

THE  
**PARLIAMENTARY DEBATES**

**OFFICIAL REPORT**

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

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**SESSION 1998—1999**

**VOLUME 15**

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**HOUSE OF REPRESENTATIVES**

*Friday, April 09, 1999*

The House met at 10.30 a.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I wish to advise that I have received communication from three Members of this honourable House who have asked to be excused from today's sitting. They are the Member for San Fernando East, the Member for Arouca South and the Member for Port of Spain North/St. Ann's West. The leave of absence which they seek has been granted.

**COMPANIES (AMDT.) BILL**

Bill to amend the Companies Act, 1995, brought from the Senate. [*The Minister of Legal Affairs*]; read the first time.

*Motion made*, That the next stage be taken at a later stage of the proceedings [*Hon. K. Persad-Bissessar*].

*Question put and agreed to.*

**TRINIDAD AND TOBAGO NATIONAL STEEL ORCHESTRA BILL**

Bill to establish the Trinidad and Tobago National Steel Orchestra and for matters incidental thereto, brought from the Senate [*The Minister of Culture and Gender Affairs*]; read the first time.

**LITTLE FLOCK CHRISTIAN MISSION (INC'N.) BILL**

Bill for the incorporation of the Little Flock Christian Mission and matters incidental thereto, brought from the Senate [*The Minister of Information, Communications, Training and Distance Learning*]; read the first time.

## ORAL ANSWERS TO QUESTIONS

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

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

- (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 sawmill, 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?
- (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 1, 1999?

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed):** Mr. Speaker, the answer to part (a) of the question is yes. It

is the first time that sawmillers and entrepreneurs in the wood-working industry through the efforts of this Government are able to access the teak and pine plantations of the state, notwithstanding Cabinet Minute 1818 of September 1, 1988 paragraph 3C II which states and I quote: "private sawmillers be allowed to bid for acreage of cultivated teak and pine (both thinnings and clear felling) provided that they have the required technical and equipment capability as specified by the Forestry Division".

It should be noted that no action was taken on this matter by the PNM Government of 1991 - 1995. It was during 1997/1998 that this Government took the initiative, and sold to sawmillers and other entrepreneurs through the process of competitive bidding, that is auction, materials from teak and pine plantations. This was considered necessary in order to bring the Forestry Division's silviculture thinning and regeneration programme back on schedule. In addition this activity generated employment opportunities in the woodworking subsector. It should be noted that the programme was out of schedule because of TANTEAK's inability to harvest coupes according to the Forestry Division scheduled felling plan.

Mr. Speaker, over the last four years approval was granted to eight persons who are not licensed sawmillers or owners of sawmills for harvesting of teak fields owned by the state, and this is in keeping with Cabinet Minute 1818 of September 1, 1988 Paragraph 3C II.

Mr. Speaker, information with respect to recipients, date of approval, size and location of fields and the estimated open market value of each allocation based on the volume of timber contained in each coupe is as follows:

I have this in tabular form here.

Recipients Names and Addresses	Date of Approval	Location of field (ha)/ Coupe Field	Size of Field (ha)	Estimated open Market Value (\$)	Volume of Timber in Coupe (cu.ft.)	Remarks
CABFLOOR (Reynold Logan) Chaguanas	97.02.27	Cap-de-Ville 1954	8.7	35,262	10,221	Completed
		Mamoral 1973	12.7	101,600	*6,350	Did not sign contract for 1973 coupe

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Recipients Names and Addresses	Date of Approval	Location of field (ha)/ Coupe Field	Size of Field (ha)	Estimated open Market Value (\$)	Volume of Timber in Coupe (cu.ft.)	Remarks
Woodfit Ltd. (Krishendath Rampersad)  Penal	97.07.01	Rochard Douglas 1964	12.4	34,168	8,365	Completed
T. Aking  Arima	97.11 97.11	Tamana 1969 Tamana 1980	12 21	66,000	*16,500	Did not sign contracts
E. Aking  Chaguanas	97.11 97.11 97.11	Tamana 1966 Tamana 1977 Tamana 1978	17 9 11	74,000	*18,500	Did not sign Contracts
Premadath Maharaj Brickfield	97.09.23	Brickfield 1974	40	80,000	20,000	Incomplete
Romando's Import Export (Romando Rampersad)  Carapichaima	97.08.19	Lengua Road 1935	2.3	80,000	*4,969	Incomplete
Prudan Company Ltd. (Dan Rampersad)  Penal	97.11.28	Lengua Road 1928	4.9	98,532	8,400	Completed

Recipients Names and Addresses	Date of Approval	Location of field (ha)/ Coupe Field	Size of Field (ha)	Estimated open Market Value (\$)	Volume of Timber in Coupe (cu.ft.)	Remarks
Govindra Roopnarine  Penal	98.10.15	Mt. Harris 1946	4.0	1,079,560	*26,989	Completed

\*indicates estimated volume

#### 10.40 a.m.

Mr. Speaker, the policy for allocation of coupes was revised by the Ministry in September, 1998 whereby Tanteak would receive 60 per cent of the teak and pine coupes which are made available by the Forestry Division. The sawmillers/furniture manufacturers would receive 30 per cent and entrepreneurs, 10 per cent.

The terms and conditions attached to these coupes allocated to sawmillers and the furniture manufacturers are as follows:

- (a) The application must be received from the respective sawmiller/furniture manufacturer by the Forestry Division.
- (b) The application must be evaluated. This would include discussions with the respective applicant and necessary site visits made.
- (c) Based on the suitability of the applications, an approval will be given by the Conservator of Forests. This will depend on whether the applicant will:
  - (i) Create employment;
  - (ii) Engage in downstream industries;
  - (iii) Add value to the raw material;
  - (iv) Develop local/foreign markets; and
  - (v) Earn foreign exchange.

Mr. Speaker, the entrepreneurs are neither sawmillers nor furniture manufacturers. They are required to pre-qualify to participate in an auction by providing the Conservator of Forests with proforma invoices of foreign orders for dimensional stock and/or for specialized, local niche markets. The Conservator of

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Forests is required to verify that these proforma invoices are indeed *bona fide*. An upset price for the auction is determined by the Conservator of Forests as a function of the volume, size and access to the coupe.

In answer to part (c) of the question, all licensed sawmillers were eligible for the allocation of teak fields, however, only those who applied were considered.

Thank you, Mr. Speaker.

**Dr. Rowley:** Mr. Speaker, I would like to ask the Minister, in view of the fact that he said these allocations were done by way of auction, could the Minister indicate how the public was informed of this auction and where this auction took place?

**Dr. The Hon. R. Mohammed:** Mr. Speaker, I am advised that those who participated in the auction submitted applications to the Ministry of Agriculture, Land and Marine Resources, Forestry Division, and in keeping with the criteria I enunciated in my response, those were selected for the auction and duly invited.

**Dr. Rowley:** Mr. Speaker, just on a point of clarification, is the Minister saying that the auction is determined by application and the applications result in an auction among applicants?

**Dr. The Hon. R. Mohammed:** I am so advised by technocrats of the Ministry.

**Dr. Rowley:** Mr. Speaker, in view of the fact that the Minister said that the criteria for this so-called auction is as described, how does the Minister explain the fact that the Ministry of Agriculture, Land and Marine Resources is only now inviting entrepreneurs to pre-qualify with a return date of April 15, 1999?

**Dr. The Hon. R. Mohammed:** Mr. Speaker, I am advised that the purpose of that exercise is to generate a database as to the entrepreneurs who fall outside of sawmillers and furniture manufacturers.

**Dr. Rowley:** Mr. Speaker, with respect to the values applied to the volumes in the respective plantations, as allocated, could the Minister indicate who established those values?

**Dr. The Hon. R. Mohammed:** Those values were established by the officers of the Forestry Division of the Ministry of Agriculture, Land and Marine Resources.

**Dr. Rowley:** Is the Minister satisfied that a value of \$70,000 sounds like a reasonable figure for 40,000 cubic metres of teak?

**Dr. The Hon. R. Mohammed:** If this was the decision by the officers of the Ministry of Agriculture, Land and Marine Resources, Forestry Division, the Minister has absolutely no authority on determining the value of these plantations.

**Dr. Rowley:** Finally, if whoever determined that value had indicated that the value of 40,000 cubic metres was \$1,000, would the Minister have taken the same position?

**Dr. The Hon. R. Mohammed:** The Minister has absolutely no authority in determining what upset prices are determined by the Forestry Division. The Member for Diego Martin West should very well be aware of this, because he was a former Minister of Agriculture, Land and Marine Resources and he should be aware of these things!

**Caroni (1975) Limited  
(Motor Vehicles for Board Members)**

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

- (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?

**The Minister of Agriculture, Land and Marine Resources (Dr. The Hon. Reeza Mohammed):** Mr. Speaker, with respect to question 29(a), the answer is “yes”. The Chairman of the Board of Directors is entitled to a motor vehicle and this has been so since 1986. In addition, other members of the board are provided with transport on a temporary basis as approved by the Board of Directors.

The answers to questions (b) and (c) are “yes”. The information is as follows:

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- (i) May 25, 1987 to October 1, 1990: Chairman/Managing Director, V. Ramlogan—PAU 6445 Daihatsu 4-wheel drive.
- (ii) January 1, 1989 to October 1, 1990: Chairman/Managing Director, V. Ramlogan—PAT 3776 Laurel.
- (iii) October 1, 1990 to March 31, 1992: Chairman, Dr. Ranjit Singh—PAT 3776 Laurel.
- (iv) April 1, 1992 to September 8, 1993: Chairman, Dr. Kusha Haraksingh—PAT 3776 Laurel.  
October 1, 1993 to February 27, 1994: Mazda Rental.  
March 1, 1994 to August 31, 1996: PAZ 8545 Hyundai Sonata (leased).
- (v) September 1, 1996 to present: Chairman, K. J. Ramkissoon.  
October 1, 1996 to November 30, 1996: PAZ 8545 Hyundai Sonata (leased).  
December 1, 1996 to December 31, 1998: PBB 3163 Hyundai Sonata (leased).  
January 11, 1999 to present: PAF 1013 Toyota Camry.
- (vi) Mr. Speaker, I am advised that except for occasional transport of board members to attend meetings, a vehicle, Registration No. PAZ 1469 was allocated to Dr. Mahfouz Aziz, with approval by the board in keeping with a contract to develop the Livestock Master Plan. Dr. Aziz has resigned from the board which was accepted on February 14, 1999.

The total cost to the company for such transport facilities from January 1996 to February 1, 1996 is \$186, 219.77.

Thank you, Mr. Speaker.

**Dr. Rowley:** Mr. Speaker, in the light of the answer given by the Minister, could the Minister explain how those conditions conform with the answer given by the Minister of Finance in his presence recently where Caroni (1975) Limited is described as a company in Range B, and by Cabinet Note 2980 of 1993, the condition of tenure of Chairman of Caroni with respect to travelling of any sort is a travelling allowance of \$400 for the Chairman and \$200 for other directors?

**Dr. The Hon. R. Mohammed:** Mr. Speaker, this practice developed long before this Government came into office and I feel that the Member should pose that question to the Minister of Finance.



**Unemployment Relief Programme  
(Staff Selection)**

**37. Mr. Martin Joseph** on behalf of Mrs. Camille Robinson-Regis (*Arouca South*) asked the Minister of Local Government:

- (a) Would the Minister state the names, qualifications job positions and responsibilities of all staff selected to administer, manage and implement the Unemployment Relief Programme in the Port of Spain City Corporation in 1999?
- (b) Would the Minister indicate the recruitment process used to select the staff referred to in part (a) above, including the nature and dates of advertisement for the job positions, interviews, ranking of applicants and reasons for selection of the chosen persons?
- (c) Would the Minister state whether the Council of the Arima Municipal Corporation was consulted prior to the selection of persons referred to in part (a) above.

**The Minister of Local Government (Hon. Dhanraj Singh):** Mr. Speaker, the job positions, responsibilities, qualifications and names of the staff selected to administer the Unemployment Relief Programme in the Arima Borough in 1999 are as follows:

NAME	POSITION	QUALIFICATIONS	RESPONSIBILITIES
Keith Denalli	U.R.P. Manager	Tremendous experience in the field and was former Manager of the Diego Martin, Mausica and Mt. Hope Regions.	Responsible for the overall management of the URP in the Region
Vernlyn Ross	Materials Manager	Extensive experience in supervisory positions and former Materials Manager in the URP	The co-ordination and maintenance of an inventory system for materials and co-ordination of transport services
Eastlyn Hosein	Engineering Assistant	'O' levels and former Engineer Assistant in URP Arima.	Ensures the implementation of all projects at the construction site is in accordance with plans and specifications

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<b>NAME</b>	<b>POSITION</b>	<b>QUALIFICATIONS</b>	<b>RESPONSIBILITIES</b>
Andre Farrier	Project Supervisor	'O' levels, extensive experience in the field and former Area Foreman, Project Supervisor in URP.	Supervises a group of skilled and unskilled workers engaged in the maintenance and care of public buildings, grounds, roads and other facilities
Prahalad Rampath	Assistant Accountant	'O' levels with experience in the field and former Area Foreman on former URP.	Maintains general accounts and supervises clerical staff in the Accounting Unit
Kenneth Rampersad	Recruitment Officer	Extensive experience in supervisory positions.	Recruits workers on URP projects from an approved list
Francis-Ann Stevens	Data Entry Clerk	'A' and 'O' levels, computer literate.	To maintain a register in an efficient and timely manner
Camella Benny-Singh	Clerical Officer	'A' and 'O' levels experience in the field and former Clerical Officer in URP.	Perform routine clerical tasks and able to communicate effectively
Natasha Mohammed	Clerical Officer	'O' levels with experience in related field	Perform routine clerical tasks and able to communicate effectively
Monica Joseph	Clerical Officer	'O' levels and past experience as a Clerical Officer in former URP.	Perform routine clerical tasks and able to communicate effectively
Jacqueline Rodriguez	Clerical Officer	'O' levels and experience in the field.	Perform routine clerical tasks and able to communicate effectively
Kevin Griffith	Clerical Officer	'O' levels, NEC Certificate and former Clerical Officer in URP.	Perform routine clerical tasks and able to communicate effectively
Annie Salina	Clerical Officer	'O' levels with experience in the field.	Perform routine clerical tasks and able to communicate effectively

<b>NAME</b>	<b>POSITION</b>	<b>QUALIFICATIONS</b>	<b>RESPONSIBILITIES</b>
Melissa Leacock	Stores Clerk	'O' levels with experience in the field and former Stores Clerk in URP.	Assists the Inventory Control Officer in the keeping and maintenance of stores
Natasha Bostic	Accounts Clerk	'O' levels with experience in the field, computer literate and former Data entry clerk in URP.	Assists the Assistant Accountant in maintaining general ledgers, posts entries to these books from supporting records
Melissa Ali	Accounts Clerk	'A' and 'O' levels with experience as a clerical officer in former URP.	Assists the Assistant Accountant in maintaining general ledgers, posts entries to these books from supporting records
Jemine Ramkissoon	Accounts Clerk	'O' levels with experience as a clerical officer in former URP.	Assists the Assistant Accountant in maintaining general ledgers, posts entries to these books from supporting records
Clyde Ballantyne	Training Officer	Diploma from Mausica Teachers College, 'O' levels and experience in the field.	Among other things to interview applicants to determine suitability for placement under the Industrial Training Project

**10.55 a.m.**

Mr. Speaker, the advertisements for the Unemployed Relief Programme's monthly-paid positions were carried in the press from December 15—17, 1998. These did not specify qualifications. A panel was established by the Ministry to conduct interviews for the position. Interviews for the various positions were held as follows:

<b>Position</b>	<b>Date of Interview</b>
URP Manager	January 8, 1999
Materials Manager	January 11, 1999

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<b>Position</b>	<b>Date of Interview</b>
Engineering Assistant	January 8, 1999
Project Supervisor	January 11, 1999
Assistant Accountant	January 12, 1999
Recruitment Officer	January 12, 1999
Data Entry Clerk	January 15, 1999
Clerical Officer	January 14, 1999
Stores Clerk	January 13, 1999
Accounts Clerk	January 13, 1999
Training Officer	January 13, 1999

Mr. Speaker, the answer to part b. This interview panel comprised senior officials from within the Ministry's Head Office fraternity. The panel had at its disposal representatives of Chief Executive Officers of Regional Corporations for consultation. Due to the large number of applicants, the panel short-listed four applicants for the advertised positions. The panel then selected persons based on a combination of experience and qualifications suitable for the positions.

Mr. Speaker, with respect to part (d), it has never been the official policy of the Ministry of Local Government to consult with the council of any municipal/regional corporation prior to the selection of persons to be employed in the monthly paid positions in the Unemployment Relief Programme. Additionally, it should be noted that general practice in the past was never to obtain inputs from local politicians for the filling of monthly paid positions whatsoever.

**Unemployment Relief Programme Staff  
(Port of Spain City Corporation)**

**38. Mr. Eric Williams** (*Port of Spain South*) asked the Minister of Local Government:

- (a) Would the Minister state the names, qualifications, job positions and responsibilities of all staff selected to administer, manage and implement the Unemployment Relief Programme in the Port of Spain City Corporation in 1999?

- (b) Would the Minister indicate the recruitment process used to select the staff referred to in part (a) above, including the nature and dates of advertisement for the job positions, interviews, ranking of applicants and reasons for selection of the chosen persons?
- (c) Would the Minister state whether the Council of the Port of Spain City Corporation was consulted prior to the selection of persons referred to in part (a) above.

**The Minister of Local Government (The Hon. Dhanraj Singh):** Mr. Speaker, the answer to part (a) of question 38 is as follows:

The job positions, responsibilities and names of the staff selected to administer the Unemployment Relief Programme in the Port of Spain City Corporation in 1999 are as follows:-

NAME	POSITION	QUALIFICATIONS	RESPONSIBILITIES
Lloyd Williams	URP Manager	Diploma in business Studies, Hammelsmith & West London College, with extensive experience in the field	Responsible for the overall management of URP in the Region
Philbert Sanchez	Materials Manager	Certificate in Industrial Relations with experience in the field.	The co-ordination and maintenance of an inventory system for materials and co-ordination of transport services.
Curtis Shade	Engineering Assistant	'O'levels with experience in the field	Ensures the implementation of all projects at the construction site is in accordance with plans and specifications
Brian Cuthbert	Project Supervisor	'A' and 'O' levels with experience in the field	Supervises a group of skilled and unskilled workers engaged in the maintenance and care of public buildings, grounds, roads and other facilities.
Robert Lewis	Assistant Accountant	'A' and 'O' levels, computer literate with experience in the field	Maintains general accounts and supervises clerical staff in the accounting unit.

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<b>NAME</b>	<b>POSITION</b>	<b>QUALIFICATIONS</b>	<b>RESPONSIBILITIES</b>
Hubert James	Recruitment Officer	'O' Levels with experience in the former URP as Assistant Recruiting Officer	Recruits workers on URP projects from an approved list.
Patsy Derrick	Data Entry Clerk	'O' levels, computer literate and experience in the field	To maintain a register in an efficient and timely manner
Linda James	Clerical Officer	'O' levels and experience in the field	Perform routine clerical tasks and able to communicate effectively
Giomar Martinez	Clerical Officer	'O' levels with experience in the field.	Perform routine clerical tasks and able to communicate effectively.
Jule Lindsey	Clerical Officer	'O' levels with experience in the field	Perform routine clerical tasks and able to communicate effectively.
Nyala Carina Mohammed	Clerical Officer	'A' and 'O' levels with experience in the field.	Perform routine clerical tasks and able to communicate effectively.
Roxanne Rollocks Blackman	Clerical Officer	'O' levels, computer literate with experience in the field	Perform routine clerical tasks and able to communicate effectively
Kester Adams	Clerical Officer	'O' levels with experience in the field	Perform routine clerical tasks and able to communicate effectively
Marva Burnett	Stores Clerk	Extensive experience in the field	Assists the Inventory Control Officer in the keeping and maintenance of stores
Roger Antoine	Accounts Clerk	Building and Civil Engineering at John Donaldson Technical Institute, O'levels, Computer Literate with experience in the field.	Assists the Assistant Accountant in maintaining general ledgers, posts entries to these books from supporting records

<b>NAME</b>	<b>POSITION</b>	<b>QUALIFICATIONS</b>	<b>RESPONSIBILITIES</b>
Allison Lopez	Accounts Clerk	Professional qualifications with experience in the field.	Assists the Assistant Accountant in maintaining general ledgers, posts entries to these books from supporting records
Hyacinth Woods	Accounts Clerk	'O' levels and experience in the field	Assists the Assistant Accountant in maintaining general ledgers, posts entries to these books from supporting records
Garnet Edwards	Training Officer	O' levels and experience in the field.	Assists the Assistant Accountant in maintaining general ledgers, posts entries to these books from supporting records

Mr. Speaker, the advertisements for Unemployment Relief Programme monthly-paid positions were carried in the press from December 15 to December 17 1998. These did not specify qualifications. A panel was established by the Ministry to conduct interviews for the positions. Interviews for the various positions were held as follows:

<b>Position</b>	<b>Date of Interview</b>
URP Manager	08 January 1999
Materials Manager	11 January 1999
Engineering Assistant	08 January 1999
Project Supervisor	11 January 1999
Assistant Accountant	12 January 1999
Recruitment Officer	12 January 1999
Data Entry Clerk	15 January 1999
Clerical Officer	14 January 1999
Stores Clerk	13 January 1999
Accounts Clerk	13 January 1999
Training Officer	13 January 1999

**11.05 a.m**

This interview panel comprised senior officials from within the ministry's head office fraternity. The panel had at its disposal, representatives of chief executive officers of Regional Corporations for consultation. Due to the large numbers of applicants, the panel short-listed four applicants for the advertised positions. The panel then selected persons based on a combination of experience and qualifications suitable for the positions.

The answer to part (d) is as follows:

It has never been the official policy of the Ministry of Local Government to consult with the Council of any Municipal/Regional Corporation prior to the selection of persons to be employed in the monthly paid positions in the Unemployment Relief Programme.

Additionally, it should be noted that the general practice in the past was never to obtain any input from local politicians for the filling of monthly paid positions whatsoever.

Thank you.

**Mr. Williams:** A supplemental question, Mr. Speaker. With regard to the answer to Part (c) would the hon. Minister state whether or not he did consult with the Port of Spain Council the previous year, and if so, why did he not consult with them this year?

**Hon. D. Singh:** Mr. Speaker, I would like the Member for Port of Spain South to indicate who was consulted.

**Mr. Williams:** Mr. Speaker, my understanding is that various members of the leadership of the Port of Spain Corporation were consulted with in the previous year, and in fact, that practice was not continued this year, and I am asking why this was done.

**Hon. D. Singh:** Mr. Speaker, I am not aware of any consultation.

**Mr. Williams:** Are there any specific guidelines as to the types of projects that are to be carried out by the Unemployment Relief Programme in the Port of Spain area this year?

**Hon. D. Singh:** Mr. Speaker, we have taken the position that 80 per cent of the projects to be undertaken by any corporation should be construction-type



projects, but given the demands or the forces working in the region, we have a situation where if there is need for greater employment, the URP managers could take the decision where they could create more sanitation type work which can stretch their budget so that they could create more employment.

**Mr. Williams:** A further supplemental, Mr. Speaker. Is there any mechanism in place to avoid duplication of projects by the URP and the Port of Spain Corporation?

**Hon. D. Singh:** Mr. Speaker, there is supposed to be a URP sub-committee and projects that are being undertaken by the URP are for the attention by the Council.

**Mr. Williams:** Mr. Speaker, while I thank the Minister for indicating that these projects would be brought to the attention of the Corporation, is there any mechanism to avoid any conflict or duplication of effort by the staff of both organizations?

**Hon. D. Singh:** Mr. Speaker, to date we have had no such report of conflict and it appears that the URP sub-committee is in fact, working.

**Mr. Williams:** The hon. Minister mentioned the name Giomar Martinez, is this the same individual who ran for the post in the Council?

**Hon. D. Singh:** Mr. Speaker, because one went up for election does not mean that one is not in need of a job. Please remember Mr. Kenneth Collis. [*Desk thumping*]

**Mr. Speaker:** Do you really want to prolong the supplemental questions?.

**Mr. Williams:** The question was asked without prejudice, Mr. Speaker. I want the hon. Minister to know that. The other matter about which I wanted to enquire is what performance criteria has the Minister directed to the URP staff?

**Hon. D. Singh:** Mr. Speaker, the nature of that programme is one which changes based on the demands for employment. That programme is quite flexible, but my direction to these Councils is to open projects in their region and I want to bring the Prime Minister to open them and if they do not have projects for me to open, I am coming in, Sir.

#### PROCEDURAL MOTION

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I wish to inform the House that the Government intends to proceed as follows: First

*Procedural Motion*  
[HON. R. L. MAHARAJ]

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the motion for the approval of the draft Elections and Boundaries Commission (Local Government) Order, 1999; then the motion for the approval of the Excise Duty (Compressed Natural Gas) Order, 1999; the completion of the motion to approve the Motor Vehicles and Road Traffic (Amendment) Regulations, 1998, then the second reading of the Companies (Amendment) Bill, 1999; and the continuation of the debate on the second reading of the Constitution (Amendment) No. 3 Bill, 1998.

With respect to the motion on the Road Traffic (Amendment) Regulations, 1998, there are some amendments we are proposing which I indicated to the Acting Opposition Chief Whip would be circulated. It would be flexible; if they do not have enough time to look at it, we would do it as No. 4 instead of No. 3.

Thank you.

**ELECTIONS AND BOUNDARIES COMMISSION  
(LOCAL GOVERNMENT) ORDER**

**The Minister of Local Government (Hon. Dhanraj Singh):** Mr. Speaker, I beg to move the following Motion standing in my name:

*Whereas* under section 71 of the Constitution of the Republic of Trinidad and Tobago there is established an Elections and Boundaries Commission (hereinafter referred to as “the Commission”)

*And Whereas* under subsection (1) of section 4 of the Elections and Boundaries Commission (Local Government) Act, (Hereinafter referred to as “the Act”) the Commission is charged *inter alia* with the responsibility of defining and reviewing the boundaries of the electoral districts into which an electoral area is or is to be divided:

*And Whereas* in accordance with paragraph (a) of the said subsection (1) of section 4 of the Act, the Commission, on the 2<sup>nd</sup> day of November 1998, submitted to the Minister a report in which it recommends that for the purposes of Local Government Elections, the boundaries of the electoral districts into which the electoral areas mentioned in the First Schedule to the Act are divided, should be as defined in the Schedule to this Order:

*And Whereas* it is provided by subsection (3) of section 4 of the Act, that as soon as may be after the Commission has submitted a report under paragraph (a) of subsection (1) of the said section 4, 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:

*Excise Duty Order*

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*And Whereas* a draft of this Order giving effect to the recommendations contained in the report of the Commission was laid before the House of Representatives for its approval by the Minister on the 19<sup>th</sup> day of March 1999:

*Be it resolved:*

That the draft of the Elections and Boundaries Commission (Local Government) Order, 1999 be approved.

Mr. Speaker, the Elections and Boundaries Commission is mandated by law under section 4(1) of the Elections and Boundaries Commission Act as follows:

“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 either—

- (a) showing the constituencies into which it recommends that an electoral area should be divided or in order to give effect to the Rules set out in the Second Schedule; or
- (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.

Mr. Speaker, in accordance with section 4(1), the Commission submitted its report to the Minister of Local Government on November 2, 1998, and it is now before this House. In view of this submission, and in accordance with section 4(3) of the Elections and Boundaries Commission (Local Government) Act the Minister responsible for Local Government was called to prepare a draft of an Order by the President to give effect to the Commission’s recommendations.

Mr. Speaker, the said draft was laid before this honourable House on March 19, 1999 in accordance with section 4(3) of the Elections and Boundaries Commission (Local Government) Act. As stated in the resolution, 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, and that draft may make provision for any matters which appear to the Minister to be incidental to or consequential upon other provisions of the draft.”

Mr. Speaker, it should be noted that in defining and reviewing the boundaries of the electoral districts, the Elections and Boundaries Commission is guided by the rule set out in the Second Schedule of the Elections and Boundaries Commission (Local Government) Act. For example rule 4 which applies to Municipal Corporations clearly stipulates:

“The number of electors in an electoral district of a municipal electoral area shall be the number obtained by dividing the number of electors in that electoral area by the number of electoral districts shown opposite the name of that electoral area in the third column of Part II of the First Schedule, but the Commission may in consideration of topographical factors vary such number provided that in no case shall the number of electors in any one electoral district of an electoral area exceed or be less than the number of electors in any other electoral district of that electoral area by more than twenty-five per cent.”

For Regional Corporations, rules 1, 2 and 3 provide the following direction:

1. The number of electors in each electoral district of a county electoral area shall, so far as practicable, be the number obtained by the application of rule 2, but the Commission may, in consideration of rule 3 vary such number provided that in no case shall the number of electors in any one electoral district of an electoral area exceed or be less than the number of electors in any other electoral district of that electoral area by more than twenty-five per cent.”

**11.20 a.m.**

2. The number of electoral districts in the regional electoral area in Trinidad shall be determined as follows:
 

There shall be in every electoral area a basic number of four electoral districts. To this basic number shall be added the number obtained by dividing the electorate of an electoral area by 15,000 but where in any electoral area, the electorate is:

  - (a) less than 15,000, there shall be five electoral districts;
  - (b) more than 15,000, any residual number left after dividing the electorate by 15,000 shall be treated as if that number were 15,000 and one electoral district shall be added in respect of such residual number.
3. In the division of the electoral districts, in regional electoral areas, natural boundaries such as major highways and rivers shall be used wherever possible.

This report which is before the House is based on an electorate of 865,120 persons as published in the annual list on July 1, 1998 which represents an increase of 60,093 electors from the last report, that is, the Second Report submitted by the Commission.

It is on the basis of this increased electorate that the Commission duly reviewed the number and/or boundaries of electoral districts into which each of the 14 electoral areas in Trinidad should be divided. The 14 electoral areas with their respective electors are as follows:

Port of Spain	41,093
San Fernando	46,760
Arima	22,868
Point Fortin	14,346
Chaguanas	45,646
Couva/Tabaquite/Talparo	111,547
Diego Martin	72,749
Mayaro/Rio Claro	24,083
Penal/Debe	60,961
Princes Town	68,611
Sangre Grande	42,986
San Juan/Laventille	122,663
Siparia	63,004
Tunapuna	127,803

Based on this review, the Commission recommended that:

- (a) No alteration is required to the existing number of electoral districts for regional corporations.

Let me repeat that.

- (a) No alteration is required to the existing number of electoral districts for regional corporations.

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- (b) No alteration is required to the existing number of electoral districts for municipal corporations as these numbers are fixed by law and cannot be varied.
- (c) Sufficient increases in the electorate of eight electoral areas require alteration to be made to the boundaries of 37 electoral districts.

For example, Mr. Speaker, in the electoral area of Port of Spain, from a total of 12 electoral districts, seven districts were altered. In the electoral area of San Fernando, from a total of nine electoral districts, six districts were altered. In the electoral area of Arima, from a total of seven electoral districts, six districts were altered. In the electoral area of Chaguanas, from a total of eight electoral districts, two districts were altered. In the electoral district of Diego Martin, from a total of nine electoral districts, four districts were altered. In the electoral district of Princes Town, from a total of nine electoral districts, two districts were altered. In the electoral area of Sangre Grande, from a total of seven electoral districts, four districts were altered. In the electoral area of San Juan/Laventille, from a total of 12 electoral districts, six districts were altered.

Members on this side of the House accept the recommendations as outlined in the Third Report of the Elections and Boundaries Commission. This is in recognition of the fact that the Elections and Boundaries Commission is an independent Commission appointed by the President and is a creature of the Constitution.

As you are aware, Mr. Speaker, this Government subscribes to the rule of law and upholds, unconditionally, the Constitution of the Republic of Trinidad and Tobago.

More importantly, when one looks at the arithmetic, one would see that the rules as outlined in the Second Schedule of the Elections and Boundaries Commission (Local Government) Act have been properly applied. These are the existing rules, under law, which guide the Commission in defining and reviewing the boundaries of electoral districts.

Therefore, I beg to move that this House adopt 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, without any amendments.

Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. Colm Imbert** (*Diego Martin East*): Mr. Speaker, it is interesting that the Minister would indicate that the Government subscribes to the rule of law. There are laws against obscene language and assault and—

**Dr. Rowley:** Wife beating.

**Mr. C. Imbert:** Well, other things so that I would ask the Minister to reflect on that.

But, more importantly, it is interesting that in April 1999, we have finally forced this Government to come to the Parliament to regularize the Report of the Elections and Boundaries Commission dealing with upcoming local government elections. We need to advise people of what has happened in this matter.

On all previous occasions, as soon as the report became available from the Commission, it was laid in the Parliament shortly thereafter so that political parties and other interested organizations would have had a proper opportunity to learn for themselves what the changes to political boundaries were to be.

[MR. DEPUTY SPEAKER *in the Chair*]

This Government, for the first time, has hidden a report from the Elections and Boundaries Commission on the spurious and false premise that it required validation and it could not be laid in this Parliament until its late submission was validated, although the precedent and the record of the Parliament shows that on all previous occasions, whether the report was late or not, it was laid in the Parliament and validated afterward.

I think people need to know that this Government hid the Elections and Boundaries Commission Report for over four months so that it could have an advantage over other political parties in Trinidad and Tobago. People need to know this because we have a Prime Minister, for example, indicating that he cannot guarantee free and fair elections in Trinidad and Tobago. No Prime Minister, as far as I know, has made such a statement before. But the first Prime Minister, the hon. Member for Couva North, said he cannot guarantee free and fair elections in Trinidad and Tobago.

