tobago to that. I met him last week and he said "Mr. Hinds, I honestly believe that the only solution to the dental problems in this country and the solution to the problems of Trinidad and Tobago altogether, is the absolute rejection and removal of the UNC, we must vote them out." He said so, and I concurred. I patted him on his shoulder and I vowed from that moment, that for every bit of energy that I have, for every word that can come forth from my mouth, they will be used to displace the UNC in a lawful and constitutional manner.

Mr. Speaker, in this country the Minister of Health is the line minister for the Medical Board, he has some influence in that, by way of the Act the Medical Profession Act. It is now effectively a rogue board. A Member of this House told us that he went to his office attempting to get records that are to be available to the public according to section 10 of that Act and could not access it. A clear illegality. The Minister of Health made no statement on it. A Member of the Government, the Member for Barataria/San Juan, is also a part of that council. He himself is a practitioner in the medical profession. Yes, he is the deputy chairman. They did absolutely nothing about it, and this is why, Mr. Speaker, at the beginning of my short contribution in this debate I stated and I restate, that this Government is a Government of illegality, chaos and confusion. Nothing has been said; nothing has been forthcoming.

The law of Trinidad and Tobago tells us that a man is suitably qualified if in the country of origin of his qualification is certified or accredited. *[Interruption]* I shall not. If you want to join the debate you would have your time.

Mr. Speaker the Medical Board is in chaos; it is all over the place at loggerheads with two government Ministers, and the Dental Board is now in the same predicament. Where do we go from here? What do you propose to do, Mr. Minister? Your solution of a second interim council, based on the facts as I have highlighted them; based on the fact that you are walking into a wall of unincorporated practitioners in the dental field; based on the fact that you have done nothing in practical terms to improve the scenario as it now exists, would be destined and doomed to more failure. While that is happening, the dental profession being in chaos, the citizens of this country will not be assured of proper organized dental care.

I am hearing the utterances of the Member for Pointe-a-Pierre, you know, he has a penchant for speaking out of turn. I have to ask him, who is he? He does not know what to say. He does not know when to say it. But it is better sometime that he would speak because when he acts, he acts in a different way.

Mr. Speaker, I am asking the Minister of Health, for the sake of Trinidad and Tobago, to take a calmer and closer look at what is happening. I am not here merely to express criticisms, I want to see something positively and seriously done. We are not satisfied that these measures can do it. I have suggested to the Minister that all he has to do because the dentists are not machines they are mere mortals like you and me, they are human beings—s—to get with them, talk with them, attempt to resolve the problems that now exist, if he does that, he will be doing great service to Trinidad and Tobago and he may emerge as the one bright spot on the other side. Mr. Speaker, I thank you.

The Minister of Education (Dr. The Hon. Adesh Nanan): Mr. Speaker, I rise in support of the Bill before the House entitled, 'An Act to amend the Dental Profession Act, Chap. 29:54.' I would like to start my contribution by referring to some of the words said by the Member for Laventille/East Morvant. He said, 'If you do not know what you are doing in people's mouths there can be serious problems. I want to advise him to be careful with his words, Mr. Speaker.'

6.40 p.m.

Mr. Speaker, I will quickly trace the genesis of the UWI dental school because it is necessary at this time. As we heard, the Dental Profession Act of 1980 provides for the regulation of the practice of dentistry by the establishment and operation of a dental council and an advisory committee on dental auxiliaries for the registration of dentists and the enrolment of dental auxiliaries. Subsequent to the enactment of the Dental Profession Act of 1980, the University of the West Indies had been mandated by regional governments and financially supported by Trinidad and Tobago to have a dental school.

This school is the only tertiary educational dental institution in the Anglo-Caribbean. The first set of students entered in September 1989 and graduated in 1994. The Member for Laventille East/Morvant spoke about abolishing the examinations, and I want to go back to that particular examination set by the Dental Council to quote some figures for him. This dental school serves over six million people in the Caribbean and is supported by 14 territories. Mr. Speaker, 30 University of the West Indies graduates practise safely and competently within the Caribbean. Four post-graduates in the United Kingdom, taking no additional examinations demanded by the United

Dental Profession (Amdt.) Bill
[DR. THE HON. A. NANAN]

Friday, March 12, 1999

Kingdom Dental Council, passed the primary Royal College of Surgeons examination from the Royal College of Surgeons. There are also four working in specialist programmes in America; no further examinations required.

We have heard of an internship period for the dental graduates. What happens if a dental graduate, to whom I have referred here left, having received a Doctor of Dental Surgery degree (DDS) from the University of the West Indies, and enrolls in a residency programme for one year in the United Kingdom? What happens to that person who, having completed the diploma, comes back to Trinidad and Tobago? That person will be in a recognized university in the United Kingdom or even in the United States, and according to the Bill, that person will be licensed by the Dental Council. So, why was the examination necessary? There are several statements about this particular examination and I want to go back a little to talk about it in the context of before the dental school came on board.

The Dental Council, prior to 1995, conducted a much simpler form of examination than the one proposed now as a prerequisite for licensure. Mr. Speaker, it is the customary practice of licensing boards elsewhere to give four to five years notice of any drastic changes in the form of examinations. These changes are only introduced after consultation between the board, the dental schools in their jurisdiction, the public and the profession. I am advised that there are no mechanisms for anonymity with this particular examination, so is the examination set by the Dental Council, to which I am making reference, really necessary?

Let us examine this particular examination that was set by the Dental Council. In any examination there are certain basic parameters, but listen to one aspect of this particular exam. Students were asked to do a class three cavity preparation on caries free natural teeth. Do you understand what is virgin caries free natural teeth? *[Laughter]* In case somebody has to speak after me, let me inform them.

Mr. Imbert: No cavities. Okay? No cavities!

Dr. The Hon. A. Nanan: Yes. But how do they get no cavities. Mr. Speaker, we all know that when we go to an orthodontist and there is a prescription for removal of teeth, these teeth are removed because of malocclusion. That is bad setting in the mouth and these teeth are caries free. That is what I speak of by virgin caries free natural teeth. How practical is it to have an examination done on this type of teeth when in the scenario of the office one is faced with caries on teeth?

Working on these natural teeth does not reflect the environment into which these students will move, having graduated and going into private practice. This is

one aspect of the examination that can be questioned. There are several other aspects I mentioned in my initial contribution on this Bill, and I remember when I spoke on Mayan dentistry and the history of dentistry how it was so interesting to other members.

Mr. Imbert: Amusing!

Dr. The Hon. A. Nanan: I will not go into that at this point in time, but I want to stay focussed with respect to the situation of the examination, the concept of this particular examination and how it was supposed to be translated into a set examination which would ensure that the student is capable of moving into private practice.

Mr. Speaker, we also have to consider what the Member for Laventille East/Morvant said about it being very good in theory and the weakness in the clinical aspect. I beg to differ, because these students have undergone a four-year intensive programme and they have gone through enough clinical to make them competent. I said in my contribution that there should have been dialogue and discussion so that once the examination is set—

Mr. Valley: Is the examination wrong?

Dr. The Hon. A. Nanan: Mr. Speaker, I never said that. Why is the Member putting words in my mouth?

Mr. Valley: I thank the Member for giving way. I just wanted some clarification. I wanted to know whether he thought that the problem was the examiner setting a paper that was outside the scope of the students.

Dr. The Hon. A. Nanan: I never said that, Mr. Speaker. Let me explain to him what I meant. I did not say it was outside the scope of students. I said it was not relevant to the student going into the environment. It is slightly different. When I speak about the examination, I am speaking from prior experience, as I said before in my first contribution, about the situation in the United States and the United Kingdom as compared to Trinidad and Tobago. In that particular environment, these dental schools are geared towards the state board exams, but the state board exams are set up in such a way that it is just like one is working on patients in one's office. I remember the Member for Diego Martin East was speaking about prosthodontics, orthodontics and endodontics. I do not know if he knows what those words mean, but he was speaking about them.

Mr. Imbert: More than you. And I could pronounce them too.

Dr. The Hon. A. Nanan: All these different fields of dentistry are relevant as we move into private practice and there is contact between the patient and the dentist. So there is relevance between what is being taught in the dental school and the examination.

The Member for Laventille East/Morvant spoke about the UNC Government. I want to ask him, is he afraid of change? He also mentioned the Ministry of Education. When I went into the Ministry, it was on automatic pilot, but it is now on manual overdrive and I am in the driver's seat. The Member also spoke about inadequate training. I listened to the Member for Port of Spain South and he spoke about dangers to the citizen. He spoke about the curriculum at the University of the West Indies Dental School. The curriculum of the dental school reflects what one faces in a dental practice.

The Member also spoke about the lack of implementation of the Bristol curriculum, but the curriculum of any dental school is designed in such a way that a dental student who graduates will be able to practice dentistry. So, even if the Bristol curriculum is not implemented at this time, I am quite sure that the curriculum is geared towards good dentistry. As I said in my earlier contribution, UWI graduates were capable of being enrolled in the United Kingdom and the United States without any dental examination, and also in post-graduate programmes.

The Member for Laventille East/Morvant, as well as the Member for Port of Spain South, spoke about financial obligations. A lot of money has been expended by the students. I am informed that the students were not informed in writing with respect to the setting of any examination by the Dental Council. Mr. Speaker, I listened to the Member for Port of Spain South when he spoke about better dentists coming out of the University of the West Indies. I support that as a former practitioner in the field of dentistry. Apparently the medical background of the practice of dentistry is not coming to the forefront, because as a dental surgeon, one must have that strong medical background. It is not just what I heard from the Member on that side about soft noises coming from a machine. That is just one concept. That is the mechanical aspect of dentistry.

6.55 p.m.

The Member for Laventille East/Morvant must understand that when you walk into a dental office it is like you are walking into a medical office. The first thing that a dentist does is to take a medical history of the patient and then you might get the diagnosis and treatment following with the machine. The machine, that he

was speaking of, with soft noises, that is only one concept, because you also use machines that make a lot of noise in dentistry.

We have the various scenarios with these students coming out of the dental school and experiencing great financial obligations. The students may not have had prior notice in writing with respect to a dental examination. What about the student who may have left here and gone to the United Kingdom or the United States of America, got into a residency programme and returned from a recognized university would he be accepted by the Dental Council? Yes, he will, because of the Act.

We are putting forward the concept of getting our dentists registered as soon as possible with respect to the interim council that is going to be appointed by the Minister of Health.

Dentistry is a profession, just like medicine, architecture or engineering as the case may be. In dentistry, he mentioned quacks, or illegally practising dentistry. We recognize that it is a problem, because as a practising dentist I also encountered a lot of cases that had to be treated differently because of a different approach by these unqualified dentists or quacks. That is also a problem. I am sure that the Minister of Health is going to address that in the not too distant future.

The Bill before the House is to register all the dentists, because not only the graduates from the University of the West Indies are waiting to be registered, there are a number of dentists who are coming from abroad. If you remember the figures quoted with respect to the World Health Organization figures, there are 150 registered dentists, and the population ratio 1:2,500 of a population of 1.3 million so, we need around 500 dentists. We still have a long way to go in terms of numbers.