There are some other issues, Mr. Deputy Speaker, that we need to look at. The report is based on a July 1, 1998 list of electors in Trinidad at 865,000. A November report which is based on a July 1998 list of electors indicates 865,000 electors in Trinidad at this time. However the April 4, 1999 list has a different number and we need to know what is going on with this list. We need

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information. We need to know why there has been a change in the list of the number of persons registered to vote in 1998 and 1999.

**Mr. D. Singh:** Mr. Deputy Speaker, would the Member give way? What is the April 4 list to which he is referring?

**Mr. C. Imbert:** Mr. Deputy Speaker, as I said, there is an April 4 list published by the Elections and Boundaries Commission and I would advise the Minister to check it out himself if he does not know.

Anyway, a serious crisis exists in Trinidad and Tobago at this time. In the 80s, new voter identification cards were issued—I am not certain of the year; it might have been 1986—and these ID cards had a 10-year life so that from 1986, 1987, 1988, 1989 and so on, voters in Trinidad and Tobago were issued with ID cards which have a 10-year expiry.

So there are thousands of persons in Trinidad and Tobago now whose ID cards have expired. I count myself among those. My ID card expired on March 15, 1999—I took out the new card in 1989—and my information is that the Elections and Boundaries Commission is not being given the funding and the resources by the Government so that it can deal with this crisis of expired ID cards in Trinidad and Tobago and, perhaps, that is why the Prime Minister said that he cannot guarantee a free and fair election in Trinidad and Tobago because he knows that his Government is starving the Elections and Boundaries Commission of funds, not giving it the resources to have personnel and equipment to deal with this crisis of expired ID cards.

Only yesterday, one of my constituents called me to tell me that they had recently been informed that their ID card was due to expire on April 3 and they received notice of this fact on April 4.

**11.35 a.m.**

**Hon. M. Ramsaran:** Everybody's identification card has an expiry date, for example the expiry date on this one is January 02, 2002.,

**Mr. Imbert:** This is not the point. The point is that, in 1996—2000, an unprecedented event is taking place, thousands of identification cards are expiring. What is happening when persons go to have their identification card renewed—because the Government is not giving the Commission the resources it requires—is that persons are being told to return in three, four or five months. I definitely have proof of that, this is not a joke. We are dealing with a government



who, in my opinion, is going to try every dirty trick in the book, to rig the next election, whether it is the local or general elections.

I am calling on the Government today to give the Elections and Boundaries Commission the finance, personnel, equipment and materials that it requires, so that those identification cards which are expiring every day—thousands of identification cards are expiring in Trinidad and Tobago every week and you see the reaction of the Government—big joke. The Member for Chaguanas asked me if I have proof of that. He knows very well that thousands of voters' identification cards are expiring in Trinidad on a weekly basis. As a parliamentary representative, he must also be aware that persons are being told to wait three, four, five or six months to get their new identification cards. When identification cards expire in April, May, June or July, 1999, and it is taking four months before that person can get a new identification card, there will be a situation in the next Local Government Election, where thousands of persons will be effectively disenfranchised, because they will not have in their possession valid identification cards. Let us put all the jokes aside, I am calling on the Government today, to equip the Elections and Boundaries Commission with the personnel, money, equipment and materials so that identification cards can be renewed within a matter of weeks—not in a matter of months.

When persons go to collect their identification cards they must not be told that they should return in six months but that they should return the next week. Local Government elections could be called on July 01, 1999. Today is April 09, 1999. The Government can come like a thief in the night, not having equipped the Commission with the resources it requires, call elections on July 01, 1999 and a situation would be created where thousands of persons will not have their identification cards. This will be mass chaos; innocent citizens being disenfranchised, through no fault of their own.

I am asking the Member for Couva North, the hon. Prime Minister to cut out the flippancy, arrogance and the pettiness—this nonsense that you cannot guarantee a free and fair election in Trinidad and Tobago. Give the Commission the resources it requires so that free and fair elections will be guaranteed in Trinidad and Tobago. [*Desk thumping*] There is no evidence to date, that in the independent history of Trinidad and Tobago, that the Elections and Boundaries Commission has not done its job without fear or favour, according to the law and in accordance with the Constitution.

**Hon. R. L. Maharaj:** You want to bring in Carter.

**Mr. Imbert:** That is irrelevant to this debate.

The Elections and Boundaries Commission has, in the independent history of Trinidad and Tobago, always discharged its responsibilities in accordance with the law and without fear or favour to any political party, organization, or individual and, only by starving it of resources, can they have a situation where the Commission will not be in the position to deliver its mandate as it is required under the Constitution.

You are talking about transparency and accountability, this is why there is suspicion. As you may know, Mr. Deputy Speaker, when persons go into a voting booth without the proper documents, those persons are required to make a declaration and go to a special line. Usually, the percentage of persons who do not have proper documents to allow them to exercise their democratic right to vote, is small. If 100 persons have to vote, perhaps 90 persons would have their identification cards and so forth in order, 10 would have to join the special line to swear to a declaration.

When we have a situation in Trinidad and Tobago today, where thousands of persons have invalid identification cards, we are going to have a situation—this is not a joke, this affects everyone in this Parliament, not only the Members on this side but also the other side. It affects everyone in this Parliament—everyone who has been elected to serve the people of Trinidad and Tobago; who has sworn to an Oath; it affects everyone. It is time for the triviality and flippancy to stop. This pettiness that I keep hearing from Members on the other side. A situation will be created where more than 50 per cent of persons who would be going to vote, would have to go to the special line to swear to a declaration because they do not have a valid identification card. This is going to lead to frustration and mass chaos in the voting stations.

Mr. Deputy Speaker, I cannot make this point more forcefully, there is a need to immediately establish temporary registration centres of the Elections and Boundaries Commission in every district in Trinidad and Tobago. The Commission needs the money to do this. The Commission needs millions of dollars from the Government to enable it to immediately establish these temporary registration centres to issue identification cards to persons. Again, I hear the petty, trivial voice from over there, Mr. Deputy Speaker.

I can talk from experience. In the Maraval district there is a large number of elderly people whose identifications cards have expired. Based on our field

investigations, we wrote a letter to the Elections and Boundaries Commission requesting the establishment of temporary registration centres which will allow persons whose identification cards have expired to renew them quickly. This happened just a month ago. The reply we got from the Commission was that it does not have the resources which will allow it to establish temporary registration centres. It is not a joke.

I am not going to question the actual report of the Commission today. I am not going to question the shifting of boundaries within the various regions or the movement of polling divisions from one local government district to another—it is not my place to question that, because we believe in the independence of the Elections and Boundaries Commission.

The purpose of the Order today is to give effect to the most recent report of the Elections and Boundaries Commission as it relates to the holding of the next Local Government Elections. It is useless for us to be in this Parliament today debating whether we accept the report or not when we know that the Commission is not equipped and does not have the resources to fulfil its mandate in the time-frame required by citizens of Trinidad and Tobago.

I will close by calling on the Government, again, to give the Commission the money to immediately set up temporary registration centres in every district in Trinidad and Tobago so that the maximum waiting time for persons who need to get identification cards does not exceed three weeks. I thank you, Mr. Deputy Speaker.

**11.45 am.**

**The Minister of Trade & Industry and Consumer Affairs and Minister of Tourism (The Hon. Mervyn Assam):** *[Interruption]*. Mr. Deputy Speaker, I do not know what the quarrel is about, because the substantive Leader of the Opposition in the House seems to have suggested, on a previous occasion, that there was some kind of alternation between Government and Opposition speakers, and we just had an Opposition speaker. I do not know why the Member for St. Ann's East is questioning the Deputy Speaker in terms of whose eye he should catch first.

Mr. Deputy Speaker, I am very happy to enter into this particular debate with respect to the resolution that the draft of the Elections and Boundaries Commission (Local Government) Order 1999 be approved. As you know, I once had the honour to be part of the local government system, when I served in the

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St. George East County Council for four years, during the years 1983—1987. Therefore, I am always very happy when local democracy is facilitated, particularly by this Government since it has been in office, when it had to inherit a situation when we came to office on November 6, 1995 with respect to a postponement of local government elections by the PNM administration, which had been guilty of that nefarious practice for several years during the 35 years that they were in Government in this country. [*Desk thumping*]

This Government has consistently held local government elections since it has been in office. In 1996, immediately after coming into office we held local government elections in June 1996. We are going to hold local government elections on time again, three years afterwards, in 1999. Of course, the date is for the hon. Prime Minister to exercise that prerogative and announce it when he thinks it is propitious to do so. I am amazed to sit here and listen to the Member for Diego Martin East rave and rant about matters which are so incorrect, and perhaps, which he was an author of, because at one time he was also the Minister responsible for Local Government. In fact, he is talking about this Government starving the Elections and Boundaries Commission of resources. You would remember when we entered upon office in November 1995, the Minister of local Government attempted to prepare this country for Local Government elections, and it is no secret that a letter was read in this honourable House, where the Elections and Boundaries Commission indicated to the hon. Minister of Local Government, that they did not have ink in order to conduct the elections, which was a hang-over from that PNM administration. They did not even provide the resources and the funding for the Elections and Boundaries Commission to purchase ink in order to conduct a local government election.

This Member for Diego Martin East, stands up today and beats his chest—a former Minister responsible for Local Government—accusing this administration of starving the Elections and Boundaries Commission for funds. He should be ashamed. He should be totally—I am not going to say it because I do not want to be unparliamentary. But, of course, he has no shame, really, so it is a waste of time saying that he should be ashamed.

Mr. Deputy Speaker, the Member for Diego Martin East is consistent in his pronouncements in this honourable House. For almost three and a half years we have been bombarded with all kinds of accusations, all kinds of erroneous statements, misinformation, attacks on the integrity of Members on this side, and today, he continued it when he said: The Prime Minister said that he cannot

guarantee free and fair elections. A total distortion of what the Prime Minister said. The Prime Minister said that it was the responsibility of the Elections and Boundaries Commission to hold free and fair elections, and that he could not, in any way, interfere in the role and in the discharge of the responsibilities of the Elections and Boundaries Commission. So, to ask him about free and fair elections is for him to usurp the authority and the responsibilities of the Elections and Boundaries Commission. That is what the Prime Minister said. Today, the Member for Diego Martin East stands up and misleads this House, and by extension the national community—although I do not think the national community is so gullible, knowing full well the kind of poison-tongue that the Member for Diego Martin East has—and tries to suggest that this Government, through its Prime Minister, will not guarantee free and fair elections. He goes on to say that this Government will use every dirty trick in the book to rig the elections.

I wonder if the Member for Diego Martin East was in a state of intelligibility—although I suspect he still is not—when his party, when it was in power, was accused of rigging elections, simply because of the introduction of the voting machines. I wonder if he knows that in 1986, his leader, the Member for San Fernando East, won an election by 69 votes in that constituency, simply because of the magnanimity of the then leader of the National Alliance for Reconstruction, who did not wish to have a recount in that constituency, because of the malpractices of stuffing the boxes where people put in their votes, with both the counterfoil and the vote itself, which would have rendered, null and void, the elections of the Member for San Fernando East if they had allowed Mrs. Merle Stephens to take the matter to court. I wonder if he is aware of that, that it was because of the magnanimity of the leader of the NAR, and that Government as a whole, that the Member for San Fernando East continues to sit in that seat, having scraped through by 69 votes, in what is considered to be rather dubious election circumstances.

It is no secret, the kind of intimidation that the People's National Movement has engaged in from election to election against its opponents. I have been a victim of that kind of intimidation. Not only intimidation, I have been a victim of terror! In 1981, when I was a candidate for the ONR I suffered a reign of terror at the hands of the PNM in: La Coup Harpe in Belmont, Never Dirty in Morvant, Aranguez in San Juan, Sunshine Village in San Juan behind Prizgar Road and La Horqueta, when a former Permanent Secretary in the Ministry of National

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Security—whose name I will not call—literally over-turned our cars and punctured our tyres, because he was doing the dirty work of the People's National Movement. To talk about dirty tricks, you people are past masters, not of dirty tricks, but of violations of all the constitutional rights of the people of this country. [*Desk thumping*]

**11.55 a.m.**

Mr. Deputy Speaker, I have no problem. I was an ordinary person. I contested against a man who was in the Parliament for 15 years—a senior Government Minister—and he beat me by 801 votes. I think it was one of the most creditable performances in any election to be beaten by only 801 votes. [*Desk thumping*]

The Member for Diego Martin East mentioned that identification cards that were issued in 1986 will no longer be valid in 1996. And more so, they will not be valid in 1999. I am wondering whether anyone prevented members of the electorate from renewing their cards from time to time. I have an identification card that I renewed and which is valid until the year 2006. The Elections and Boundaries offices are open all the time in different parts of the country, and I received this card in 1996, it expires in the year 2006, and I had absolutely no difficulty. When did this Government come into office? It was in 1995! I received this card in 1996 and it is valid until 2006. No problem! I went in, completed the form, gave my old card, and within about three weeks, I believe, I got my new card. It is here for inspection.

When the Member comes here today and speaks about people not being able to get their cards, it has nothing to do with the starving of funds, because if one looks at the estimates of expenditure, one will see that this Government, since it came into office, has increased the allocation of funds to the EBC from year to year. [*Desk thumping*] So, to stand up in this honourable House and mislead the House—and by extension, the national community—so that the press can print his lies or his untruths—his misinformation—all one has to do is go to the Estimates of Expenditure and see how this Government has increased the allocation of the EBC from year to year.

That is not the point he was making. He believes he is a clever debater. It was not the question of the starving of funds. What he was trying to do in a very left-handed way was really to attack the competence of the Elections and Boundaries Commission. That is what he was trying to do. It has nothing to do with the starving of funds, because I just pointed out to them that I got my card in 1996. I

know the people in my constituency—because it is something that I monitor on a monthly basis—who must now be registered at age 16, those who have reached 18 to get their cards and the people on the list. I monitor that very closely, and people have been getting their cards.

I do not know where the Member for Diego Martin East goes. He spends too much time up the islands. That is his problem! He is giving a lot of bad work in building of stadia and houses which are substandard, Governments there have been complaining about their poor quality. He spends so much of his time there and no time in his own constituency that the Member for Chaguanas, the Minister of Social Development, had to get somebody to sponsor his community because of the lack of amenities, the problems of poverty, unemployment, illiteracy and lack of nutrition of the people in his constituency. He spends too much time out of the country and out of his constituency.

**Mr. Deputy Speaker:** I just want to guide the Member back to the Motion at hand.

**Hon. M. Assam:** So, as I was saying, Mr. Deputy Speaker, he was really trying to attack the integrity, competence and independence of the Elections and Boundaries Commission, and when he said that this Government was going to rig and use every avenue and trick in the book to do so, and then went on to say that he believed in the independence of the EBC, he was really contradicting himself. In fact, what he was trying to do was develop what they call a “conspiracy theory”; that the EBC and this Government were in some kind of conspiracy to defraud the people of this country and to take away the elections from the People's National Movement.

Mr. Deputy Speaker, this emanates from a whole sense of fear. The People's National Movement, under their decrepit leader, is so afraid of the UNC sweeping the polls—not only in 1999, but in the year 2000—that they have started a subtle campaign in this country of not only lies, but of attempting to intimidate the public and telling them that they will not have a chance to elect a government of their choice through free and fair elections.

They went further, Mr. Deputy Speaker, when I read in the newspapers that the same decrepit leader is calling on the international community to bring former President, Jimmy Carter, to supervise local government elections in Trinidad and Tobago whenever they are held. Imagine the absurdity of this statement! But it is not only absurd in its character; it is also evil in its intent.

What he is trying to do in a very real sense is—and we must understand how an evil, diabolical mind works. Because of the prevailing economic and financial circumstances in the world where Trinidad and Tobago is part of the Caribbean and Latin American area, and where there is this competition for the investment dollar, and because of the problems recently occurring in Brazil and Ecuador, and because, as I said earlier, we are part of that region and investors are a bit nervous to come into a region where there is a certain amount of financial and economic instability—when one superimposes that on a situation where Trinidad and Tobago is now being painted by the Leader of the Opposition as a country where democracy and free and fair elections are being threatened, what they are trying to do, as they have done consistently, is to damage the international image and reputation of this country. One must understand that they have done it for three and a half years in this House, where they have told the world about corruption and all kinds of evil things the Government has done and how it cannot be trusted.

The Member for Diego Martin Central even spoke about a recession that will be taking place. He said it last year. Almost a year has gone and I have seen no evidence of this kind of devastating recession that the Member for Diego Martin Central has predicted. In fact, there is a debate in this morning's *Trinidad Guardian* between the distinguished Governor of our Central Bank; a man of reputation who had a two-year sabbatical at one of the most distinguished universities—Harvard. He is telling the population and the world that Trinidad and Tobago's economy is still resilient. It does not mean that we do not have to be on our guard. It does not mean that we should be complacent, but he is telling the national community—would-be investors, both local and foreign—that Trinidad and Tobago's economy is resilient. Standard and Poor and Moodys have just given us a reconfirmation of our rating of a BA-1 in terms of our credit rating.

We have just had a review from the International Monetary Fund. They left our shores a couple weeks ago, and they gave us a good report, although telling us we must be careful, and they are right. They told us to watch our expenditure, because our revenue base is having a little difficulty, and they are right. Because of softening commodity and oil prices, hopefully, with the coming on stream of Titan Methanol and the Atlantic LNG and some other plants, we would be able to bolster some of our flagging revenue areas.

Mr. Deputy Speaker, I want you to understand the importance of this debate that is taking place, because it is not the first time that this senior lecturer at the university has predicted doom and gloom. When their government was in office



and they decided to dismantle the negative list to get rid of the licensing regime to remove foreign exchange control, that same lecturer at the university undertook a study on behalf of the Trinidad and Tobago Manufacturers Association and the conclusion of that study was that there would be financial and economic Armageddon in the country; that 14,000 jobs would be lost; the manufacturing sector would belly up; and that there would be total economic mayhem in Trinidad and Tobago as a consequence of the economic policies that were being formulated and prompted by the government that was in office between 1991 and 1995.

No such thing happened! What happened was the reverse in the sense that manufacturers became more aggressive; they retooled, reengineered, brought in new technology, they decided to go abroad and do market research, trade exhibitions, niche marketing; they gave more training and reskilled their people, and today, the manufacturing sector—particularly the export manufacturing sector—is one of the most robust in any part of the Western Hemisphere! We can compete in so many areas, much to the envy of our Caricom partners and much to the unease of some of our Latin American neighbours. That is a fact!

I wanted to relate all of this that is taking place, where they have their people in different parts of this country—whether at the university level or whatever level it is—doing their dirty work for them. And now and then, they adumbrate these things—like the Member for San Fernando East—trying to give the impression that this country is not being properly governed and that we are soon at the end of an era where Trinidad's economic prosperity and our financial system would now collapse.

That is why he is talking about bringing in Jimmy Carter. He wants to tell the world that this is an unstable Government; that we are dishonest and do not believe in the rules of the game, in democratic tradition, in constitutional procedures and the independence of the Elections and Boundaries Commission. He is trying to say that we are starving them of funds when, in fact, they starved them of funds so that they could not have electoral ink in 1995 when they were in office. The records have shown that from 1995—1999 we have increased the allocations in order to make the EBC more efficient in order to discharge its constitutional responsibilities. All of these things are fact and I want my colleagues on this side to understand where they are coming from.

I want to come back to the question of the very card I was flashing. Let us assume, Mr. Deputy Speaker, that some people—and it will always happen in the

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most efficient system—will not have valid identification cards whenever the election is in 1999. It will not be because of this Government's fault or even the EBC's fault. It could be their own fault that they went and registered too late to have their cards renewed. The EBC does not have unlimited staff to process thousands and thousands of applications for renewal in the space of a couple weeks.

There is a provision in the Representation of the People Act. I often wonder whether the Member for Diego Martin East, who was a former Minister of Government, understands the constitutional niceties of this country. He gets up and talks a lot of hot air; vapid statements! I wonder if he understands it, or is it because he is an engineer and he only understands iron, concrete, bricks and cement? I often wonder, because the Representation of the People Act is very clear in the event that someone does not have an identification card, whether it is expired or they do not have one, there is a procedure for allowing one to vote once one's name is on the list or in the black book.

**12.10 p.m.**

The Representation of the People Act is very clear. In the event that someone does not have an identification card whether valid or expired—I mean whether it is expired or one does not have one, there is a procedure for allowing you to vote once your name is on the list or in the black book. There is a procedure and nobody is denied, even people who suffer from some kind of invalidity, Mr. Deputy Speaker, even people who are unable to write, read, or see. There is a provision in the election rules as contained in the Representation of the People Act that allows people to vote, and therefore nobody could complain that they are unable to vote. Do you know why people complain that they are unable to vote? It is because of the intimidation of the People's National Movement.

Mr. Deputy Speaker, I remember very well in 1995, that memorable night of November 6, when I was trying to get people out, together with my very loyal, valuable workers, to a particular polling station—I will never forget that—they had hooligans representing the People's National Movement, agents and others physically preventing my supporters from entering the polling station. *[Interruption]*. Again they do not know the rules. Once you get there before six o'clock you are allowed to vote. What is six o'clock?

**Miss Nicholson:** Evening.

**Hon. M. Assam:** Whatever you want to say whether it is evening or night, it does not matter whether they call it night or evening. The point is, Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Order.

**Hon. M. Assam:** Once you get to the polling station before 6.00 p.m, if you have to line up until 9.00 p.m which is night you are allowed to vote. So I would not try to get involved in any semantic discussion or argument with the people opposite, because they do not know the English language better than anyone else. One is a student of engineering and the other is a student of rocks and, I do not know what the other one is. So I am not going to argue with them, but I am saying it was because of the hooliganism, the scare-tactics and the sheer kind of badjohn behaviour of the People's National Movement supporters, that they were preventing my supporters from voting on that particular evening or night, or whatever you want to call it.

Mr. Deputy Speaker, that pattern of behaviour replicated itself not only in the constituency of St. Joseph, or in that particular polling station or division, it replicated itself in many parts of the country where the PNM felt under threat. And I am sure that it happened in your constituency too, where the PNM felt that they were under threat, and they are the ones who, in fact, Mr. Deputy Speaker, are responsible for undermining the hallowed, democratic traditions of this country and come to this Parliament today, saying that we are not funding the Elections and Boundaries Commission. We are going to use every trick in the book.

**Dr. Rowley:** You just confessed it.

**Hon. M. Assam:** The Prime Minister has said that he cannot guarantee free and fair elections and they are the ones who are guilty of all of these violations and malpractices.

Mr. Deputy Speaker, we are not here today to get all this drivel, all this misinformation: innuendoes, untruths, misunderstanding, lack of appreciation of the Constitution and of the Representation of the People Act. We are here to get the facts and reality of how things occur, how elections are conducted, the regularity with which this Government has done so, the amount of money the Government has given to the Elections and Boundaries Commission, their pernicious behaviour when they were in office. You know how many times they delayed or postponed local government elections?

At one time, there was a certain Mayor called Mayor Taylor who was Mayor of Port of Spain, for eight continuous years. No elections—eight continuous years—Eddie Taylor.

[MR. SPEAKER *in the Chair*]

**Mr. Hart:** He was a good Mayor.

**Hon. M. Assam:** He could be a good or bad Mayor, the point is, they completely frustrated the democratic process. That is what they did. [*Desk thumping*]. I am not talking about the integrity or the performance of the late Mayor Eddie Taylor, I am talking about the perniciousness of the People's National Movement in frustrating the democratic traditions and aspirations of the people of Trinidad and Tobago, particularly, as it relates to the local government system where democracy at that level is critical to the building of a society and a democratic nation. That is what I am talking about.

It happened all over and that was not the only time. It happened in my time too. I was not supposed to be chairman for four years, I was supposed to be chairman for three years. But in my time they had to postpone the local government elections again, which caused me instead of being there for three years to be there for four years.

**Mr. Imbert:** NAR was in power.

**Hon. M. Assam:** NAR was in power between 1983—1987? NAR came into power on December 16, 1986. What is wrong with him? His memory is like an alembic. He does not even understand—anyhow I am not surprised because he has the mind of a little child trapped in the body of a so-called man.

**Mr. Speaker:** I would suggest that the hon. Member speak to me.

**Hon. M. Assam:** Thank you, Mr. Speaker, sorry for—

**Mr. Speaker:** The hon. Member for Diego Martin East must not speak to the Member on his legs but to me, if it becomes necessary.

**Hon. M. Assam:** Thank you, Mr. Speaker, I did not mean to offend you by not speaking to you, because I have a deep and abiding respect for the Chair—not like some other individuals opposite. So what I was saying, Mr. Speaker, is that he has a short memory and I do not want to repeat what else is short. The NAR came into office on December 16, 1986, so to say it is the NAR's fault is totally untrue, and I am sure that the Member for Tobago West would substantiate what I am saying—

**Miss Nicholson:** Do not bring me into that.

**Hon. M. Assam:**—that the NAR came in on December 16, 1986, and by that time the PNM administration had already postponed the local government elections which caused me to be Chairman of St. George East County Council for

an additional year. That was not the only time. It happened again when we came into office. They had postponed it—the local government elections was supposed to take place in 1995, it had to be postponed to 1996 because they got the jitters, the Member for San Fernando West, pulled the rug under them. *[Interruption]*. The Speaker gave them some constitutional problems and the Member for San Fernando East got the jitters, called the general elections prematurely, in less than four years, instead of calling local government elections, or indeed, a by-election to fill the vacancy for San Fernando West. He got the jitters, as he is getting now. They were beaten in 1995 and they would be beaten again whenever the bell rings—because one does not win elections by jitters, one wins elections by a systematic servicing of the country and the discharge of your responsibilities to the people who put you there. *[Desk thumping]* So, Mr. Speaker, they are getting the jitters again, look how they are behaving—a lot of innuendoes, untruths, misrepresentation and so forth.

We are dealing with the Representation of the People Act not the “misrepresentation of the Act.” I want the Member for Diego Martin East to understand that. I want to educate him about matters rather than concrete and bricks and mortar. He needs to understand the constitutional niceties of the country, how elections are conducted and what the parliamentary system demands, not the postponement.

The PNM, during its 35 years in office, postponed local government elections four times and in one case it was so obscene. The late Eddie Taylor—and I am not questioning his integrity or competence—was there for eight continuous years in this country, denying people democracy and they want to come and talk here about democracy. They are the greatest violators of democracy, calling a state of emergency, suspending the Constitution, not having local government elections, all kinds of tricks they have perpetrated on this unsuspecting population, and they want to come here and say that they are the guardians of democracy.

They destroyed the police service, public service, health service, the water and telephone systems—everything in the country. They underdeveloped Trinidad and Tobago, and they want to come here and speak on behalf of Trinidad and Tobago: they should be ashamed—I would not say it, Mr. Speaker, in deference to the Chair.

Mr. Speaker, all this before us is simple. What we are trying to do is to ensure consistency with our conduct since we assumed office and to have elections once more at the correct time.

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The last elections were held on June 24, 1996; we want to hold elections in 1999 within the three months which the Constitution requires us to do. All we are doing here is trying to ensure that the procedure is followed, that the Order is approved as required by the law, and that is approving the Elections and Boundaries Report in respect of the elections to be held some time in 1999.

**12.20 p.m.**

I just do not understand why a simple procedural matter, a constitutional requirement to preserve democracy should create so much bitterness and animosity and such a poisoned presentation from the Member for Diego Martin East. What is supposed to be a routine matter has become a matter in which he is showing himself as a kind of blemish on his side and imparting on the Government, a kind of what we call in French a *bête noire* although looking at him it would be difficult to describe his as a *bête noire*.

Mr. Speaker, I would like to suggest that the Elections and Boundaries Commission be given the all-clear to proceed and put in place the mechanisms that are necessary for the holding of local government elections in Trinidad and Tobago.

Mr. Speaker, we value the local government elections just as much as we value the general elections, but I think local government elections hold a special place in our hearts because it is at the local level that we are able to interface very closely with the members of the public, the electorate. It is the system of government which enables one to deliver what is required by the people of the community.

Central government is often associated with Whitehall and a kind of distance although our slogan in the 1996 election was "Bringing Government to the People" and I think in three years we have certainly brought a lot of government to the people in fulfilment of our promise. In fact, in terms of devolution, there has been substantial devolution over the last few years. In my ministry alone, the Ministry of Consumer Affairs devolved power unto local government by putting the Weights and Measures Inspectorate under local government. The Ministry of Tourism, under my charge, devolved power by putting the Lifeguard Service under local government, and I intend to continue to look at ways and means in which more power would be devolved from the three ministries for which I am responsible to that of local government.

The Minister of Labour and Co-operatives, the Minister of Education with his local school boards, the Minister of Agriculture, the Minister of Social Development, all of us are identifying and have started to implement mechanisms whereby devolution and decentralization would be taking place in order to enhance, not only the image and functions, but also to bring a greater measure of relief and amenities to the people in the various local government areas.

Mr. Speaker, I believe that you get more value for your tax dollar at the local government level because you see in action, as I had the great honour to see when I was in the Local Government, a road built or repaired before your very eyes; a recreation ground properly designed; a pavilion erected; markets and abattoirs improved; cemeteries beautified; box drains; slipper drains and V-drains constructed to improve the drainage facilities for the people.

I was able to establish county fairs. I was able to get the various communities together, for example the farmers; the people in the Village Councils; the entrepreneurs; the business people; all the service organizations like the Soroptimists, the Lions, the Kiwanis, the Rotarians, involved in community development and establish "County Day" and I remember that great day, May 07, when I established it and the tradition has continued where all the people come together and have a great time and reflecting on the ideals, aspirations and the hopes of their own community's development. That is the kind of thing we are trying to do and, therefore, local government means much to us.

Having local government elections on time and with regularity means much to us and, therefore, there should be nobody on either side, particularly on that side, who would do or say anything that would affect the holding and conduct of local government elections by suggesting that there is some fear, suspicion, or belief that some kind of plot is being put together, that local government elections would not be free and fair and to implicate, in the most subtle, but nefarious way by saying that we are starving the Elections and Boundaries Commission of funds. Constitutionally the Elections and Boundaries Commission is independent and I hope every government is sworn to uphold. In fact, the record shows that every year the Commission has had an increase in funds; in fact, they were the ones who were guilty of starving it of funds, to the extent that it did not have ink to hold elections in 1995.

Mr. Speaker, I would like to commend this particular Order to all the Members opposite and to touch on a point the Member made rather vicariously

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about changing polling divisions. I hope he was not in his usual style suggesting that if there is a change, that change is attributed to this Government. We respect the independence and integrity of the Elections and Boundaries Commission and whatever is contained in that report is solely and exclusively the handiwork and the thinking of all the members of the Elections and Boundaries Commission with absolutely no input or interference from the Members of the United National Congress Administration.

I assure you, Mr. Speaker, Members opposite, and the national community that this report is a clean report. It is not contaminated, it is not adulterated, notwithstanding some of the suggestions made, subtle as they have been, by both the Member for Diego Martin East and by the Member for San Fernando East in his public bletherings.

**Mr. Speaker:** Hon. Members, the sitting of the House is suspended for lunch until 2.00 p.m.

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

**2.00 p.m.:** *Sitting resumed.*

**Hon. M. Assam:** Mr. Speaker, before we took the luncheon adjournment, I was about to wind-up my contribution in this debate with respect to the Order for the next local government elections, and I was attempting to indicate to this honourable House that this Government has not starved the Elections and Boundaries Commission of any funds in order for it to discharge its constitutional responsibilities. Indeed, the figures clearly indicate that this Government has increased the amount of funding to the EBC from year to year.

I will just give you some rough figures. In 1993, when that government was in office, it allocated \$14.5 million to the EBC. In 1994, it decreased it to \$14.0 million. In 1995, apparently it had some idea that an election was in the air, it increased it to \$23.7 million of which \$7 million went to goods and services as opposed to a traditional just under \$3 million. It is very interesting and I do not know if anybody looked at that increase. Under \$3 million normally goes there and it went to over \$6 million in 1995, increasing the allocation to \$23.7 which is very interesting. Indeed, it gave a signal, perhaps, to many people who, perhaps, did not notice it.

But, in 1996, this Government increased it from \$23.7 to \$26.1 million. [*Desk thumping*]



**Dr. Rowley:** Signalling what?

**Hon. M. Assam:** And because they were off election years, in 1997 it went back to \$15.2; in 1998, it rose to \$17.0 and in the 1998/1999 budget, it has gone back up again to \$18.63 million. Is that not an indication of the kind of respect, regard and importance that this Government places on the work of the Elections and Boundaries Commission in preserving the democratic traditions of this country and giving it the wherewithal to do its job, contrary to the very malicious and nefarious opinion of the Member for Diego Martin East?

So, Mr. Speaker, I am satisfied that this Government is a democratic government. I am satisfied that we have had and will continue to hold local government elections and, indeed, general elections, whenever they are due, contrary to the pattern of behaviour and the conduct of the People's National Movement that has refused this country the privilege of electing their representatives of local government elections by postponing local government elections four times. In one case, for eight consecutive years we did not have local government elections, and during elections, they have used their goon squads, their mongoose gangs and their terrorist gangs to intimidate and do all kinds of wickedness against their opponents.

They have violated the Constitution. They have done all kinds of things by introducing machines for voting. After the thrashing they got in the 1958 elections, their late leader went to Woodford Square and called a certain ethnic group in this country, "the recalcitrant minority". Because they were soundly beaten at the polls in 1958, he described them as "the recalcitrant minority", thereby introducing thereafter the same rigging that they talked about, the election voting machines, which created enormous problems leading to the 'No Vote Campaign' of 1971.

**Mr. Hinds:** You are becoming "Morganized".

**Hon. M. Assam:** It also caused the late Dr. Rudranath Capildeo to be somewhat reckless in his rhetoric in the savannah in 1961 when, because of universal intimidation of himself and his party during that year, he went to the savannah and was a bit excessive in his rhetoric, simply because—

**Mr. Speaker:** Hon. Members, the speaking time of the Member for St. Joseph 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. M. Assam:** Thank you, Mr. Speaker, and I thank the other hon. Members of this House.

So that it is very clear, it is pellucidly clear that the United National Congress has a history of ensuring democratic elections as opposed to the other side which has not had that history and, as a consequence of which, it is my view that the Order before us does not require a debate. It was produced by an independent Commission that was not tampered—there was no virus there—therefore, all of us should unanimously agree to the passage of this Order this afternoon.

Mr. Speaker, I thank you very much.

**Dr. Keith Rowley** (*Diego Martin West*): Mr. Speaker, I did not plan to enter this debate but I think, out of a sense of duty and just to make sure that the record reads with some balance, I must respond to some of the points raised by my esteemed colleague from St. Joseph.

I am not going to spend a lot of the time here defending the PNM's record in this country because the magical assessment, even when spoken in moments of sanity by those on the other side, is that Trinidad and Tobago over the years has had a history of free and fair elections and if that statement holds true, as uttered recently, then it holds true for the conduct of the PNM which governed this country for 34 years during that period. I do not have to defend that. [*Desk thumping*]

I do not know what UNC history he is talking about. When history is spoken about in this country, we are talking about the PNM. The UNC is a recent miscreant that is now misbehaving in office for under four years. The PNM had the reins of this country for 34 years; the NAR for five and the UNC for almost four. So, what is he talking about?

In that period of the PNM's history, I distinctly recall the PNM losing the Scarborough seat by one vote and not even bothering to ask for a recount, so much confidence we had in the system and the Commission. The PNM has taken part in a number of elections and, of course, what goes on during an election campaign, the emotions, the fervour, the energy, whatever, is a different story, but at the end of the day, as compared to some of our other Commonwealth citizenry, our conduct at elections is something of which we can all be proud. I do not know what he is talking about PNM.

He goes on to talk about the PNM starving the Elections and Boundaries Commission for ink in response to a very serious point made by my colleague

from Diego Martin East. I want to make the point in his absence that what he was saying is not a question of my fault, your fault or who should be faulted. The situation is that because the system was introduced in the mid-80s where the whole mass of the electorate was put on a new system with a 10-year life cycle on their ID cards and in the period soon after that, it now exists that many of our electors who are holding ID cards require to have those cards replaced, and what we are saying is that we should do things to have that done so that on polling day we do not have the reaction that we are going to have where people are going to be saying that they tried to get it done; it could not be done in time; we are here to vote. So let us take those aggravations out of the system by facilitating the renewal. That is all we are saying.

Then, we get up and hear the PNM. The Commission writes back to say we accept what you are saying is true; it has to be done but we would like to do it but we cannot do it because we do not have the resources.

[MR. DEPUTY SPEAKER *in the Chair*]

A specific request being denied by the Commission on the basis of lack of resources. So, coming here and quoting how much money is given to the Commission in year X, year Y, year Z and blaming the PNM, does not address the problem.

The Commission has said only recently in response to a specific situation, that it cannot do it because it does not have the resources. All that means is that whatever resources were given to it were insufficient and all we are saying is: because we treasure the smooth operations of the system and free and fair elections, give it some more resources so it would not be in a position to say, "I would like to do it but I do not have the resources." That is all we are saying.

Do not come here and insult me. I have tremendous regard for my friend from St. Joseph, but when he comes here and spends an hour and a half trying to give the impression that the PNM starved the Commission for ink, what he is not saying—

**Mr. Assam:** Not even 75 minutes, 47 minutes.

**Dr. K. Rowley:** I still have high regard for you.

What he is not saying is that this ink story arose in December of 1995. Mr. Deputy Speaker, in 1995, November, there was a general election. Immediately after that election, a new government was sworn in and the Prime Minister of that Government asked the Commission, "Are you in a position now to hold local government elections?" which were due in September. The Commission

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responded by saying, “Well, we have some problems. For example, we are out of ink.” Bear in mind, we had just had a general election where the ink supply was used up and that answer only applied to the month of December because this new Government, the same one that asked the question that got the answer that we are out of ink, is now to put a new budget in place in January to buy ink and everything else. So, what is he talking about?

He comes here now to raise the fact and to mislead the country that at some time in our history, the PNM denied the Commission ink. The ink was used up in November of 1995 for the general election. So, do not insult us.

The point I want to make is that I have no malice whatsoever for anybody on the other side, but they are making it hard for me to trust them and hard for me to like them. He spent much time this morning showing his indignation and expressing umbrage at the fact that we accused them of corruption, lack of honesty and so forth.

**2.15 p.m.**

Mr. Deputy Speaker, that is their own fault. I want to crave your indulgence, to demonstrate to my friend from St. Joseph, why we have difficulty in accepting anything that the Government says to the people of Trinidad and Tobago. Because, we in the PNM, as I said before, we ran this country for 35 years, the rest of the time we are in the Opposition and we take it seriously. We take this Parliament seriously, therefore when we come to this Parliament—my friend from St. Ann’s East came to the Parliament a few weeks ago and asked the Minister of Finance—a Minister holding an extremely important portfolio in this country; holding on to our purse strings, he asked the Minister what is the story with respect to payments of moneys to a Member of the National Insurance Board in relation to work done at NIPDEC—a simple straightforward question.

Mr. Deputy Speaker, I crave your indulgence, just let me demonstrate why we have a difficulty with accepting the Government’s assurances even when they give them, and why we are concerned when they do not give their assurances. Listen to the answer, Mr. Deputy Speaker, the Minister of Finance gave my friend from St. Ann’s East: “The NIPDEC Board did appoint one of its Members Mr. T. Romano, in April of 1998, to represent the board at such meetings as may be held with respect to the Airports Development. He is also the Executive Director of the National Insurance Board and receives no remuneration for that assignment.”

I could not believe so I wanted to make sure that I heard what he said, so I intervened—I did not ask the question. The Member for St. Ann’s East asked the question. I asked the Minister of Finance:

“In view of the fact that NIPDEC is a subsidiary of the NIB, is it proper to pay an NIB employee separately for work done at NIPDEC?” The Minister of Finance replied: “I thought I indicated that no remuneration from the Board of NIPDEC is being given, so there is no question of payment.”

It was asked in a different form, he said: “No compensation is being paid by NIPDEC, it does not arise to pay him compensation.” I asked a similar question, he answered: “No additional compensation.” That is the answer from the Minister of Finance of Trinidad and Tobago in the Parliament.

Mr. Deputy Speaker, I have in my possession a copy of NIPDEC’s Board Minutes, which shows how the Board approved, with the approval of the Ministry of Finance, that the said gentleman should be paid. I have a copy of the memorandum and I want to put in on the record in the Parliament, to demonstrate why we cannot accept what the Government says to us. The memorandum states:

“The Board, at its 185th meeting, held on Thursday, September 10, 1998, agreed that a monthly stipend of *Fifteen thousand Dollars* (\$15,000.00) be paid.... This appointment is effective September 1998”.

As a consequence, kindly prepare a cheque in the amount of Sixty Thousand Dollars (\$60,000) which represents payment for the months September to December, 1998...

*In addition, please make arrangements to ensure that the monthly payment is processed when salaries are prepared.”*

Mr. Deputy Speaker, I have a copy here—paid \$15,000 signed by the Chairman and stamped paid, and the Minister of Finance comes to the Parliament and tells the Parliament what he told the Parliament. How can he trust this Government? [*Desk thumping*]

Mr. Deputy Speaker, I take my seat and I call for the resignation of the Minister of Finance of Trinidad and Tobago. [*Desk thumping*].

**Mr. Martin Joseph** (*St. Ann’s East*): Thank you very much, Mr. Deputy Speaker. I am pleased to participate in this debate with respect to the Order giving effect to the recommendations contained in the Report of the Elections and

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Boundaries Commission, with respect to recommendations as they relate to boundary changes.

Mr. Deputy Speaker, like you, I had to listen, this morning, to the presentation made by the hon. Member for St. Joseph questioning the integrity and intention of my colleague—the Member for Diego Martin East in making his presentation. Basically, what he was saying is that we on this side, do not question the recommendations of the Elections and Boundaries Commission. This is because we consider the Elections and Boundaries Commission to be an independent commission, and it is not our practice to go into the specifics with respect to boundary changes here and there.

However, the Member for St. Joseph said that it was a subtle way for the Member to impute wrongdoings on the part of the Elections and Boundaries Commission with respect to collusion with the Government. He also spoke of the fact that the Government has not been providing the type of resources necessary for the Elections and Boundaries Commission in order for the Commission to discharge its responsibilities.

**Hon. M. Assam:** I just wanted to make a correction—I never spoke about any wrongdoings of the Elections and Boundaries Commission. I said it was a subtle way to attack the integrity of the Elections and Boundaries Commission. I never said wrongdoings.

**Mr. M. Joseph:** Thank you for the correction. The point is that the Member for St. Joseph, in an attempt to refute that, indicated the types of funding that the Government provided to the Elections and Boundaries Commission over the years as a means of justifying that. As my colleague from Diego Martin West indicated, that is not the point. The point is that the Elections and Boundaries Commission finds itself at this particular point in time, being required to do a series of things. In order for these things to be done effectively, it is necessary for funds to be provided. I would like to say something about the funds since he made a big issue of the funds—showing increases over the years.

One has to look at the funding for the Elections and Boundaries, in my respectful view, relative to funding for other things. For example, when the Government decided that in 1998—1999 budget they were going to allocate approximately \$18 million to the Elections and Boundaries Commission, even as the Commission is preparing itself for a local and general elections in the not too distant future, and even as the Elections and Boundaries Commission prepares to

deal with a massive number of persons whose identification cards have expired—I will come to that in a while—and you allocate \$18 million, you also allocate approximately \$30 million to refurbish the White Hall; another \$30 million is lost in a rice deal; and millions of dollars are spent in NP's deregulation project—one asks the question of relative importance. How important is the Elections and Boundaries Commissions' ability to ensure that free and fair elections are held; and the need for the Elections and Boundaries Commission to have the adequate resources to do that? It is in that context, that one must ask, what is this Government's agenda?

I must repeat what my colleague from Diego Martin East said this morning—when the Prime Minister of a country who is on record as saying that he cannot guarantee free and fair elections—he said that because he is not the Elections and Boundaries Commission, as my hon. colleague from St. Joseph was trying to say. That is not the point. The Member for San Fernando East also indicated “the Executive is the agency with the public purse. They are the ones who will be able to provide the necessary financial resources for the Elections and Boundaries Commission to do what is necessary in order for them to ensure free and fair elections are held—and the other ancillary back up services.

My colleague also raised the point about the identification cards, and my friend went in his wallet and took out his identification card. My colleague from Chaguanas said that the back of the identification card would indicate the expiry date; all that is required is for one to read the information. It does not work that way, we all know that. There is a segment of our population who needs certain types of assistance as it relates to them ensuring that they are part of the process. Not only that, but there is a group of persons in our society who; when they look around and see what is happening, feel that they should not participate in the process, and as a result they need some help.

**2.25 p.m.**

It is the Elections and Boundaries Commission, Mr. Deputy Speaker, which is charged with the responsibility of facilitating the easy registration of persons in the society. My colleague made the point, that there are thousands of persons who find themselves, at this particular point in time, with their identification cards expiring.

We, the People's National Movement, as part of our assistance to the Elections and Boundaries Commission, have embarked on an exercise where we

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try to get people to see whether or not their identification cards have expired, and to go to the Elections and Boundaries Commission. There is a massive rush of people now to the Elections and Boundaries Commission.

The average length of time it has taken for people to renew their identification card is two to three months. The Elections and Boundaries Commission does not have the resources—human resources or other material resources—the financial capability, to facilitate the process.

My friend was saying this morning that we do not understand the niceties of the Constitution, that even if people's identification cards expire they can still vote. Mr. Deputy Speaker, in order to vote very easily, as you know, one must meet these three requirements: One must first have an identification card, secondly, one's name must be on the list of electors and thirdly, your name must be in the binder. Once these three things are satisfied, you go to the green line and voting is easy. If anyone of those three things is missed, you will go to the red line, and then the voting process becomes very frustrating, whether we like it, or not. I will come to that later on, in terms of the real conduct of the elections. *[Interruption]* Not only that, we are not very patient. Many of us are not very patient. We speak in terms of how we play cricket. If they tie us down for too long we would throw a bad shot and we get out. Sometimes, many of us will not have the patience to go in that red line and go through the hassle. What my friend was saying this morning—and I want to repeat it—is that we want people to satisfy the requirements of being able to vote very easily, so it also allows them to participate in the process.

The Elections and Boundaries Commission, in 1994, found itself in a situation where there was a possibility of thousands of persons whose names were going to be removed from the electoral lists, because they did not update their identification cards. The Commission embarked upon a project called "55,000", where they launched a public relations campaign— almost similar to the one that the Government is launching now to get a certain amount of acceptance to the Miss Universe programme. Every morning you would hear different people talking about how they are benefiting tremendously, sometimes four—five times a day. You are hearing that same advertisement saying: "We are benefiting, *et cetera*."

The same kind of resources being put into that similar public relations programme, could now be put, in order to sensitize people to register. It depends on where I know—and it is in that context that we raise the whole issue of the



priorities of this Government, whether this Government is serious about ensuring that future elections are free and fair. *[Desk thumping]* We are saying it is in that context that the resources being allocated to the Elections and Boundaries Commission are important.

We have a situation taking place with respect to persons moving into new areas and registering as residents in those areas. We are hearing talk on the street that says this is an orchestrated activity. *[Interruption]*. It is not about paranoia. The way in which persons register in new areas, requires them to go to the Elections and Boundaries to fill out form No. 22, which is really a change of address form. The Elections and Boundaries Commission is required to send a registration officer to check to see whether or not that person has been resident in the area for two months and more.

I was doing some enquiries with respect to the ability of the Elections and Boundaries to monitor this particular situation. Let me repeat the situation: A situation where people are moving from area “A” to go into area “B”, which is legitimate, because there is always movement of people in Trinidad—a lot of inward migration. In order for persons to satisfy the requirements of the Elections and Boundaries Commission for persons to reregister in a new area, the person must be living there for a minimum of two months. The Elections and Boundaries Commission is required to send a registration officer to see whether or not a person has been resident there for two months. In that way, the registration officer would inquire from other residents whether the person lives there or not.

There are 14 registration areas in Trinidad and Tobago, Mr. Deputy Speaker, and I do believe, that there is one registration officer per area. These are the electorates living in these particular areas. It does not take into consideration that there are persons living there who may not be members of the electorate not registered to vote.

Port of Spain/ Laventille	—	90,787.
Diego Martin	—	73,000
San Juan	—	75,000
Tunapuna	—	55,000
Arima/Piarco	—	98,000
Sangre/Grande	—	43,000

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Pt. Fortin/Siparia	—	78,000
Tobago	—	36,000
Chaguanas	—	46,000
Couva	—	66,000
Tabaquite/Talparo	—	47,000
San Fernando/Penal/Debe	—	109,000
Princes Town	—	69,000
Rio Claro/Mayaro	—	24,000

Mr. Deputy Speaker, a registration officer is responsible for literally managing this number of persons. There is no way that this person can effectively monitor persons who would be moving into areas, who say that they are legitimate residents of those areas.

The Elections and Boundaries Commission indicated to us that it would have to be able to find persons whose names are on the electoral lists, but who are not really residents of the area. That is the only way they would be able to act, because the Elections and Boundaries Commission does not have the necessary human resource power to effectively monitor changes that are taking place as a result of movements in-between constituencies. We have our concerns as it relates to the use of that No. 22 form because we understand that people are being moved from certain areas to particular areas. We are also concerned with persons who do not meet the necessary requirements of being able to vote in our elections, who are here. Again, the only way we can effectively monitor those things is with the Elections and Boundaries Commission.

I want to make sure that I underscore the point we are making. We have absolutely no difficulty with the report of the Elections and Boundaries Commission. We are concerned that the Elections and Boundaries Commission, not being provided with sufficient resources in order for them to discharge their responsibilities, may not now be able to make sure that elections in the future are free and fair.

The Elections and Boundaries Commission has also indicated that there is a need, especially now with respect to elections, for it to be provided with personnel who can discharge the responsibilities on election day in a much more professional manner.

There are thousands of persons who are employed to ensure that elections are properly carried out on election day. They are: registration officers, returning officers, presiding officers, and all the different personnel who operate inside of the polling stations.

The Elections and Boundaries Commission also complained about its inability to attract competent persons to discharge those responsibilities on the basis of their inability to pay sufficient funds as it relates to that.

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

This is a report submitted to this honourable House on Monday, November 6, 1995. It states as follows:

“There is at present without doubt, an imperative need for greater discernment in the selection of temporary staff for election duties; their exposure to a more intensive and comprehensive period of training in the duties to be performed by them under the Act and its voluminous regulations; a longer period to verify the bona fides of the personal data and other information supplied during the nine-day period of election registration; and generally, for the rendering of a more efficient service to an expanded and sophisticated electorate.” *[Interruption]*

Mr. Deputy Speaker, I will continue quoting from this report to underscore the need for the Elections and Boundaries to be provided with the kind of resources necessary in order for it to effectively discharge its duties. This is to respond to some comments made by the Member for St. Joseph this morning. It goes on:

“It is fitting to assert in this Report that all changes in government since the Country's accession to nationhood as a democracy under the Rule of Law, have to the great credit and glory of its people, taken place peacefully, honourably and respectfully. It was against such a background that in 1986 the People's National Movement led by former Prime Minister George Chambers handed over to the National Alliance for Reconstruction; that in 1991 the National Alliance for Reconstruction led by former Prime Minister A.N.R. Robinson handed over to the People's National Movement; and that in 1995, the Peoples National Movement led by former Prime Minister Patrick Manning handed over to the United National Congress led by Prime Minister Basdeo Panday.”

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I hope that in the year 2000, the Elections and Boundaries Commission would be able to say that it was handed over freely and fairly to Patrick Manning, the next Prime Minister of Trinidad and Tobago. *[Interruption]*

**Mr. Panday:** Even if you lose?

**Mr. M. Joseph:** Mr. Deputy Speaker, the Report continues, and this is important:

“This established record of regular, systematic and orderly elections followed by irenic transfers of power from one party to another is no mean achievement, for a young nation with a colonial past such as ours. It is a record in which its people should take immense pride and, in the Commission's view, it will add considerably to the Country's glory and status among nations, if its citizens were to honour this achievement not only with gratitude but also the due exercise of eternal vigilance to guard its sanctity against the predatory onslaught of rash and over-ambitious adventurers.”

So, the Elections and Boundaries Commission is on record as saying that the ability to conduct free and fair elections requires the eternal vigilance of people like us, the People's National Movement, and people in the society.

The concerns raised here are concerns that come about on the basis of the behaviour of this Government, and my honourable colleague from Diego Martin West clearly indicates: the Government says one thing but its actions are clearly different. So, it is against that background that our alarm bells sound off when we hear the Prime Minister saying that he cannot guarantee free and fair elections. Then we read an article appearing in the *TnT Mirror* on Friday, December 11, 1998 saying: “Did Robinson blank Panday?” The question there was about replacement of members of the Elections and Boundaries Commission. When we take that against the context of the Constitution (Amdt.) (No. 3) Bill which goes after certain service commissions, we have to be concerned. *[Desk thumping]*

It is against this background, Mr. Deputy Speaker, that while we support wholeheartedly the report of the Elections and Boundaries Commission, what we are concerned about is whether the resources are being provided to the Elections and Boundaries Commission so that the Elections and Boundaries Commission can discharge its responsibility in such a way that the citizens of this country can feel confident that when election day comes, they can go out there, exercise their democratic right and remove this Government in as easy a manner as possible.

I thank you most sincerely. *[Desk thumping]*

**Mr. Valley:** Excellent!

**The Minister of Local Government (Hon. Dhanraj Singh):** Mr. Deputy Speaker, there is very little to which I have to respond. Members on the other side have all agreed that there is little to debate about the report and the Order at hand. The last speaker went all around the place speaking about funding and that the EBC must get additional funds to carry out its mandate, but he seems to be saying to us that he has no confidence in the EBC. He speaks about the number of people who have to conduct registration throughout the country—like one person to 90 persons in a particular area—but this is not a new problem. This problem has been there for a long time, and I can safely say that the PNM did nothing about it. [*Desk thumping*] So, for the Member for St. Ann's East to come here this afternoon and say he is concerned about the Elections and Boundaries Commission's ability to carry out its mandate is something they had 34 years to address and they did nothing about it!

Mr. Deputy Speaker, the Order beforehand and the Report of the EBC is a necessary prerequisite for the holding of local government elections. We are on schedule despite attempts by the Member for Diego Martin East to say that the report was lodged with us since November and we did nothing about it. The report was lodged with us since November, we had to validate the report, we brought it here, now the Order is here. We are only in April, and this points to us holding elections on time. We will be holding our Local Government Elections when the time is due, and this is, again, consistent with the Government's policy of honouring its commitment with the people to go back to them from time to time for that mandate to govern. This is unlike the PNM who had postponed every single local government election in the history of the PNM party.

With these few words, Mr. Speaker, I beg to move.

*Question put and agreed to.*

*Resolved:*

That the draft of the Elections and Boundaries Commission (Local Government) Order, 1999 be approved.

[MR. SPEAKER *in the Chair*]

**EXCISE DUTY (COMPRESSED NATURAL GAS) ORDER**

**The Minister of Planning and Development (Hon. Trevor Sudama):** Mr. Speaker, I beg to move,

**WHEREAS** it is provided by subsection (2) of section 13 of the Excise (General Provisions) Act, Chap. 78:50 that the Minister may by order impose any new excise duty or increase any excise duty and from the date of publication of the Order in the *Gazette* and until the expiry thereof the duties specified in the Order shall be payable in lieu of the duties payable prior thereto:

**AND WHEREAS** it is provided by the said subsection that every Order issued under that subsection shall, after four days and within twenty-one days from the date of its first publication, be submitted to the Senate and the

House of Representatives and the Senate and House of Representatives may by Resolution confirm, amend or revoke such Order, and upon publication of the Resolution of the Senate and House of Representatives in the *Gazette* the Resolution shall have effect and the Order shall then expire:

**AND WHEREAS** the Excise Duty (Compressed Natural Gas) Order, 1999 was made under subsection (2) of section 13 of the Excise (General Provisions) Act, and first published in the *Gazette* on the 19th day of March, 1999:

**AND WHEREAS** it is expedient to confirm the said Order:

**BE IT RESOLVED** that the Excise Duty (Compressed Natural Gas) Order, 1999, be confirmed.”

One will recall that an excise duty on Compressed Natural Gas (CNG) was first imposed in 1997 at the rate of TT 24.820 cents per litre. This initial imposition was intended to partially compensate for the loss in revenue arising from the removal of the annual licence fees on all classes of vehicles. Of course, I do not have to elaborate on the great convenience that has resulted for the motoring public of Trinidad and Tobago who do not have to go to the licensing office to line up and go through all sorts of difficulties to pay their licences. That, of course, was a legacy of 34 years of PNM rule, all the frustrations that the ordinary members of the public were experiencing.

When we came in—as we are a people-oriented Government—we decided that we were going to deal with some of these inconveniences. Therefore, we removed the necessity for the payment of annual licence fees. Of course, having

done that, we had to compensate for the loss of revenues, and this is one of the means that was used to compensate for that loss. What is now proposed is that a new excise duty on Compressed Natural Gas be imposed at the rate of TT 20.414 cents per litre. Thereby, what we are doing by this measure is effectively reducing the price of CNG by 4.406 cents per litre with the objective of encouraging more and more people to convert to the use of Compressed Natural Gas.

Mr. Speaker, this Order which is before the House was made by the Minister of Finance pursuant to section 13:2 of the Excise (General Provisions) Act Chap. 78:15, and by that section, the Minister of Finance is authorized to impose any new excise duty, or increase any excise duty, by way of an order. This Order, which is the subject of this Motion before us, imposes a new excise duty on CNG at the price of TT 20.414 cents per litre. As I said, this is within the power and authority of the Minister of Finance, and it revokes the earlier 1997 Order by which the higher price of 24.820 cents per litre had been imposed. At the same time that there is an imposition, there is a revocation of an earlier Order.

Since the law, as presently formulated, does not make provision for the decrease of an excise duty, this is why we have to bring this within the legal requirements. The law, as it is presently established, does not make provision for the decrease of an excise duty. The mechanism utilized was to revoke the earlier Order and to impose a new excise duty by this 1999 Order.

Mr. Speaker, where an Order is made under section 13 of the Excise (General Provisions) Act, that Order must, after four days and within 21 days from the date of the first publication of the Order, be submitted to Parliament. Moreover, where the Order is submitted to Parliament within the specified time, Parliament may, by Resolution, confirm, amend or revoke the Order, and upon publication of the Resolution of Parliament, the Resolution shall have effect and the ministerial Order shall expire. In other words, it becomes a legislative provision and the ministerial Order lapses.

On the other hand, where the published Order is not presented to Parliament within the specified time, the Order shall cease to have effect and any excise duties paid by a consumer after the expiration of the Order shall be refunded to the consumer.

**2.50 p.m.**

The Order which is before this honourable House, was published in the *Gazette* on March 19, 1999 and was presented to the Parliament on March 26,

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1999. This latter date, being more than four days after and within 21 days of the date of the publication of the first Order. The Order has therefore, satisfied procedural requirements of the law.

Mr. Speaker, the change in the excise duty on CNG has come about as a result of adjustments also in the pricing structure of CNG, quite apart from our own objectives of a policy of reduction. These adjustments were made to compensate the changes in the exchange rate and the conversion factor used in converting the energy content of natural gas to the litre equivalent of gasoline. In establishing the existing price of CNG to the consumer, the price was set at TT 18.98 cents per litre based on a conversion factor of 26 standard cubic feet per litre equivalent of gasoline and the then exchange rate of \$4.29 to the \$US.

Using the current conversion factor and the new exchange rate of TT \$6.30 to US \$1.00, the price of CNG was increased from TT 89 cents per litre, equivalent to the new price of TT 23.386 per litre, which is equivalent to an increase of 4.46 per litre over the existing price.

However, in order to maintain the current retail price of CNG at TT 107 cents per litre, so that there should be no additional cost to the consumer, Government has agreed to lower the excise duty on CNG on a corresponding amount of TT 4.406 cents per litre.

The Government has also endorsed the need for more concentrated efforts towards rebuilding consumer confidence in this product and to encourage new consumers and to ensure availability of supplies of CNG on a timely basis.

Mr. Speaker, as mentioned earlier, the Excise Duty (Compressed Natural Gas) Order 1999, was issued also as a result of the adjustments to the pricing structure of CNG and imposes a new excise duty on CNG of TT 20.414 cents per litre, replacing the old excise duty which was imposed on the basis of a previous order. In doing so, we have therefore reduced the excise duty by TT 4.406 cents per litre: I am sure that the motoring public of Trinidad and Tobago will welcome this gesture on the part of the Government—a Government that looks after the needs of the people which it serves.

Mr. Speaker, I now beg to move that the Excise Duty (Compressed Natural Gas) Order 1999, be confirmed by this honourable House. Thank you very much.

*Question proposed.*



**Dr. Keith Rowley** (*Diego Martin West*): Mr. Speaker, I tried to listen very carefully to what the Minister of Planning was reading and I am not sure, given the convoluted way in which he presented the matter, that the facts meshed with the objective and that based on how he has presented and what he has said, that it really makes sense. Interestingly enough in following this matter, I have the contribution of the Minister of Energy, from the other place and at a glance, the two things do not seem to mesh and I once again have to ask if this Government is clear on what it is doing; why it is doing what it is doing or is it that the Government is not candid about what it is doing and therefore, is hiding something about what it is doing.

Anybody listening to the Minister a moment ago would have had difficulty trying to find out exactly what he was saying that he was doing. He made many references to excise duty being raised and lowered and so forth, but what really is the final position. He started off by talking about increasing excise duty; then he goes on to say that it is to reduce the cost of CNG to encourage its use, and then he went on to say in order to maintain the price at the pump to the consumer you had to do certain things. What really is it? Is there an increase or a decrease? Is there a maintenance of the price at the pump?

Mr. Speaker, if I may, with your indulgence, quote from the Minister of Energy in the other place who was much clearer in his position, that might bring us to where we are at in this matter. The Minister in the other place had this to say:

“when one looks at the entire problem, one can see that there are a number of reasons and that the first one we are trying to resolve at present—and really it is the genesis of the problem—and that is because of the pricing structure the National Petroleum Marketing Company has been losing money on this particular experiment over the eight or nine-year period to the tune of 14 million dollars.”

He said earlier that most of the losses were being borne by NP and a little later on he spoke about margins.

Mr. Speaker, the Minister who presented this paper for the Minister of Finance made absolutely no reference to this problem at NP that they are trying to solve, which was stated by the Minister of Energy in the other place, and listen to what the Minister of Energy had to say in the other place.

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“With respect to the expansion of the CNG network—I think this is the basis of this Motion today which I have been able to convince my colleague, the Minister of Finance, that in order to expand the CNG network it must make commercial business sense to National Petroleum Marketing Company.”

And he referred to two options. He said:

“...because in order to make it attractive to National Petroleum Marketing Company, we had to increase the wholesale margin... and at the same time keep the pump price fixed, our only option at this stage was to lower the excise duty and this is what my honourable colleague, the Minister of Finance has been able to do.”

**3.00 p.m.**

Mr. Speaker, that is the sum total of what is before us as presented in plain and simple English by the Minister of Energy and Energy Industries. What then is all this gobbledegook and going round and round and trying to confuse this Lower House, by the Minister of Planning and Development acting on behalf of the Minister of Finance, telling us about raising excise duty and lowering it, and talking about his Government lowering the cost to consumers because it wants to encourage CNG?

Mr. Speaker, I have a problem with Ministers of Government in Trinidad and Tobago not coming forthright with the people's business. Here we have two Ministers who are not present this afternoon. I have the record of the Minister of Energy and Energy Industries in the other place and it does not mesh with what was said by the Minister of Planning and Development.

How can one increase the margin, keep the price at the pump fixed, and at the same time, a Minister is saying to us that the Government is effecting a policy of reduction in cost to the country? I would ask a simple question. Is there, or is there not a reduction in cost to the consumer? The Minister of Planning and Development just said that there will be, or there is. If there is, then the Minister of Finance in the other place is not correct when he said that the price is going to be kept fixed at the pump. So either this honourable House is being misled by the Minister of Planning and Development, or the other place was misled by the Minister of Energy and Energy Industries. Simple logic. I hope that the Minister

of Energy and Energy Industries is here this afternoon, he has heard the Minister of Finance and he would either stand by his statement in the other place, or rectify his statement here, if he chooses.

Mr. Speaker, when I talk about not being able to accept anything the Government says even on simple matters, as I glance through this text by the Minister of Energy and Energy Industries in this 10-minute presentation in seeking to justify this matter, he makes reference to 13 CNG stations in the country; he says when this Government came into office only nine of those stations were operational. And he used that as justification for what they are doing now. I guess if he had spoken longer all 13 stations would have been operational. *[Laughter]* On serious business where facts and figures are needed to take a position on serious matters of state, Government statements are not believable whether they are on small matters or large matters.

Mr. Speaker, let me explain to you what this matter is all about. This matter is, as the Minister of Energy and Energy Industries has said, that in the conduct of the sale of CNG, state-owned National Petroleum Marketing Company is incurring losses and this is an attempt to rectify those losses. On the face of it, there is nothing wrong with that, but when one bears in mind that the state owns 100 per cent of National Petroleum Marketing Company and you look at the matter where excise duty is being reduced so as to rectify the earning situation with National Petroleum Marketing Company, the long and short of the whole matter is that money is being moved from one pocket of the state into another pocket of the state. If we believe the Minister of Planning and Development who said that in order to rectify the problem—which he did not outline properly—it requires a reduction in excise duty. I think one can glean that from what he said, if you dismiss the comment about increased excise duty, what that means is that from here on in, when this Motion is passed, the Government's earnings on the sale of CNG, which came from excise duty, would be reduced because the Order is, as he says, a pretty unique one because the reduction in excise duty is not something which has been a tradition.

So if you are reducing excise duty, you are reducing the amount of money from this particular business which would normally go to the Consolidated Fund because excise duty is for deposit into the Consolidated Fund. Those funds are governed and controlled directly by the Parliament to an Appropriation Bill so whatever money is earned from excise duty, there is some control mechanism for it. Oversight, control, debate in the Parliament, budget presentation, allocations

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and so forth. That is what was happening all the time. Now that we are reducing excise duty and increasing the margin to National Petroleum Marketing Company what you lose in the merry go round of excise duty where there are controls, National Petroleum Marketing Company would gain in the swing, so the moneys are moving from the state's pocket of excise duty, to the Consolidated Fund, to National Petroleum Marketing Company's account by an increase in the litre configuration. That is what this is all about.

In short, if I summarize, it is in the conduct of the sale of CNG moneys that normally would come to the state through excise duty would now go under the control of the board of National Petroleum Marketing Company and therein lies my problem, because at the end of the day, Massa burn Massa cow, whether the money is coming through excise duty or through National Petroleum Marketing Company, it is the state's money. The only effective change here is, who is going to control the money? When it goes to the excise fund, it is controlled by the Minister of Finance through the Parliament. When it goes to National Petroleum Marketing Company we know what National Petroleum Marketing Company is; it is the epitome of mismanagement, corruption, nepotism and Government irresponsibility in the western hemisphere.