I would ask the hon. Members on the other side to support this Bill, because it will give the dentists an opportunity to be qualified, registered, and legally practising dentistry in 1999. I thank you Mr. Speaker. [*Desk thumping*]

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, it is interesting that this administration, that we are afflicted with, continues to deny reality. When the Minister of Health brought the original Act to amend the Dental Profession Act, we on this side made a number of very valid observations and points which have come to pass. What the Government is in fact doing is very dangerous. Because of the refusal of the profession in Trinidad and Tobago, to accept just so, the degree from the medical school at the University of the West Indies, the Government has

Dental Profession (Amdt.) Bill
[DR. THE HON. A. NANAN]

Friday, March 12, 1999

taken the unprecedented step to involve itself in one of the professions in Trinidad and Tobago. You know, one wonders why the dental profession has been selected. They have politicized the dental council, they changed the composition. They have legislated the acceptance of a university degree, and one needs to ask why is this very aggressive approach not being used with other professions such as the medical profession? What is so special about the dental profession that the Government feels the need to be so aggressive and to venture in to the domain of accreditation of university degrees?

On the last occasion, we made the point, that the University of the West Indies' degree programme is not as sacrosanct as Members on the other side would like us to believe. I made the point that, in the Engineering Faculty, several departments were at risk of being de-certified because the quality of teaching, the level of equipment, the resources available and so on, were not meeting international standards and that departments within the Faculty of Engineering had tremendous difficulty in meeting established standards for accreditation internationally. Of course they all laughed big joke, not true, and demonstrated their complete ignorance of the situation in our local university. Well, it came to pass that the degree programme in the Department of Electrical Engineering was de-certified several months ago.

Now, the Members on the other side cannot pretend that they are not aware of this, because it was highly publicized. This is not to say that we do not have a good Engineering Faculty. This is not to say that the lecturers in the Department of Electrical Engineering are not competent. It is simply a recognition that there are certain elements of the degree programme, whether vocational or academic, which are not up to international standards.

The dental profession in Trinidad and Tobago is of the view that there are certain aspects of the degree programme at the University of the West Indies which are not up to international standards; primarily, the training component. It is a practical profession, just like medicine where you have to do internship and so on. So, there is a view among the majority of experienced dentists in Trinidad and Tobago, that our degree at the University of the West Indies is not up to international standards in the clinical side. I am certain that a majority of dentists in Trinidad and Tobago continue to hold this view, no matter what you may hear from the Minister of Education. This is a reality. There is no need to hide from the reality. This is the fact.

The Government has done a very dangerous thing. I consider it highly irregular, for a Minister of Government to be challenging the content of an examination set by practitioners who have many more years experience than he in the profession of dentistry. I consider it highly irregular, that a government would think that it is more knowledgeable than an entire profession, because this is what is happening. The Dental Council being comprised of professional dentists is of the view that the university graduates should submit themselves to an examination. They are of the view that this examination is relevant, appropriate and that it will guarantee standards. But, you have a government with one dentist. One dentist in a government, I am not sure if he is registered, but that is beside the point.

A government with one dentist has decided that an entire profession consists of a bunch of ignorant fools and that they know more about the practice of dentistry than these 150 learned, experienced, professional medical practitioners. This is what they are doing. The Minister of Education challenging questions and the content of an examination set by over 100 senior practitioners in this country. I mean, it is amazing. I caution the Government. The next thing you are going to see from this UNC administration is that they will determine that the Law Association is not competent to admit persons to the Bar, and you will have a Minister, perhaps the Member for Caroni East who I understand took some considerable time to obtain his law qualification, perhaps come in this House, like the Minister of Education, and challenge the ability of the Bar Association.

7.05 p.m.

This is where government is going. There is one dentist in the Government, but he is more aware, more experienced and more knowledgeable than 150 practising dentists in Trinidad and Tobago. I mean, I do not think they understand what they are doing. It leads to the suspicion that the origin of this entire thing comes from a complaint of the son of a senior government Member. What else is the public to believe?

The son of a senior government Member is a UWI graduate who failed the exam or something like that and, as such, could not receive his certificate and when this, I would say, almost obscene obsession on the part of the Government is manifest to railroad this whole matter, to politicize the council, to deprofessionalize the council, to have guards, dogs, guns, ballot boxes, legal advisors and other instruments to intimidate medical practitioners, it leads to suspicion that this Government is pandering to lobbies from its Members and it has no regard for professional standards in this country.

Dental Profession (Amdt.) Bill
[MR. IMBERT]

Friday, March 12, 1999

I find it really quite derogatory to the dental profession and it is quite disgusting. I hope they understand what they are doing. It is really a pity that this matter appears to have originated from persons who are close relatives of Government Members who could not make the grade.

Now, let me deal with the Bill, Sir. I ask the Minister, when he is appointing the Chairman of the Second Interim Council, the wording at clause 3(5)(c) that a dentist who has at least five years' standing as a practising dentist and who shall act as Chairman of the Second Interim Council. The five years' standing as a practising dentist, Mr. Speaker, is that as a practising dentist in Trinidad and Tobago? Is that as a dentist who has received a practise certificate in Trinidad and Tobago from the Dental Council and has been practising in Trinidad and Tobago? Or, is this some foreign or other person who has not received a practising certificate and has not practised in Trinidad and Tobago? I would hate to think that that is so.

I ask the Minister at the committee stage to make it absolutely clear that the Chairman of the Second Interim Council will be a dentist who has had at least five years' standing as a practising dentist in Trinidad and Tobago and if he refuses to do that, then my further suspicions will be realized.

I also caution the Member for Tobago East who enters into debates unprepared, especially in the medical field. He recalls on another occasion, I think in a Private Member's Motion, the Member for Tobago East was quite passionate about one of our forensic pathologists who holds a Doctor of Philosophy degree and he gattered and carried on in this Parliament that the fact that that individual had a Doctor of Philosophy was irrelevant to his ability as a forensic pathologist and his knowledge of Shakespeare and so forth. He said that the holding of a Doctor of Philosophy was irrelevant in the context of the medical profession. Who cares if the ability or the knowledge of Shakespeare of a particular individual is suspect? It is not relevant to his medical ability. Such woeful ignorance.

The Member himself has a Doctor of Philosophy but it has nothing to do with Shakespeare. My understanding is he has a Doctor of Philosophy in Economics or some branch of economics from Purdue University, no less.

Hon. Member: From where?

Mr. C. Imbert: Purdue University, I understand. But it is a good school.

Dr. Griffith: That is a good school.

Mr. C. Imbert: Shut up! Sorry, Mr. Speaker. It is just that I cannot take the crosstalk from that person.

Anyway, the Member for Tobago East has a Doctor of Philosophy in Economics. I do not think Shakespeare was on the curriculum when he went to Purdue, so he should know that Ph.D. does not necessarily mean that the subject matter of the degree is Shakespeare and the person in question has a Doctor of Philosophy in Forensic Pathology. It has nothing to do with Shakespeare.

It amazes me that the Minister, who acts as Minister of National Security, who has to control or manage our Forensic Science Centre, could so foolishly come into this House and carry on about the individual, Dr. Chandu Lal, to say he has a Doctor of Philosophy in Shakespeare and he does not even know that the degree in question is a Doctor of Philosophy, an alleged Ph.D. in Forensic Pathology.

In this particular case, he spoke about education. But, is it right for a government to interfere in the education system of this country, such that it legislates accreditation of a university degree? Is it right for a government to do that? Is it right for a government to say it is so competent as a government that it should accredit this institution of tertiary education? Is it right for a government to do that? I say no. I say all that is doing is lowering standards of education in this country. That is precisely what the UNC administration is doing with this piece of legislation. It is lowering the standards of education in this country by forcing the UWI degree into the dental profession in Trinidad and Tobago, no matter what standards may be applied at that institution now and in the future, because it is there; it is in the legislation now UWI degree.

So, if at some stage in the future, there is an exodus of lecturers from the university; the funding dries up or whatever, and standards decline, but they still produce degrees and still give degree certificates, those individuals coming out of that institution will be allowed to practise as dentists. A government should not interfere with education to that extent.

While, on the other hand, it is obvious that there are serious problems within this profession, in particular, it is a question of throwing the baby out with the bath water. I really caution the Minister of Health. There is a view on this side, some Members believe, that he is not as bad as the rest of them, but he allows himself, in my opinion, to be railroaded into doing things that are quite wrong. This kangaroo court that he is about to set up, this mongoose gang, this Tonton Macoute Dental

Dental Profession (Amdt.) Bill
[MR. IMBERT]

Friday, March 12, 1999

Council really is going to erode the credibility of dentistry in Trinidad and Tobago. It is going to erode the credibility of dentistry.

One must have respect for the professions. How would the Member for Caroni East like it if he went to an election of the Bar Association to elect a president, and when he reached there, there were two pitbulls and two Uzis by the gate and somebody standing there saying—

Mr. Humphrey: You mean you and Dr. Rowley.

Mr. C. Imbert:—“You are not on this list,” because the whole explanation the Minister gave about 80 members showing up and only eight entering the building, something has got to be terribly wrong. Again, it smells of manipulation.

This is the problem people are having. They believe there is manipulation in the system. They obviously believe the election was not fair and proper; they obviously believe there was an attempt by persons to manipulate the process when persons arrived at the door and were debarred from entry because their names were not on some alleged list. It really smacks of disrespect and contempt for professional people in this country. I urge the Government that the last thing it wants to do to Trinidad and Tobago is to degrade the professions.

One of the pillars in a society is its professional people. People look up to professional people because they believe that because they have met the required standards; that they have gone through the required course of training, they have subjected themselves to examination and so forth, that these are people of integrity and they are given a certain respect within the society. When you start to tear down the professions, you are destroying the fabric of the society. [*Desk thumping*]

I am reminded that in Nazi Germany, that is what Hitler did. When Hitler wanted to dominate Germany, one of the first things he did was destroy the professions.

Mr. Humphrey: He got rid of the short people.

Mr. C. Imbert: He destroyed the respect for professional people in Nazi Germany.

In China, in the cultural revolution, they took university lecturers, doctors, lawyers and architects, and they sent them to plant peas in the fields in Cambodia, all in some insane experiment at destroying the fabric of a society. The Chinese now recognize the damage that was done to China during the cultural revolution. So, I am warning this Government to be careful. Just because somebody's son is

quarrelling and making noise, do not extrapolate that to the destruction of one of our cherished professionals. I am asking the Minister to be as circumspect and upright as he possibly can, when he is electing this Second Interim Council.

7.20 p.m.

Please try to select persons who are respected as being neutral in the society. Let a proper dental council come back into being, one that is selected by the profession not through politics, partisan interest, petty jealousies and other trivialities and unhealthy interests. I would also simply ask the Minister to give me an undertaking that he is going to amend clause 3(c) to make it absolutely clear that the chairman of the Second Interim Council will be a dentist of five years' standing as a practising dentist in Trinidad and Tobago. If he refuses to do that then the rumours that have been brought to me will be confirmed. I thank you, Mr. Speaker.

The Minister of Health (Dr. The Hon. Hamza Rafeeq): Thank you, Mr. Speaker. I want to thank Members on both sides of this House for contributing to this debate. They have really gone over a lot of ground that was covered in the debate six months ago and I would not like to respond to all of them because, as I said, we did so comprehensively when we debated a similar motion some months ago. But, Mr. Speaker, I just wanted to deal very briefly with some of the issues regarding the elections that took place on the night of the 28th.

Mr. Speaker, the interim council was constituted for a period of one month and they only had one opportunity to conduct the elections because they had to circulate the necessary notices and so on at least 14 days before the date of the elections. Mr. Speaker, there were quite a lot of rumours flying all around the place and one of them was a rumour coming from certain quarters saying that the dentists would do everything in their power to ensure that the elections did not take place. Mr. Speaker, as I said, the interim council only had one opportunity.