What they are asking us to do is to approve this to channel funds which are now secure by the excise route to an area where God alone knows what is going on at Sea Lots and it is because of this fact that the Minister of Planning and Development had so much difficulty in saying a simple thing. He is normally an eloquent person, and he drafts things well, I can give him that, but he had great difficulty this afternoon reading this contorted document which did not make sense. He was struggling to read it because he could not come clean and say this is what we are doing.

Mr. Speaker, I go back to the presentation of the Minister of Energy and Energy Industries in the other place to put this thing in perspective. He made a short intervention on this matter and he said:

“Some time in the early 1990s, if I am to give a brief historical perspective, compressed natural gas was introduced in Trinidad and Tobago by the then Government...”

Here is a Minister of Energy and Energy Industries giving the Parliament, in the other place, a brief historical perspective on this matter of CNG. He, I presume was living in this country, says “Some time in the early 1990s...” If my memory serves

me right, the introduction of CNG into the transportation system of Trinidad and Tobago started way back under the George Chambers government where in fact, the current Leader of the Opposition, Mr. Patrick Manning was one of the first persons who had CNG in his motorcar as a Minister of Government and that was long before 1990. Understand that. I am saying that the Minister is putting it in perspective that it was in the 1990s that some experiment on compressed natural gas was started in this country.

I would tell you why that is significant. It is significant because in seeking to make a case as he made a little later on, that in eight years of what he called an experiment with CNG, the state, through National Petroleum Company lost \$14 million. This is something which has to be addressed because if you are losing \$14 million in eight years, maybe it is something we should look at but, of course, it would sound different if he speaks the truth. If he says in 15 years, the state had a cost of \$14 million to be absorbed, you will see a different picture. If, in seeking to introduce what he calls an experiment, and support it over a 15-year period you can now see over that period there is a \$14 million deficit on the experiment, that is a completely different argument to one which says that in the last eight years of CNG sales we lost \$14 million. I think that is the reason the Minister of Energy and Energy Industries misled the House in the other place by saying the CNG experiment, as he calls it, started in the 1990s and we were already at a loss of \$14 million.

When one understands, as the Minister of Planning and Development just said, that there is a need for an encouragement of the motoring population away from the liquid to CNG fuel and when one bears in mind that this is something which has to be nurtured, and the benefits which would come to the country and to the world as a matter of fact, to move away from gasoline to CNG, what is the problem of incurring some element of subsidy which he is calling loss in seeking to encourage the population to use CNG? And why is it relevant to come today, 15 years later? If I am correct—and I know I am correct—this CNG, material started for its research in Trinidad and Tobago way back in 1985 or thereabouts. What is the relevance of coming now to say that something which we tried to put in place 15 years ago to introduce a brand new product to a brand new lifestyle for great benefits, somehow is now being seen in the context of a loss on National Petroleum Marketing Company account? Therefore, you are saying this is the justification for what you are about to do and you cannot even get two speaking Ministers to agree on what they are doing.

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Had I not gone to the Minister of Energy and Energy Industries' presentation in the other place, and had taken the Minister of Planning and Development by his word this afternoon, I would have been completely misled in this matter.

**3.15 p.m.**

Mr. Speaker, there is much benefit to this country for encouraging the use of CNG and if the Minister is concerned about CNG at all and he wanted to make a quantum leap in the utilization of CNG, somewhere along the line, the cost of establishing the units in motor vehicles would have been addressed. When one talks to people about CNG, the greatest negative with respect to the use of CNG as against the available liquid gasoline is the initial high cost of the kit, and whereas before it was an experiment that was coming on slowly, this Government is facing a problem now which is of an ever-increasing nature which previous governments did not have to face. Therefore, the imperative on this Government to accelerate the use of CNG is greater than even the NAR government of which they were a part and which they seem to disown every time. Every time they talk about 34 years of PNM, they forget that there was a five-year interregnum of the NAR in the middle there and half of them were in there.

**Miss Nicholson:** Do not refer to it. It grieves me.

**Dr. K. Rowley:** I know it grieves you and I know how you feel. But, let us talk about the correct record.

I repeat, this Government more than any other should be encouraging the use of CNG and not talking in terms of reducing the subsidy and talking in terms of a 15-year old subsidy which is now being resurrected for some strange cause; this Government which has a responsibility to deal with the recent development of the heavy use of used diesel engines in motor taxis in Trinidad and Tobago.

In the last four years, in the last three years, in the last two years, it is virtually impossible to drive along the roads of Trinidad and Tobago for one mile and not run into one, or ten, or one hundred smoking vehicles because, as a result of changes in the economy in the last few years, a number of taxi operators—five-seater taxis and maxi-taxis—have gone to using diesel so as to cut down on their costs and while it might serve their purpose to reduce the cost of their operation, it is resulting in tremendous pollution on the East/West Corridor and other urban areas in Trinidad and Tobago.

One only has to go along the bus route and drive behind the maxis to see the large volumes of unburnt fuel pouring out of maxis hour after hour and day after

day. That is a problem which this Government of Trinidad and Tobago has to address, and it is not enough to say the PNM did not do it because this is a problem that has crept up on this country over time.

It started with the importation of those used diesel engines which are now in widespread use and, therefore, this Government has a responsibility to address the problem of the day; and, once again, this Government is found wanting. So rather than come here to say we are taking steps to provide meaningful incentives for the encouragement of users to move from those diesel fuels to CNG, they come here to try to mislead the House, because if I go to the presentation of the Minister of Energy and Energy Industries in the other place, listen to what he said and I want you to juxtapose that in the context of what I have just raised about the poisoning by diesel fuel. Listen to what the Minister of Energy and Energy Industries, in his fourth year, said:

“In 1998, the Minister of Energy and Energy Industries prepared a comprehensive list of incentives which are designed to make the use of CNG more widespread in this country, however, we took the decision not to implement it.”

So the one good thing that the Government could have done, which is to provide proper incentives to encourage people away from diesel into CNG, the Government took a decision and by the Minister’s own words, after four years in government, facing a problem like that which is growing every day and one which is more of this era than any other era, not to implement it.

I am saying that if the Government really was concerned about the environment—I know my colleague from Caroni Central is very concerned about the nation’s health—if the Government really wanted to impact on these problems, then the Government would have moved heaven and earth to encourage people to use CNG.

The Government itself could take the lead, being the owner of the PTSC fleet which is a major polluting fleet. There can be no effective package of incentives which does not address: one, more easy availability and affordability of the kits to be installed; and two, the use by fleet owners, especially state fleet owners where the Government has a direct input, to convert them from diesel to CNG. Rather than do that, they come to the Parliament to try to treat me to all kinds of “hasecara” that does not make sense and then admit that there was a package of incentives since whenever and they decided not to do it because—hear the reason—the infrastructure was not in place.

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This is the same Government, the same Minister and the same NP company that had the wherewithal without any reference of policy being made to this Parliament about demonopolization, that was able to embark with great fanfare on a \$200 million demonopolization programme, hire a consultant for \$26,000 a month; another one for \$21,000 a month; do whatever they wanted. The Minister—the Chairman flying all over the world, first class, millions of dollars.

**Miss Nicholson:** Truth?

**Dr. K. Rowley:** This is the same company that somehow in one area where they can impact on the problem, which is to improve the infrastructure so as to increase the use of CNG, they tell the Parliament in the other place that while they had the package of incentives, the Government decided not to implement it because the infrastructure was not there. Then, they made a big song and dance about when they inherited the Government—I do not know who gave them the Government to inherit; they are there temporarily; there was no inheritance; they were given the responsibility to run the country—there were 13 CNG stations. Okay, fine.

In 1995, there were 13 CNG stations. In the years 1996, 1997, 1998, 1999, we still have 13 CNG stations. Understand that. So in other words, notwithstanding what they might say, they have not effectively impacted on the people's problem. Mr. Speaker, let me tell you what is their problem; hear what is their problem.

The Minister was saying that the reason they could not implement the incentive package was because there was no infrastructure, but when the infrastructural aspect of the thing is looked at, he found there were only eight out of 13 stations. Well, we are not sure if there were eight or nine, because I know eight is a different figure to nine, but he says there were eight out of 13 and there were nine out of 13. I do not know which is which. Let us assume there were eight, as he said, which were not operational and that was the major problem. It had to do with compressors and I quote him here now. He is going to solve it.

“Again, through the intervention of the Minister of Energy and Energy Industries, who got involved in actually solving the maintenance problems...which is yet another example of micro management, because the Minister of Energy is an engineer and he knows a lot about compressors.”

I want to ask: If it requires the Minister's personal intervention to fix a few compressors at NP, what has happened to—



**Sen. Gangar:** You are not an engineer.

**Dr. K. Rowley:**—the NP engineering staff? Because what he is telling us is that notwithstanding the management structure at National Petroleum; notwithstanding Soodhoo; notwithstanding the Chairman and her tribe; it took the Minister to go to National Petroleum and, according to him, put on his short pants and micro manage the fixing of four compressors so today we have 13 compressors.

I do not know why he is getting so hot. He had his turn.

**Sen. Gangar:** You are talking stupidity, you see.

**Dr. K. Rowley:** Mr. Speaker, I really have a problem with this Minister whom nobody voted for, coming into this House, the people's House where I am elected, to tell me that I am talking stupidity. He is out of place.

I am not concerned about his micro managing with whatever to fix a compressor because all that does, is reflect on the state of the management at NP and it reflects on the board of top managers at NP, but what I am concerned about is the Government of Trinidad and Tobago setting certain kinds of standards. It is the same micro management which he is owning up to here which resulted in him, if I take the word of the Chairman, presenting to NP a legal advisor who was reporting to the said board and the next thing we know they were buying state land in Oropouche at a price way above even what the corrupt board had set. Then the Minister said he did not know the legal advisor but the Chairman tells the country it was the Minister who brought him and the Chairman fired him with great fanfare including a publicly released letter about his conduct at NP and the next thing we know, the said gentleman, as in the Soodhoo case, where Soodhoo came from FCB to NP; he now jumps from NP to Environmental Management Authority.

So, it seems to me, that if you have to get ahead in this country under this Government, you must have questionable character in a state enterprise and you move, without missing a step, from one enterprise to the other. Then, it is in that context that we have asked—no, look at them, as far as they are concerned, it is a big joke, a very highly professional person is presented to NP on the Minister's say so and we have the Chairman's word for that in the *Guardian* and the *Express* where we are told about what happened down there, the whole company—

Yes, you see them. They are laughing and having a good time but we are concerned about public moneys at NP, because NP in its programme of

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demonopolization, went to buy a piece of land and it turns out that the same consultants are buying state lands and when the matter blows up in the public domain—we had it all there. I do not have to repeat it. We all saw it there. That is the company the Minister of Finance is telling us now we must forego the excise duty, for which we have control, to channel the moneys into NP so that it can be spent in that package of misspending. Do you understand, Mr. Speaker?

That is what this Motion is all about. As far as this Government is concerned, it is not sufficient for NP to have under its control the moneys it is now earning, but we must take away control from the excise earnings and give it to NP so NP's profitability will be improved and, of course, there is a reduction on the side of the Consolidated Fund.

**3.30 p.m.**

That brings me to the point of NP's profitability. But, before I do that I want to make the point that this matter of the use of CNG as a fuel of choice which we want to become more and more so, is not simply a matter of profit and loss. It is a matter of there being tremendous benefits to be derived.

Firstly, we have a very large amount of natural gas available to us, it burns cleaner. As a very densely populated island, the question of the environment is of great concern, and should be. I see them laughing, just look outside at what is happening with respect to visible emissions from vehicles in Trinidad and Tobago. Very soon we will have a problem. My friend from San Juan/Barataria is a medical doctor and I know that he understands what I am saying. People in the East/West Corridor, San Fernando and along the major routes in this country are inhaling significant volumes of pollutants which will reflect themselves in a significant reduction in the health of the people of Trinidad and Tobago—so you can laugh if you wish.

I am saying that if CNG becomes a fuel of choice, the more it is used, the less that problem will manifest itself. That is where the Government should focus. When the Minister goes to the other place and makes a case based on a 15-year experiment, \$14 million is chick feed as compared to what has been stolen from the Treasury in the last four years [*Desk thumping*] Chick feed. We are not impressed with the concern for an NP deficit of \$14 million over 15 years on the CNG matter.

I will tell you worse than that. If one goes to the National Petroleum Marketing Company's accounts it will be seen that NP is not really—because the state owns NP by 100 per cent [*Interruption*] Mr. Speaker, I need some protection

with the Bill, could you help me please? The Minister of Energy is—can I get some protection please?

**Mr. Speaker:** Please proceed, if I think any protection is needed I will do so.

**Dr. K. Rowley:** Okay. When one raises problems concerning the Caroni (1975) Ltd. situation, there is a stock in trade answer that you get, that Caroni (1975) Ltd. is not an ordinary company because of what it does in the economy, it has to be given some leeway with respect to Government support. That argument is somewhat valid, but I am also saying a similar kind of argument can be made for NP in the context of this particular matter. Because, the state owns 100 per cent of NP, and therefore the state can use NP to effect government policy in a way that the state would not have been able to do if NP were privately owned.

That is why, if one looks at the Price Waterhouse Coopers report which was laid in this House on March 31, 1998,—if one looks at the NP accounts, page 9, one will see two items listed there, which are two very large loans—one is a long term loan from foreign banks in Deutschmark and both loans are guaranteed by the Government of Trinidad and Tobago—of course. One loan for \$32 million and the other \$45 million. I wonder if you could understand, this is not a PNM, UNC or NAR thing. This is a national policy—I am talking about national policy with respect to the relationship of the state to its enterprise. Here is the Government guaranteeing to NP, substantial millions of dollars so that NP can conduct its business in a way that the Government deems acceptable.

It is in that context that the Government allows NP to facilitate, through some small element of subsidy, the utilization of CNG. The CNG business is a minor part of NP's business anyway. It is not as though it is a major part of the business where it is incurring losses and therefore, the company's profitability is at risk. It is in fact, an aspect of government policy to have NP facilitate the utilization of CNG as a fuel of choice in this country. Do you understand, Mr. Speaker? Therefore, when the Minister says in the other place that this is about NP bearing some loss over 14 years of \$14 million, he is missing the point completely. In fact, when he spoke about the CNG experiment; it is no longer an experiment—maybe in the early four or five years of the experiment. Compressed Natural Gas has gone past the pilot/experiment stage, it is now a fuel.

We have 13 gas stations and a number of cars are using it. We want more of them to use it, especially under the circumstances that exist today. It is no CNG experiment. The very fact that the Minister spoke about a CNG experiment tells

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me that he does not understand where we are at with this matter. Therefore, he is either handling it from the incorrect perspective or he is being less than candid.

Mr. Speaker, there is more to this measure than meets the eye. Given all the matters that this Government has to deal with, also given all the problems that exist around NP, how did this get priority? It brings no additional revenue to the Government. It is a minor part of NP's business. How did this get priority to be warranting a special sitting of Parliament? When I examined the situation, the conclusion is very clear—this Government has at most, 20 more months in office. After wasting 1996—1998 and we are half way through 1999, this Government is beginning to panic.

One of the things that this Government will not want to appear on its record in the coming months ahead is, a performance by NP which is less than creditable. If NP's performance is less than complimentary, this Government is going to have much to answer for, and the Government is aware of that. Given the fact that the Government has steadfastly defended the *status quo* at NP; defended impropriety, corruption and under-par performance, the Government does not want when the NP accounts come in next time around, that it shows less than impressive earnings. It is in that context that the Government is seeking to improve the NP earnings at the expense of shifting it from excise duty to increase margin. That is the long and short of the whole story [*Interruption*] In the circles in which you go as a chairman, \$400,000 is not a lot of money.

If you look at the 1998 report of Price Waterhouse Coopers on NP you will see on page 4:

“Cash Flows From Operating Activities  
Profit before taxation”

In 1997, that figure was \$38.8 million. But in 1998 that figure jumped to \$63 million—impressive.

**3.40 p.m.**

I heard my friend, the Minister of Energy and Energy Industries, when he was—[*Interruption*]

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

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

*Question put and agreed to.*

**Dr. K. Rowley:** I thank you, Mr. Speaker, and I thank Members for the extension. When they had the last fracas at National Petroleum, and it was patently clear to all and sundry what should happen in the form of dismissal of the board, the Minister, true to form, jumped to the board's defence and quoted increased profits at NP as a basis for retention of the board.

Mr. Speaker, there are very few ways that NP can increase its profits:

1. By increased price on the fuel and oil themselves—that did not happen;
2. Increased consumption—there is no real increased consumption of any significant amount; and
3. You could have a situation of improved efficiency in the company which results in improved profitability. We know, of course, that “ain’t” happening.

How does NP's profit jump from \$38 million to \$63 million? Even before I raised the point, the Minister was trying to guide me by telling me that NP always pays the Road Improvement Tax. I raised this matter publicly a couple of weeks ago because I want the population to understand what is going on in this country. I am raising the question of NP's profitability heading in a downward direction as a result of its mismanagement by this Government and its agents.

The Road Improvement Tax was not placed on NP by this Government. The Road Improvement Tax, over and above the economic costs of the gasoline and oil fuels at NP, the previous Government—a PNM Government—charged on the travelling public what we called a Road Improvement Tax. So, without NP having to do anything but to charge the public, there was this increased money called the Road Improvement Tax which NP would collect from the user of fuel and pay back to the Treasury. I am glad to hear that it is being paid every 30 days. The next thing we know is that this Government comes into office and, in an attempt to alleviate congestion and waste at the Licensing Office, they made a case and supported it for the removal of motor vehicle licences.

Mr. Speaker, you know, I know, we all know, as of last year no user of a motor vehicle would pay any licences, but the Government's earnings were not lost. We were told in this Parliament that the Government was not going to forego the revenue which it would have had from those licences, but it would collect it by an equivalent increase at the pump. So, there was a second charge at the pump which had nothing to do with NP and the value of NP's product. So, there were two charges at the pump; the Road Improvement Tax and the licence collections. I

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asked the question earlier on—we are hearing that NP pays the Road Improvement Tax—what is happening with the tax that NP is collecting from the travelling public which represents the licences? In fact, Mr. Speaker, that was computed and we were told by the members of this Government that it was equivalent to the \$50 million which was lost from the revenue at the Licensing Office.

If we follow logic, NP then should show an increase in its earnings of \$50 million, where that \$50 million represents the licensing charges that this Government applied at the fuel pump. Where is that money? The same way he is jumping up hot and sweaty to tell me they pay the Road Improvement Tax every 30 days, when and how do they pay the licence charges? How do they pay those?

Secondly, I looked into the account of NP for 1998 and I saw a separate head. If you look on page 9 of the Price Waterhouse accounts of NP there is a subhead which says, “Road improvement tax”. I see no subhead which covers the licence aspect of the moneys NP is collecting. I want a Government spokesperson to explain this to me. If, in fact, NP is representing in its earnings those moneys from the Licensing Department, then, of course, when we say that profits have jumped from \$38 million to \$63 million, if you subtract \$50 million or \$40 million from that, NP’s real earnings may very well be less in 1998 than it was in 1997. I am using simple logic. [*Desk thumping*] I want the Government to truthfully respond to what I am saying and tell me what is the situation.

What bothers me, Mr. Speaker, is that if you go to another aspect of the accounts you will see no significant change in NP’s business over the two years. That should not surprise any of us because NP is a monopoly in this country, and it had the whole market in 1997 and 1998 and we know of no great change in the market to drastically change NP’s earnings. There is no real increase in the price of fuel and so forth.

On page 9 under:

	“1998 (\$’000)	1997 (\$’000)
Trade Payables	\$185,933	\$233,838
Deposits on cylinders	9,222	9,180”

It is the same level of business.

“Road Improvement Tax”

for the same period that the account was being looked at.

“4,782

4,259”

So the Road Improvement Tax, quarter to quarter, was roughly the same. Therefore, there is no real increase in the volume of gasoline sold—any significant improvement, because if there was, the Road Improvement Tax would have been significantly different.

What this tells you, Mr. Speaker, is that the level of business has not changed dramatically. Therefore, how do you explain a jump in profits before tax from \$38 million to \$63 million? Until the Minister tells me otherwise, I am left to assume that a significant portion of that increase is the motor vehicle licence earnings, which the Government is reporting as earnings at NP. He is saying good management—what good management is NP putting in place to convert its profit before tax from \$38 million to \$63 million?

The problem is that they have gone about a spending spree at NP. They have used NP to cover their debts—illicit and licit. When they had to pay for the Arima seat, there was something happening in that corner. When they used NP accounts to award contracts way above the market rate, the gas station at Richmond Street could have been built by contractors of high reputation for \$6.2 million. The NP Board, under this Minister, awarded the contract for \$8-odd million. The gas station should have been finished since January. We are now in April, and they are still building the gas station. He told the Parliament that there is a penalty clause on that contract of \$10,000 a day. I am counting and I am adding up, because we are going to collect those moneys, one way or the other.

Having spent money in the way they have been spending it in hiring consultants and travelling all over the world, they realize that in a profit margin of \$20-odd million, that kind of expenditure could very easily reflect itself in a loss position when Price Waterhouse comes to town. I am not arguing with NP’s thrust to upgrade its gas stations and to improve its tanks and so forth, but if you go about it in a way that affects your cash flow, you could find yourself being moved from a profit position to a loss position. Let me explain. NP has a number of gas stations all over the country. In an attempt to create the environment for corruption, this Government deliberately goes out of its way to facilitate that kind of action by removing control.

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**3.50 p.m.**

In the last two years, the Government has gone out of its way to allow National Petroleum's money to be spent free sheet, so they embarked upon significant expenditure at NP. But, Mr. Speaker, the bottom line is because NP is a monopoly in a finite sized market and the elasticity of fuel is very tight—one does not buy more fuel than one needs—whether one buys one's fuel from an old tank or a new tank, an old pump as opposed to a new pump, one is still paying the same price because it is under price control.

So having made the tremendous expenditure and with the spree that has gone on, there is no additional revenue to come with respect to the spruced up stations, because when the spruced up stations come, unless they increase the price of gas to the public, there is no increased revenue to come, and that is the logic of it.

Now, in year four and a half, approaching the election season, what is staring them in the face is the accounts of NP being shown to the public to be in a worse position than when they eventually came into office. When that happens and they have to explain all the misconduct in NP from the Minister reporting on himself; to the Prime Minister making his racial slurs; to the Chairman insulting the country; to their consultants doing what they are doing, at the end of the day, if NP does show reduced earnings in a protective monopoly market, the Government's performance would be there for all and sundry. [*Desk thumping*] That is why the Government, scouring around, looking for pennies to throw in the NP' coffer, has decided to come with this measure to convert Government earnings from excise duty, which the Parliament controls, to increase profit at NP to bolster its profit outlook. That is what this measure is about. That is the long and short of the story!

All this means is that these moneys would be put to less use for the public when they are in NP, because what we do know is that at least under the Consolidated Fund there are some controls in place: there is the Exchequer Act, the Appropriation Bill, the Cabinet and so forth to approve expenditure from that source. Down at NP, the Chairman wants to go to Timbucktu and all she has to do is want to go, and as long as she wants it, she gets it. She issues an order! If she wants to stay at the Ritz Carlton in Paris, she goes. All she does is choose a country and, of course, companions are welcome to come along, and we, the people of Trinidad and Tobago, pay. Just choose the location! [*Desk thumping*]

That is how the moneys are being spent at NP. In fact, they know full well that they have the support of the Prime Minister of Trinidad and Tobago who stood up



in this House and defended them to the hilt. Whereas in any decent situation the board of NP would have been dismissed out of hand long ago, the Prime Minister of Trinidad and Tobago thumbs his nose at the people of this country who call on him to treat with the matters of state, because NP is like NIB. They laugh!

Mr. Speaker, you can be skeptical too. I know you are a man of great integrity, but when I present the facts to you, you must see where my concern lies. This afternoon I was able to demonstrate how the Minister of Finance came into the Parliament and was asked by the Opposition to account for how funds were being spent in another state enterprise. He was asked whether the Executive Director of NIB was in receipt of any moneys additional to his earnings at NIB with respect to NIPDEC. The Minister of Finance came here and said “no”. He was pressed not once, not twice, but repeated times, and he said “no”.

Today, the Opposition was able to demonstrate to the Parliament the documents that showed where as much as \$15,000 per month was paid to the individual over and above his earnings. We know why this was being done. How then could they ask us to shift moneys from the Consolidated Fund to state enterprises when this is how the Government is managing the state enterprise sector? How can we do that? We cannot even give the Government the benefit of the doubt because there is no doubt. The corruption is glaring! There is no doubt!  
*[Desk thumping]*

This does not seem to bother any of them, because as far as they are concerned, at the end of the next 20 months they would say, “We have had a good run; we have feasted in the trough and now we do not care what happens to the people of Trinidad and Tobago”.

Mr. Speaker, what bothers me is that regardless of where one is at, all of us cannot be the same. In any grouping there are going to be those who will have their own agendas and will fall short of the standards set. When I demonstrate this afternoon the conduct of the Minister of Finance who had 21 days to answer a question—and one would expect that he will get his information from the agency under scrutiny—the Acting Prime Minister of all people got up and said that NIPDEC should be asked to account; the Minister should not be asked to answer to that.

The post of minister means that he is responsible, and that is why the parliamentary Standing Orders require that questions gestate for 21 days—three weeks—to prevent people from coming and answering off the cuff and making statements which may or may not be correct. No Minister of Finance can blame

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NIB or any agency for an answer of that nature in a matter like that under his portfolio. I do not know who they will blame for NP because the NP saga has been going on from the beginning of this Government's term. How does the Prime Minister respond? He leaves the country in the middle of the night. Big cob, little cob, Innercob, they went to Guyana—I understand that is the place where bicycles grow from rice—having not answered any of the questions, in the company of the High Commissioner to India.

Mr. Speaker, if that is how the state enterprise sector is going to be run as it has been run by this Government; if that is the level of truthfulness or lack of it we will get from the Government Ministers; if there is to be this continued lack of integrity, absence of shame and assumption on their part that the rest of the country is foolish, then this Government will have to find out in the future that the population has a way of dealing with that.

I would hope that the Minister of Energy and Energy Industries, when he gets up here, does not give us any algebra, geometry or calculus. I want him to give us plain and simple English on the matters I have raised. And the matter is, what is the fact? Is it that his statement is correct that there is no change at the pump, or is it the Minister of Planning and Development's statement that there is a reduction to the travelling public so as to encourage the latter?

I want him secondly to tell me what is happening with the moneys worth approximately \$50 million that NP is collecting in lieu of the motor vehicle licences which were changed by this Government two years ago. I want him to tell me whether it was eight or nine of the stations, and what the benefit to the people of Trinidad and Tobago is by removing moneys from the control of the Consolidated Fund to putting it under the control of a handful of people who have shown that they are not fit to run a public enterprise in any decent arrangement. I want him to explain those things to me, and maybe if he can convince me with that and tell me what the positive recommendation is for being fired and humiliated at NP which recommends him to the EMA for immediate assignment. All of these things can be had.

I also want the Minister to reconfirm the commitment he gave to this House with respect to NP's collection of its penalties, with respect to the Gasparillo and Richmond Street stations where the contract calls for a penalty of \$10,000 per day, because we paid a premium of \$2 million extra to that contractor to have it done on time. As a result of that, there is a penalty clause because they are paying

that premium. I want him to reaffirm that commitment that NP either has collected or is taking steps to collect, and I want him to tell us how the country is going to benefit from this kind of mismanagement that NP represents.

I thank you, Mr. Speaker. [*Desk thumping*]

**The Minister of Energy and Energy Industries (Sen. The Hon. Finbar Gangar):** Mr. Speaker, it is always a pleasure to take part in a debate in this honourable House. Today it has been a distinct pleasure to listen to the contributions of both speakers thus far: the Minister of Planning and Development and the hon. Member for Diego Martin West.

In my view, this is a relatively simple Order which is so simple in its structure and its content that I am a little surprised at the level of controversy it has evoked thus far. What we are trying to do is to impose a new level of excise duty on compressed natural gas in Trinidad and Tobago in order to correct certain errors which were made in the past. I want to also assure this honourable House that this measure represents a small part of a major initiative to rectify the problems facing the usage of compressed natural gas in Trinidad and Tobago as a vehicular fuel, and also, to accelerate the use of CNG as a vehicular fuel. I want to assure hon. Members of this House that there are absolutely no sinister motives behind the introduction of this new CNG excise duty. It is really a mechanism for cleaning up house. As I go further into my presentation, I will explain why it is so.

To put my presentation in its proper context, Mr. Speaker, I just want to give some background into the CNG project in Trinidad and Tobago. It started some time in 1984, and, technically, the hon. Member for Diego Martin West is correct in what he is saying that this project started in 1984 where a private investor, Natural Gas Systems Limited, started an initial project which comprised the construction of one CNG station and the conversion of 36 vehicles. That is a fact, but this pilot project, for many reasons, did not bear fruit.

#### **4.05 p.m.**

The first station was commissioned in 1986, and although there was satisfaction with respect to the technical performance, it was deemed not financially viable at that time because of the small number of vehicle conversions. As a result, the private investor found himself in great financial trouble and during the period 1986—1990, the Compressed Natural Gas pilot project was, for all practical purposes, stillborn.

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The then Government of the day, in order for the project to continue, passed ownership of the project to the National Petroleum Marketing Company and the National Gas Company after the private investor pulled out of the project.

In 1989—and this is the point I was making in the other place—a committee was established to study the technical, economic, financial and policy aspects of the commercial introduction of CNG in Trinidad and Tobago as an alternative vehicular fuel and, based on its deliberations and the findings of the pilot project, the committee in its report dated February 6, 1990 then recommended that CNG be introduced commercially as an alternative vehicular fuel in Trinidad and Tobago, and that was the basis of my statement in the other place, which signalled an attempt to commercialize CNG in Trinidad and Tobago as a motor vehicular fuel. That was the basis of my statement in the other place, and I hope that the Members of this honourable House would understand in what context it was made.

While the Member for Diego Martin West stated that there was some compressed natural gas in 1984—1990, commercial introduction was only approved in 1990 and, thereafter we started with the construction of new service stations.

Mr. Speaker, again, to put this discussion in its proper perspective, and proper context, when this Government came into office we met a highly dissatisfied customer base; and the investors and promoters of this particular project were entirely dissatisfied with the way it was being administered.

In July 1996, the Energy Planning Division of the Ministry of Energy and Energy Industries was mandated to do a review of the entire project and they made certain findings and recommendations. I would just give a brief synopsis of what these findings and recommendations were:

The first one dealt with management issues and the Energy Planning Division stated that there seemed to be no overall coordination of the project. The National Petroleum Marketing Company had been given overall responsibility for installing CNG facilities, yet the National Gas Company was charged with installing the pipeline facilities, the private sector entrusted with the conversion of vehicles and the Ministry of Energy and Energy Industries with monitoring developments.

There seemed to be no distinct entity to coordinate the progress of the programme or ascertain that the objectives of the project were being achieved or to ensure that the aims of the different organizations were consistent with those programmes.

The first problem which the Energy Planning Division of the Ministry of Energy and Energy Industries saw in 1996, was the lack of overall coordination of the project. The Energy Planning Division also found that though legislative and regulatory requirements had been drafted, it was not until 1994 that they were enacted.

Mr. Speaker, however, therein lies a very interesting story. The Member for Diego Martin West—I am sorry he is not here—made a song and dance about diverting moneys in the form of the excise duties from the Treasury Consolidated Fund into the hands of the National Petroleum Marketing Company.

I would like to say, that although the pricing structure of CNG made provision for excise duty from since whatever, 1988/1989 no excise order was, in fact, put in place until this Government came into office in 1995, when it was discovered that there was no provision and no excise duty was collected in the previous years. In 1997 we placed a similar order which allowed the Government to collect excise duty.

**Mr. Valley:** Could I just ask a question for clarification? In other words, if that is so, what is the basis? If NP was not paying the excise duty before, what then is the basis for saying that there was a loss on the project of some \$14 million over the 15 year period and, what plus would now be given if you have the excise duty and you are merely giving them what amounts to \$400,000 per annum?

**Hon. F. Gangar:** I will come to that in a while. Mr. Speaker, as I was saying, while a great song and dance had been made of diverting funds from the Treasury to National Petroleum, it is this Government which instituted the appropriate legislative mechanisms to, in fact, collect excise duty which was being collected by NP and nothing remaining in NP. [*Desk thumping*] It is my understanding that NP was made to pay all the excise duty which was owing to the Government of Trinidad and Tobago.

So, when Members get up in this House and have this sanctimonious approach that we are now diverting state funds or funds which are supposed to go into the Treasury, to NP, it is this Government which instituted the appropriate mechanism. I mean it is this Government which started collecting excise duties from CNG from the National Petroleum Company [*Desk thumping*] so, I want to clear that point.

**Mr. Valley:** But you confessed it yourself.

**Hon. F. Gangar:** Mr. Speaker, I will come next to the other finding of the Energy Planning Division of the Ministry of Energy and Energy Industries and I

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am quoting from a document known as “Position Paper on the Compressed Natural Gas Programme in Trinidad and Tobago” dated October 8, 1996. It says:

“By far the major complaints amongst CNG customers are the unavailability of equipment and the length of refuelling time especially at peak hours.”

Why I made reference to this document is because it is central to some of the arguments we are making as to why we must put the compressed natural gas project on an absolutely firm commercialized basis and that is what this measure sets out to do.

This Government’s philosophy is that state enterprises are distinct entities, which are profit centres in themselves and there is no question, as far as we are concerned, they are supposed to operate on a stand-alone profitability basis.

There is no question that the money is coming from the same pocket; whether it is the Treasury or National Petroleum Company it does not make a difference. That is not our philosophy. Our philosophy is that state enterprises should be by themselves profitable. I would deal with that later in my presentation.

**4.15 p.m.**

The document to which I referred which says instead of the normal 4—8 minutes’ waiting time which has reached 30—60 minutes, and recently in 1997—1998 in some areas it had reached as much as two hours. So motorists who have to use compressed natural gas had to wait two hours in order to fill up, if the compressors were in fact operating. This was one of the major defects of the CNG system in Trinidad and Tobago, the fact that most times, we never had more than eight or nine compressors working. The gist of the matter is that the wrong compressors were ordered.

The filling time of CNG is dependent on a number of factors: the rate at which the compressors operate, the capacity of the storage cascade, and the pressure within the vehicle storage cylinders, but I would not bore this honourable House with such technical details. Also, the fact that the compressors which were ordered in 1992/1993 under the aegis of the PNM board—the hon. Member for San Fernando West would remember—were totally unsuited for CNG service. We have inherited a very serious problem with respect to the maintenance of these CNG compressors and the operability of these particular compressors which have been the greatest problem associated with the CNG project in Trinidad and

Tobago. Complete, total dissatisfaction by the consumers, the customers, and this, of course, has hindered the conversion of vehicles to CNG.

The initial analysis done in 1990 indicated that to make this project commercially viable, we needed about 15,000—16,000 vehicles operating on CNG. The fact is that the problems associated with these compressors hindered people from making the necessary conversions. The operations and maintenance problems were in fact very serious. Also, the financial problems associated with this project, the lack of structure and, from the Minister of Energy and Energy Industries document over the period 1990 to 1999, the National Petroleum Company, with respect to the revenue occurring to the country, was in fact minus \$13,220,000 million, so in fact, the country, as I said, for some reason lost close to \$14 million on this particular pilot project which was very good in its intent, but which fell short of meeting its technical and economic objectives.

I come to the subject at hand this afternoon and give some insight into what exactly we are doing here today, and that is varying the pricing structure for compressed natural gas. I would go through it slowly.

**Mr. Valley:** Are you varying the price or changing the split between the Government and National Petroleum Company? My understanding is that the price at the pump remains the same and what you are really doing is reducing the excise duty to leave more at National Petroleum Company. Is that correct?

**Sen. The Hon. F. Gangar:** I have now reached that point of my elucidation so if the Member would give me a few minutes I would address it and he would be properly educated. As I said, we are changing the pricing structure. Before he interrupted me, he heard those words being used, so if he would listen for a few minutes.

Mr. Speaker, at present, the structures comprise the following elements: one, a transaction price between the National Gas Company and the National Petroleum Marketing Company; the second component is the excise duty; the third component is a provision for amortization and insurance; the fourth component is a growth margin to the wholesaler, the fifth component is a dealer's margin; the sixth component is a road improvement tax and the seventh component is a retail price which represents the sum of all.

Getting back to the pricing of compressed natural gas, the price was set by the Cabinet in March 1992 after it was already approved by Cabinet, but set by the Ministry of Energy and Energy Industries after consultation with the National

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Marketing Company and the National Gas Company. If we can take it slowly, the first consideration was that in order for the National Gas Company to be adequately compensated it was determined that the price of gas to the CNG project was going to be \$1.70 per million btu. It was also based on an exchange rate of TT \$4.29 per US \$1.00, it was also based on a conversion factor of 26 standard cubic feet per litre equivalent of gas. Those were the three factors on which the price of CNG was based and that yielded a price between the National Gas Company and the National Petroleum Marketing Company of 18.98 cents per litre.

As you know, Mr. Speaker, over the period 1992—1995 we have had some successive flotation of the dollar, successive devaluation and no provision was made for adjustment of the price of CNG as stated in the contract between the National Gas Company and the National Petroleum Marketing Company. This is another example of neglect which was rampant in this particular project. No adjustments were made on prices based on the contract for changes in the exchange rate, that is why we are in the mess we are in today.

To compound the issue, no excise duty was collected because there was no excise duty order in place and this was only rectified in the 1997 budget. That is not all. The National Gas Company used in its conversion a factor of 26 standard cubic feet of natural gas per litre equivalent of gasoline and that was given to it by the Ministry of Energy and Energy Industries. The National Petroleum Marketing Company, on the other hand, used a factor of 32 standard cubic feet per litre equivalent of gasoline also given to it by the Ministry of Energy and Energy Industries so there was no consistency and there was serious conflict in the billings of what the National Gas Company was claiming from the National Petroleum Marketing Company and what National Petroleum Marketing Company was claiming to have sold to the motoring public, so there was a significant amount of billing problems which resulted from this discrepancy. One company using 26 standard cubic feet of natural gas per litre of gasoline, and the other one using 32 standard cubic feet per litre of gasoline, so it was a very serious issue and we had a real mess and much misinformation. That was the genesis of the problem, and what we are trying to do is to correct that particular problem.

The problems arose because there was no correction for the changes in exchange rates, there was discrepancy in the information supplied by the Ministry of Energy and Energy Industries to both National Petroleum Marketing Company and National Gas Company, and also no excise duty was being collected from National Petroleum Company.



We in this Government took an immediate decision that this had to be done and we had a significant amount of discussion and the internationally accepted conversion factor used for the conversion of natural gas into litres of liquid fuel is in fact, 32 standard cubic feet per litre equivalent of gasoline. That is where we were; this whole exercise is a matter of correction. We then looked at all the factors if we brought things back to a revenue neutral position what would happen. When we used the rate of TT \$6.30 to US \$1.00 and the conversion factor of 32 standard cubic feet per litre equivalent, using the contract price of US \$1.70 per million btu. we would have increased to ex-National Gas Company price from 18.98 cents to 34.27 cents. This would have represented an increase of 15.3 cents per litre which would have to be partially or totally recovered from the consumer. We in the Ministry and the Government believe that it would have been untenable especially as we were taking steps to promote the use of compressed natural gas in Trinidad and Tobago to go with that particular option.

After consultation between the National Gas Company and the National Petroleum Marketing Company, all parties agreed that we would use a base price more in line with current gas pricing scenarios to make it affordable to the motorists of Trinidad and Tobago, of US \$1.16 per million btu. This is what I want to explain to Members of this honourable House especially the Member for Diego Martin Central. Using the exchange rate of TT \$6.30 to US \$1.00, a correct conversion factor of 32 and a base price of US \$1.16 resulted in an ex-National Gas Company price of 23.38 cents per litre compared to 18.98 cents which was really an increase of 4.406 per litre over the existing National Gas Company price. That is what this particular Order is all about.

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

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

**5.04 p.m.:** *Sitting resumed.*

**Sen. The Hon. F. Gangar:** Mr. Speaker, when we broke at tea time, I was at the point of my contribution where I was explaining the rationale for a price increase of 4.406 cents per litre and I was mentioning to this honourable House that if we had used the new exchange rate of TT \$6.30 to US \$1.00 and the conversion factor of 32 standard cubic feet to one litre equivalent of gasoline, we would have reached an ex-National Gas Company price of 34.2 cents per litre as opposed to the existing TT 18.98 cents per litre, and this would have represented

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an increase of 15.3 cents per litre which would have been totally or partially recovered from the consumer and we thought that this was an untenable position.

After consultation with the National Gas Company and the National Petroleum Marketing Company Limited, under the aegis on the Ministry of Energy and Energy Industries, all parties agreed that a base price of US \$1.16 per million BTUs should be set, and using the new exchange rate and the new conversion factor, this would have resulted in an ex-NGC price of 23.386 cents.

Mr. Speaker, for the avoidance of doubt, I would now give a comparative review of the pricing structure for CNG as existed in March of 1992, January of 1997 and the proposed new pricing structure. I would go through it on a line by line item.

The first line item is the price of ex-NGC, in March of 1992, it was 18.98 cents per litre; January 1997 it was 18.98 cents per litre and what we are proposing now is a price of 23.386 cents.

The excise duty in 1992 was 22.82 cents; in January of 1997, it was 24.82 cents and the proposed excise duty now is 20.414 cents. All the other factors remain the same.

The amortization fee in 1992 was 19.20 cents; in January 1997, it was 19.20 cents and we are proposing to leave it at 19.20 cents.

The wholesale margin, in 1992 was 15.0 cents; in January of 1997, 19.0 cents and the proposed figure remains at 19.0 cents.

The reference price in 1992 was 76 cents; in January of 1997 it went up to 82 cents and it is proposed now to remain at 82 cents.

The dealers' margin, in 1992 was 14 cents; in 1997 it was 20 cents and we are proposing to leave it at 20 cents.

The Road Improvement Tax, in 1997 was 5 cents and it is proposed to leave it at 5 cents.

When one adds up these figures, we get in 1992, the final retail price is 90 cents; in 1997 it was \$1.07 and it is proposed to remain at \$1.07.

So, what we have done is simply to put the company on a commercial footing, which is one of the objectives of the Government to really increase the ex-NGC price which NP pays to 23.386 cents and to lower the excise duty to 20.414 cents.

It is a very simple transaction which is basically to clean up the books and the total cost of this to the Treasury on a per annum basis is TT \$400,000 per year. In the scheme of things, this really is not a great sum, relatively speaking. To suggest, as the hon. Member for Diego Martin West is suggesting, that in view of NP's pretax profit of \$6 million in the year ending March 1998, to suggest that the Government is giving NP a hand-out of TT \$400,000 to improve its books is as misconceived and far-fetched as one can possibly get.

In fact, this \$400,000, while it will go to the National Petroleum Marketing Company Limited, it is essentially a pass through, where it will go to the National Gas Company, so it really would not affect significantly, the balance sheet of the National Petroleum Marketing Company Limited. Again, it is to put the state companies on a commercially viable footing.

Why are we trying to do that? It is because we have done a proper study as to what are the problems facing the CNG network in Trinidad and Tobago, and I want to assure hon. Members of this House that it is the Government's intention to encourage and accelerate the provision and use of CNG as an alternative fuel to motor gasoline and automotive diesel fuel.

There are certain constraints in widening the use of the compressed natural gas which a team comprising the members of the Technical Advisory Group to the Energy Sub-Committee of Cabinet and the Ministry's staff are studying. The factors which are preventing this widespread use of compressed natural gas are enumerated as follows:

- The high cost to the consumer of installing a compressed natural gas system;
- The delays and bottlenecks experienced by motorists; and
- The limited availability of compressed natural gas.

The Committee also recommended that the number of fueling outlets be increased; the dispensing rate of CNG at fueling outlets be improved and the introduction of a fiscal incentive package to mitigate the installation cost of conversion to CNG.

In order to do this, it is essential, as I said, that the project be viable for both the National Petroleum Marketing Company Limited and the National Gas Company, because the widening of the CNG network requires significant costs.

As I said, the compressors ordered under the last regime were, in fact, undersized and unsuitable for high volume rate fillings; also, they are very prone

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to high maintenance costs. As I said, when we assumed office, there were eight of these stations operational; some days nine, some days eight, so that is why I said eight or nine. It was so unreliable. At present, the 13 stations are now operating although not at optimum capacity and also, we have installed one new compressor thus far in San Fernando. This was introduced at the Cocoyea/Mon Repos Carousel Filling Station and it has already, within three weeks' time, significantly increased the filling capacity by more than 500 per cent.

Initial projections showed that whereas up to a month ago, one car was taking nine minutes to fill, we are now filling two cars every three minutes, so in nine minutes, instead of one car being filled, we are now filling six cars which is a 500 per cent increase in the filling rates.

**5.15 p.m.**

Again, with the installation of one compressor at these stations in San Fernando, we have been able to remedy the problems of long waiting times, which have been reduced from more than two hours to approximately eight minutes. The long lines at these service stations have disappeared within the short space of three weeks. I think it is a tremendous improvement. Already, we are seeing the effects of our work. As I said, we have been very proactive in doing what we are supposed to be doing. It is interesting to see that the Member for Diego Martin West is vociferously advocating the introduction of a fiscal incentive package to mitigate the installed cost of conversion to CNG. One wonders why. From 1986—1995, he did not convince his Prime Minister, Minister of Energy and his Cabinet to proceed in introducing a fiscal incentive package.

This Government has prepared a very comprehensive fiscal package to promote the use of CNG, but we decided—as the Member for Diego Martin West faithfully read my contribution in the other place—the infrastructure was not there, so what is the use of putting an incentive package in place when the entire customer-base was, in fact, completely dissatisfied by the limited availability of Compressed Natural Gas and the horrendous delays and bottlenecks experienced by motorists in a system which was introduced and perpetuated by the PNM regime.

We must put this entire project in its perspective. We have a holistic approach to promoting the use of Compressed Natural Gas in Trinidad and Tobago. This is one of the clean-up measures which we are putting in place. The factors which were influencing the use of CNG in a negative manner, were the delays and bottlenecks experienced by motorists, and we have alleviated these to a large

extent by fixing those compressors which have been out of service; and also, by introducing better designed, higher capacity compressors which have increased the filling rate from one car to six cars every nine minutes. We intend to have a phased replacement of compressors over a period of time, once we put this project on a commercial footing. I think to ascribe any ulterior motives to what is really a simple measure of increasing the excise duty—

**Mr. Bereaux:** Could you indicate the number of compressors that you have installed in this new design?

**Sen. The Hon. F. Gangar:** In the first instance, we are targeting the two highest volume stations in Trinidad and Tobago. One at Cocoyea around Mon Repos—the Carousel station which has the highest volume of CNG in Trinidad and Tobago and also the new station which is being built at Rushworth Street, San Fernando; those are the two highest volume stations for CNG in Trinidad and Tobago—they service the whole of south Trinidad, there are no other stations there. We bought two compressors at the cost of US \$300,000 each, to install one for each station. So that answers your question. There are no real ulterior motives in this piece of legislation.

With respect to the comment made again, by the Member for Diego Martin West, it is my information that one of the most reputable firms of auditors in Trinidad and Tobago, has audited the books of the National Petroleum Marketing Company for the financial year ending March , 1998 and has confirmed that the pre-tax profits of the National Petroleum Marketing Company are in fact \$68 million dollars, and the after-tax profits, \$42 million. This is the highest ever in the history of the National Petroleum Marketing Company.

**Dr. Rowley:** Thank you very much for giving way. I am really grateful that you gave way because I really would like to get this point clear. Is NP transferring to the Ministry of Finance separately, any moneys to cover the motor vehicles licences? I am not questioning the ability of Price Waterhouse Coopers. I am asking, since the Government said that money would be recovered, is that money as collected by NP, being transferred in a similar manner like the road improvement taxes, or is it being retained and shown as a part of NP's earnings? That is all that I am asking.

**Sen The Hon. F. Gangar:** Mr. Speaker, through you, I will advise the hon. Member for Diego Martin West that I have been assured by the acting Chief Executive Officer of the National Petroleum Marketing Company that all taxes

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which are collected by NP have to be transferred immediately to the Ministry of Finance, Treasury Division, and the audited accounts of the company clearly reflect that. I would leave that question to be completely responded to by the Minister of Planning and Development who, I assume, will be winding up this particular debate.

Just to make the point very clear, I want to assure hon. Members of this House that the National Petroleum Marketing Company audited after-tax profits have been the highest ever and it is a tribute to the Board of Directors of the National Petroleum Marketing Company who have done a tremendous job in this particular exercise.

As the hon. Member for Diego Martin West confessed, since there was no increase in margin, and no great increase in consumption, one can only attribute the increase in profits to increased efficiency and increased cost-consciousness. I think that we must give credit where credit is due.

We have moved away where NP was merely a tax and revenue collector to a serious business. That seems to have been affecting a lot of people. What was in place when we inherited, was a network of service stations which was an absolute disgrace to this country. There were more than 65 leaking storage tanks, and no attempt was made by the PNM government to alleviate this particular problem. We as a country may yet live to regret this particular act of indiscretion, incompetence and neglect.

**5.25 p.m.**

We have clearly outlined the objectives of this particular order. As I said, it is a relatively simple exercise, therefore, no ulterior motives can be ascribed to it. It is ridiculous and factitious to assume that TT \$400,000.00 would make any significant improvement to the financial fortunes of National Petroleum Marketing Company. It does not even end up eventually in the finances of NP, which is passed on to the National Gas Company. It is a pass-through and I think it is a gross bit of ignorance to suggest otherwise.

Mr. Speaker, with those few words, I think I have cleared up any misconceptions associated with this particular Order, and it has been put in proper perspective. This Government will continue to make the necessary efforts to widen the users of compressed natural gas in a meaningful way, in a structured approach.

We are now in the process of ensuring that any new buses which would be ordered for our Public Transport Service Corporation would, in fact, be using

compressed natural gas, which is the way to go. All the countries in the world which have been successful in compressed natural gas—we all accept that the use of compressed natural gas as a fuel, is the way to go, because it is a clean burning, environmentally-friendly fuel.

This is just one measure. We started in 1997 by issuing the order to collect excise duty which was never collected before this Government came into office, which is another example of the bungling incompetence of the PNM administration. We started in 1997, we have fixed the existing compressor network and we have introduced fast-filling compressors. When we complete our infrastructure improvements, we intend to introduce a fiscal incentive package which will further promote the use of compressed natural gas. We are ensuring that our new PTSC fleet would, in fact, use compressed natural gas.

I would close my contribution, Mr. Speaker, on that note, and I thank this honourable House for allowing me to make this contribution. [*Desk thumping*]

**Mr. Kenneth Valley** (*Diego Martin Central*): Mr. Speaker, the longer the Minister spoke the more confused I became. I was thoroughly confused after spending—I got to this House at 2.00 p.m. I think we started this debate roughly around 2.45 p.m., or something of the sort—some three and a half hours, when the Minister told us that this whole matter makes no sense. What he said, in effect, was that the TT \$400,000.09 makes no difference to NP, but we spent three and a half hours debating, giving NP pass-through, or otherwise, TT \$400,000.00, so that they can do—I do not know what.

Mr. Speaker, let us start from the beginning. Basically, what we have before us is a situation where the Minister is telling us that we are going to be changing the excise duty on compressed natural gas without reducing or interfering with the price at the pump. First of all, we have to understand that in fact, the consumer pays the same price. There is no change with respect to what the consumer pays. What is happening is that the split is going to be changed, so that NP now gets, in the Minister's estimation TT \$400,000.00 more per annum. That is based on current usage.

Of course, the Member for Oropouche who presented the Bill had us believe that there would be a reduction in the price to the consumer. He is now telling us that effectively, there will be a reduction in the price—playing with words. There is no reduction at the pump for compressed natural gas; the consumer still has to pay \$1.07.

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The excise duty is going to be reduced so that NP gets a bigger split. There are a number of issues. What the Minister is saying is: “Listen, what we want to do is to create an environment so that consumers would use compressed natural gas in Trinidad and Tobago”. On the face of it, that looked like a worthwhile objective. When we look at some of the issues the Minister mentioned in the report of October 8, 1996—some critical issues—my first question would be, whether those issues have been dealt with. The report pointed to the lack of overall co-ordination and the fact that National Petroleum Marketing Company, National Gas Company, the Ministry of Energy and Energy Industries, as well as the private sector, had some part to play. It would seem to me, Mr. Speaker, that this TT \$400,000.00, would—in the Minister’s own words—make not a bit of a difference to a company that is earning \$63 million in profits anyway.

It would seem to me, that if the Government wants to develop compressed natural gas, if it says: “Listen, this is worthwhile for our country, it is environmentally friendly, and so forth”, then it seems to me—as we say in respect to Alston’s Enterprise Policy—that “yes”, that is an area in which the Government can tell NP, “we want you to place emphasis here”.

A company that is earning—in the Minister’s words—\$63 million, to come to the Parliament to spend some three and a half hours to argue for TT \$400,000.00, and then tell us it is not going to make any difference. If it is not going to make any difference, would this, by itself, motivate NP to put emphasis on compressed natural gas that is required if it is to work?

The Minister tells us that over the 15 years, 1984—1999, NP lost \$14 million. Even if—he first confused me with everything he said—you have TT \$400,000.00 per year, over 15 years, in my calculation that is \$6 million—not so? That is \$6 million, that is not \$14 million. So, either it is not \$400,000.00 per year, or it is not the \$14 million lost over the 15-year period.

My central argument, however, is that I believe that it is a worthwhile objective to have compressed natural gas used widely in Trinidad and Tobago. I believe that the Government ought to put the environment in place to make that happen. My contention, however, is that this \$400,000.00 per annum, that we spent the last three and a half hours arguing about, would not make one iota of a difference with respect to this basic initiative. That is why we are suspicious, Mr. Speaker, because if it is not going to help the initiative that the Government is saying that it is all about, then we have to ask, what really is the intent?



The Minister seems to be having all types of difficulties answering the simple question. For example, what has happened to the moneys collected at the pump by NP on behalf of the Treasury? What has happened to that additional revenue? Is it shown in the books of NP? Is it transferred to the Ministry of Finance? Could you show us where it is? Could you tell us if that is inflating the income of NP?

The Minister of Planning and Development assures us that when he winds up he is going to answer the questions. I do not know what reliance we can place on his answer. The Minister does not even know whether the price will increase or whether it is going to remain the same. He opened by telling us that the price is going to be reduced to the consumer, when, in fact, it is not so.

Mr. Speaker, my contention, quite simply, is that we have wasted time this afternoon. While it is worthwhile that this initiative be put in place there are other things which seem to be more important. If a company is earning \$63 million, \$400,000.00 would not make one iota of a difference to that company. What needs to happen, is that in a situation like this, if the Government feels that this is a worthwhile initiative—I support the movement towards compressed natural gas as an initiative in the best interest of Trinidad and Tobago in the period of concern for the environment and, so forth—I am saying that the Government has to take action and say: “I want my state company which I own one hundred percent—that is one of the reasons, Mr. Speaker.

**5.35 p.m.**

Mr. Speaker, with respect to the privatization or the divestment of state companies when we were in Government, there were certain companies one would note that one did not touch. We did not touch NP or NGC because they are of strategic importance. I have to make a distinction from what the Minister said that while, ordinarily, when there is a state company we want that company to stand alone and run its affairs without too much interference from the Minister, if we say that the company is of strategic importance by merely defining it as such, it means that the Government, from time to time, may want to give a directive to follow a particular policy direction in the interest of Trinidad and Tobago. That is the concept!

Tell NP this is what we want to do and put a team together to make it happen in a period of “X” years; and that is that. I do not know why we are wasting time on this, Mr. Speaker, because there is another issue in terms of NP and the

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Treasury. I think the Treasury needs the money more than NP, even though it is \$400,000. One may not know, but things are really bad with the Treasury.

**Miss Nicholson:** Tell us!

**Mr. K. Valley:** I will tell you. It was good; and they said so when they came in, but now it is very bad. They are coming just now to raise money on the local market because they cannot raise any money on the external market. They are planning to raise \$1.2 billion on the local market in 1999. That is not going to happen. They are dreaming in technicolour!

So, in terms of between NP and the Government, I would have left the \$400,000 with the Treasury rather than give it to the Chairman or this Minister who seems to like Miami and New York more than Trinidad and Tobago.

I thank you, Mr. Speaker.

**Mr. Colm Imbert** (*Diego Martin East*): Mr. Speaker, I endorse the comments made by the Member for Diego Martin Central. The less money that is left in the hands of the present administration of National Petroleum, the better. Even if it is \$4,000, they should not get it.

We have seen an elaborate masquerade take place over the past two years at National Petroleum. A new Board of Directors coming in and taking the entire country for a ride. We are talking about revenues. We are talking about a privatization programme which is going to cost this country \$200 million. We have all seen what has happened. The Chairman saying that if the consultant goes, she would go. The consultant went and she is still there! There seems to be some sort of family arrangement where there is a protective veil of secrecy among all of the participants who are involved in managing the sale of petroleum products in Trinidad and Tobago.

Look at this nonsense about profit! NP buys gas and sells gas. That is all it does. It buys it from the refinery and sells it in the pump. That is all it does. So, if consumption of gasoline has not increased, then the only way that there could be increased profit is if two things happen; they increase the price of gas so that the revenue increases, or they reduce operating costs. And we know very well that they have not reduced operating costs to any significant extent. So, who are they trying to fool? They are only trying to fool themselves! They increased the price of gas, so they increased the revenue and increased the profit. Who are they trying to fool?

This is very serious business because there is clearly an effort on the part of the powers that be in the energy sector to give NP access to money as is taking place with this CNG measure. Even though it is just \$400,000, they should not get four cents! Look at this situation about the construction of gasoline stations. We spoke at length in this Parliament about that where we indicated that all they needed were a mason and a carpenter to build these gas stations. Instead they hired some high-priced consultant at \$30,000 per month and the first project—the first set of gas stations to be constructed—is almost three months behind schedule and nobody knows when the first station will be opened. Cost overruns! They gave it to the third highest bidder. That is efficiency UNC style!

I cannot see any reason why we should agree that the \$400,000 should go to NP. It will just siphon off of NP into the pocket of a UNC supporter, or maybe fund somebody to cross the floor. NP is a scandal. It is an absolute scandal! All of this masquerade about profit. The intelligent ones on that side must know it is a pantomime; an attempt by persons to retain their own privileged position pretending they are making profit—funny money. That is all it is. Nothing more than that.

We have looked at persons mismanage National Petroleum Marketing Company Limited, tell untruths, hold untenable positions, make all sorts of assurances to the national population for the last three years and renege on every single one. As I said, it is a little family circle of persons. When one is caught, the rest of them run to protect—as we saw with the 165 page dissertation on the retention of that high-priced consultant who has now gone his way.

It is so interesting the little cabal. We hear just before this person disappears that he has entered into an arrangement with a fast food chain owned by the Minister of Finance so that in all of these QuikShoppes we will eat Royal Castle chicken. We hear it through the grapevine that Royal Castle chicken will get the concession in all of these QuikShoppes, and as soon as it is discovered, Mr. Speaker—the scandal of interference at the highest level of the Government—the Minister of Energy and Energy Industries runs up and says that it was only a proposal and they were going to make sure that it goes out for tender. If they did not get caught, all now so is only Royal Castle in those QuikShoppes! That is what is going on in Trinidad and Tobago today. That is why these characters can be in fetes giving themselves high fives and smoking cigars. It is the same little cabal—including Members of the Government—feeding off the Treasury like a

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freezing frenzy of piranha. They see hundreds of millions of dollars available to them and they just feed off of it.

I do not see any reason why National Petroleum should get this \$400,000 from CNG. Let the UNC Government continue with its nonsense and preside over the mismanagement and maladministration that is taking place in the energy sector. Let them proceed. That same Minister of Energy and Energy Industries was responsible for cost overruns on the refinery upgrade project to the tune of over \$1 billion. That is management UNC style. That same Minister then comes here to talk a set of nonsense in this Parliament.

They do not know. I understand that they got caught. The individual was introduced to them by another person and they got caught. It was only when their hands were in the lion's mouth that they understood with what they were dealing. I know they would love to get rid of these appointed Members, because most of the appointed Members are causing the problem in this administration; but they cannot. They are all compromised.

It is distasteful to have to sit in this Parliament and listen to the kind of nonsense today from the Minister of Energy and Energy Industries. Absolute nonsense! That particular individual does not have the moral authority to speak in this Parliament, and I know what I am talking about. I was accosted in the corridor by the said gentleman who uttered the most vile obscenities to me and threatened me physically. It was only because the Minister of Public Utilities begged for him that I—and some say foolishly—relented and said I would not take action against him. That is the kind of Government with which we are dealing. Ministers who use obscene language and utter threats of physical violence against elected Members. Perhaps I should not have been Christian and said, “Okay. I will accept your apology.” That is the kind of people with whom we are dealing. When one asks them to account for Government money, they come in the Parliament and tell untruths.

Thank you, Mr. Speaker.

**Mr. Barendra Sinanan** (*San Fernando West*): Mr. Speaker, I join this debate just to make a brief intervention for clarification purposes. In the constituency of San Fernando West, three of these stations are being erected. They are at Cross Crossing, Rushworth Street, and I think CNG is being installed at the Carousel Station.

My understanding of the law is that NP as a state company is no different from any individual in that they would have applied to the Minister of Planning and

Development, and they would have gotten an outline permission to build these stations subject to certain conditions: one of which would have been the approval of the local government authority. In the instant case in San Fernando West, that would be the City Corporation.

It is my information that to date, the contractors have no such permission from the City Corporation to commence work. In other words, the outline permission will state that permission is granted to “X”, “Y”, “Z” subject to certain conditions. One of the many conditions would be that the approval of the San Fernando City Corporation, in this case, be had prior to the commencement of construction. That is to say that plans must first go to the City Corporation which would have to approve them and then construction can commence. The plans can go to the fire station or the Ministry of National Security—that is another approving authority for a gas station.

**5.50 p.m.**

It is my information, as I have told you, Mr. Speaker, that in at least two cases—the Rushworth Street Gas Station and the Cross-Crossing Gas Station—the permission of the San Fernando City Corporation has not been had, to date, for the construction of the works going on there.

Mr. Speaker, the Minister of Planning and Development piloted the Motion before us, and it is in this regard I am asking him to throw some light on this situation when he is winding-up, and to give some clarification as to whether or not what I am saying is correct. Can he tell us whether NP is, in fact, breaching the law? Also, if NP is in breach of the law, what does he intend to do about it, or how soon does the Ministry of Energy intend to instruct NP to have their contractors follow the law?

Mr. Speaker, with these few words, I thank you.

**Mr. Hedwige Bereaux** (*La Brea*): Mr. Speaker, I stand to make a very short intervention in respect of this Motion before the House.

Mr. Speaker, before I get into the meat of my contribution, however, I want to take issue with some of the statements made by the hon. Minister of Energy and Energy Industries. I listened to the hon. Minister very attentively because he has a tendency to go into great detail, but the more he gets into detail, the more he reveals his ignorance of some matters that are very important. For instance, he started off by saying that all the recommendations which were made by the

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Member for Diego Martin West should have been given to his political leader during the period 1986—1995. I know he may not have been in politics at that time, but I want him to know that there was another administration in office during that period 1986—1991, and that his present leader, and Prime Minister of travelling fame; was in that administration. In fact, the CNG projects, as determined on a commercial basis, lasted for the period 1992—1995, when the PNM demitted office. So, in terms of the behaviour and performance of the present administration and the PNM administration in respect of CNG, the periods are about equal. What do we have?

Mr. Speaker, the Minister additionally spoke about filling stations with respect to there being a faster turnaround at the pumps. He also said that they introduced a better quality of pumps with better reliability and so forth. When questioned, it turned out that it was one pump at one station and that was quite recently—three weeks ago—so there is no question of noticing the length of time or the kind of performance of that pump.

Additionally, during the three years and eight months that the PNM was involved, we had between eight and nine stations. The Minister said “sometimes eight, sometimes nine”. Then there were the other four that were in progress which they inherited. There is no problem about that, but the point about it is that with all the talk about repairs and so forth, I know the Minister knows very little about maintenance since he has been a project engineer all his life and he does not know much about maintaining compressors.

Mr. Speaker, additionally, there was some talk about the failure to make some allowances in the pricing of CNG between TT \$4.25 being the conversion value of the US \$1.00 then, and the TT \$6.30 which it is today. I am to remind the Minister that during the time of the PNM it was not \$6.30 and that they are responsible for that depreciation in the TT dollar. In fact, the question about collecting the excise duty, as a Government they inherited that and they needed to carry on the things that needed to be done.

I want to take my departure at the point in the Minister’s statement when he spoke about the TT \$4.25 being the conversion rate to US \$1.00 and the TT \$6.30 to US \$1.00 which is the responsibility of those across the floor. It is a fundamental point which I need to make. The pricing of petroleum products is in the hands of the state. That was done during a PNM administration, to a large extent, because when the price of oil and petroleum products—when I say

“petroleum”, I speak of oil, natural gas and their bi-products—skyrocketed, there was a need to make an attempt to ensure that the entire country, and those less fortunate, would be able to afford the price of energy. Moreover, a subsidy was put on petroleum products to reduce the impact of the cost of energy on the cost of food and other items.

In the globalization and opening up of markets and so forth, and the removal of subsidies, gradually these subsidies were removed. We have a situation now, where there is a cap put on the level of the subsidy. Yet, we are dealing with energy for Trinidad and Tobago where it is produced and utilized in Trinidad and Tobago but priced in US dollars. I know some would say that the plant and equipment used in the production of energy in some cases have to be paid for in US dollars, but to a large extent, in the production of oil itself, much of the plant and equipment have already been paid for.

Therefore, Mr. Speaker, we have a situation in Trinidad and Tobago where the Government is quick to say, “Look, the price of oil has gone up and consequently the price of natural gas, also”, as the Minister said, “and we should have adjusted for it”. Then he went ahead with a big song and dance and adjusted it.

What we notice in this country, is that prices only go up. When the price of oil went down to \$7.00, \$8.00 or \$9.00 quite recently, the price of gasoline at the pump remained the same. The population did not get the benefit of that reduced price of oil in Trinidad and Tobago. I went to the United States quite recently when the price of oil was down, and one saw the reduction in prices on the pumps while driving around. The government was responsible for that.

Mr. Speaker, do not tell me that when that happened in the days of the PNM nothing happened, because in those days oil and petroleum products were subsidized. Not only do we see that there was no attempt to pass on the savings, or lower cost to the population, we also saw that the state enterprises that should have benefited—if their management was good—from the lower price have turned around and purportedly started to lay off staff saying that because of the low price of oil they could not afford to keep the overheads, but I am going to show today that that is a farce, either wholly or partially, to:

- (i) hide incompetence; and
- (ii) make an effort to send home people and bring back permanent people whom they choose to have.

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**6.00 p.m.**

I am speaking about Petrotrin, and what the Petrotrin refinery is configured to handle, and we are talking about the oil price. I see you look up at me so I want to be quite clear how the timing goes. I just want to make sure you are following me.