Mr. Speaker, if you come to the Ministry of Health on any day first you will have to come to the lobby where you will see three security guards who are armed with revolvers. I met that there when I went. That is the first thing that you meet there. The interim council asked the Ministry for some support as far as security arrangements for the elections were concerned and, Mr. Speaker, there were no guard dogs. There were three security officers who had their normal revolvers that they usually carry on duty and they did not have Uzis and guard dogs. There were just three security officers who normally keep duty at the Ministry of Health.

Dental Profession (Amdt.) Bill
[MR. IMBERT]

Friday, March 12, 1999

Mr. Speaker, we must realize that this election was not one of the normally run elections by the dental council; the circumstances were different, and because of that, different arrangements had to be made. Mr. Speaker, the point was made that some dentists were allowed in the building and some dentists were not. Mr. Speaker, the Act says that only members of the board can vote, and there must be some criteria for any kind of election.

The Act also says that only Members of the dental board can vote and it spells out who is a member of the dental board. One must sign a form indicating that one wants to be a member of the dental board. That form has to be accepted by the dental council before one becomes a member of the board. Some criteria has to be laid down and the dental council itself has laid down the criteria for the elections. So it is on that basis, that is, having got the lists of registered dentists, having got the forms from those dentists who indicated their intention to be members of the board, that the list of voters was prepared, and only members of the board were allowed to get into the room where the election was taking place. So there is no question of rigging the elections.

Mr. Speaker, you as well as everybody in this country know that even on the day of a normal general election in the country when you go to the voting booth there is a policeman there with a gun—whatever it is. But that is not meant to intimidate anybody to vote for any particular—least we do not think so—political party. That is not meant to intimidate anybody. The security is there to maintain law and order. Mr. Speaker, as I said, there are lots of issues that we had discussed before and I do not want to go through all of them but I just want to mention one thing to the Member for Port of Spain South and that is concerning the Bristol curriculum.

Mr. Speaker, in April of this year a professor from Bristol will be joining the University Dental School and he is the professor who designed the Bristol curriculum for dentistry. He will be joining the faculty in April and we did mention, when this debate took place a few months ago, that this will be put in place shortly to implement the curriculum that he himself had developed for the University of Bristol Dental School. As far as the staffing arrangements are concerned, there are 23 lecturers out of a complement of 30 and right now there are 30 being processed to fill the other seven vacancies in the dental school.

So, Mr. Speaker, it is not that we are turning out people who are quacks at the University of the West Indies and we are doing nothing about it. The Member for Diego Martin East also mentioned that if standards fall at the dental school we will

still have the obligation to recognize the degree. That is not so, Mr. Speaker, because in the amendment that we did six months ago we did include a Clause 8 which says that:

46. The Minister shall within two years of the commencement of the Dental Profession (Amendment) Act, 1998 and at least once every five years thereafter review, in collaboration with the Council the curriculum and training programme of the University of the West Indies Faculty of Medical Sciences Dental School and make recommendations thereon to the Council of the University of the West Indies.”

But in addition to that, section 5 says:

5A. The Minister may by Order, after consultation with the Council, amend the Schedule by adding thereto or deleting therefrom any University, College or other Institution.”

And:

(2) An Order made under subsection (1) shall be subject to affirmative resolution of Parliament.”

So the thing is there are mechanisms in place so that if the standards drop we can come back to Parliament and say that the standards have dropped and we need to make other arrangements.

Mr. Speaker, I just wanted to say again to the Member for Diego Martin East, and others who mentioned it, this Bill did not originate as a result of the involvement of the son of any senior party official. I want to put on the record today, Mr. Speaker, that discussions on these issues started long before my time as Minister of Health. There were problems with the dental school even before I became Minister of Health and discussions started prior to my coming. We continued the discussions for several years, for two and a half years, and at the end of it we came with this solution.

As I said, Mr. Speaker, I want to put on the record that nothing that is done in the Ministry of Health is done for political reasons. I want to put that on the record, Mr. Speaker. We feel that the health of the population is too important to be politicized and we do not do anything at the Ministry of Health for political reasons.

Mr. Williams: Would the Member give way? Minister, I thank you for giving way. The one concern that I have also is and you have not addressed it as yet and I was hoping to get a comment from you on it with regard to the one-year vocational training programme. You spoke of the curriculum but what about the training

Dental Profession (Amdt.) Bill
[DR. THE HON. H. RAFEEQ]

Friday, March 12, 1999

programme which will allow the UWI graduates to then become fully registered? Because I think that is what we all would like to see happen.

Dr. The Hon. H. Rafeeq: Again, as we said when the debate took place a few months ago, it will take a little while for the vocational training to be put in place but at this point in time there is an internship programme that is in place that can qualify the dentists to be registered and when the Bristol programme is introduced the vocational training programme will be part of that.

Mr. Williams: Thank you again, sir, but the law as it stands now states specifically that they must have that one-year vocational programme. So while I gather what you are suggesting is that the internship programme is equivalent to that, my concern is whether or not the law as it is currently on the statute books would be satisfied.

Dr. The Hon. H. Rafeeq: As I said, the intention is to introduce the Bristol curriculum with the Bristol vocational training programme. However, at present, the year of internship can be counted as the year of vocational training, so the law will not be prejudiced in this case. As I said it is the intention to move it towards the Bristol training programme with the Bristol vocational training programme, as well.

Mr. Speaker, I think I have dealt with most of the issues. I do not want to get involved at this point in time with the medical board issues. I know that is the subject of deliberations elsewhere and I do not want to get involved with that at this point in time but I just wanted to make one little clarification in the Bill and that is in section 4(3), Mr. Speaker. When this Bill went before the Senate there was an omission of three words here and I will be speaking to this at the committee stage. But there is an omission of three words. It says:

“(3) Until a new Council is elected in accordance with section 10(A) (8) the functions of the Council”

and the three words that are missing are:

“to register dentists; shall be performed by the Second Interim Council...”

These are three words that have been omitted from the Senate to here, and as I said I will be moving this during the committee stage.

Mr. Speaker, I beg to move.

Question put and agreed to.

Dental Profession (Amdt.) Bill

Friday, March 12, 1999

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

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

Mr. Imbert: Mr. Chairman, I would ask the Minister to deal with 3(5)(c).

Dr. Rafeeq: Mr. Chairman, as you realize, this is one of appointment. It is not something in perpetuity. It is one of appointment. I would like to leave this as it is but give you the assurance here that we will appoint a dentist of five years' standing in Trinidad and Tobago. The reason is that if I do this amendment it will delay the processing as we will have to go back to the Senate and, as I said, there is a degree of urgency, but I will give the commitment here that the chairman will be a practising dentist of five years' standing in Trinidad and Tobago.

Mr. Imbert: Mr. Chairman, could I ask, will that be recorded, that assurance?

Mr. Chairman: Everything that is being said here is being recorded.

Mr. Imbert: No problem. I will accept his assurance. Sometimes they expunge things from the records.

Mr. Chairman: I do not think that that has changed. If it changes it would have to be in the Standing Orders.

Question agreed to.

Clause 3 ordered to stand part of the Bill.

7.35 p.m.

Clause 4

Dr. Rafeeq: Mr. Chairman, I was making the point earlier that there has been a typographical error, in that, three words had been left out from the original amendments in the Senate. In clause 4(3), in the second line, section 10A(8), "the functions of the Council to register dentists", those words have been left out.

Mr. Chairman: Hon. Members, what is being said, therefore, is that it is not really an amendment but an omission being brought to your notice.

Clause 4 ordered to stand part of the Bill.

Dental Profession (Amdt.) Bill

Friday, March 12, 1999

House resumed.

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

PROCEDURAL MOTION

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House continue to sit, notwithstanding the hour, in order to continue debate on the Constitutional (Amdt.) (No.3) Bill 1999.

Question put and agreed to.

Miss Nicholson: "Yuh hiding from the people!"

Mr. Speaker: Hon. Members, the sitting shall now be suspended for the purposes of dinner, until 8.30 p.m.

7.41 p.m.: *Sitting suspended.*

8.30 p.m.: *Sitting resumed*

CONSTITUTION (AMDT.) (NO. 3) BILL

Mr. Colm Imbert (Diego Martin East): Mr. Speaker, I really do not know what the Government is afraid of, why at 8.30 p.m. in the night without any press, we should be debating a Bill as important as this but, this is typical of the UNC administration. I see the amendment effectively scraps the substantive bill and replaces it with a new bill.

When one looks at the effect of the amendment, in my opinion Mr. Speaker, it is a case of going from one extreme to the other. You have to ask yourself, what was the intention of the Attorney General when he brought a Bill before this Parliament, giving Committees of Parliament powers of a Commission of Enquiry. You really have to ask yourself, what did the Attorney General intend?

It is interesting that after an interval of bluster and bluff, that the Attorney General has backed down as it were, and has brought this version which does not give the committees powers of a commission of enquiry. I have noticed this Attorney General in particular, very good at double speech Mr. Speaker; making the point erroneously, that we on this side have been talking about corruption and corruption but, when presented with an opportunity to enquire into governmental action, we are not interested.

But Mr. Speaker, one needs to ask the Attorney General, why did he include the service commissions in this legislation? Was it intentional? Did he know that those six (6) eminent jurists would publicly denounce his legislation, giving him the

opportunity to remove the powers of a commission of enquiry from a committee investigating a ministry or state enterprise?

Where has the argument been advanced by any member of the public, that one of these committees enquiring into a ministry, a statutory authority, or state enterprise should not have the powers of a commission of enquiry?

One wonders really, what is this Government all about? They now bring something to appoint Joint Select Committees chaired by whom, we do not know. As an example, the Public Accounts Committee is chaired by a Member of the Opposition. The Public Accounts (Enterprises) Committee is chaired by a Member of the Opposition. But this, half way house, that has now emerged after the Attorney General has been battered and bruised by persons eminently more qualified in law than he, does not really say.

I have to ask the Attorney General, why does he not give the Public Accounts Committee powers of arrest. If he is so concerned about transparency, and so concerned about giving the Opposition the opportunity to enquire into governmental action, why do you not give the parliamentary Public Accounts Committee, powers of arrest? Why do you not give the PA(E)C, powers of a Commission of Enquiry?

I would say Mr. Speaker, he is afraid. Even in the first bit of legislation, there was no stipulation that these committees that would investigate ministries and statutory authorities, would be chaired by the Opposition.

Now, is it not ludicrous that a committee chaired by the Government, will investigate the Government. It is ludicrous, Mr. Speaker, ludicrous; and it begs the question, what is the Attorney General really up to? What is the point of appointing all these committees, where himself will investigate himself? Where the Member for Caroni East, will investigate the Member for Caroni East. What is the Government really driving at?

When we heard about all this foolishness in the first place, we asked the question why are you afraid to tighten the two standing committees of Parliament—the Public Accounts Committee, and the Public Account (Enterprises) Committee? One deals with ministries, and one deals with state enterprises. Why are you so afraid? Is it that because we chair those committees, things would not go the way you want?

Constitution (Amdt.) (No. 3) Bill
[MR. IMBERT]

Friday, March 12, 1999

There have been many difficulties in those committees, Mr. Speaker. I remember a certain individual was fasting on the Hall of Justice complaining that you could not get committees to work.

Our members have great difficulty on occasions, Mr. Speaker, in getting matters brought before these committees. Right now, in the Public Accounts (Enterprises) Committee, we want to deal with National Gas but we are having difficulty, Mr. Speaker, because we do not have the powers of a commission of enquiry.

8.40 p.m.