**Mr. Speaker:** Whenever a Speaker has difficulties and he looks at an hon. Member of the House, things are bad.

**Mr. H. Bereaux:** I have not heard you.

**Mr. Speaker:** I say whenever a Speaker has difficulty, simply because he looks at the hon. Member of the House, something is wrong. I was looking at you very enduringly. *[Laughter]*

**Mr. H. Bereaux:** Mr. Speaker, I am so concerned about making sure that you understand me and follow my trend of thought, I do not even want to be called to book by you. That is why I am taking my time to make sure I am in full compliance at all times.

I was saying that the present refinery of Petrotrin is configured to handle 160,000 barrels of oil per day. The production of Petrotrin between the land and its entitlement at Trinmar is a total of about 60,000 barrels per day. That means that Petrotrin has to source 100,000 barrels of oil a day. When the price of oil is down, Petrotrin stands to lose some money in respect to the 60,000 barrels of oil or thereabouts, but the 100,000 barrels, or 80,000 if you want to give them a ten per cent leeway in respect of the configuration of the refinery, that 80,000 barrels of oil per day is produced at a low cost, so if there is a loss in respect of 60,000 barrels, there is a corresponding profit in respect of 80,000 barrels.

In fact, when the price of oil is down in Trinidad and Tobago, Petrotrin makes a profit. You would recall when the price was down, the president of Petrotrin boasted that they made money, but in spite of having made money, they started sending people home. They sent home 500 persons and they picked persons in the exploration and production areas of Santa Flora, Fyzabad, Guapo, and La Brea to send home and they were making money.

Not only did we, the population not receive the benefit of the lower price of oil through the pumps and other areas, but we also saw people going home. We are seeing something new happening now. They are hiring some additional staff. After they sent home some, they brought in others regardless of whether they had any experience or history of employment at Petrotrin, so we are left to believe that



the same thing they were really doing was using the price of oil as an excuse to send home people and replace them with others of their own choice.

Mr. Speaker, this seems to be a trend in the country. I was reading the newspaper today and I only make *au passant* about the employment practices in the Ministry of Legal Affairs, but I said that is *au passant*, I would take that up with the Minister in due course. These things have tremendous effect on the people of my constituency in particular and Fyzabad, although the hon. Member for Fyzabad does not care about that, and I came to that conclusion because he has made no comment on it.

I want the population to know that when you talk about sending home temporary workers this situation was a definite strategy devised in order to ensure that the people in the area around which the oil companies operated had an opportunity at least, to get three to four months' work, and because of the high salaries earned, it amounted to a large extent to about nine months' work. It was a definite strategy in that the company always hired about 80 per cent of the people they needed on a permanent basis and they left 20 per cent open and multiplied those jobs by three or four. If they were using a plain 100 and they needed 100, they would hire 80 and then there would be another 80 who would get work three months at a time. That is why in this House from time to time, I speak about allowing persons who are not permanent workers to contribute to pension plans because I know of that system.

The fact that we have a Minister of Labour and Co-operatives who does not know what he is doing and is not concerned about the workers of this country or does not have the capacity to deal with the matter, this has not moved forward because I have raised this matter on more than one occasion and all he would tell me is: "Why you did not raise it when the PNM was there." I raised it when the PNM was there, and I would continue to raise it, Mr. Speaker.

**Mr. Speaker:** Hon. Member, I take it that you are still dealing with the Excise Duty (Compressed Natural Gas) Order, 1999.

**Mr. H. Breaux:** I am, Mr. Speaker. The only point I was making is that we are using—and I think it is a fallacy—US dollars to price energy products to be sold in Trinidad and Tobago at a time when we are not on subsidies. If we propose to use US dollars as the benchmark, we have to run back to subsidies, and if we are not going back to subsidies, then I think the question of pricing in US dollars

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is a fallacy, or the Government should get out of the pricing of petroleum products. If we want to say we are dealing with the market, let the market operate.

Thank you.

**The Minister of Planning and Development (Hon. Trevor Sudama):** Mr. Speaker, one would have never thought that such a simple measure would have evoked so many contributions from the other side, but when I look at this measure, it has to do with natural gas and it seems that there is much of it on the other side, particularly hot air, flatulence. When one listens to the contribution coming from the other side, one would understand what I am saying. It is not only flatulence, it is repeated flatulence. A repetition by the Member for Diego Martin Central of what the Member for Diego Martin West said and a repetition, of course, adding the flavour of corruption as he always does by the Member for Diego Martin East and then, of course, we have the irrelevance of the Member for La Brea. It is not surprising, and I am willing to bet that the next time a motion on natural gas comes to this House, we are going to have similar levels of contributions coming from the other side.

Mr. Speaker, the Member for Diego Martin West started off by saying that he has been misled by what I was saying and what the Minister of Energy and Energy Industries was saying in the other place. He has been misled, but being misled seems to be a way of life with the Member for Diego Martin West. When he went up for election by the PNM, I think he was misled, and when he was advised on the divestment of National Fisheries, he was probably misled as well, and he has been misled on so many occasions that I sympathize with his capacity to be misled.

They claim that we do not know what we are doing and saying and if the Member for Diego Martin West has difficulty in comprehension, Mr. Speaker, it is not my fault. I thought since this was a technical matter, and he has some technical background, maybe he would have been able to comprehend, but since he cannot even comprehend technical matters, one could imagine his situation with non-technical matters when he speaks in this House.

It seems to me that he has a problem with the chairman of National Petroleum Company. If it is not making press statements in the media, he is coming to this House and he does seem to have a problem with that goodly lady who happens to be the chairman of the National Petroleum Company. I do not know what is the nature of the problem.

**Mr. Hinds:** Does the Minister have trouble with any lady at all?

**Hon. T. Sudama:** I would not say anything of his hair, where it is going, but I would leave that for another occasion. Tamper with me and I would deal with you, and when you go back to Laventille you would stay there this time.

Mr. Speaker, let me explain for the benefit of the Member for Diego Martin West and the Member for Diego Martin Central. I was very clear in what I said and I would explain it. I said what this matter has done is effectively reduce the price of CNG by 4.406 cents per litre, because, had we not done that, then the price of CNG would have been 4.406 cents more per litre because of the formula we had applied.

**6.15 p.m.**

Let me just go over this formula for the benefit of Members. As explained by the Minister of Energy and Energy Industries, in March 1992, a certain formula applied and that formula, when it was applied, resulted in a price of 18.98 cents per litre—I said so—and it was based on a conversion factor of 26 standard cubic feet per litre equivalent of gasoline and the then exchange rate of \$4.29 to the US dollar. So, having utilized that formula, you came up with a certain price of 18.98 cents per litre.

The Ministry of Energy and Energy Industries wanted to clear up a problem, clear up this whole inconsistency that was existing and the Minister of Energy and Energy Industries made that very clear. This is not a revenue-raising exercise. I do not know how many times we have to say that. It is merely to clear up the formula that was arranged and which resulted in an inconsistency. That is the whole object of this exercise.

Behind every move, they see a ghost of corruption which, of course, emanates from their own heads. That is expected with the consciousness of corruption; that is what they see.

So, that was the situation in March, 1992. The Minister explained that the proper rate of conversion, the conversion factor, should be at 32 standard cubic feet per litre. That is generally observed and with the new exchange rate of TT \$6.30 to the US dollar that currently obtains, the price was increased from 18.98 cents per litre equivalent to the new price of 23.386 cents per litre equivalent; an increase of 4.406 cents per litre over the existing price.

Now, for us to have maintained the price, we would have had to adjust the excise duty which is, in effect, a reduction. Had we not done that, then we would

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have had an increase of 4.406 cents per litre. This is the point I am trying to make and I hope I can get it across that effectively what we have done is reduced the price had the formula gone through without any adjustment.

**Mr. Valley:** Mr. Speaker, would the Minister say that the price of compressed natural gas at \$1.07 per litre is higher than the price we are talking about, 23.83. The price remains constant. That price we are talking about, the 23.83, is the excise duty that is being adjusted. That is all that is being adjusted. The price remains the same at \$1.07.

**Hon. T. Sudama:** Mr. Speaker, he does not seem to understand. Had we not adjusted the excise duty, the price would have been 4.406 cents higher. This is what I am trying to say and, therefore, what we have done is an effective reduction of the price.

**Dr. Rowley:** Stop talking nonsense.

**Hon. T. Sudama:** The misled Member for Diego Martin West is always talking about, in everything there is some corruption. He did not see corruption in the National Fisheries at all, he was corruption blind in those days; and in Tanteak, he was corruption blind in those days; and in National Quarries about which I knew, he was corruption blind in those days. But, every day he comes to this House like a recurring decimal—corruption, corruption and more corruption. That is all he can think about.

Mr. Speaker, then they talk about how the Member for San Fernando East was trying to promote the use of CNG and converted his motorcar to CNG, what they did not say was that the Member for San Fernando East was getting CNG free from a gas station in Claxton Bay where he had a special relationship, so he was not concerned about the price. He was getting CNG free; he was not concerned about price and what the excise tax was and so forth. They ought to know that.

Then, it is this same PNM government which came and said, “Well, you know, we want to promote the use of CNG”, so they gave some minimal kind of fiscal incentive in one year—I remember that clearly; I was in this House—and in the next year they came and raised the price of CNG. So they were giving incentives in one year and the next year they raised the price of CNG because they were in need of revenue. So, to come here and talk about what this Government is doing in terms of incentives and so forth, I say they have no authority.

Mr. Speaker, there is a point on which they keep harping all the time. When we eliminated the licence for motor vehicles—and that was done in 1997—we

made it clear there would be a loss in revenue of approximately \$50 million. Therefore, we had to compensate for that loss of revenue and who should we target except the users of vehicles; it is the users of vehicles who buy gasoline and CNG. Who else would you target? Therefore, we targeted an increase in the excise tax for gasoline, CNG and diesel. That is what was done. It was not something given to the National Petroleum Marketing Company Limited in order to make its books look good, because they see corruption in everything, whatever they do. It was a tax. The Minister of Energy and Energy Industries explained that all taxes collected by NP are handed over promptly to the Treasury at the end of the month. All taxes collected, whether it is excise tax, road improvement tax, or whatever it is that NP collects through its network, are handed over promptly to the Government.

They want to know: Where has the money gone? Well, the Chairman of NP did not take the money and run away with it. As I said, the Member for Diego Martin West, every time the name of the Chairman of NP crops up, the fellow like he has a bee in his bon—I was going to say a bee in his bonnet, but then that would be a very bad metaphor when I talk about the Member for Diego Martin West, to talk about his having a bee in his bonnet.

Let me just refer the goodly Members for Diego Martin West and Diego Martin Central, to the *Draft Estimates of Revenue for the Financial Year 1996*, and if they do not believe me, at least they should be paying some regard to the official document called the *Draft Estimates of Revenue for the Financial Year 1996*.

**Mr. Imbert:** Why? You produced that.

**Hon. T. Sudama:** Civil servants. Are you attacking the civil servants who produced this? Is that what he is doing, Mr. Speaker? Is he attacking the civil servants who produced this document?

**Mr. Imbert:** I am attacking you.

**Hon. T. Sudama:** Because if he is attacking the civil servants, I want him to get up and say so, that he is attacking the bureaucracy of this country, the loyal, hard-working public servants who work night and day to support any government in power. He gets up here, attacking them to say that they are producing bogus figures there. Get up and say so in the public.

**Mr. Imbert:** You are a fraud.

**Mr. Hinds:** You just said the teachers are protesters.

**Hon. T. Sudama:** Mr. Speaker, they ask questions. When you respond, they do not want to listen. What do they want? They just want to oppose. They have an Opposition mentality. [*Desk thumping*] If there were ever a group in the society having an Opposition mentality—[*Crosstalk*] They just do not want to listen.

I am referring to the *Draft Estimates of Revenue for the Financial Year 1996* at page 9. If you look under “Excise Duties”, you would see an item called “Oil (Petrol) (Chap. 78:50)”. [*Crosstalk*] That is the section under which these revenues are collected.

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

**Hon. T. Sudama:** They do not want to listen. They want answers. They want to ask questions, though. “Oil (Petrol)” revenue, the 1996 estimate is \$390 million. In 1997, when we did away with the licence fees, we increased the excise tax on petroleum and we estimated the shortfall in revenue from the elimination of licence fees to be \$50 million, you will see Mr. Speaker, that in the *Draft Estimates of Revenue for the Financial Year 1997*, the same item “Excise Duties, Oil (Petrol) (Chap. 78:50)” —that is the law under which it is collected—the item of \$440 million. Now, if you do a little arithmetic, you will see that the difference between \$390 million and \$440 million is \$50 million. That is accounting for that elimination of the licence fees and bringing to book under the excise duties.

What else do they want to hear? Where the money went?

To show, Mr. Speaker, the inanity which comes from the other side. If they had done a little research and gone back and looked at the *Draft Estimates of Revenue for the Financial Year 1996* and 1997, they would have seen how that excise duty was accounted for, but they are incapable of doing anything, research or otherwise.

Now, the Member for Diego Martin Central got up to say that the Member for Diego Martin West was misled. As I said, he has a perennial problem of being misled—unfortunate fellow. He got to up to say that he was confused. Well, I think somebody on our side remarked that the Member has been confused from the day he was born. From the day he was born, he has been confused and he has carried that confusion in his head ever since.

After all the explanation we have given here, after all that the Minister of Energy and Energy Industries has said, he is still confused. Well, what can we do about that? There is nothing we on this side can do about that.

They made a big issue of pricing and so forth and pricing being an incentive. We all know that price is a significant factor in trying to promote the consumption of a product, but price is not the only factor. If you do not have the infrastructure; you do not have the service and, even if you lower the price, you are not going to get an increase in consumption, the point that the Minister of Energy and Energy Resources was trying to make. So, to come here and talk about why you did not put incentives in place and so forth, you could not put incentives simply because you did not have everything in place in order to make the incentives effective.

As I said, all that we are trying to do is clean up this formula by which we have been determining the price of CNG. That is all this measure is about. It is not a revenue measure and we thought that we would get over this in very limited time but, you see, they take every opportunity to come to this House to talk absolute nonsense, rubbish and things that make little sense.

For example, the Member for Diego Martin East said that in the refinery upgrade project undertaken at Pointe-a-Pierre, the cost overrun was \$1 billion. Mr. Speaker, the overall cost of that project was just over \$2 billion. If in a project of over \$2 billion, there is a cost overrun of \$1 billion and that was money accessed under a loan from a multilateral institution, which multilateral institution in this world will sit back and see a cost overrun of \$1 billion in a project of \$2 billion? Something is wrong with the fellow, absolutely wrong with him.

Something is absolutely wrong with him. *[WORDS EXPUNGED]*

**6.30 p.m.**

**Mr. Speaker:** I ask that the remark by the Member be expunged from the record. I do not think it is right for Members to make such comments of another Member of this House or the other House..

**Hon. T. Sudama:** I will refrain from that, but Mr. Speaker, as you sit there, and listen to the charges of corruption coming from everyone on this side, such charges which seem to be so way out—one could not really understand the nature of what goes on in their mind for them to make such allegations of corruption. The cost overrun of \$1 billion in a project of \$2 billion.

If I were to read something that I have from Grenada on the involvement of this company called “Imbert’s Construction Group Limited”—building a stadium in Grenada. I prefer not to read what it states. Whatever he has to say about

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corruption, since he is out of government and his avenues are reduced, now there is Grenada as a new field in which to carry on his activities.

The other question that was asked was by the Member for San Fernando West. I know that he is one of the few well-meaning Members on the other side, so I will take the trouble just to look into his concerns. I also wish to make the point that, when an application for approval is received, and the Town and Country Planning Division gives outline planning permission, that outline planning permission is given with certain conditions. Those conditions are to be satisfied before final planning permission is granted. If those conditions are not satisfied, final planning permission would not be granted to the applicant.

In the interim, the applicants will have recourse to go to other agencies. Once the applications are filed and are in the process of being dealt with by other agencies, whether it is the local government agency or the Ministry of Works, they are then given provisional approval to proceed. At the end of the day, after they have completed the exercise they will then get a completion certificate, issued by the local government authority. But, that is at the end of the process. If they did not receive *a priori*, approval from the local government authority, the way the system works is that they must receive it by the time the project approaches its final approval.

I would like to inform the hon. Member that, given the delays of developers—of course, this is something that we have to deal with—to expedite the process, given the delays with the system with which developers have to contend, there is some measure of discretion involved in facilitating construction work. There is nothing untoward about what has happened in this instance. Of course, I am going to confirm.

The Town and Country Planning Division now falls under the Ministry of Housing and Settlements. But, I am going to confirm that those approaches have been made, that systems are in order and there is no irregularity in the system.

Mr. Speaker, given what the Minister of Energy and Energy Industries has stated, and the fact that few points they have raised are of any relevance to this debate—they have talked a lot, but a lot of irrelevance. So much irrelevance has been spoken here and they have taken up the valuable time of this Chamber. Given all that has been said, and my explanation of what I actually said in putting this Motion before the House, there has been no inconsistency between what I have said and what the Minister of Energy and Energy Industries has said—absolutely no inconsistency with



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respect to the content of this Motion and with respect to the formula that has been applied in determining the price of the CNG—absolutely no contradiction.

Having clarified that matter, which I hope is to their satisfaction with respect to the allocation of that excise tax that was in compensation for the elimination of motor vehicles licence fees, I hope that even their difficult minds would be satisfied with this explanation. I also hope that the Member for Diego Martin East does not question the integrity of public servants again. I hope for his sake, because when one is in that frame of mind, one would question anything—even God. He has questioned the integrity—*[Interruption]* No, I have not questioned the integrity, I have questioned figures.

Everyone is liable to make errors I have not questioned the integrity of public servants. During my 18 years in this House, I have never questioned the integrity of public servants. I may have questioned their competence, that is a different issue, but they are questioning both the competence and integrity of the hard-working public servants in this country. That is what they are doing—this wicked PNM regime. Now that they are in Opposition, they do not know who they should attack. They are attacking all and sundry; the Elections and Boundaries Commission and public servants who have prepared this report. They are like pit bulls trained to attack—nothing in their heads, but just trained like machines. That is all that they are concerned with. They have no constructive ideas for the benefit of Trinidad and Tobago.

Mr. Speaker, with these few words, I beg to move that this Order be now confirmed. Thank you very much.

*Question put and agreed to*

*Resolved:*

That the Excise Duty (Compressed Natural Gas) Order, 1999, be confirmed.

**MOTOR VEHICLES AND ROAD TRAFFIC (AMDT.) REGULATIONS**

[SECOND DAY]

*Order read for resuming adjourned debate on question [March 19, 1999]:*

BE IT RESOLVED:

That the Motor Vehicles and Road Traffic (Amendment) Regulations, 1998 be approved. [*Sen. The Hon. S. Baksh*]

*Question again proposed.*

**Mr. Speaker:** The Minister of Works and Transport was on his reply. He has a balance of 30 minutes and I call on him to continue.

**6.40 p.m.**

**The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh):** Mr. Speaker, on the last occasion in this honourable House we undertook to consider some of the issues raised by Members on the opposite side. Since then, we have examined such contributions and have formulated amendments to reflect the views of the Members for Diego Martin East, Diego Martin Central and San Fernando West. These include the conclusion of various aspects of the inspection process which are contained in the supporting administrative document titled, "Responsibilities of a Vehicle Testing Station Proprietor/Examiner" to be specifically provided for in the regulations; the inclusion of a provision to cater for winding-up of a business performing as a proprietor; and the amendment of the procedure governing termination of the authorization in order to carry out inspection by the Licensing Authority and amendment of the appeal procedure.

Mr. Speaker, Regulation 27C deals with the conditions to be complied with by authorized proprietors. Subregulation (1) has been redrafted in order to make reference to the document entitled, "Responsibilities of a Vehicle Testing Station Proprietor/Examiner". This document is now included in the Sixth Schedule. It includes a number of forms which are to be used in the administrative process. It makes reference to the day-to-day responsibilities of proprietors and examiners and criteria governing their operations.

Regulation 27D deals with the termination of authorizations. It has been amended as follows: A new subsection (4) has been added, which now enables a receiver of a company, or any other person to whom responsibility for its affairs is given, to reapply for an authorization to conduct inspection. A new subsection (6) has been added which lists in detail the conditions and grounds upon which the Licensing Authority may terminate an authorization as a proprietor. A new subsection (7) has been added that, among other things, gives the proprietor recourse to appeal a notice of termination to the Trinidad Transport Board.

A new subregulation (9) has been added which provides that the time of termination specified in the notice may be changed by the Trinidad Transport Board upon an appeal.

Regulation 27L deals with the appeal process upon the refusal of a test certificate. Subregulation (2) has been amended by inserting a time period of 21 days within which the Licensing Authority shall notify an appellant as to the time and place where his or her appeal will be dealt with.

Mr. Speaker, in all these amendments we took into consideration a number of suggestions raised by the Members on the opposite side. The only suggestion that

we were not able to accept at this time was the 10-year limit. In fact, we would like to continue with the five-year limit. As such, I would like to suspend my presentation at this time to allow the Members on the opposite side to make comments on the proposed amendments that were suggested by Members on the opposite side.

**Mr. Speaker:** The hon. Member has asked leave to suspend further discussion on this matter, in that you do still have some time to reply and you have given notice of certain changes that you would like to see. Does the other side want to say something on this, please?

**Mr. Colm Imbert (Diego Martin East):** Mr. Speaker, I thank the hon. Minister for allowing us the opportunity to speak. I note, despite all the “gallerying” of the Attorney General on the last occasion, that the amendments have accommodated many of the points raised by the Member for Diego Martin Central and myself. *[Interruption]* I mean, I have to give credit where credit is due, despite all the “ole” talk and “gallerying”. *[Interruption]* No, no, no, no, no. For once the Government has sought to accommodate the concerns raised by the Opposition, which in itself is a recognition that the points we made were valid. We now have much more information and it has tightened up the situation with regard to the definition of “testing stations” and so forth. But there are some issues I would like the Minister to address when he concludes his—*[Interruption]*

**Mr. Speaker:** We have to admit that the procedure which is being adopted here is not usual. I think what we have to appreciate is that it has been said by the Minister that as a result of several of the things that have been said on the other side he has rethought several issues and this is what he would now like to bring to the House. If, indeed, there is basic agreement that these changes should come about, I would now suggest that—*[Interruption]*

**Mr. Imbert:** Thank you, Mr. Speaker. That is not the case. There is agreement on most of them, but there are some issues that I would like the Minister to consider before he concludes his presentation.

**Mr. Speaker:** Therefore, what I was saying is that having regard to that type of agreement which we have in the House, I was going to suggest that in the circumstances one could now formally move the amendment to the Motion and one would have an opportunity of dealing with it at a later stage.

**Sen. The Hon. Sadiq Baksh:** Mr. Speaker, I beg to move,

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That the Motion be amended to take into consideration the amendments that were circulated.

*Question proposed.*

**Mr. Speaker:** This, therefore, means, hon. Members, that we could now properly take note of this. Insofar as a Member wants to speak on anything at all, notwithstanding that he has already spoken, it would be permissible for him to speak again.

**Mr. C. Imbert:** I would draw the Minister's attention to his amendment, second page, which deals with proposed regulation 27D, where a much better definition of the circumstances under which a licence can be revoked now appears before us. I notice in the original legislation that there was a provision under 27D where, on page 12 in the original Regulations, 27D (5)(c) allowed a person to make written representation to the Licensing Authority to the effect that any authorization to which notice relates should not cease or should be restored. This has now been deleted.

**6.50 p.m.**

I see nothing wrong with this remaining in the legislation. What I would recommend is that the Minister add it to the proposed regulation 27DB(7). He should add this clause, or something similar to it, that within 14 days from the date of notice, the proprietor or any person acting on his behalf may make to the Licensing Authority written representation. Reason being that an appeal process has been introduced where the person now appeals to the Transport Board, but that is a somewhat cumbersome instrument. The Transport Board, at the present time, usually meets only once a month and it has a number of matters on its agenda.

So, I am contemplating that a person is given notice that he is not in compliance with the terms as stated here in the Schedule, and within the period of the notice, he is given 28 days' notice that his licence is to be revoked, but within that period, he remedies the defects. For example, somebody may say that the pit is not functioning, the ramp is not working, there is no proper lighting—whatever. Within that period, the person can take steps to remedy the defect. It should not go through a process of appeal; it should be that the person could write to the Licensing Authority and say, "Look, you have brought this to my attention. I have dealt with it. I have now upgraded my situation and I am back in compliance with the regulations". That is why this clause that was there before is useful; that within

a certain period, the person makes representation to the Licensing Authority—not the Transport Board—that the authorization to which the notice relates should not cease. I recommend that this be added to the amendment. It does not take away from it. It improves it, in my opinion.

There is also the question of a change from 28 days to 21 days. I do not know why the Minister has gone from 28 to 21 days. I do not know if it is a typographical error. Perhaps the Minister could tell me. I saw nothing wrong with 28 days. I do not see the reason why he should go to 21 days.

Then, I think he has to apprise the Transport Board. There is nothing wrong with the Transport Board being the appeal authority, but he needs to sensitize them that this is a new matter, something they would not have had to deal with before. So, it cannot be dealt with in the normal manner as the things they deal with now, like dealing with “no entry” and “one way” on certain streets, heavy vehicles and all the other matters with which the Transport Board deals. I think the Minister needs to instruct or advise the Transport Board that they need to set up a separate mechanism to deal with appeals from proprietors whose licences have been revoked. I am not saying they should be in the legislation. I am just saying that as an administrative exercise, he should meet with the Transport Board and advise them to set up, perhaps, a small sub-committee or some other mechanism where they would deal with this matter.

With regard to the Schedules, if we go to Appendix II: suitable accommodation, equipment and inspection pit, there is a description: staff office, public waiting room, brake testing area, parking facilities, hydraulic jack, and so forth. The definition of the pit is very precise—width 2’7” and length 25’ to 33’—but there is no definition of the accommodation.

This brings me back to the whole question of abuse of the regulations, where the authority has the power to cancel a notice. If the definition of accommodation is not tight, there is no real definition on how big the staff room should be and for how many cars there is parking. A vindictive officer could cancel a licence by saying that the person's accommodation is unclean, too small, and there is not enough parking. There is no standard. They are simply stating bluntly, staff room, parking and so forth. There is no criteria to indicate how much accommodation there should be. That is something which needs some attention. I am not saying

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they should hold back the passage of these regulations, but the minimum standards for accommodation in an inspection station need to be properly defined.

Other than that, I note that many of the issues we raised, such as the words “as soon as reasonably practical” have now been replaced with “within 21 days”. It is very welcome that the Government has decided to accept our recommendations in that regard. There are no other serious issues which I would seek to raise, except to caution the Minister that I think he is biting off too much with this five-year criteria, and I think he should reconsider that and perhaps go for seven or eight years. I think one should test the system first and then bring it down in terms of the age of the vehicle, but apart from that, I have no real objection to these amendments. I wish to congratulate the Government for taking on board many of the issues such as the issue raised by the Member for San Fernando West that where companies go into receivership, it would allow the receiver to take over the inspection station.

I thank you, Mr. Speaker.

**The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh):** Mr. Speaker, we on this side, in fact, did take into consideration a number of the issues raised, and were quite pleased to be able to include them so as to tighten all the procedures. All of these procedures were, in fact, laid down before, but we have now included them as part of the regulations. In addition to that, in terms of the suggestion about the preciseness of the staff rooms and other issues in terms of the vehicle testing station; they were, in fact, established and used as the mechanism for authorization of the vehicle testing station. For instance, the company will not be allowed to have the vehicle testing station without the minimum standards that we did set in the establishment of these things. So, the staff room would have been established—the type of facilities they should have—and it is expected to be maintained on a regular basis.

**Mr. Imbert:** I thank the Minister for giving way, but I ask that it would be published. It is not in the regulations now, but I ask that it be published for people to understand.

**Sen. The Hon. S. Baksh:** Mr. Speaker, I am sure that in part of the initial guidelines this was done, but I will make sure that it is part of the published statements so that people will be aware of the minimum acceptable standards for the establishment of their vehicle testing station.

With respect to the increase in the age of the motor vehicles, Members in this House would recognize that many drivers continue to flout many of rules as regards emissions and a number of issues, so we thought that at this time a five-year-old vehicle will be a reasonable vehicle with which to start the testing. We did try to accommodate the increase in terms of 10 years, but we thought that there are many vehicles which after five years start to show signs of deterioration if not maintained properly, especially with the recent use of diesel fuel.

**Mr. Imbert:** Mr. Speaker, could I get clarification on a foreign used vehicle which would have a date of manufacture of 1989 but a registration of 1999? How will that be addressed?

**Sen. The Hon. S. Baksh:** The date of manufacture is the official date: not the date of registration.

Mr. Speaker, with respect to the reduction in the period from 28 days to 21 days, we thought that now that we have very precise timing, based on the suggestions, and it is now a fixed period, it should take into consideration all those issues in terms of ensuring that we are in a position to carry out these things at the specific time. The Trinidad and Tobago Transport Board will be sensitized to the need to be able to satisfy this additional requirement and the urgency in which to do that. As an independent body, they will be able to give us the type of quality assurance so as to guard against anybody who might abuse the authority in terms of the cancellation of authorization of a vehicle testing station.

In respect of the reintroduction of part of Regulation 27D, we need to go to the Senate and during that period I will give consideration to that. On the question of receivership, we have handled that satisfactorily already, and we will be able to look at it during the Senate debate. It is the only issue raised by the other side that in making the amendments, we thought it reasonable to exclude, but we will consider it as we go into the Senate.

Mr. Speaker, I beg to move.

*Question put and agreed.*

**COMPANIES (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar):** Mr. Speaker, I beg to move,

That a Bill to amend the Companies Act, 1995 be now read a second time.

Mr. Speaker, this is a very short Bill comprising three clauses. It is really procedural in purpose in that it gives the Minister of Legal Affairs the power by order to extend the date by which companies registered under the old Companies Ordinance are to apply under the 1995 Companies Act to be continued.

Clause 3 of the Bill seeks to amend section 340 of the Companies Act 1995 by inserting a new subclause (4). The existing section 340 requires all existing companies, known as “former Act companies”, which were registered under the old Companies Ordinance to apply within two years of the coming into force of the Act for a certificate of continuance. The effect of the new subclause has empowered the Minister to extend the deadline for companies to apply to be continued under this new Companies Act.

Mr. Speaker, just for a short while, we can look at the history of the legislation, the New Companies Act 1995, and the substantial amendments that were made by way of the Companies (Amdt.) Act 1997. As one might be aware, that 1995 Act was based on a Caricom model Companies Bill devised in the 1970s by the Working Party on the Harmonization of Company Law in the Caribbean Community. That Bill in turn was based on the Canada Business Corporation Act of 1976.

This was the first Caricom nation to enact legislation based on that Caricom model. The equivalent Act in Barbados came into force on January 1, 1985. In 1979, after that working party put out the model, at the time of publication of the Carifta Working Party Report, Trinidad and Tobago's existing companies legislation, the Companies Ordinance Chap. 31:01 had been in force in Trinidad and Tobago since 1939. It had already become evident that for some time this Ordinance was based on the English Companies Act dating back to 1929, which was very archaic and certainly was not working to suit the needs of Trinidad and Tobago.

**7.05 p.m.**



In 1989 the Government of the day appointed a working committee to look at the model Bill and to come up with proposals. Within two years thereafter in 1991 they produced a new Bill. This Bill was then microscopically examined by a committee which came up with a final version of what was thought to be appropriate new companies legislation for Trinidad and Tobago in 1993.

That Bill went twice to Select Committees of Parliament before there was produced a final Bill, the Companies Bill of 1995. When that final Bill, based on the Canadian legislative model, was ready to go to Parliament in October 1995, it was still apparent to those knowledgeable in company law that it would require substantial amendment before it could work. However, when it came to the Parliament, it was agreed by the then Government that it would be enacted, but it would not be proclaimed until substantial amendments had, in fact, been effected.

Mr. Deputy Speaker, thereafter, in 1996, I was given the task by Cabinet, together with the assistance of a Committee of experts in the field of company law, of undertaking further work and consultations with interested parties on the form the amendments should take. These amendments were translated into the Companies (Amdt.) Bill of 1997, which was passed in both Houses of Parliament by March 21, 1997 and, thereafter, the Companies Act of 1995, together with the Companies—[*Interruption*] I understand the Member for San Fernando West has told me that he does not agree, so I will pilot this as I can. They came into operation on April 15, 1997 by Legal Notice 68 of 1997.

What had happened at that time, two years from that date, is that—[*Interruption*]

Mr. Deputy Speaker, I beg to move that a Bill to amend the Companies Act 1995 be now read a second time. I thank you.

*Question proposed.*

**Mr. Barry Sinanan** (*San Fernando West*): Let me firstly correct the Hon. Minister. In the corridor at the tea break I did not indicate that I did not agree. I am in support of the Bill. What I suggested to her then and am now suggesting is that perhaps the six-month period might be too short. The history of Barbados and also Canada, countries which have similar legislation to our Companies Act, has proven that companies really are very tardy in complying within the time limit.

So that, yes, one would find that in six months' time some of the companies would comply but one would find a majority of those who are not compliant yet will still not be compliant then. You would probably have to come back here in six months' time to extend the time. Unless there is some sort of incentive for the

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companies that have not yet complied with the Bill, for example, you may consider indicating to companies a penalty if they do not comply, because there are many companies on the register, several of which are really shell companies, non-operational, so that some procedure must be developed to have those companies delisted.

If you are waiting for companies to go through some expensive exercise in order to register or to delist, they would not do it. So some form of encouragement must be given to encourage companies to delist. In six months' time you would find that—I think somewhere in the press I read where there were approximately 2,400-odd companies that have not yet complied with the Act, but I am saying that in six months' time I am sure there would be a substantial portion of that figure still not complying with it. I am suggesting that you explore the avenue of encouraging companies to delist by, perhaps, writing the Registrar. One has to check the existing legislation to see whether it permits a simple resolution of a company in an extraordinary meeting, the resolution is filed and the company is struck from the register.

I would like to take this opportunity to pay tribute to the Registrar, as he is here, and his staff [*Desk thumping*] because, since this Act has come into force, it is fair to say that the Registrar and his staff have done a magnificent job in coping with this legislation. It is, in fact, very new and up-to-date, novel legislation, quite different from the old legislation, and the Registrar and his staff have coped very admirably in implementing this new legislation.

I have, on many occasions, appealed in this House to those in authority on the other side, if one wants to use—perhaps “the inner cabinet” as it were—to have a proper registry built in this country. The building that was acquired for the purpose of the registry we all know is now filled with asbestos and some work is going on there. That was purposely acquired for the registry and I would not go into that.

**Hon. Member:** Go into it. Bad deal.

**Mr. B. Sinanan:** I would just say that there is something that does not appear right with that. I see the Attorney General building a magnificent edifice right across the street and I am appealing again, not for the first time—and as long as I am here I would appeal—for the Ministry of Legal Affairs to have a proper registry. This country is on the cutting edge of technology, we are talking about

new millennium and computers and so forth, and you have the Companies Registry in a little hole down on Frederick Street. That is what it is. It is a little hole.

It is a wonder how the staff perform there, and it is a credit to them that they perform under those conditions. So, again, I am appealing. There is the Intellectual Property Registry, the Companies Registry and the Land Registry. The Attorney General laid some Bills in the House last week, I think it was, to revolutionize the registration of land titles and you cannot have that Companies Registry housed down at the asbestos-filled Huggins Building.

We are spending \$56 million or \$80 million, whatever million dollars it is, to have the Miss Universe show and here we have an important function as the registries of a country—they hold the history of every single person's deed and land title and, Mr. Speaker, I do not have to tell you, you are a practising attorney and you would know the state of that registry downstairs. It is infested and hopeless. Anybody practising law would know that it is a hit and miss situation in terms of practising conveyancing and the Attorney General knows it and the Minister of Legal Affairs knows it.

We have an opportunity to build a proper registry and I know the Minister will get up in her reply and tell me about some grandiose plans to put a Registry on the waterfront. Whatever it is, I am appealing to the Government; you have an opportunity to go into the new millennium with a proper registry befitting this country. That is all I am asking the Government to consider.

### **7.15 p.m**

I close by recognizing the contribution of the Registrar and his staff and I am asking the Minister to look to see whether there are some incentives to encourage companies to the list because sooner or later you would have to return to extend the time.

Thank you.

**Mr. Colm Imbert** (*Diego Martin East*): Mr. Speaker, I rise to support the legislation. However, I wish to endorse the point made by my colleague, that it is irrelevant which Government is in power. The fact of the matter is, all of us have to live and work in Trinidad and Tobago and the Government squandered its opportunity to obtain new premises for the registry when it got itself involved in

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that fiasco, where a bunch of bright boys purchased a building on South Quay for a certain sum of money and manipulated the system through the National Insurance Board. A bunch of bright boys who worked together in the past and now hold positions in the Government, a bunch of bright boys who manipulated the system to trick the Government into buying a building filled with asbestos which the Minister had to vacate. It is a tragedy, Mr. Speaker, and it is not just the Companies Registry, it is the Land Registry and I am glad my colleague raised that because if the Companies Registry is a hole, the Land Registry is a cave. I do not know how many persons here went there to look for deeds, but that is a cave.

The Government has a tendency to spend vast sums of money on projects such as the billion dollar airport and the hon. Minister of Trade and Industry and Consumer Affairs and Minister of Tourism is squandering \$81 million on a one-night stand in Chaguaramas. Some vast sums of money, \$1,000 million on the airport, \$81 million on a one-night stand in Chaguaramas. A fraction of these sums could have constructed a proper building for the Companies Registry and Land Registry.

I understand the Minister of Legal Affairs does not have the clout that some of the other Members of the Cabinet have. She could watch me “cut eye”, but she knows it is true. She does not have the clout of the Attorney General who is building a \$62 million monument to himself, and I would urge the Government of Trinidad and Tobago that to enter the modern age, we need to equip the registry with the facilities and resources and I am talking from practical experience.

A title search still takes far too long. A request for a company’s name takes far too long. An incorporation of a company takes far too long and it has much to do with the equipment, the accommodation, and the facilities available to the hon. Minister and her staff. I would ask the Government to take a few pennies from all the billion of dollars which it is squandering all over the country on all these escapades and put it into the Ministry of Legal Affairs. Any businessman practising in this country is hamstrung by the inefficiency of the antiquated systems which are a direct result of the lack of resources allocated to that particular ministry, so I am asking you to deal with it. We are going into the year 2000 and the Government cannot bleat and carry on about what took place in the past, we have to look forward.

I am happy today that this Order has been brought before us to allow the continuance, because it has been the experience of so many other countries that

while the objective of making companies fall in line with new companies' legislation is very laudable, it is simply not practical, and the way the Order is written, allowing the Minister to extend it from time to time is the correct thing to do. I support this Order, but I ask the Government to support the modernization of the Ministry of Legal Affairs.

Thank you.

**Mr. Hedwige Breaux** (*La Brea*): Mr. Speaker, I have heard the hon. Member for Oropouche say we have one supporter from the PNM side. There is another person who supports the Order, I myself. I happen to experience, in a very practical way, some of the problems people undergo in trying to use the Companies Registry.

I dread going there, not because they do not try to help you, but because you see the frustration on the faces of the employees there, not being able to move as quickly as they would like to. Take for instance, you have to get a search done, you look at a little paper binder or whatever and go look through it.

Mr. Speaker, I would have the problem of dealing with a matter from the constituency of Princes Town shortly where people came to my office; they wanted to pay me to deal with it, but I said no, I would deal with it *pro bono* and bring it up in Parliament also. If the Member for Princes Town would give me an opportunity to make this point because I experienced it, I hear people complain about it and I see the staff frustrated in trying to get it done. That is what makes it worse.

It is easy if the staff were not helpful because you could then put it down as being careless, but it is not. You get to the registry and there is a long line of people trying to pay to get a search which costs \$20.00 but you have to line up in a line and sometimes it takes 15—20 minutes to get a search. If there was some way to get it done, the staff wants to do it. So it is important that we try to get it computerized, and get other ways of handling it and, more importantly, I think we need to have more persons there and I would tell you why.

There is a number you put in an article of continuance and then it turns out that the particular company did not file its annual return for four years. Really and truly that should have been brought to the attention of the secretary of the company for some time, but it is impossible with the system there where many of the things have to be done manually. A man has to go in the back to find out if it is there and so forth. I am not making excuses for any previous administration.

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The hon. Speaker would know that some 20-odd years ago or more we were talking about this in another place, when we were both in another place enjoying ourselves. We spoke about modernizing the situation in Trinidad and Tobago so I am not saying it is of recent vintage. It has been here a long time and regardless of who the Government is now, it is something which has to be done.

We do not only need space, but training for the staff. You do not want to have a young person there having to run to the back to talk to somebody else. You need training to the extent that when one goes on holiday, there is somebody to take that person's place, because that Companies Registry is the spot that would tell you how much business is going on, where a lot of the money starts to move in the country and if we have a bottleneck there, there would be problems. We are hearing foreigners or persons who are accustomed to better systems talking about how we are antiquated. We are not. Our people are bright and competent. I am saying let us look at that.

I have noticed that they have been putting out practice directions—which I think is a move in the right direction—where they tell you how to do things. I know of companies who continue for a year and their annual returns have not been filed and their annual returns are going to be more detailed. There are various parts of the Companies Act, stated capital, and so forth. So we need to have an area and a cadre of experts in there who would be able to guide people along because anybody could continue a company, anybody could form one, and then what you would find is there would be another pile up of companies that are not in proper shape within a few years. I am saying, do not only look at the buildings.

I support my colleague fully, but we need a cadre of experts in there more than we have now and not just to pile people on people, but to keep things in shape.

Thank you.

**The Minister of Legal Affairs (Hon. Kamla Persad-Bissessar):** Mr. Speaker, the hon. Member for San Fernando West raised the issue about the length of time that we propose to extend the time-frame for a file applying for a stay of continuance. In the other place, I indicated that initially we were thinking of a six-month period and he is of the view that the six months is too short and I would need to return to the Parliament. It seems that the non-lawyer understands it better than the lawyer, with the greatest of respect, because if you read the three-clause Bill carefully, it allows the Minister, by Order, to extend the time, and the

Minister can do so from time to time. So we do not have to come back in the event that further time is needed.

The six months was not chosen arbitrarily. We had received letters and requests and calls from the Law Association, the business community and many interest groups with respect to extending the deadline and it was based on that sort of consultation that it was felt that we should do so initially for six months and within that time we could monitor and see how it is proceeding, how many companies are filing and coming in and we could thereafter extend further if we need to. So the wording of the Bill is very clear, it allows for further extensions should that need arise.

On the other issue—and I want to thank hon. Members for the support for this Bill and for their concern—with respect to the conditions under which persons of the various registries: Land, Civil, Intellectual Property and the Companies Registry operate in terms of the physical accommodation.

Mr. Speaker, whilst I am very happy to hear about their concerns, I am very surprised that the Member for Diego Martin East who was the Minister of Works and Transport for all those years is talking to us about a building for the Ministry of Legal Affairs, about the Red House being a cave, when all he seemed to have found time for—when he was the Minister of Works and Transport—in dealing with this Red House was to take the dragon from the Red House and put a dove or corbeau on top of it. Maybe that is why he saw it as a cave. He never saw it as something that he could better, or that he could deal with, or do renovations and repairs.

**7.30 p.m.**

So, I agree with hon. Members that those records should be housed in better accommodation. It is interesting and I want to make it very clear to hon. Members of this honourable House that when the Ministry of Legal Affairs was relocated to the Huggins Building, we moved there as tenants. All transactions dealing with that were handled by the Property Management Unit of the Ministry of Public Administration and that was done in terms of whatever checks were done to allow us to occupy that building as tenants. Thereafter, if the building was purchased or if the building was sold, the Ministry of Legal Affairs had nothing to do with that. That was handled totally elsewhere.

So that we went into the building which was found for us by Property Management, which is the proper unit to find accommodation for the Ministry of

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Legal Affairs and, as history would have it, it turned out that the building, as they have said, was riddled with asbestos. We vacated the building but, I want to make it very clear, that at this point in time, work is continuing on that building. They are removing the asbestos and they are refurbishing and renovating the building.

I agree with the Member for San Fernando West that that is not the ideal location for all the registries of the nation, to house all these documents and historical records of the nation relating to land, companies and so forth. But it had to be that we had to find somewhere that would provide an interim measure of accommodation because we had none whatsoever. So, I agree that it is a hole at the Companies Registry and it is a cave there.

So that initially, this was the interim measure that was taking place. Since then, the Ministry of Public Administration together with other Ministries, has brought to Cabinet a proposal for the design, construction and building of a building to house the registries and to house the Ministry of Legal Affairs. So, that is on the cards but, as I have said before and I will repeat again, it will be a longer-term project. So, in the interim, we will be there. It is not the best in the world but, certainly, it is better than where we are now.

Mr. Speaker, all this has happened within the last three years and there is some light, there is some hope, as compared to the 34 years about which the Member spoke when they were a democratic government in this country. For 34 years, nothing was done with respect to those registries. Nothing whatsoever and that is why they are in the condition they are in now.

**Mr. Breaux:** A lot was done to educate you.

**Hon. K. Persad-Bissessar:** I want to join with Members in paying tribute to the Registrar of Companies, Mr. Francis Sandy, who is in the Chamber, for the fantastic work he has done in that registry with his staff. As the Member for San Fernando West said, the new legislation, not only for us, but elsewhere, is not easy to deal with and to handle, but they have credited themselves very admirably in the conditions that they are.

Contrary to the view that the searches for names is a process that is taking forever, I am advised by the Registrar, and I have no reason to doubt his word in this regard, that name searches now take a period of one to three days. Where it is there is a situation of 17 days, as was mentioned by the Member for Diego Martin East, those situations arise where the Registrar is of the view that there is some difficulty in the name that one has applied for approval.



So, for example, if someone comes with a name and the person is calling it Imbert's Pizza Hut, or if there is Royal Castle, because there is an existing business name of Pizza Hut and Royal Castle, the Registrar has to exercise a discretion—he has to look at the similarities and he has to look at the fact that there is an existing company that this one could be poaching on and, therefore, infringing trademark rights and business name rights of another company—where those situations arise, and the law is very clear when it comes to business names.

We talk about modernization of the Companies Registry. Again, I am very much aware—

**Mr. Bereaux:** Before the Minister moves on, would she indicate how a person would know that a name has only taken three days as opposed to the regulation 10 days? You see, you normally have a statement made, “10 working days”. *[Interruption]* Please, we are talking about professional matters. It does not concern you. If you have 10 working days, then you know you would go back in 10 working days, so there could be some difficulty in benefiting from the shorter period. That is what I mean.

**Hon. K. Persad-Bissessar:** I am advised by the Registrar on that very issue where he has pointed out that despite persons being told when to come back for the results, many of them do believe that the results would be posted to them and, therefore, await that posting and do not come in. This is what I am advised by him.

But, on average, what he is saying to me—and this is very important because I was going on to the point of the modernization of the registry—what has happened over the past year has been remarkable in that Companies Registry with respect to the modernization project. Last year, 1998, I had gone to Cabinet for additional persons to be hired for the Companies Registry. That was approved and their duties were to check computer listings; to check for business names; to provide additional clerical support for that process, and so today, for the first time in this country, at the Companies Registry, there are databases with basic but very accurate information on business names and on companies which never was before on computer.

In this new scenario now, we can provide, within three working days, approvals of applications of business names. Of course, where the holiday intervenes for a week like the long Easter weekend, and a peculiar situation has arisen over the last couple weeks because of the flurry and the frantic sort of filing

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for certificates of continuance, that has been taking place with that deadline coming forward, but for this year and part of last year, within one, two, three working days, these approvals for business names, I am advised, were being processed because of this new computerization which has taken place there.

Mr. Speaker, in addition, in October of 1998, software engineers employed with TechLead which is Integrated Computers Limited's business partner, visited our registry here to commence work on the design of software. So, on database, there are 27,000 registered companies in this country. Out of those, to date, about 4,000 have applied for certificates of continuance. That leaves us with a mass number to be filed. This is the reason for this amendment and to extend the deadline. All those 27,000 companies are now on computer. That has been done within the last year for the first time; that has been placed on computer.

In addition, we have done that without having a proper design of software because we have had to go through the whole process since I have come into the Ministry in terms of the tendering process for a contract to have hardware and software supplied and installed at the Companies Registry. That has taken place. In fact, all the hardware for the project arrived in Trinidad and Tobago towards the end of last year, 1998, so that we are well poised in this new year to go forward with that full computerization process of what is happening with the records of the Companies Registry.

So, the engineers came. What they are doing, we have on database our programmes; we need to design a specific computer software that will be tailored and custom made to suit the needs of the Companies Registry. This is what the contract was awarded for; the engineers are working on it and I was just advised by the Registrar that they are due to return some time later this month, so that they have been working on it from last year to this year and we should have something there completely installed.

Now, the problem I am facing, and it is happening not just here but also in the other registries, is the difficulty of the mass of data that will have to be input into the computer database and that means the hiring of a massive number of persons if we want to get it done within a certain time-frame.

For example, in the Lands Registry, there is something like 7.5 million pages of deeds that will need to be scanned, imaged and put into the computer and indexed. If it is we go at the normal rate, we are looking at 10 years if we continue with what we have at the moment in terms of staff and personnel. I have

approached Cabinet for approval for hiring staff for that very purpose of doing a mass sort of data entry during the next year. If that gets Cabinet approval, I am saying within a year, that the Companies Registry and the Land Registry will be well into the modern age into the year 2000 in terms of the computer databases.

So, all that has been happening in the last two to three years. All this, in terms of the modernization process, has been happening. The most major problem that we face is the one raised by hon. Members on the other side and that has to do with accommodation for the various departments of the Ministry, which we are hoping to get through the Ministry of Public Administration.

Again, the Ministry of Legal Affairs is not like the Ministry of Works and Transport, it does not construct buildings. It is not like the Ministry that deals with property management in terms of sourcing accommodation for itself. That is done by other departments and ministries of government. We are working with the Property Management Unit and, as I said, Cabinet has approved the design part of the building to house the Ministry of Legal Affairs.

I again thank hon. Members for their concern and support and I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

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

*House resumed.*

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

#### PROCEDURAL MOTION

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, just a procedural Motion. May I move that the House do continue to sit to resume debate on the Constitution (Amdt.) (No. 3) Bill, 1998.

**Mr. Speaker:** Hon. Members, the question is that this honourable House do continue to sit until the completion—

**Hon. R. L. Maharaj:** No. Just to continue debate.

**Mr. Speaker:** I shall correct myself. The question, hon. Members is, that this House do continue to sit for debate on the completion of the—

**Hon. R. L. Maharaj:** Continue, not complete.

**Mr. Speaker:** Okay. I have got it. The question, hon. Members, is that this House do continue to sit for debate on the second reading of the Constitution (Amdt.) (No. 3) Bill of 1998. Is that it?

**Hon. R. L. Maharaj:** Yes.

*Question agreed to.*

**7.45 p.m.**

**CONSTITUTION (AMDT.) (NO. 3) BILL**

[SECOND DAY]

*Order read for resuming adjourned debate on question [March 12, 1999]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Speaker:** Hon. Members, when the adjournment was taken, the Member for Tobago West was speaking. I believe she has a balance of some 30 minutes on her normal speaking time. I call on the hon. Member to continue.

**Miss Pamela Nicholson (Tobago West):** Mr. Speaker, this is scandalous. This extreme behavioural pattern that is undertaken here tonight by the Member for Couva South is really scandalous.

The Member for Couva South is very excited about amending the Constitution to take away the independence of the Service Commissions. He seems to have a problem with the Judicial and Legal Service Commission. He wants to interfere, yet he does not want the people to hear the contributions that are taking place in the House. [*Desk thumping*] No, it is really scandalous.

After I was abruptly halted during my contribution on the last evening when this Motion was being debated, again the Attorney General returns and he does almost the same thing, this evening—total trickery, despicable behaviour. Crude. No, when it is said that something is wrong with this Government, I defend them very stoutly. Up to yesterday I was defending them. It is disgraceful that at such an important debate, the Leader of Government Business would adopt an approach such as this one. I must object, and I object strenuously to this approach. I do not feel that this is the right way to go.

Members have been here from 10.30 a.m.—totally tired. My dinner hour is 6.30 in the evening, Sir—very important to me. One has to come back here, and this is what one must accept from this minority Government, of which I was a part. I put them there. [*Desk thumping*]. This is a painful situation. However, Mr. Speaker, you know that I love the people. I have sacrificed my life to them, that is why they are seated there. [*Interruption*] You are someone whom I do not like to trouble, because you will not be able to go home when I am finished with you. Leave me alone.

Mr. Speaker, I would like to review what I said on the last evening, so that a continuous approach to my discourse would be given to the House. As I said last evening, I am extremely surprised to know that I am here to observe in this, the Lower House of Parliament of Trinidad and Tobago, a debate on a Constitution (Amdt.) Bill whereas it is enacted by subsection (1) of section 54 of the Constitution that:

“Subject to the provisions of this section, Parliament may alter any of the provisions of this Constitution or (in so far as it forms part of the law of Trinidad and Tobago) any of the provisions of the Trinidad and Tobago Independence Act 1962.”

I remember that a debate on a Constitution (Amdt.) Bill similar to this one was attempted by the former government in 1994, especially after the government was rebuffed and silenced by the people of this country. I could not believe, it was the grouping, the total society including the UNC did that—rebuffed the government. Today they are here doing exactly the same thing—even worse.

In 1994, the Constitution (Amdt.) Bill only addressed the Police Service Commission and its administration. While, tonight a broad brush is passed over all service commissions, including the Judicial and Legal Service Commission—with which the Attorney General seems to have a problem—that is always historically distanced from politics. It seems as though there is some urgency within him to try to control and politicize this institution, and the Government itself, to implement an authoritarian system of government on the people. [*Desk thumping*]

I know that there are problems, as I said on the last evening, at the commissions. As I asked last evening: has this Government made any effort to resolve these problems before rushing to interfere with the Constitution? I noticed that a few days after our discussions here, the hon. Prime Minister called the Public Service Commission, but they were playing hide and seek again after that. No one could say what went on in that discussion.

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It is my view that many or all of the issues raised can be resolved by reform. The Constitution does not have to be interfered with to reform those problems.

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.”

This is what the Attorney General is telling us. I believe that this claim by Government is incorrect.

Sections 127 and 129 of the Constitution shows that the Prime Minister is already involved with the service commissions in relation to the methods of their functioning. Section 127(1) 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...”

Section 121 also states what can take place. Section 121 states that the Prime Minister can veto. Section 121(5) states:

“Subject to subsections (6) and (7), subsection (3)...”

Section 121(3) also states:

“Before the Public Service Commission makes any appointment to an office to which this subsection applies, it shall consult the Prime Minister.”

Those positions that were referred to are: Permanent Secretary, Chief Technical Officer, Director of Personnel Administration and heads of departments.

**7.55 p.m.**

We therefore have a situation where the Prime Minister can communicate with the commissions and with the chairmen of those commissions. Therefore, he has the scope to open up problems he has to these people. The Prime Minister is

deeply involved and, in this free and democratic society, he can call on them to resolve those problems.

Secondly, there is also an Appeals Board and section 132 shows that public officers can challenge the decisions of the service commissions by appealing to the Appeals Board. This is another area of control. So, to say that the conditions are unfettered and that there is unrestrained power is untrue. What is needed here is that the Government should reform the administration of justice at this level by accelerating the determination of appeals made to the Appeals Board. This can be done without altering the Constitution or politicizing and controlling the commissions.

One can give teeth to the rules and regulations that govern these institutions by accelerating the determination of justice. Because at the Appeals Board, one can have, as I said earlier, a young dynamic judge, there can be people with the management training who can function from day to day to resolve problems swiftly. I remember that the Member for Oropouche argued that they only function when they want. I am saying that the regulations can be tightened, telling them how they have to function, giving them efficient, quality staff and also paying them proper salaries.

Thirdly, there is a judicial review, as was witnessed in the *Endell Thomas* case. To say that the commissions cannot be taken to court has been nullified when Justice Crane took the Chief Justice to court and won. He is deemed to have been denied the natural justice to which a Chief Justice, of all persons, should be the prime judicial proponent.

Mr. Speaker, reform, yes, since it is to give more teeth to the institutions and to speed up justice at the Appeals Board, but not politicization of the service commissions, because independent commissions are necessary to insulate the public service from political invasion [*Desk thumping*] as Governments change from time to time. But one sees the urgency of this Government wanting to politicize the commissions. Is the Government stating that Joint Select Committees are needed to investigate the President of this country? One gets that impression also, because it is the President who appoints the commissioners to their positions.

Mr. Speaker, I believe that the important question here is one of trust. That is at the heart of our political independence and in 1962 it was at the heart of the debate for this multi-ethnic society. It seems to be a more primary question today,

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because people do not trust the Government. [*Desk thumping*] After experiencing a number of things like the NFM case, the Soodhoo case and the Airports Authority where a commission of enquiry was set up to investigate the airport contract, a report was given to the Government, the Prime Minister came to this House and said he would take action and no action was taken. People do not trust, and that is important.

It was because of that position of trust, since 1962, that one had the situation where the Leader of the Opposition DLP, at the time, Dr. Rudranath Capildeo, argued, and he did not give in. It was not until the other side gave in that one could have independent service commissions. He also argued for the two-thirds and three-quarters majority for changes in the Constitution.

Mr. Speaker, it clearly seems that, because of the significance of this amendment, we have to follow that position that was implemented since 1962. It clearly seems to require a two-thirds majority. Professor Bridget Brereton, in her book *History of Modern Trinidad 1783—1962*, strengthens this case, especially on page 248, “Free At Last 1958—1962” which deals with the situation when Dr. Williams compromised his position to the DLP. So, the independence concept was instituted to prevent the politicization of the commissions.

There was also the two-thirds and three-quarters majority of both Houses entrenched in the Constitution as requirements for major constitutional changes, and this is a major constitutional change. So the argument about simple majority is totally wrong. Mr. Speaker, the Bill proposes the setting up of Joint Select Committees to scrutinize and report on the Service Commissions.

**Hon. Member:** You all are ungrateful.

**Miss P. Nicholson:** He knows I could do my homelessons. Do not take him on. Mr. Speaker—[*Interruption*] I do my homelessons and I have my permission.

I want to first of all do some work on the contributions that were made by the Attorney General and the Member for Siparia. I have already indicated that I cannot support this Bill with the Government just imposing its will upon the people. If one is to interpret the Attorney General throughout his contribution, he has always talked about the people’s rights, yet he is hiding to debate the Bill. But it is people’s rights! What should happen is that this place should close down and he should go on the street to have a referendum. Let the people have a say in what is taking place. That is what should be happening. [*Desk thumping*]



All he wants to do is politicize the Ministries to be able to employ people, fire people, transfer people; to put in who he wants to be the judge. That is what he wants and that is why he is not withdrawing. All the problems raised can be resolved through regulatory reforms. *[Interruption]*

**Mr. Speaker:** I am sorry to stop the hon. Member in flight, but it is after 8.00 p.m.

**8.05 p.m.:** *Sitting suspended.*

**8.47 p.m.:** *Sitting resumed.*

**Miss P. Nicholson:** Mr. Speaker, as I was saying earlier, I really do not feel that there is this urgent need for the amendment of the Constitution. I feel that if one is to interpret the Attorney General throughout his contribution, when one reads it, one sees that he is continuously talking about this being for the people's rights, but the rights of the people through the Parliamentarians. It is not a situation of taking an important decision like this—he wants to amend the Constitution to interfere with institutions like the Public Service Commission, the Judicial and Legal Service Commission, the ministries, the state enterprises.

I believe that to make this change, it is important that the matter is taken to the people instead of coming to the House and trying to make this change in a devious fashion as we are experiencing here tonight. That is my feeling. One gets the impression that the purpose is for politicizing institutions like the service commissions where one can also politicize the public service. So, all the problems, in my view, can be resolved through regulatory reforms rather than altering the Constitution.

Mr. Speaker, I believe that even if the Constitution should be amended, there should be, as I said, full consultation with the people. As the great American President, Abraham Lincoln said in his inaugural speech:

“This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or their revolutionary right to dismember or overthrow it.”

Is the Government begging for this?

The people have said, “Withdraw it”. Eminent jurists spoke out; the media; the public service union; other unions; the associations; the doctors—everybody—and I think that the population at large is speaking out as well. We read the

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newspapers every day. There are letters to the editor and they are all saying, "Withdraw it". They can make this an issue and go to the people with it. When the people say that it should be implemented, it should then be implemented, but one sees that the Attorney General and the Government are determined to go forward with this amendment.

Mr. Speaker, I wish to state that I was very disappointed with the rather dubious and confusing contribution made by the Member for Siparia in her effort to justify her viewpoint that all that is required to pass the Bill is a simple majority and not a special majority of two-thirds, even though the foundation of the service commissions was built around a special majority concession at Marlborough House in 1962. That is critical. It is the foundation of our Constitution. [*Desk thumping*]

**Mr. Hinds:** That is the point!

**Miss P. Nicholson:** Mr. Speaker, the Minister of Legal Affairs made efforts to justify that the independent commissions which form the cornerstone of the Constitution can be altered by a simple majority, and she said that sections 53 and 54 were the areas needed.

"Mr. Speaker, the Trinidad and Tobago Act of 1962 of the United Kingdom may not be altered except in accordance with the provisions of section 54."

That is what she was saying. Then she quoted section 54 to outline the sections which require a special majority. She said that section 54(1) states:

"Subject to the provisions of this section, Parliament may alter any of the provisions of this Constitution or (insofar as it forms part of the law of Trinidad and Tobago,) any of the provisions of the Trinidad and Tobago Independence Act, 1962."

She said section 2 said that insofar as it alters sections 4 to 14, 20(b), 21, 43, 53, 58, 67(2), 70, 80, 101 to 108, and 133 to 137. Mr. Speaker, she said that section 3 in its application to any of the provisions of the Bill for an Act under this section shall not be passed by Parliament unless the final vote thereon in each House is supported by the votes of not less than two-thirds of all the Members of each House.

The hon. Member for Siparia argued that nothing in this Bill is altering any of the provisions in sections 54(2)(b) of the Constitution and, as such, only a simple majority is needed because it does not, in any way, alter any of the entrenched

provisions of the Constitution. That is totally wrong and I disagree with that argument.

The strategy that the Minister of Legal Affairs and the Attorney General and the Government are using is to market the position that the proposed section 66A refers only to financial accountability. That is why this Bill is inserted in section 66 of the Constitution that deals with money matters; to cloud the minds of the people. However, the proposed section 66A introduces new regulations into the Constitution, as far as the service commissions are concerned. For example, joint select committees are to scrutinize and report to both Houses of Parliament in respect of the administration and functioning of the service commissions.

These new regulations certainly alter the way in which the service commissions were designed to function, which is contrary to sections 120 to 125 of the Constitution and covered by section 54(2). The proposed section 66A, wheresoever it may be inserted in the Constitution, impacts upon sections 120 to 125 and alters the meaning of its function, that is, the service commissions and its intent. As such, a special majority of two-thirds of the Members in both Houses is required for the passage of the Bill. *[Desk thumping]*

Mr. Speaker, I am very SURPrised that the Minister of Legal Affairs has joined this grouping to want to politicize and take control of our independent service commissions in this surreptitious and false way. The Government, through its minority control, *[Laughter]* is intent on intimidating the commissions for its own interests. I feel so very strongly and the whole country feels that way.

Another area of concern, Sir, is section 136(15) which deals with the removal from office by presidential tribunal, and includes the office of the Ombudsman, a member of the Elections and Boundaries Commission, a member of the Integrity Commission, a member of the Service Commission, a member of the Salaries Review Commission; and this same section 136 is included in section 54 which gives these commissioners immunity from political interference and where a two-thirds majority will be required before any alteration can be made. Mr. Speaker, that is very important to note.

**9.00 p.m.**

Mr. Speaker, when I look at the Bill, 66A(1)(a) says:

“...Select Committee which each House is empowered to appoint under its Standing Orders, each House may appoint Select Committees or Joint Select

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Committees, to investigate and report to that House or to both Houses as the case may be, on the powers and methods of functioning of, and criteria adopted by, Service Commissions, Ministries, Statutory Authorities and enterprises controlled by or on behalf of the State...”

While I do not—

**Mr. Speaker:** Hon. Members, the speaking time of the Member for Tobago West has expired. *[Interruption]*

*Motion made,* That the hon. Member’s speaking time be extended by 30 minutes. *[Hon. K. Persad-Bissessar]*

*Question put and agreed to.*

**Miss P. Nicholson:** Mr. Speaker, the Bill proposes the setting up of Joint Select Committees to scrutinize and report on service commissions, ministries, statutory authorities and state enterprises owned or controlled by the state. After close observation it is significant to note that there is no mention of the Tobago House of Assembly. Since there is no Tobago House of Assembly, I would like the Attorney General to tell us—I do not subscribe to this approach because I believe that there are other institutions and all that is required to deal with the question of transparency and accountability of these institutions is to tighten the regulations and the laws surrounding them. I believe so, but I tried to look at it from the approach of the Government and the Attorney General and I did not see the Tobago House of Assembly.

Since there is no mention of the Tobago House of Assembly, I would like the Attorney General to tell us how Tobago fits into this amendment, or how is the Tobago House of Assembly affected by this amendment. Even if I were to support this constitutional amendment, a prerequisite would be that the Tobago House of Assembly be included among the bodies that are identified for scrutiny and monitoring. If your approach is the one that we should implement, where is the THA? It should be included for scrutiny and monitoring if the intention of the Bill is to ensure, according to you, accountability, transparency and openness in a free and democratic society. I ask the Member for Couva South, why is the Tobago House of Assembly not included, since accountability and transparency are critical issues?

**Hon. T. Sudama:** Would the Member give way to a question? *[Interruption]*

**Miss P. Nicholson:** Since I believe that the Tobago House of Assembly is confronted with these problems, I have raised those questions with this

Government in their Cabinet for several months about the whole question of accountability in the Tobago House of Assembly, even down to the budgetary debate I raised that question. Month after month I have questioned, where are the financial rules of the THA?

Mr. Speaker, if this is the approach, when one looks at the Tobago House of Assembly Act, 1996, section 52 says:

“Within two months of the coming into force of this Act, the Assembly shall, subject to the approval of the President, make such Financial Rules as are necessary for the proper management of its finances and such Rules shall, when made, be laid in Parliament.”

To date, the financial rules governing the Tobago House of Assembly have not been laid in Parliament. To date this has not been done. Is Tobago a part of the unitary state of Trinidad and Tobago, which demands that the THA functions in keeping with section 25(1) of the Act? When one looks at section 25(1), Functions of the Assembly, one sees:

“Without prejudice to section 75(1) of the Constitution, the Assembly shall, in relation to Tobago, be responsible for the formulation and implementation of policy in respect of the matters set out in the Fifth Schedule.”

But note, “without prejudice to section 75(1) of the Constitution”.

Mr. Speaker, section 75(1) of the Constitution says, and listen to it:

“There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible therefor to Parliament.”