When we look at the committee system in other jurisdictions, we see that in those countries, like the Lob Sabha in India, those assemblies have members totalling 500 or 600. So it is very easy when you have those large numbers of parliamentarians, to have properly functioning and workable committees.

The Attorney General has made a very weak defence to this point. We already have two committees of Parliament with members of both sides on these committees. Are we now going to have another 10 committees? Who will sit on these committees? Who from the 18, 19 or 20 on that side will sit on these committees? I would love to know how these things are going to function. The Attorney General is on a frolic of his own. He is just pretending to put a system in place; pretending to care about transparency and accountability. Since the committees, there is no system in the legislation whereby the committees would be chaired by the opposition. One really has to wonder how these committees are going to work. Are they going to tie up all of us on 10 committees? Will they take all of us and appoint 15 committees? Will they put all the Members of the Opposition on these committees? Mr. Speaker, it is a very devious strategy. What we want from the Government is the strengthening of our two committees. That is what we want!

When my colleague for Diego Martin Central is still chairman of this committee, when he summons the Minister of Finance or some other errant minister, he must be able to compel that person or his representative to come and give proper information before the committee. That is what we want!

The other thing is: Why did the Attorney General want to arrest and imprison members of the Judicial and Legal Service Commission? I remember the Member for Couva South, when he was in Opposition, brought a motion in this Parliament condemning the Judiciary. One wonders, what are the scores that the Attorney

General wants to settle? What is he up to? Who are those members of the Judiciary and the legal fraternity against whom he has these axes to grind; all of these scores and these grudges to settle? Which Government in their right mind would want to arrest and imprison members of the Judicial and Legal Service Commission?

You see, the point is that while there is merit in the argument that many of the things that are done by these commissions should be questioned, we do not have to go to a situation where the Member for Couva South could lock up the Chief Justice, for example. It amazes me that the Attorney General had in his possession the comments of the Judicial and Legal Service Commission. I have it heresigned by these eminent gentlemen: the Chief Justice Michael de la Bastide; Kenneth Lalla; Justice Guya Persaud; H. A. S. Wooding and Justice Alcade J. Warner.

When you read the comments of the Judicial and Legal Service Commission on this draft Bill, you really wonder what is going on. Notwithstanding the fact that there is an amendment, we still have to look at the intent of the Government.

This is what the Commission had to say:

What is proposed in the Bill is that a parliamentary committee be empowered to summon before it the Chairman or members of a service commission and ask questions as to the working of the commission including the criteria applied in the discharge of its functions. Underpinning this power, the Commission of Enquires Act is to apply, so that refusal or failure to answer to a summons or to answer a question can be visited with punishment including imprisonment. While the chairman of a commission is to be exempt from being compelled to attend, the Bill also contains a provision for the chairman to send a member to represent him. That member will not enjoy the same exemptions.”

So even if the chairman declines to go, he has to send someone else. He can be imprisoned if he decides that he does not want to answer a question put to him by the Attorney General.

Mr. Speaker, the commission also indicated that the Wooding Report dealing specifically with the Judicial and Legal Service Commission said, in respect to its recommendations, “That the functions of the Judicial and Legal Service Commission, as the Body appointing judges and magistrates, demands that its total independence of the Executive should stand out.”

Mr. Speaker, I return to my question: Why did the Attorney General join committees to investigate ministries and service commissions? What was the intention? Why did he not separate these two things? Because the effect of all of

Constitution (Amdt.) (No. 3) Bill
[MR. IMBERT]

Friday, March 12, 1999

this is that after he got all that licks in public, he has now watered-down this whole thing so that these committees will be toothless, powerless and impotent, as, to some extent, the existing committees of Parliament are?

I am asking the Attorney General to get rid of this piece of nonsense that he has brought before us today—the first one and the second one. It is absolute rubbish! If you are so concerned about integrity and transparency, give the Standing Committees of Parliament that exist to investigate governmental activities powers of a commission of enquiry.

The other matter that the Judicial and Legal Service Commission brought to the Attorney General is an extract from the report of the Constitution Commission of Trinidad and Tobago, the findings of the Constitution Commission on service commissions:

In the period pre-dating internal self-government, total identification of the public officer with the political administration, produced no contradictions because the political administration never changed insofar as one governor replaced another, and to many the role of governor as the local founder and head of political authority was never very obvious. He appeared to be another public servant. Through his senior subordinate, he was responsible for the management of the public services ensuring that it was from his point of view, an efficient instrument for carrying out the policies for which he had been instructed to carry out. His role in that respect was never regarded as interference with the public service.”

This was before we had self-government.

8.50 p.m.

With full internal self-government and subsequently independence, complications were inevitable. The political administration could now be subject to sudden change. The opposition critic of one day could be the Government Minister of the next. So said, so done, in this latest manifestation of the Parliament. Yet, if the administration was to be a success, the public officer had to be responsive to the policy demands of whatever government might be in power and show equal skill and dedication in their implementation. Understandably, the political administrators would wish to have some say in the management of a machine, the proper operation of which was important for their success. Any attempt to do this might very well savour either of victimization or favouritism.

The solution to this problem adopted in the present Constitution, was to create independent service commissions to which was entrusted the power to appoint, transfer, promote and discipline persons in the public service. This was intended to insulate public officers from direct political interference. Thus protected, they would be free to serve any political administration with equal dedication. This structure appears to have worked well and we recommend that it should be continued. We accept also, that the political authorities have a legitimate need to exert influence on a management of the public service. For this reason, we recommend the retention of the Prime Minister's veto over appointments to certain posts in the service.

This, Mr. Speaker, refers to the 1962 Constitution, but it is equally relevant to the 1976 Constitution. We, on this side would never indicate that we have always been entirely happy with the working of service commissions in this country. We have been unhappy with the way service commissions carry out their functions. Not just us, but other governments before us and governments that would come after this one. This is a fact, nobody is debating that. So, before we get into some trivial, puerile debate about the fact that the PNM brought legislation to deal with service commissions and so forth, let us dispense with that foolish notion that we on this side are entirely happy with the working of service commissions. That is not so. There are definite problems, and the fact that the service commissions are not really accountable to the population with regard to their actions is, in fact, a problem.

This insidious legislation, Mr. Speaker, has far-reaching implications, because even in the amendment the Attorney General wishes to allow committees to report to Houses of Parliament in respect of service commissions in relation to their administration, powers, methods of functioning, and any criteria adopted by them in the exercise of their functions. How is a committee going to do that?

If some friend of the Member for Tobago East did not get his appointment as Accountant III in the House of Assembly, then the Member for Tobago East, sitting on the committee, would be entitled to ask: How come Jonathan Jobif—such a person exists—did not get his promotion to Accountant III, and he is such a bright fellow; he is so qualified and has been working in the public service for so long. Why are you against him? In effect, this is what the Bill seeks to do, and as far as I am concerned, it seeks to hold the actions of the commissions to ridicule, to public censure and to bring the commissions into disrepute. *[Interruption]*

Constitution (Amdt.) (No. 3) Bill
[MR. IMBERT]

Friday, March 12, 1999

If parliamentarians can haul the members of commissions before them and ask— let us not say parliamentarians, let us say Ministers of Government because as I said, it did not say that the Opposition is going to chair these committees, it did not say anything. There are no rules, no criteria—nothing. They do not say how many Members of this House, that House, or the Opposition—nothing. We are really dealing with Members of Government who would be sitting on these committees, chairing these committees, summoning members of the service commissions and asking them: “Why did you not make so-and-so head of Customs, or Principal of Caroni Junior Secondary?” Mr. Speaker, is this what we want to do in this country at this time? Is this what this country needs at this time? You have to ask yourself: why did the Government bring this legislation now? Is it because there is a problem with the economy?

This Government is very good at distractions and red herrings. In the past it was when there was a problem—you lose \$30 million in a rice shipment in Flour Mills, or there is a scandal at National Petroleum, or bacchanal in some corrupt contract at the airport—the Prime Minister would attack the media. For the first two years, every three months or so when things are ready to explode, when there is some problem in the country or some scandal about to erupt, the Prime Minister would jump up and attack the media, and that would take over all the headlines in the press for a month or two. So, when a scandal was about to emerge with some corrupt activity—Trinidad is a nine-day wonder country—all the Prime Minister had to do was to attack the media for nine days and move on to the next point.

There are economic problems in Trinidad and Tobago today: balance of payments and foreign exchange problems. There is a run on the currency at this point in time, rumours abound about a decline in the rate of exchange. Unemployment is rising, crime is at an all-time high, persons are being laid off throughout the energy sector. I am of the view, Mr. Speaker, that this Bill was deliberately brought here to distract the population from the serious economic problems facing the country at this time. Why would the Attorney General go into battle against four Chief Justices, two Presidents and all these eminent jurists on the Judicial and Legal Service Commission? Why would the Attorney General risk his personal standing in the community to make critical and derogatory remarks about two former Presidents and four Chief Justices? *[Interruption]* Why would the Attorney General put forward the view that he is more qualified in law than two former Presidents and four Chief Justices, and say that they do not understand? It is amazing!

I saw the back handslap coming from a former President that it is unlikely, it is amazing that the six of us who have some little measure of knowledge, would misunderstand?" A little backhand slap, and it knocked him to the ground. Imagine that. Two former Presidents and four Chief Justices misunderstand and misinterpret a piece of legislation, and one of them was instrumental in framing the Constitution of Trinidad and Tobago!

9.00 p.m.

Did the Attorney General say that one of those eminent jurists copied the Constitution? The Attorney General is one of the most eminent plagiarists in this Parliament. I recalled when he brought the Freedom of Information Bill, talk about copy! The only difference between that Bill and the British legislation, is that he took liquid paper and changed the country on the top. Every full stop, every semi-colon, every clause, everything in that legislation was copied verbatim from the British legislation and it was so clumsily done. He did not even bother to reprint the front page, he took liquid paper, white out the thing and typed in a different font, so you could see it was copied.

Hon. Member: Oh, what a shame!

Mr. C. Imbert: When he retrieved the copy of the Freedom of Information legislation from England and compared the two, the only difference was the country at the top. I was shocked that a Member of this House could be a plagiarist at that level.

We have here a citizen's guide, (Member holds up a book) copyright Ministry of the Attorney General. This booklet is produced by the Attorney General of Trinidad and Tobago. What is a Constitution? What is democracy? All kinds of little cartoons. The point I am making is that the Attorney General never does his homework. That is the point I am making. He is a bluffer because he copied the same thing direct from South Africa. I have it here. *[Laughter]* What is a Constitution? What is democracy? Look, the little cartoons. And he is boldfaced enough to put copyright in the back, and Attorney General of Trinidad and Tobago.

He went on a trip to South Africa, took the people's booklet, copied it—

Mr. Manning: I thank the Member for giving way. Is he saying that—

Mr. Speaker: Hon. Members, let us get serious now.

Mr. Manning: Mr. Speaker, he has given way.

Constitution (Amdt.) (No. 3) Bill
[MR. IMBERT]

Friday, March 12, 1999

Mr. Speaker: I am ruling that it is impossible for him to give way to you. Please continue.

Mr. Manning: Is that correct? Mr. Speaker, whose House is this? What is this?

Mr. C. Imbert: Mr. Speaker, there is no doubt in my mind that the Attorney General is a bluffer and a plagiarist, but that is not the point. The point is what are we doing in Trinidad and Tobago in March 1999, wasting time in the Parliament on some exercise in self-aggrandizement, going full tilt attacking independent commissions in Trinidad and Tobago, when the intention of this legislation at least—according to the Attorney General when he first spoke about it—is to allow us on this side to investigate them. That is what this was all about.

The genesis of all this when the Attorney General was carrying on about committees which would have power in investigation, was to give the Opposition the right to investigate the Government. That is what it was all about, not to give the Government the right to investigate the Judicial and Legal Service Commission. It is an insidious piece of legislation and I am asking the Government to come clean. If it wants to deal with the service commissions, bring a bit of legislation for that alone. Do not tangle it up with investigation of ministries and state enterprises, we already have two committees of the Parliament to deal with government ministries and state enterprises.

I am satisfied that this matter we are debating today is just another smokescreen. As a matter of fact, I believe the Attorney General did not even want to bring this here—I am advised—and he was railroaded into bringing it by the strategist in the party. So I am told. They just wanted another diversion, so he was instructed to bring this here.

Mr. Maharaj: You get a lot of advice.

Mr. C. Imbert: Yes, we know what is going on, do not worry. We know that you did not really want to bring this, but you were instructed to do so because it was necessary to divert the attention of the population.

What better thing than to have six eminent men come out in a television interview, full page in all the newspapers carrying on about the Government trying to undermine independent bodies. What better diversion than that, Mr. Speaker?

I am not really too interested in what the Attorney General has to say on this matter. The original Bill and the amendment are fraud. We are demanding that

instead of this rubbish, the Attorney General brings legislation to give committees, presently chaired by the Opposition, the Public Accounts Committee, Public Accounts (Enterprises) Committee and so forth, powers that were envisaged by this legislation. That is what we want. We do not want any new committees, strengthen our committees. We are not getting into your 'kankatang,' your nonsense and the battle you are having with persons who may have ruled against you in your former life; who may have made judgments that you did not like. We are not getting into that.

We are not helping the Attorney General to fight his battles against persons who may have crossed him in his former incarnation. We are not helping him with this nonsense, and we refuse to be part of this diversion of the public interest, this fraudulent piece of legislation, and I demand that the Government gets back to running the country which they are neither capable of nor interested in doing. Get back to running the country!

Let us know what is going on with our currency. Let us know what is going on with Government revenues. Let us know what is going on with capital programmes, the non-oil sector, let us know what is going on with regard to job creation. Tell us what you are doing about the health sector. That is what we want to know. We do not want to get involved in this foolishness.

I am not participating in this nonsense, I am not supporting this rubbish, and I ask the Government to get back to the business of running the country.

Thank you.

Miss Pamela Nicholson (*Tobago West*): Mr. Speaker, I am extremely surprised to note that I am here to observe in this lower House of the Parliament of Trinidad and Tobago a debate on a Constitution (Amdt.) Bill similar to one that was attempted by the former government in 1994, especially after the government was rebuffed and silenced by the people of this country, including the UNC party which now controls the Government of the country. I am alarmed! I did not know I would have experienced this. *[Interruption]* I know the people of Trinidad and Tobago would never forgive me. I know that. I know it is a scar I have to carry. Do not disturb me!

The Constitution (Amdt.) Bill in 1994 only addressed the Police Service Commission and its administration, while tonight, a broad brush is passed over all the service commissions including the Judicial and Legal Service Commission. *[Desk thumping]* That commission is historically distanced from the politics of the country. There should be no politicization of that area. All one can see and feel is that

Constitution (Amdt.) (No. 3) Bill
[MR. IMBERT]

Friday, March 12, 1999

the aim of this Government is to control and politicize these institutions and impose an authoritarian, dictatorial system of government on this society.

Mr. Speaker, I know that there are problems with the commissions, but has this Government made any effort to resolve these problems before rushing to interfere with the Constitution? Only this afternoon, the Member for Oropouche was telling us that the Government is trying to reform, but you can reform without interfering with the Constitution of the country. *[Desk thumping]* It is a very serious area. You have a number of rules and regulations around the Constitution that are used to run the country. If you need is to give these institutions teeth, tighten up the regulations and many of these things can be resolved. Let them tell us what they have done in three years with these institutions in terms of reform as the Member for Oropouche has articulated before going to interfere with the Constitution. *[Desk thumping]*

Mr. Speaker, the Explanatory Note states:

Section 129 of the Constitution confers on a Service Commission unfettered power in that no one can question, in a court of law—

- (a) whether a Service Commission has validly performed any of its functions under the Constitution; or
- (b) whether a member of the Service Commission has validly performed any of his functions in relation to the work of the Commission.

This form of unrestrained power now seems incompatible with the principles of accountability, transparency and openness in a free and democratic society.”

Mr. Speaker, this claim by the Government is incorrect and untrue. Sections 127 and 129 of the Constitution show that the Prime Minister is already involved with the service commissions in relation to methods of functioning.

9.15 p.m.

Miss P. Nicholson: Mr. Speaker, I would just like to quote a little bit here, from clause 127 which states:

‘A Service Commission may, with the approval of the Prime Minister and subject to such conditions as it may think fit, delegate any of its functions under this Part other than any power conferred on the Commission by section 129,’

And 129 says:

Subject to subsection (3), a Service Commission may, with the consent of the Prime Minister, by regulation or otherwise regulate its own procedure, including the procedure for consultation with persons with whom it is required by this Constitution to consult, and confer powers and impose duties on any public officer...”

Then you have in 121, subsection

“(4) A person shall not be appointed to an office to which subsection (3) applies if the Prime Minister signifies to the Public Service Commission his objection to the appointment of that person to that office.

(5) Subject to subsections (6) and (7), subsection (3) applies to the offices of Permanent Secretary, Chief Technical Officer, Director of Public Administration,...”

So, it is telling you that the powers are not unfettered, they are not unrestrained. That is incorrect and untrue. We do not expect that to come from the heavyweight lawyers. What do you call them? Supposed to be? The Attorney General says he is the best in the country.*[Interruption]*

I am not a lawyer, I am just interpreting what I read. So, you do not have, Mr. Speaker. ~~Mr. Speaker~~ is chatting.*[Interruption]* Mr. Speaker, I am seeking protection from the Member for Pointe-a-Pierre. I do not want to be disturbed, I sat here quietly and I listened to everybody here this evening.

So, Mr. Speaker, the Prime Minister can be deeply involved with the service commissions and to argue that the service commissions have unrestrained power is untrue. That is incompatible with the principles of accountability, transparency and openness, in a free and democratic society; it is devious in my view and smells of some underhand strategies by this minority government. *[Desk thumping]*.

The Government is minority and the timing is wrong. To deal with this Bill this afternoon, Mr. Speaker, it is not a simple majority: it must be a two-thirds majority and I will deal with that later. The mere fact that the Government is a minority Government is the number one issue. If they want to come with a Bill like this that will be interfering with our independent service commissions that form the cornerstone of our Constitution, Mr. Speaker, let them close down the Parliament and go to the people with the issue, make it a referendum issue! It is the people who must make this serious decision. *[Desk thumping]*.

Close down in here and go on the streets and tell them that there is a serious problem—we have some service commissions that we are not getting anything from:

Constitution (Amdt.) (No. 3) Bill
[MISS NICHOLSON]

Friday, March 12, 1999

go to the streets with that problem. Because from the position of reform, all that has to happen is, the Prime Minister can periodically, whether it is every six months or every three months, invite the chairmen of the commissions if he is having problems. Discuss the issues with them, tell them, "Look, I want you to come with strategies here to tell me how we are going to resolve these problems." And give the money to implement the strategies. I am trying to deal with the area where the Attorney General spoke of unfettered, unrestrained power. I am saying that is not true, because the Prime Minister can have a relationship with the service commissions. It is there and it is very distinct in the Constitution.

Secondly, there is also an Appeals Board and section 132 shows that a public officer can challenge the decisions of the Service Commissions by appealing to the Appeals Board. This is another area of control against what the Attorney General is trying to articulate to us. What is needed here, is that the Government should use reform systems, re the administration of justice. Come up with some new regulations; tighten up these regulations so that you can accelerate the determination of appeals made to the Appeals Board. If you want a Judge to be on that Board all the time, some young dynamic Judge, put him there. People with management skills should be put on the board to work with the Judge when there is a case to address. The Appeals Board, can sit every day.

This afternoon, I heard the Member for Oropouche say that the commissions will go and sit twice a week if they wish, and he said that the Judicial and Legal Service Commission sit when they feel. I am saying your regulations can be tightened to address that situation; to accelerate the level of determination of appeals by the Appeals Board. This can be done without altering the Constitution or politicizing and controlling the commissions. It can be done. Also, you must pay the people. I want to know what they get how much we pay them. If we want action, you must pay them well. You do not have to interfere with the Constitution at all! You can reform our regulations and rules, give them teeth. You can pay the people to sit every day to address our problems. If you tell me you did all of that and you did not get any result, I might listen to you and then I will tell you the next thing to do is go on the road to the whole population and come back. Make it the issue and get the two-thirds and come back.

Thirdly, there is the judicial review committee as was witnessed. We know that we can go to them. You have the Endell Thomas case. The Attorney General told us something about it. I think the Member for Siparia referred to it. He went there, he went right up the road to the Privy Council and was successful. So the people have that recourse they can use, so, do not state that the commissions cannot be

taken to courts. You had Justice Crane who took the Chief Justice to court and won: something that never happened and he must get his \$18 million. It was said that he is deemed to have been denied the natural justice of which a Chief Justice, of all persons, should be the prime judicial proponent. You have Superintendent Murray. He went to court too. The Constitution allows this. So you cannot say, I am just criticizing, when we talk about unrestrained power; unfettered power. That is not true based on the examples that I have articulated. *[Desk thumping]*.

Mr. Speaker, I am going to repeat. Reform, yes! You have some problems. I am not saying no. I am not saying that at all, but I am saying the Prime Minister can use the openings that he has, meet the commissions and relate to them. Let them know what the problems are, come up with strategies to resolve them and periodically meet them. You have another strategy. I do not know if this one could work. The Prime Minister meets the President, who appoints the people to the commissions. I am wondering whether the purpose of this Bill is to criticize the President, because the President is the person who appoints the people to the commissions. So, you are interfering in an underhanded fashion with what the President is doing. I am wondering. The Prime Minister meets the President every week, I think on Wednesdays. He could have told the Presidentsorry Sir.*[Interruption]*

9.25 p.m.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, as I did indicate, we did not intend to complete this Bill today. I now beg to move that this House do now stand adjourned to Friday March 19, 1999 at 1.30 p.m.

Mr. Speaker, on Friday March 19, 1999 the House will be debating Bill No. 14, which is the Patents (Validation of International Applications filed under the Patent Co-operation Treaty) Bill and we shall also be debating the motions which have been on the Order Paper and which are very urgent at this time; Motion No. 1, Motion No. 2, and Motion No. 3, and there are two bills which had been adjourned when we reached the committee stage: the Sawmills (Amdt.) Bill and the Forests (Amdt.) Bill.

The debate on the Constitution (Amdt.) (No. 3) Bill will continue on April 9, 1999. I will fix the time for the debate which will be continued on April 9, 1999. May I mention that the Friday after March 19, 1999 which is Friday March 26,

Constitution (Amdt.) (No. 3) Bill
[MISS NICHOLSON]

Friday, March 12, 1999

1999 is Private Member's Day, and the next weekend is Easter. Therefore, the debate on the Constitution (Amdt.) (No. 3) Bill will continue on April 9, 1999. I have indicated that to give Members an idea of how it will go.

Mr. Valley: Mr. Speaker, I wonder whether the hon. Attorney General can assist by giving us some idea concerning the order in which these matters will be taken at the next sitting.

Hon. R. L. Maharaj: We will first debate the Patents (Validation of International Applications filed under the Patent Co-operation Treaty) Bill. Then we shall do the motions. I cannot give an idea of the sequence of the motions, but we are hoping that we will be able to do all the motions on that date.

Mr. Valley: There are four motions.

Mr. Speaker: Hon. Members, before I put the question on the adjournment of the House, I have given leave for matters to be raised, and I first call on the Member for Diego Martin East to raise the matter of the improper takeover by unqualified and unsuitable UNC activists from the Diego Martin Regional Corporation of the Unemployment Relief Programme in Diego Martin.

Unemployment Relief Programme—Diego Martin (Unqualified Employees)

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, the Motion is self-explanatory. The improper takeover by unsuitable and unqualified UNC activists of the Unemployment Relief Programme in Diego Martin.

This Government is truly amazing. In the previous year, an attempt was made to select persons to manage the Unemployment Relief Programme in some sort of disciplined manner. Advertisements were placed in the newspaper, qualifications were identified, including university degrees, A' levels in Sociology and other relevant qualifications. Persons were interviewed, and in several cases, not all, persons were selected on merit to manage the Unemployment Relief Programme in Trinidad; not in all cases, but in certain cases. There was a genuine attempt to select persons who were qualified. As I said, in some cases they had university degrees and had relevant experience which gave them the ability to manage this programme.

What has happened this year? The Minister has admitted to us that no qualifications were required to manage the programme in 1999. I quote from an answer to a question from the Minister of Local Government:

Adjournment

Friday, March 12, 1999

‘Advertisements for the Unemployment Relief Programme monthly paid positions were carried in the press from December 15 to December 17. These advertisements did not specify qualifications.’”

So, whereas in the previous year they were specifying university degrees, A’levels and so forth, this is not required in 1999. We had qualified people managing in 1998, but unqualified people managing in 1999. That is the UNC concept of progress.

It is even more ludicrous when one looks at the persons themselves. Look at who is managing. I consider the Minister's response to the question insulting, because I asked him if he consulted with the regional corporation prior to the appointment of persons to manage the Unemployment Relief Programme. This Government made a big hullabaloo when it moved the administration of the Unemployment Relief Programme from the Ministry of Works and Transport to the Ministry of Local Government. A set of tralala’ about how they are devolving autonomy, allowing regions to manage the programme, yet we have this arrogant Minister saying that it is not the practice to obtain inputs from local politicians for the filling of monthly-paid positions. That is not correct!

It is a fact, Mr. Speaker, that the committee that interviewed persons in Diego Martin in 1998 included elected members of the Diego Martin Regional Corporation.’”

This is an untruth! In 1998, the Minister allowed elected members of the council to join with public servants and interview, recommend and make comments on persons to be appointed. But in 1999, he has disallowed this.

I can tell them why he does not want people who have been elected by the voters of Diego Martin to have anything to do with it. Just listen to who is running the programme. The Programme Manager is Wardah Marshall, a personal appointee of the Minister. It is interesting that this individual, in 1998, was rejected for the position of recruitment officer. This individual did not have the requisite qualifications, did not have the required A’levels, submitted inaccurate information in her application and the Minister knew that, but he insisted that this individual be put in charge of recruitment in 1999. He insisted against the wishes of everybody and put that person in place. Who is that person? The wife of the gentleman who was standing and challenging the Government at No. 1, Mucurapo Road. That is the individual.

Mr. G. Singh: Truly?

Unemployment Relief Programme
[MR. IMBERT]

Friday, March 12, 1999

Mr. C. Imbert: And the Minister says “truly” as if he does not know. I remember a conversation in the corridor where a Government Senator rebuked that Minister for hiring this person, a member of the Muslimeen, to be the recruiting officer in Diego Martin, but he is saying “truly” as if he would like me to believe he does not know. He has now placed that person as the Programme Manager. The person has no qualifications. Anyway, that is number one. So the wife of the fellow who was threatening the Government was appointed by the Minister to run the URP in Diego Martin.

The Materials Manager, Thomas Sanoir, was the UNC candidate who contested against me in 1995 for Diego Martin East. The Minister acts as though he does not know. Who is he trying to fool? We asked about his qualifications. Listen to the Minister's reply. He said that he has extensive experience in a supervisory position. The man is a farmer from Paramin! What is he supervising? Sheep? He put him in charge of materials management. The fellow who contested against me in the general election for the UNC!

Donald Berment has no qualifications. Listen to this nonsense. He is currently completing accreditation in architecture. From where? Pacific Western; the diploma mill? Completing accreditation? I have never heard more foolishness! That means he failed his examination. Donald Berment contested for the Movement for Unity and Progress against me for Diego Martin East in the 1995 general election. The look on the Minister's face cannot fool me. He does not know?

Harold Schullere is the Project Supervisor. Check his qualifications! A primary school-leaving certificate. Appointed by the Minister! Who is Harold Schullere? He was the UNC candidate for Diego Martin West in 1995 general election. This is a disgrace, Mr. Speaker.

Miss Nicholson: Total disgrace! And they are talking about transparency.

Mr. C. Imbert: They have loaded the programme in Diego Martin with candidates of the UNC who are unqualified and unsuitable. Everybody in there is an unqualified, unsuitable UNC activist, and they have taken over from persons with university degrees and management training. That is why I say it is improper. I am certain they have this throughout the country. They have taken defeated UNC candidates and members of the Muslimeen and put them to run the URP. They cannot fool me!

So, Mr. Speaker, I condemn the Minister for this. It is a joke and there is going to be mismanagement, lack of accountability, corruption and all sorts of irregularities in this programme in 1999. This from a Government that preaches

honesty, integrity and accountability. I condemn this! Thank you, Mr. Speaker.
[Desk thumping]

Mr. Hart: Rank dishonesty! Nepotism!

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, the hour is late. To hear the Member for Diego Martin East harping on what is happening in the URP is of great concern for all of us. This is not the only motion that is before us. We have other motions on the adjournment under the same heading of the URP and problems in the URP.

Mr. Speaker, the persons who work in the URP have a long history in working in that programme.

Mr. Hart: Nonsense!

Hon. D. Singh: Take, for example, Miss Wardah Marshall. She worked last year as the recruiting officer and she worked in 1997 in the programme as well. So, the people who are attached to this programme continue to work in the programme year after year.

9.40 p.m.

In responding to the Member for Diego Martin East, he is recycling a similar matter that was raised in this House in which I had given information on the process of recruiting persons in the URP. I wish to again, for the Members' sake, inform of the process whereby we went about identifying persons to manage the programme.

Advertisements were placed in the newspapers; because of the number of people who applied for the post, there was a selection process whereby the best qualified people were short-listed and interviews were held at the Ministry of Local Government. Technical officers of the ministry were involved in the interviewing process. The committee had the option to call upon members of the various corporations to assist them with the selection process. Interviews were held and coming out of these interviews, the best suitable persons were identified for manning the URP departments in the various regions.

I wish to remind the House about Mr. Kenneth Collis, PNM Member of Parliament, a former Minister of Labour who was put in charge of the San Juan/Laventille Corporation. At that point in time there was no complain about that. I never said anything about it. But, today, the Member for Diego Martin East seems to have a problem with some persons whom he identified as UNC supporters and candidates. My information is that most of these people are in fact PNM

Unemployment Relief Programme
[MR. IMBERT]

Friday, March 12, 1999

activists. [*Desk thumping*] How do you know an individual like Wardah Marshall? How would you know to which party she belongs? Does she walk around with a balisier on her head, or a rising sun on her chest? Now, it will be very difficult for me to identify to which party Ms. Wardah Marshall and others belong because I do not have the time to do that. As I said, Sir, I am in receipt of information which suggests that many of these people are in fact PNM activists.

The URP programme is run on the basis of guidelines set by Cabinet, that is, there are recruiting officers who are supposed to be recruiting. They were put there to do that. What was happening and the information supplied to us was that the councillors, the politicians in the Diego Martin region, were in fact doing the recruiting and this concern about the URP is that they can no longer do that recruiting because the recruiting officers have been told of their positions, their roles and responsibilities and in fact, have stood their ground and are in fact doing the recruiting. So, the problem that the Member for Diego Martin East is having is that they no longer have that political interference and they cannot recruit people in that region based on political affiliation.

The programme is designed to employ people from all races and parties but, moreso people who really need a job and not people who belong to a political party. By freeing up the URP departments from political control that the councillors of the corporation attempted to do, thereby undermining the Cabinet directives you will see the Member for Diego Martin East coming here regularly with Motions concerning the URP because his role and influence in the programme has been reduced tremendously.

The programme is well run. We continuously monitor the programme and the persons selected to manage the programme are the persons best suited to have a balanced approach to the process of solving the unemployment in the Diego Martin region.

I thank you, Mr. Speaker.

Recreation Grounds—Toco/Manzanilla

Mr. Roger Boynes (*Toco/Manzanilla*): Mr. Speaker, if I may just indicate, at this time, that after touring the Constituency of Toco/Manzanilla, I mean the entire constituency a few days ago and visiting recreation ground to recreation ground with all the young people of the areas—a matter of fact, the evening is far gone because there were representations from each village and region in Toco/Manzanilla. They came here to hear this Motion on the adjournment debated.

I am so sorry that the Parliament went this late because they have to return to Toco and surrounding areas.

Their concern is simply that, all the recreation grounds in Toco/Manzanilla are in a dilapidated state at present—every last one of them. They hurriedly went and cut Valencia and Manzanilla yesterday because this Motion was on the adjournment but a goat can be tied on each of those grounds. We are at the point where cricket should have started on February 06, 1999 and it is a custom where all the grounds are cut before the cricket season starts so that we can get on with our season. As of today only one division of that cricket competition has started. The limited overs, which were supposed to have started on February 20, 1999, have not had the opportunity of starting. The fete match by Sir Frank David; English county players 11 was supposed to have had a cricket match in Sangre region in Toco/Manzanilla. I am supposed to have opened the bowling on one of those sites—bowling against Desmond Haynes, and I know it would have been a fiery spell [*Desk thumping*] a very fiery spell at that, but you know what—not even that match could have been played.

You know, it is a very sad day today that I have had to actually bring this Motion on the adjournment to get the grounds cut in Toco/Manzanilla. I listened to the Member speak a short while ago, and you know what is sad about it? There was a brush cutter in the Toco region. But do you know what the Chairman of the regional corporation did? He took the brush cutter and carried it out of the Toco region, so all the grounds from Matelot, Gran Riviere, Rampanalgas and Cumana—all the grounds are in a state of disrepair, the bush is as high as can be and none of the youths in the area can have the grounds to play any type of sport whatsoever.

9.50 p.m.

Mr. Speaker, we have produced, in that area, some of the greatest cricketers in this country. Ian Bishop, who is presently touted as one of the persons who could be a captain of the West Indies, is from there. Mervyn Dillon, our fast bowler, is from there. Kenneth Hazel, the national spin bowler, is from there. Randy Bishop and Roger Bishop, nationals. The list is as far as the eye can see. Young Devon Rogers from Toco Composite, who played against Hillview College recently, is in Form Six, scored 132 and took five for 32; he is an all-rounder. That is the type of cricketer that we produce from that particular area.

There are a number of young people who are no longer playing sports on the recreation grounds; what they are doing is playing cards, because not one of the

Recreational Grounds
[MR. BOYNES]

Friday, March 12, 1999

recreation grounds is in any state where the young people could have access to them. If they are listed, Mr. Speaker—

The pavilion of the Cumana Recreation Ground is in a state of disrepair, in a very dilapidated state. Why? When the previous administration was in government, it started to do a lot of work on the Cumana pavilion. I brought that matter to Parliament on a Motion on the Adjournment and was informed by the Minister that it would be done soon, but that was many, many months ago and up to today not a nail has been put into that pavilion and the place is in a state of abandonment. The type of sportsmen we produce in that Cumana Village is second to none.

Mr. Speaker, a few days ago, I took the press to the North Eastern Recreational Complex. That is supposed to be the stadium of the entire region. We are not as lucky as Arima, having the Velodrome and another proposed stadium in Malabar; we are not as fortunate. We have to depend on our Regional Complex at Ojoe Road. But if I tell you, Mr. Speaker, when you go in there, the entire pavilion is in a totally dilapidated condition. I took the media in there. Not even vagrants want to go in there.

Imagine, about two weeks ago, two sheets of galvanize from that roof fell and hit a young fella' and almost severed the young fella's hand. This is a serious thing. I am inviting Members from this House to take a walk into what is supposed to be our stadium in that region. Even the cricketers in today's *Daily Express* on page 43, are complaining that north east cricket is suffering because of bad grounds. The principals of the junior secondary schools; the teachers at North Eastern College; all the schools in that area which depend on the regional complex to have their games and to use the recreational facilities, are complaining that the ground is in a totally dilapidated state and the pavilion is in a totally dilapidated condition as well.

Nothing is played at that recreational facility; not cricket, not football, not basketball, nothing whatsoever. I am saying if we are serious about the young people, because I remember a long time ago at that regional complex when people, instead of going to Arima to see cycling, used to go to Sangre Grande. That was the mecca, the home. All of us used to have our sports at that facility.

When I was Chairman of the Corporation, we had a lawn mower there and the people used to maintain the ground. The ground was like carpet. Now, they have stolen the lawn mower; the place is in a dilapidated condition; the place is mashed up and broken down and I am saying that the people of that particular area are very concerned about their recreation ground and their pavilion.

I am also saying that we have produced some of the finest sportsmen in that area and if we are serious about our young people and if we really want to get them off the streets, we would have our recreation grounds and facilities brought up to scratch.

There is one thing I want to say. When we come here as parliamentarians and ask for things, it is not as though we are not trying to utilize our office to upgrade the facilities and the recreational grounds as well. We were able to get an Italian businessman in Gran Riviere to put out money so that a court in Gran Riviere could have been built. We got minimal support from the Unemployment Relief Programme, but most of it was offered from the people and from sponsors sourced around the area. We also got the National Gas Company to put a basketball court in Toco Composite School; also on Foster Road. That is what we did; we utilized the office.

I am saying that side by side with that, we run all the leagues, whether it be football, basketball, cricket, netball, windball cricket, throughout the length and breadth of Toco/Manzanilla, but I am saying that is not enough. It is not enough. All we are asking is that the grounds be upgraded so the young people can play football on the carpet. They are begging and crying. No wonder why the state of West Indies cricket is as it is now, because the young ones do not have a recreation facility now to practise on. The only turf wicket from Arima and right back to the East, is at the North Eastern Regional Complex.

Mr. Speaker, do you know what is happening with that? It has been totally abandoned and I am saying if we are serious about our young people and if we are serious about thinking about Trinidad and Tobago, and that the Toco area is not the “and” in Trinidad and Tobago, we will treat the people of that region with a certain amount of dignity and respect.

When I go to the Eddy Hart Grounds and I see plush grounds, I say, “My God, if we can only have one in that area, just one in that area, I would really and truly be totally satisfied.” But I am asking and I am demanding of it, that with immediate effect this Government do upgrade all the facilities in Toco/Manzanilla region, so that the young people could have a place to practise and they could put their talents to proper use.

I throw out to any region in this country that we can field a cricket side of 11 and we can beat any single team in this country. I am saying that with the kind of cricketers we produce in that area, we could even beat South Africa and Australia.

Mr. Speaker: I think on that note, it is necessary to wind up. [*Laughter*]

Recreational Grounds
[MR. BOYNES]

Friday, March 12, 1999

Mr. R. Boynes: In winding up, I wish to appeal that the grounds in the Toco/Manzanilla area are in a totally dilapidated state and I humbly ask that the Government could utilize its resources to upgrade the ground for the benefit of the young people of that region.

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

The Minister of Local Government (Hon. Dhanraj Singh): Mr. Speaker, it is really amazing. The Member for Toco/Manzanilla was the Chairman of the Sangre Grande Regional Corporation for three years and it is strange that he would come here this evening to speak about the dilapidated conditions of the grounds in Toco/Manzanilla. One would have thought that during his chairmanship he would have brought all these grounds to a high standard but, apparently, nothing was done. Instead, when he left office, he left the corporation with an abandoned project—

Mr. Boynes: Almost 70 per cent finished.

Hon. D. Singh: a project that was surrounded by controversy, that is, the Monte Cristo Park. That park has absorbed much of the funds of the Sangre Grande Regional Corporation in trying to bring that park up to a level for the people of Toco/Manzanilla to be able to use.

Mr. Speaker, the Sangre Grande Regional Corporation is one of the best-run corporations we have in the local government system. [*Desk thumping*] The Chief Administrative Officer, who is a public servant, is one of the best that I have amongst all the Chief Administrative Officers in the local government system. So, to hear the Member for Toco/Manzanilla speaking about the conditions of the grounds, is of concern to me and I will do some investigations into what he is saying.

But, Mr. Speaker, the Sangre Grande Regional Corporation has several grounds under its jurisdiction, over 37 recreation grounds. Recreation grounds are prepared for the cricket season, which corresponds with the dry season, but the heavy rainfall that we have been having from the end of last year and coming into this year, have hindered the preparation of the grounds in that and other regions. In the Toco/Manzanilla area, there is the highest level of rainfall in Trinidad and Tobago. Because of the rainfall situation, we cannot send heavy brush cutters onto the grounds because they will make drains on the grounds, then the Member for Toco/Manzanilla will come here to say that I am trying to destroy the grounds in that region.

I have been provided here with information which outlines the developmental works for that region in 1999. Improvement works are carded for the Manzanilla Recreation Ground; the North Eastern Regional Sporting Complex; Brooklyn Recreation Ground; Cumana Recreation Ground; Rampanalgas Recreation Ground; Matura Recreation Ground; James Smart Recreation Ground and Coronation Recreation Ground. A pavilion will be constructed at Matura and one has already been completed at Cumana. But I heard the Member say that nothing was done in Cumana.

Mr. Boynes: Was one completed in Cumana?

Hon. D. Singh: This is what I am reading here. Again, I will check this to make sure what is happening.

Repairs will be done to the North Eastern Regional Sporting Complex and the Rampanalgas Recreation Ground. The Ministry of Local Government is quite aware of the importance of sporting activities, particularly for the benefit of the young people of our nation and, had the Member for Toco/Manzanilla brought to my attention the dilapidated state and conditions of the recreation grounds in that area, I certainly would have responded quite quickly. Because, Mr. Speaker, Sangre Grande and Toco/Manzanilla are quite close to my heart; it will be going UNC in the next election [*Desk thumping*] and we will do everything to upgrade that region so as to bring the seat home to us. That is a well-known plan, so I can assure the Member that I will be looking into the problems which he has raised and I will do whatever is necessary, within my powers, to bring the grounds up to such standards that the people will be very happy with the Government in power.

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

Mr. Speaker: Order!

The Member for Toco/Manzanilla on the discrimination that is rampant in the employment of workers in the selection of projects under the Unemployment Relief Programme of the Sangre Grande Regional Corporation.

**URP Discrimination
(Sangre Grande Regional Corporation)**

Mr. Roger Boynes (*Toco/Manzanilla*): Mr. Speaker, I have sat here and listened to the Member for Pointe-a-Pierre and I have heard him say the Sangre Grande Regional Corporation is the best-run corporation in the country and that

Recreational Grounds
[HON. D. SINGH]

Friday, March 12, 1999

the Chief Administrative Officer is the best Chief Administrative Officer in the entire country. Well, I have no doubt that the Chief Administrative Officer is, indeed, a very good Chief Administrative Officer, if left to do the job that a Chief Administrative Officer should do.

One of the problems in that Sangre Grande Regional Corporation is that members of the administration are very frustrated. Now, they understand how the other side operates, so members of the administration would confide in me, as the Member of Parliament for the area, and let me know exactly how things are really run at that regional corporation, but I do not want to say who are the members of the administration.

Needless to say, when the programme was commenced and advertised in 1998, it was advertised in the newspapers and it was stated that certain numbers of persons would have qualifications for recruitment officer, for project supervisor, *et cetera*. What in fact did happen at that regional corporation was that the post of recruitment officer was, in fact, advertised.

10.05 p.m.

The then chairman tried to convince the members of the administration to select one Kenny Maloney as the recruitment officer. A panel was set up and interviews were conducted and that said Kenny Mohammed was not recommended because he did not fit the bill. [*Interruption*] Kenny Maloney, sorry, because he did not fit the bill. Lo and behold, Mr. Speaker, one Andrew Patterson was recommended by the panel at the regional corporation and that was sent down to the hon. Minister. It took but a telephone call from the chairman to the Minister, in the presence of another administration member who was present at the time, and immediately what took place, Mr. Speaker, was that one Kemraj Singh, a close friend of the Member for Nariva, a very, very close friend of the Member for Nariva, was selected as recruitment officer so he will cover the Nariva side of things.

Well that got the chairman hot, Mr. Speaker. The next gun-toting partner, Mr. Speaker, that got him very hot. Now what happened was that he contacted the Member you are laughing and said, well, "How could you have somebody seeing after Nariva? What about the Toco/Manzanilla side of things?" So what happened was that the same Kenny Maloney who was not recommended for anything came back down as the project supervisor but, in brackets, really and truly he was the recruitment officer for the Toco/Manzanilla side. That is what he is acting as, Mr. Speaker.

Do you know who that said Kenny Maloney is? He was the campaign manager for the said Verne Richards, the chairman of the regional corporation, who got demolished in Toco/Manzanilla in two general elections, Mr. Speaker, by almost 4,000 votes. You see, Mr. Speaker, I hear them saying things about marginal seat and what not. You know, I did not win my seat by 200 votes, Mr. Speaker. I won my seat by almost 4,000 votes and I must add that in terms of the entire Toco/Manzanilla area, we try to service as much as we—

Mr. Speaker: May I draw to the notice of the Member for Moruga that you seem very agitated. For the evening you are please, please? It is too much of a disturbance, particularly as you are sitting so close to the reporter. I ask you please—please continue.

Mr. R. Boynes: So what you find happening, Mr. Speaker, is simply that the persons who were, in fact, appointed for those particular positions, were UNC persons, and what has happened is that the Government now, in a grandiose manner, said that their policy in treating with the URP selection of jobs was in such a manner that it would be for the poor and needy, so much so that the councillors would have a say in their respective electoral district, the CAO will have a say, members of the church will have a say and even the Member of Parliament for the region would have a say, but I will tell you what did, in fact, happen.

When the Member of Parliament wrote and recommended to the regional corporation persons who were poor and needy and might I say that in that region we have some of the poorest people, because we have no estates, no factories, so we are really in need of employment in that particular region. When they were recommended to the regional corporation, do you know what they did? The members of the administration told me they took all my recommendations and they threw them in the garbage. That is what they did, Mr. Speaker.

If I may even go further to indicate, Mr. Speaker, that in their actual functioning under that programme, the members of the Sangre Grande Regional Corporation, the same UNC appointees, the recruitment officer, the said person called Kenny Maloney added three persons from the Sangre Grande region and put them to work from Matelot straight through to Matura. Do you know what, Mr. Speaker? They never showed up on site for any work and they got paid. It was his wife, his son and his daughter and the people of that region are holding them dearly in mind for that because you are taking bread out of their mouths, Mr. Speaker.

URP Discrimination
[MR. BOYNES]

Friday, March 12, 1999

That is a fact. That was done. Mr. Speaker, if I tell you, in the 1995 to 1996 period, there were about over 6,000 or so persons who were employed at that URP programme. In 1996-1997 over about 6,000; 1995-1996 about 6,000; 1996-1997 about 6,000; 1997-1998 just over 2,000, Mr. Speaker. You know what that would tell you as well? You know what that would tell you? It is that the URP, rather than being a temporary employment programme, is now a permanent employment programme because it is the same set of people who are getting employment 10 days after 10 days, Mr. Speaker, in that region, and that is a fact. That is a fact.

That is what you all are doing now, Mr. Speaker, and the sad thing about it is that the whole town knows. The whole region knows. Mr. Speaker, I am telling you that this should stop because the Unemployment Relief Programme is not a situation where few persons should be employed on such a regular basis. You should try to distribute the jobs to the poor and needy on an even basis.

Mr. Speaker, do you know another thing that the entire region knows? The persons who control the URP jobs are the persons who are associated with the drug lords in that region. The entire region knows that. The entire region knows that, Mr. Speaker. Everybody knows that in that region. The police knows that as well, Mr. Speaker. The police, they know that as well, right, and the same gunman knows that as well, the gunman chairman. Mr. Speaker, you know, he talks about the Monte Cristo Park. Yes, that is what they are doing.

Right now they just have one project where they have been sending every single thing, all the resources. They are trying to finish that Monte Cristo Park but, you know, when we left it at the corporation it was 70 per cent finished. You know what they said? They said "corruption." Those men, the Member for Nariva and the Member for Pointe-a-Pierre, they "bawl" corruption. They had to turn around after and when they checked high and they checked low and realized there was no corruption, they said there was an issue with respect to approval. But who is going to pay this Member for the damage when they talked about corruption?

Mr. Speaker, he is going to be served with a writ very soon, that Member for Nariva. When he came to Sangre Grande and talked about corruption, he is going to be served a writ very soon for his mouth. The matter is already in the hands of very senior counsel. I know you are panicking. I know you are panicking. For your mouth you will pay.

Mr. Speaker, do you know what is the strange thing about this whole thing? The people in that area are not being treated in a fair manner simply because it is only their friends and their family on that side who are being given those jobs via

the URP, the Unemployment Relief Programme. And you know what is even sadder about it? It is the same chairman, the twice defeated candidate, the gunman, who is going to Malta with the Member for Pointe-a-Pierre tomorrow, Mr. Speaker, two gunmen.

Do you know another thing, Mr. Speaker? It is that he got a cheque for \$25,000.00 this morning from the Sangre Grande Regional Corporation,. And if I may just read something here very briefly in a letter that he had sent, this Member for Pointe-a-Pierre, stating that:

Mr. Verne Richards has been nominated to travel with me to Malta and Barcelona. The travel tickets, *et cetera*, sponsored by the regional bodies will be utilized by Mr. Richards for this trip. Mr. Elvin Edwards will not form part of this delegation.”

So he is saying the travel ticket, *et cetera*, will be sponsored by the international bodies, but yet he took \$25,000.00 this morning from the Sangre Grande Regional Corporation and gave a cheque to Mr. Richards? Moneys for what? For what? Moneys that could have been used to do bridges, to fix the same recreation grounds and to do a lot of things in that region, Mr. Speaker.

Mr. Speaker, what I am saying, you see, this is the forum for it and they on that side have to answer to the people in that region.

The Minister of Local Government (Hon. Danraj Singh): Mr. Speaker, the Member for Toco/Manzanilla has raised several issues in this motion. He spoke about money, drug lords, he spoke about the chairman and his trip, he spoke about Monte Cristo Park, he spoke about gunmen, several issues. But, Mr. Speaker, I would like to read back the motion that is before us, that is, the discrimination that is rampant in the employment of workers and the selection of projects under the Unemployment Relief Programme of the Sangre Grande Regional Corporation.”

Mr. Speaker, he spoke about Mr. Maloney and then Mr. Kemraj Singh who were placed in the positions of recruiting officer and project supervisor respectively. But you know, Mr. Speaker, there are other members of staff of the URP such as the URP manager, Mr. Chow, who I know is a sympathizer of the PNM, I definitely know that, and he would not say anything about Mr. Chow, right. Mr. Speaker, it is unfair for Members to come here and use parliamentary privilege to cast aspersions on persons who cannot defend themselves.

Mr. Speaker, I had alluded to the fact that the Sangre Grande Corporation is one of the best-run corporations. The URP was a well-managed programme in that

URP Discrimination
[MR. BOYNES]

Friday, March 12, 1999

region and I have taken note of what he is saying. I have taken note that he is saying the level of employment has fallen from 6,000 in 1995 under his tenure to around 2,000 in 1998. Mr. Speaker, at this point in time I cannot ascertain whether that is correct or not, but from all indications that is not so, Mr. Speaker, and I will be checking into that.

Mr. Speaker, he also said that there is discrimination in the selection of projects and this is quite interesting. How could you have discrimination in the selection of projects? Do you have UNC projects and PNM projects? If you are building a pavement, is that pavement a PNM pavement or is it a UNC pavement? This is quite an interesting way of putting across what the Member has raised here. He said, the discrimination that is rampant in the employment of workers and the selection of projects." So according to him he is saying there are PNM projects and UNC projects. But I thought that whatever project is being done in the region will be undertaken for the benefit of all the people of that region.

10.20 p.m.

Mr. Speaker, the corporation is managed by members of the council, and there are PNM members on that council. I have never heard them making any [*Interruption*] they have never complained to me [~~*Interruption*~~] there are two councillors on my several visits to the corporation, of having any problem. As a matter of fact, with the running of the corporation... [*Interruption*] We are now approaching a local government election, and all kinds of things are going to happen in this place, and that is just one of them. [*Laughter*]

I am a bit concerned, however, about the fact that the Member for Toco/Manzanilla raised the issue of chairmen using corporations' funds to travel. I will have to see whether that was a decision of the council, or a unilateral decision. I would have to check to ascertain what transpired.

The URP under this administration, under the new thinking where it has been decentralized, is for greater community involvement in the selection of projects and in the identification of the needy in the region. We are confident that through the Local Government system, projects would be properly identified. Mr. Speaker, you must understand that because of the political arrangements, UNC councillors will have their projects and PNM councillors will have their projects, according to what the needs are for the region. So for the Member to say that he has problems with the selection of projects, he is also damning his own councillors, because they are down on the council. I have taken the position that whenever anybody makes any complaints about the URP, it is time for me to go down there and do some checking and I will be doing that.

URP Discrimination

Friday, March 12, 1999

Again, I wish to give the undertaking that I will look at the recruitment practices of the corporation, with a view to having it more broad-based and to make sure that the unemployed are being given the opportunity to work in the programme. Thank you.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 10.27 p.m.

WRITTEN ANSWER TO QUESTION

**State Enterprises/Statutory Corporations
(Fees and Allowances)**

The following question was asked by Mr. Fitzgerald Hinds (Laventille East/Morvant)

Will the Minister outline the fees and allowances paid to the Chairman and Members of the Boards of Directors of State Enterprises and Statutory Corporations?

The following reply was circulated to Members of the House:

Cabinet had agreed (Minute No. 2980 dated November 1993 refers) that the scale of monthly fees to be paid to Directors of Boards of State Enterprises including Statutory Corporations be in ranges A, B and C as indicated hereunder:

Scale of Monthly fees and Allowances

	Chairman \$	Deputy Chairman \$	Director \$
Range A	3,500	1,300	1,000
Range B	2,300	1,000	800
Range C	1,000	700	600

In addition Cabinet agreed to a monthly travelling allowance of \$400 for Chairmen and \$200 for Directors.

The following State Enterprises and Statutory Corporations have been classified as Range A:

State Enterprises

Telecommunications Services of Trinidad and Tobago Limited

The National Gas Company of Trinidad and Tobago

Trinidad and Tobago National Petroleum Marketing Company Limited

Point Lisas Industrial Port Development Corporation Limited

Petroleum Company of Trinidad and Tobago Limited

First Citizens Bank Limited

Statutory Corporations

Water and Sewerage Authority

Public Transport Service Corporation

Port Authority of Trinidad & Tobago

Tourism & Industrial Development Company of Trinidad & Tobago Limited

Trinidad and Tobago Electricity Commission

In response to the Ministry of Finance request the above mentioned companies have advised that the agreed fees and allowances were paid except the following:

(a) Petroleum Company of Trinidad and Tobago Limited

The Chairman receives no travelling, however an entertainment allowance is paid as follows:

Chairman	\$1,500
Deputy Chairman	\$500
Director	\$500 per month

The Chairman is entitled to:

- (i) access to a Credit Card with respect to expenses on Company business;

Written Answer to Question

Friday, March 12, 1999

- (ii) reimbursement on telephone charges for Company business;
- (iii) reimbursement on gasoline bills.

The Chairman has use of a Company motor vehicle on lease rental in lieu of travel allowance.

Non-executive Directors are entitled to :

- (i) reimbursement on gasoline bills up to a maximum of \$500.00 per month.

(b) Point Lisas Industrial Port Development Corporation Limited

Directors are paid as follows:

Chairman	-	\$3,300
Deputy Chairman	-	\$1,700
Directors	-	\$1,400

Travelling

Chairman	-	\$800
Deputy Chairman	-	\$400
Directors	-	\$400

(c) Trinidad and Tobago Electricity Commission

The Chairman receives \$200.00 for Travelling instead of the agreed \$400.00.

An additional \$75.00 is paid to Directors for each meeting attended.

(d) Telecommunications Services of Trinidad and Tobago Limited

The Chairman has waived his rights to fees and allowances.

The following have been classified as Range B:

State Enterprises

Trinidad Nitrogen Company Limited

Agricultural Development Bank of Trinidad & Tobago

Urban Development Corporation of Trinidad and Tobago Limited

National Commission for Self-Help Limited

Written Answer to Question
[SEN. THE HON. B. KUEI TUNG]

Friday, March 12, 1999

Caroni (1975) Limited

National Flour Mills Limited

International Communications Network Limited

All the Companies in this Range have advised that fees and allowances have been paid as classified above at paragraph 2.

The following have been classified as Range C:

State Enterprises

Trinidad & Tobago Forest Products Limited

National Quarries Company Ltd

Metal Industries Company Limited

Trinidad & Tobago Solid Waste Management Company Limited

National Maintenance Training and Security Company Limited

Export-Import Bank of Trinidad & Tobago Limited

Small Business Development Company Limited

Trinidad and Tobago Free Zones Company Limited

Taurus Services Limited

Trinidad & Tobago Export Trading Company Limited

First Citizens Holdings Limited

Export Centres Company Limited

National Helicopter Services Limited

The Companies in Range C have advised that fees and allowances have been paid as classified except the following:

(a) Trinidad and Tobago Forest Products Limited

Directors were paid fees for thirteen (13) months in 1998 together with a fee of \$400.00 per meeting.

(b) Trinidad and Tobago Export Trading Company Limited

The Chairman receives \$750 per month instead of the agreed \$1,000. The Directors receive \$400 instead of the agreed \$600.