This is the role of the central government. So the exclusion of the THA in the amendment concretizes the feeling in Tobago that the central government no longer recognizes its role and function as far as Tobago is concerned. [*Desk thumping*]

Mr. Speaker, I would give examples to show their performance. Their behavioural patterns towards Tobago tell one this. According to the Constitution all public servants are employees of the Government of Trinidad and Tobago and the THA functions not as a government by itself. As such, the Public Service Commission, the central government and all the employees in the public service in Tobago are employees of the Government and because of that, it is felt that they

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should be under the jurisdiction of the Public Service Commission as far as employment, promotion, discipline, transfers and so forth are concerned.

Mr. Speaker, there is a situation in Tobago at present where the Public Service Commission, the DPA and CPO are totally ignored and this Government is not doing a single thing to address those problems, yet they come here and say that they want transparency, accountability and openness and the THA is not included in the amendment. The public servants of the Tobago House of Assembly are under you and you are not doing anything at all to address that.

**9.10 p.m.**

Mr. Speaker, there is a situation where in the Tobago House of Assembly the Executive Council led by the Chief Secretary is creating posts. It is creating institutions, appointing people, firing people, and transferring people. The public service in Tobago is totally politicized. Many of the public servants have been silenced by fear and this Government which has the role of addressing that particular issue in Tobago is doing nothing. The exclusion of the Tobago House of Assembly in the amendment Bill strengthens the argument. If the Attorney General's line is the line which we are to take there seems to be a political pact between the Government and the Tobago House of Assembly, since the Government is allowing and even facilitating the setting up of a parallel public service in Tobago.

Mr. Speaker, there are some real jokes. Recently, there was the labour secretary of the Tobago House of Assembly who had a function in Tobago—a training programme—and, of course, the Minister of Labour and Co-operatives was invited to the opening programme, and the Secretary for Labour in the Tobago House of Assembly is now asking the Cipriani Labour College to apologize for allowing the Minister to speak last in the function. They are absurd and rude. The matter has reached an extreme position right now. The Oilfield Workers' Trade Union received their letter—that is NATUC—for them to apologize to the THA secretary and to follow protocol. This is where we are at, and it is a frightening situation as far as Tobago is concerned because people are asking: are we independent? Is Tobago independent, because of the role of the Government? Yes. He said they have to apologize because he would get rid of the training programme run by the Cipriani Labour College from the Tobago House of Assembly.

Even my colleague, the Member for Tobago East, went to another function at Pizza Boys in Tobago and he had to quarrel to get on the platform. He had to tell

them that if he was not given an opportunity to speak he would walk out of the session. The Chief Secretary had to talk and they appeased the Minister by telling him they would allow him to say something after. This is the extreme situation that we have in Tobago. Is Tobago independent? Is it independent and this is why they have excluded it from their thinking? If they are saying that they have to amend the Constitution by looking at the ministries, service commissions, state enterprises, and statutory authorities, why have they left out the Tobago House of Assembly? Have they implemented independence on the people of Tobago in a surreptitious way? Because this is how the public servants are beginning to feel.

Minister Kuei Tung in his budgetary contribution said that he was very concerned with what is taking place as far as how finances were spent in Tobago, although he came recently and said he found they are going sweet—in trying to appease. Probably that is why we are asking if there is a pact. People are spending \$30 million and \$40 million on one road and there are no engineers even though there are engineers in the Tobago House of Assembly, no surveyors to survey, no acquisition procedures gone through, people's lands are just being bulldozed. What are they doing? *[Interruption]* If they are communicating—

Mr. Speaker, I seek your protection from the Member for Pointe-a-Pierre please.

**Mr. Speaker:** Hon. Members, any time in my deliberate judgment, the noise or the heckling gets too much, I would intervene. I did not really think that the disturbance in the House was of such a nature that it was necessary for me to intervene, but inasmuch as the Member has sought my protection, she is entitled to protection and whether Members on the other side are making “monkey face” or making signs, or saying things which are possibly distracting her, that is not honoured.

Would the Member please continue.

**Miss P. Nicholson:** Mr. Speaker, I think it is critical that I raise the Tobago question re: the Tobago House of Assembly here, because I did not see it in the Bill.

There is a situation where the Chief Secretary and his Executive Council are creating posts and recruiting persons to fill these posts without even advertisement, interviews, setting salaries, and without any proper conditions of service. No reference whatsoever is made to the Public Service Commission, Department of Personnel Administration, or the Chief Personnel Officer. So leaving out the Tobago House of Assembly in this Bill means that in this approach

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there would be no transparency and accountability because no attention is paid to tightening up the financial rules or anything like that by the Government, and the Tobago House of Assembly Act states that should have been done some two months after the 1996 Act was implemented. It is over two years and that has not been done. The central government is ignoring its role. It is not functioning in Tobago. The central government is in charge of the public servants in Tobago.

Mr. Speaker, right now, independent accounting units are being set up in various divisions in the Tobago House of Assembly and this is addressed by the Executive Council of the Tobago House of Assembly—politicians. My concern is, how are the capabilities of persons who are appointed to head these divisions assured? How are the appointments to these positions determined? Is it by political affiliation, closeness to members of the Executive Council, or is it management capability? What are the guidelines used for the disbursement of funds within these units? When the budget was addressed, it was not that structured. What is the role of the Comptroller of Accounts and the Auditor General in ensuring accountability in the Tobago House of Assembly? If we are speaking about accountability and transparency, these are some of my concerns with regard to the Tobago House of Assembly.

Mr. Speaker, young persons who are going into the Tobago House of Assembly to work are only getting three-month, six-month or one-year contracts. There is no security of tenure and then they run to their parliamentarian asking if they could get into the police service or teaching, because of the whole situation. It is a total political and administrative mess in Tobago right now in the Tobago House of Assembly. Public servants in the Tobago House of Assembly are in limbo, totally demoralized and even intimidated into silence and fear, as a result of the large number of retired persons and political agents who are re-employed to work alongside them, or placed in positions that are rightly theirs, or these same people are coming there to give them instructions.

Mr. Speaker, the average salaries for these re-hired and contracted persons range from \$10,000—\$15,000. They have travelling allowance, housing, car loans and even cellular phones while the public servants have to do all the work and their salaries are \$3,000 and \$4,000. This is done even in defiance of the Cabinet policy for the employment of contract officers in non-established positions. They do not have the power to do that, but the central government which should be



addressing that THA problem has not been doing so, but they are coming to tell us about transparency and accountability in this place.

Mr. Speaker, I am hearing the words: When I was there, I did it every day, that is why I am sitting here today. I am the obstructionist. This also occurs in a unit called the Policy Research and Development Institute. That unit has been created, it has its own budget unapproved by the Minister of Finance, sets its own terms and conditions of service, while the Tobago House of Assembly has a Planning Division with a Director of Planning and staff, so those public servants are left in cold storage; set aside there with nothing to do. They are the public servants of the country which the Constitution says belong to the central government, and the central government of Trinidad and Tobago has never functioned since 1997 or played its role as far as the Tobago House of Assembly and Tobago are concerned.

I am asking the Attorney General, is that why he left it out? Is he giving us independence in a surreptitious fashion? Because this is how the THA is functioning and the Government says nothing. For example, in the Tourism Division, the person who was the Manager of Tourism, who was put to act by the Public Service Commission based on recommendations from the same Tobago House of Assembly is now in cold storage, while the Tobago House of Assembly got another public servant “buy over” to resign his public servant job and be made Deputy Director of Tourism on contract by the Executive Council of the THA. The other person is in cold storage with nothing to do, even though she is qualified in tourism, and the Deputy Director has no qualification in tourism. The public service union, and everybody are very concerned. It is a total political and administrative mess.

I am saying if that is your view, Sir, and if you are dealing with openness, transparency and accountability, where is the Tobago House of Assembly? Are you telling us tomorrow you would announce to the people of Tobago that they are independent without us having a say, without knowing from where the money would come to run Tobago and so forth? I hear they are flying out and looking for funds because you told them they can look for money on their own. So that they are earning \$10,000 and \$15,000—some are getting \$20,000 per month—whereas if they follow the financial regulations which should have been laid in this House almost two months ago—you should see the positions the THA accounting units created which should have had Cabinet’s approval—and the Chief Personnel Officer would have set the salaries.

In the Information Division, the Secretary for Information and Tourism fired the whole division, transferred some, even employed a former UNC Councillor

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who was in the San Fernando Borough Council recently. She is getting \$15,000 a month and she is hardly seen in Tobago. That is what is going on. I do not have to say more, I have made it absolutely clear. This policy decision of the Cabinet deals with employment on contract, and public officers in non-established positions in ministries and departments. The Chief Personnel Officer is important here and the Tobago House of Assembly must function in that direction, you are the Government, you are in charge of the public service and the public servants in Tobago.

There is an article by the retired head of the public service, "Perils of the Public Service" by Reginald Dumas which is a very important and good article.

This is what he said. *[Interruption]*

**9.25 p.m.**

No, I am saying I see you can use it. Note, I was very clear, because we already have committees in Parliament. I am saying all that is needed is that those committees should be tightened with regulations. You do not have to interfere with the Constitution. I have made that very clear, but I am saying if you have to look at it in your direction which I feel I must raise, too, because I do not know if you are going to bulldoze that through both Houses, I must raise the Tobago question. This is Reginald Dumas. He says here:

"A public officer is defined in section 3 of the Constitution as 'the holder of any public office' and the THA Act says that the Chief Administrator, but not apparently, any other public servant in the THA is to be such an officer."

We have a confused scenario. He also went on to talk about:

"Are the public officers of the THA within the meaning of the Constitution?"

The first thing you have to do, hon. Attorney General, is clean up Tobago. If Tobago is a part of Trinidad and Tobago, you must review the flawed Tobago House of Assembly Act, 1996, that we have governing Tobago. That is what you should be looking at first. Clean up all the problems there; bring the Financial Regulations here; get the Tobago House of Assembly to function in the way in which it should function. You, the Government, should function; implement your role.

I do not know if the head of the Opposition, he is usually the head of Finance Committee, Mr. Valley, the representative for Diego Martin Central, perhaps will

be prepared to receive the financial report coming from these newly created monsters that we have in the Tobago House of Assembly—endless monsters. I do not know if you all will be prepared to tighten up those things and be prepared to accept them because there is a crisis.

You have the Tobago House of Assembly with its own scholarship fund, beside all that there is for Trinidad and Tobago. I am not against that but they do not advertise any positions; they do not interview anybody, so that all the students in Tobago can apply if they want one. Special people are now being sent to the Grenada Medical School while we have our medical school in Trinidad and Tobago, and I am not sure if the Medical Board is accepting the credibility of the Grenada medical school. So, after these people study and come back, what will be their positions?

We also have another situation. A number of them have called me, “No money.” They were given scholarships but no money after some months. Total crisis.

Mr. Attorney General, representative for Couva South, if you are talking about amending the Constitution in this way, the Tobago House of Assembly must be one of your institutions. It cannot be just ministries. You have to say ministries, the Tobago House of Assembly and all the others. Before you do that, you have to clean up the Tobago House of Assembly Act. You must do that. It is a crisis situation and I believe that I must raise these positions here if we are to deal in a serious way, and if we are serious about accountability, transparency and openness in a free and democratic society, because if you do not do that, there is clearly a contradiction.

Mr. Speaker, how many more minutes?

**Mr. Speaker:** You have just had the last one, but you could wind up.

**Miss P. Nicholson:** Well, I will wind up, Sir.

I want to state that I believe we already have a Public Accounts (Enterprises) Committee in Parliament; we already have a Finance Committee; we already have the investigation committees; all they have to do is to give them tighter rules and regulations.

I believe that they should meet with the chairmen of the service commissions and they can clean up many of the problems they say they have. Also, give them money to function because many of the posts which are not filled, the

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Commissioners are not responsible, it is the Government which is not giving them the money to function.

**Mr. Sudama:** Who says so?

**Miss P. Nicholson:** I believe that if Tobago is a part of Trinidad and Tobago, you must deal with the Tobago question. You must clean up the Tobago House of Assembly Act. You must bring the financial regulations here. You must send the Auditor General to Tobago immediately to address the crisis situation in Tobago.

I thank you, Mr. Speaker.

**Mr. Fitzgerald Hinds** (*Laventille East/Morvant*): Mr. Speaker, first off, I would say that I perhaps have never heard as powerful and as useful a contribution from my friend, the Member for Tobago West. [*Desk thumping*] I particularly liked the approach. She educated us about the state of affairs as they now exist in Tobago—

**Mr. Sudama:** You are forever in need of education.

**Mr. F. Hinds:**—a situation over which the Government has clearly abdicated its responsibility. But, later in my discourse, I will attempt to explain why that is so.

Before I proceed, the Member for Tobago West made mention of the rather soft and unexpected contribution of the Member for Siparia, who is a lawyer of some repute, who was most unconvincing and unpersuasive in her deliberations in this debate. If I may, Mr. Speaker, she is quoted in the *Guardian* of Thursday, February 25, 1999 as saying, in fact, that the Bill did not need a special majority and stressed that the Government did not intend to alter any entrenched provisions of the Constitution, nor is there any attempt to tamper with the Service Commissions' structure, functions or operations.

Well, I do not know if she read the Bill at all. If she did, she could never have been heard to say that. She went further to suggest that the PNM in 1995 sought to abolish the Police Service Commission. Not only was she off point but, clearly, she was attempting, wittingly or unwittingly, to mislead this House because that was not the case.

My information is that there was a problem of discipline in the Trinidad and Tobago Police Service. The Commissioner had described himself as a toothless bulldog. By that he meant that he had the responsibility to manage the police

service but had not the requisite authority, and the efforts by the PNM at that time was to marry responsibility with authority.

**Mr. Sudama:** During what administration was that?

**Mr. F. Hinds:** The Police Service Commission was to remain exactly where and how it was. It was, however, to delegate the function of the management and the discipline, in particular, to a board that was to be established under the Bill. But, when the Member for Siparia suggested wrongly, that the attempt was to abolish the Service Commission, it is either that she was wholly unaware, or was intent on misleading us, as she perhaps intended.

**Mr. Sudama:** Were you there?

**Mr. F. Hinds:** I want to get into my short contribution in this very important debate and submit, from the outset, that it is quite possible that nothing I may say would be new to the Government because I am convinced that when one considers the plethora of communications to this Government by various persons and organizations in this society—and I have seen a few coming from outside the society by way of internet and publications in the press—the Government must, by now, be aware of the public sentiment on this issue. I am not a political expert but I want to suggest, if only for good political sense and good political reason, the Attorney General would be well-advised to withdraw; get out of that; it is entirely unwarranted, wholly unpopular.

**Mr. Sudama:** Give advice to your Leader, the Member for San Fernando East.

**Mr. F. Hinds:** My grandmother would say to us from the day we were conscious, “If a man says one thing and does the next, we must disregard his words and judge him by his action”.

**Mr. Sudama:** Is your grandmother still alive?

**Mr. F. Hinds:** So, when the Attorney General and the Government of Trinidad and Tobago speak about openness, transparency and accountability, those words remind me of the good old lady. [*Crosstalk*] Those are mere words.

**Mr. Speaker:** Order please.

**Mr. F. Hinds:** As I said my grandmother, the Member for Oropouche became a bit hyped up. I understand why.

It is against the thrust of the arguments of transparency, accountability and openness that we are faced today with a Bill which is designed to amend, very

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significantly, the Constitution of Trinidad and Tobago. Mr. Speaker, I begin my short contribution by quoting from page 10 of the *Newsday* of Friday, February 26, 1999. I would read rather quickly. It says:

“It is highly ironical that while the Government is seeking to extract transparency from four Service Commissions, it is steadfastly ignoring calls for transparency in dealing with scandals in which huge amounts of public funds are involved.”

It goes on to say:

“The Attorney General claims that it is necessary to have transparency in the administrative operations of the Service Commissions, so he lumps these bodies with Government ministries, statutory authorities and other State enterprises in a Bill that would subject their decisions to the scrutiny of parliamentary committees.”

The article goes on to say:

“The danger in imposing that form of transparency on the Commissions has been exposed by six of the country’s most eminent jurists, but the Government has dismissed their view and is proceeding ‘irregardless’.”

The Member for Oropouche in his contribution—and I do not think it is worthy of any response—thought that he dealt with those issues, but we will see, Mr. Speaker.

**Mr. Sudama:** I dealt with those.

**Mr. F. Hinds:** The reason I quoted from that article is to demonstrate that it is not only the associations, the labour unions, the eminent big six who made comments on this matter but even elements of the media, editorial after editorial and, yet, the Government continues with this Bill, as though according to the very grandmother to whom I made reference, “stick break in dey ears”.

It has been said before and it is quite right, I must endorse it and they must be reminded that this is a minority Government with a very slender paid-for majority.

Mr. Speaker, I want to quote.

**Mr. Sudama:** Logic was not his strong point.

**Mr. F. Hinds:** Yes, I said this is a minority Government with a very slim paid-for majority.

Mr. Speaker, I want to quote and may God forgive and bless me. I have in my hand the UNC manifesto of the last election. I feel rather uncomfortable and unclean with this document but, for the purposes of doing my work as a representative to the people of Trinidad and Tobago, I am forced to touch it and I shall repair to the next pipe as soon as I am through. I quote from the manifesto of the UNC as it was written in 1995. It says first of all—and I just spoke about majority and minority but listen to what their manifesto says in passing:

“A UNC government will implement those provisions of the Constitution which require a Member of Parliament to vacate his/her seat if the member is expelled or resigns from the political party on which ticket the member was elected.”

That was in their manifesto of 1995.

**Mr. Imbert:** Read it again.

**Mr. F. Hinds:** I will read it, again, indeed.

“A UNC government will implement those provisions of the Constitution which require a Member of Parliament to vacate his/her seat if the member is expelled or resigns from the political party on which ticket the member was elected.”

**Mr. Speaker:** Hon. Member, may I ask what is the significance of that? What is the relevance of that to this debate? I do not see it.

**9.40 p.m.**

**Mr. F. Hinds:** Mr. Speaker, I want to quote another element of their manifesto under the rubric of “The Parliament”:

“The reforms we propose in parliamentary procedures would facilitate open and transparent government. The UNC proposes that select committees of the parliament be appointed to monitor the operation and functioning of all Ministries of government.”

There is no mention of service commissions. I heard the Member for Oropouche, untruthfully, suggested that that was in their manifesto. I heard the Attorney General say so outside of this Parliament, yet again, demonstrable untruths.

It goes further, under the rubric of “The Administration of Justice”:

“A UNC government would promote and protect the independence of the Judiciary.”

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This Bill does exactly the opposite. Like my grandmother said: “if a man or a government says one thing and does another, disregard his or her words and concentrate on their actions” What is the action of this Government? It brings a Bill to fundamentally interfere with the Constitution of Trinidad and Tobago.

As I indicated, this Government, with a hired appendage has a very slim majority. They do not have the requisite two-thirds majority as is required under section 54 of the Constitution. Because they do not have that majority—the Attorney General is a lawyer with some knowledge of the Constitution—not much, a modicum. He is sufficiently aware to know that the amendment before us does in fact, require a special majority. But, he believes that he can hoodwink his Cabinet—he does it fairly easily. He, therefore, believes that he can hoodwink this Parliament and the country. But, we on this side would never permit that, not as long as we have intellect, wisdom and strength. Our duty is to point out his inconsistencies and underhandedness of approach in this matter. He knows full well it is necessary.

The constitutional settlements which were arrived at in 1962 provided for the service commissions—that is clear. It need not have been put into the Constitution in writing, but it was. The fact that it was put into the Constitution in writing, in my humble view, highlights the importance of the independence of these institutions. Their entrenchment in that sense, highlights the importance of their insulation from political interference.

In constitutional law, the word “entrenchment” implies in a sense, provisions that require special procedures for their amendment. I am not using “entrenchment” in that sense, I am using “entrenchment” in an even more fundamental sense. I will demonstrate that shortly. The framers of our Constitution could never for the life of them, have foreseen that in 1995, we would have landed ourselves with a bunch like that for a government. A bunch that has no regard for order, norms, truth and the settlement that this nation experienced before their ungodly coming. They could never have foreseen it.

Since the Constitution of the country did not specifically foresee this and include in its provisions entrenched, a protection against a government like that, we have to rely on the spirit of the Constitution. In other words, I use “spirit” to mean the meaning, the intention of the framers. Clearly, the meaning and the spirit of this Constitution reflects that amendments sought here today ought not to be taken this lightly.



Mr. Speaker, we heard from the Members for Tobago West, Diego Martin West and others on this side, that in the negotiations that led to the constitutional settlement of 1962, it was a sticking point. The minority at that time insisted that it be drafted into the Constitution and entrenched, in that sense, the service commissions so as to protect the minority then, and to protect minorities throughout the history of this country—as long as it was necessary. But what has happened, this Government has won a false sense of security with the 17 seats that it won. They are accustomed to winning 10, 11 and 12 seats. Seventeen seats alarmed them. They developed a false sense of security and they were able to manipulate their way, notwithstanding what they said in their manifesto and obtained the services of others in their support.

Therefore, with that false sense of security, any fears of minority in this country, as far as they are concerned, are gone. The regard that Dr. Capildeo and Dr. Williams had and took in respect of entrenching service commissions for the reasons that have been made clear, they have no regard for those. In fact, that Government's motivation is that the present arrangements with the service commissions are obsolete. They are on record as having said so. That is the reason the Government has been driven to bring this Bill into Parliament. They said that the service commissions are obsolete.

Mr. Speaker, we are not afraid of change. Change is inevitable, it is natural. Fosterization in a sense is change. We said once there is need for change, we are prepared to look at it, but it must be demonstrated to be necessary. The Leader of the Opposition is on record as saying that at this stage in the nation's history—we support the view of all those who share the view of this side—that in the life of this country it is probably necessary to have an entire review of the Constitution. We are not afraid of that. To suggest that we are afraid of change, as the Member for Oropouche did, is utterly false, but he is indeed accustomed to falseness.

The Constitution of our country, as is well known—or ought to be well known—is the most basic or if one looks at it differently, the highest law of this land. It regulates the relationship between the executive and the judiciary; the judiciary and the Parliament; the President and the Parliament; the President and the executive—it governs the relationship of the various arms of the state. The Constitution of this country established the service commissions; the Ombudsman; the Public Accounts Committee and other such institutions.

As I mentioned before, there was the settlement of 1962. In 1974, after wide national consultations there was the Wooding Report on the Constitution. In the

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1980s there was the Hyatali Commission, again after wide consultation. The thing that has been consistent with the settlement of 1962—the Wooding Constitutional Report of 1974/76; the Hyatali of the late 1980s early 1990s all had to do with two aspects. Firstly, all three found that the independence and insulation from political interference of the service commissions was crucial, critical and necessary. The reports came after wide consultation. This is not so with the UNC, the Attorney General or the Prime Minister. They have dictatorial tendencies. They believe that they can come to the Parliament—no consultation, no mention of it was made in their manifesto, no mandate—a paper-thin hired majority, and force a fundamental change of the constitutional settlement on the people of Trinidad and Tobago.

They must read history. When you do that, not only are you offending the spirit of the Constitution, but a Constitution does not exist in abstract. It has to do with the consensus of the society out of which it came. When you do that, you disturb the settlement, the social peace and social quiet of the society, and people will find other ways to vent their concerns.

**9.50 p.m.**

[MR. DEPUTY SPEAKER *in the Chair*]

When you disturb that kartas, when you disturb that peace, you are opening the door, marginally at first, as we are seeing in Tobago, and it widens as time goes on; and then the floodgates are opened, and things are out of your slippery hands; things are out of control. You need to watch that. This is a serious business; this is not paper. This is the social, political and spiritual well-being of our people. [*Interruption*] The Attorney General said it was in his manifesto.

Mr. Deputy Speaker, even if we took the most liberal approach to what is in this manifesto, the Attorney General has been proven to be speaking an untruth. The most liberal approach to what is in that document can never justify interference with the service commissions. There is a distinction between ministries and service commissions. The functions, roles, structure, responsibilities, are entirely different. The Government seems to be missing that point. The role of the service commissions is not even a management role, it has a limited purpose; it is about hiring, firing, promotions, transfers and discipline. The management of the ministries rests in the very ministries and other institutions; not the service commissions.

So, when he talked about scrutinizing, I want to ask the Attorney General this: “Have we in this country ever had any difficulties, complaints or problems with service commissions, that required scrutiny in a political sense, or scrutiny in the sense of corruption?” Those problems come with Ministers, ministries of Government and statutory bodies. We have never had any problems with service commissions in that sense.

Even though you feel it is necessary to scrutinize—and scrutiny, we submit, is necessary, particularly with the UNC which better represents United in National Corruption—it does not apply to service commissions. No corruption takes place in there.

The Members for: Tobago West, Diego Martin West, Arouca South and San Fernando East pointed out that yes, there are inefficiencies and problems, and those can be rectified and resolved without recourse to the fundamental attempt to shift the constitutional paradigm with which we are now all familiar. It is not necessary to go that far. You may open the floodgates and it may get out of your foolish control.

The UNC Government, Mr. Deputy Speaker, possesses no legitimate platform, mandate or consultation, they are a minority Government. They simply do not have the right to attempt to make this constitutional shift. [*Desk thumping*] I want to use a colloquialism, “they farse and out of place”. They must be thankful to the Member for Tobago West for getting there, and today when she cried out for the protection of our society that the Constitution provides, they were mocking, laughing and jeering her. They would laugh themselves to their political death. If they do not change their personal, individual immoralities and ways, they would laugh themselves to death in general.

This Bill seeks to scrutinize service commissions, including the Judicial and Legal Service Commission—what a thing! Where did you come from? I am not saying that they are gods, but you, as Attorney General, ought to recognize that in the section—Let me explain. Chapter 9 of the Constitution deals with service commissions, but the Judicial and Legal Service Commission is not mentioned in Chapter 9. We must ask ourselves, why are all the other service commissions dealt with in chapter 9, but not the Judicial and Legal Service Commissions? That is the recognition of its special place, that the service commission is different from ministries, and that the Judicial and Legal Service Commission is different from service commissions altogether, because it has a special place in the fundamentals of the Constitution. That is to say, the separation of powers.

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I am not saying they are gods, it is man who created the Judicial and Legal Service Commission; it is man who created our Constitution. It does not have anything to do with God; it has to do with respect for those constitutional principles. *[Desk thumping]* God has a place in all of this. I know you would have forgotten that, but God does have a place in all of this. At least, insofar as we are concerned, but if you want to be the devil and do not want to have regard for God, however you see him, that is entirely a matter for you. *[Interruption]*

Mr. Deputy Speaker, I will not be disturbed by the Member for Arima. Because of the elements I have just demonstrated, and the importance of the Judicial and Legal Service Commission, and the entrenchment that I have explained of the commissions in general, this Bill requires more than a simple majority. What is being altered is not simply a clause or a provision, it is not simply section 120 or sections 121—125 of the Constitution. What is being altered here are the fundamental principles of the Constitution.

A principle is quite different from a provision. A principle is the guiding light, it is the shaft of light that sees us through. It will be here for a long time. Principles do not change overnight, like the Attorney General's view on the question of the death penalty. A rule may change overnight, a provision may change over a week, month or year, but principles last longer.

What this is amending are not provisions, but principles. What we are seeing in this matter here, is the victory of legislation over principle. *[Interruption]* You have gotten yours already. You are well fortified, well packaged, paid for and delivered. What is being altered here, are the fundamental principles upon which the Constitution of this Republic was established. What is therefore the Government's motive in the face of all the negatives? Is it merely to launch a collateral, a behind-the-scenes attack on the office of President? Is it to interfere with the system of appointment of judges? Is it really about that? Is it about trying to get on to the appointment of the present and other Chief Justices of this country?

We remember the Prime Minister and the Attorney General had a lot to say about the appointment of the present Chief Justice, and perhaps, that is the reason we are seeing this. Is that the Government's behind-the-scenes motive? What is it? Is this Government hoping to frustrate the present and future Chief Justices if it cannot have a hand in who it should be? Is this Government, as most people think, merely seeking to grab more power and control to squeeze Trinidad and Tobago

into a little box of fear and intimidation so that it can pilfer and do what it wants with the people of this country with impunity? *[Interruption]* I said I am not speaking for the Member for Arima.

*[Words expunged.]*

**10.00 p.m.**

The Government's main argument is about transparency and accountability, but as we have indicated, there are other ways of achieving this. The Member for Tobago West was specific. She asked the question, "Has the Government done all that it can do to improve the inefficiencies of the service commissions and the complaints?" The answer is "no". Has it sought any amendment of the regulations? What has the Government done? The Government came to office with a preconceived idea. The Government came to office with a clear decision to interfere with the Constitution of this country and they only won 17 seats. God help Trinidad and Tobago if it was 27! We would eat grass in this country—those of us who do not support them.

Mr. Deputy Speaker, the Attorney General sought to browbeat and fool people by talking about unrestrained power. We have heard it several times on this side. The service commissions do not enjoy unrestrained power. Of course, section 129 of the Constitution provides for protection from certain legal actions, but the courts of this country in *Hemraj Harrikissoon*, and in *Endell Thomas v the Attorney General*, have made it quite clear that one can never oust the jurisdiction of the court.

In the case of *Smith and Elo District Council*—a case decided in England—it is well-known that one could set up what ouster clauses one wants; there are omnibus clauses and clauses that try everything to oust the jurisdiction of the court, but they cannot achieve it. It does not work. The court has an inherent jurisdiction to review decisions of inferior bodies like service commissions. So, to suggest that they have unrestrained power is untrue. As long as the decisions of those bodies are deemed by the courts to be irrational, to be procedurally improper or to be outside of their jurisdiction, the courts have opportunity by way of judicial review. More than that, when we talk about power of service commissions, *[Interruption]* Mr. Deputy Speaker, I need your protection. The Member for Arima is sickeningly disturbing me—what power does the service commissions have? As I indicated earlier, the service commissions hire and fire. The service commissions do not buy rice from Gangadas Shah in India. The service commissions do not come here with a Bill to

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pay \$52 million to Maritime. The service commissions do not sit and decide that NIPDEC must give a contract to the NYC and do not answer the questions when asked in this Parliament. The service commissions do no such thing! What power do they have to worry about?

What the Government is seeing is an opportunity to use the little power that the service commissions have in order to do dirty work, politically. They want to get the little power of the service commissions because they foresee that they can use it politically. That is their ambition, I submit. I read an article by Dr. George Ghany in the *Newsday* of March 18, 1999 on page 29 and he was lending in that article—I need not read it—some support for the Government's position on this Bill. In essence, he finds it unrealistic that persons will resist any attempt to scrutinize ministries and service commissions. We make it clear, we have no problem in scrutinizing ministries. We have a problem with interfering with the independent service commissions.

Mr. Deputy Speaker, and Mr. Attorney General, if we find that there are inefficiencies—because one of the arguments that the Government has brought is that there are delays. The Member for St. Joseph said it. People would apply for jobs and weeks and months would go by and they would not get a reply or an acknowledgment; appointments are not made on time; vacancies exist and no one to fill the posts. *[Interruption]*

**Mr. Deputy Speaker:** Member for La Brea, I am getting a little signal from the Hansard reporter. We are having a little problem recording everything. I am hearing you so I am directing it to you, and since you have come a little closer to me, I am hearing you even better.

**Mr. F. Hinds:** As I was indicating, while I accept that inefficiencies exist—and the Member for St. Joseph was actually pointing out that there is the problem of delays and what have you—those could be quite easily addressed. We say yes to efficiency, yes to more productivity and no to scrutiny in the sense that they want it in respect of the service commissions.

Even if there is need for scrutiny, even if we cross that first hurdle and establish that there is a need for scrutiny, then there is a higher principle than scrutiny in respect of the service commissions. There is a higher principle than the need for scrutiny, particularly in respect of the Judicial and Legal Service Commission. I want to read page 5 of the comments by the towering six, the big six, on this vexed issue and this is what they had to say; this is their way of

expressing what I have just said, that there is a higher principle than the need for scrutiny, particularly as it relates to the Judicial and Legal Service Commission. Listen to what page 5 says:

“Expressing it slightly differently, the proposed Bill would lead to the following negative and near absurd results:

1. The commission member would be placed in the invidious position of accountability to a body which is not his appointor and whose political considerations he is, by constitutional precept, required to eschew.”

This next one is really the point I wish to make:

- “2 The body, having earned the right to review and censure the commission member, quite properly by reference to political expediency, would be impotent to remove him from office or to effect any salutary sanction against him.”

It goes further:

It is also appropriate to point out that the breach of the principle of freedom from political interference with regard to the service commissions, generally is even more damaging when it comes to the Judicial and Legal Service Commission. To strip the Judicial and Legal Service Commission of its independence is an indirect assault on the independence of the judiciary, one of the pillars of our Constitution.”

Mr. Deputy Speaker, the point I wish to make—and they have said it here—is that there will always be a measure of confidentiality in respect of the appointment and in respect of the dismissal of judicial officers, judges and what have you. That is a very serious point.

The Attorney General is fully aware that we must have a proper witness protection programme. People are willing to give evidence in criminal matters, but they become quickly unwilling if they realize that the perpetrators of crime would snuff their life out easily. It is a concern! Confidentiality is inherent in human activity. Now everything we do and say we would like people to know for all kinds of reasons. So, there must be a measure of confidentiality.

In terms of judging human beings, for example, a promotion in the civil service: two men may have gone to university at exactly the same time between the same years. Both got first class degrees, both have good criminal records, but

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a judgment would have to be made as to who would get the job and who would not. There must be a measure of confidentiality. It is not an exact science. Could one imagine a parliamentary committee calling on a service commission to explain why it hired Mr. John as opposed to Mr. James? It would be absurd! It would be impractical. It just would not work!

Despite all of this, the Attorney General has the temerity to insult this nation and tell us in trying to justify this Bill that when a problem arises before the select committee that this Bill proposes, what would happen is that the immediate case will not be crucial. That is to say, no action will be taken by the select committee in the immediate case, but it will be used as guidance for future reference. What folly! What rubbish! What joy does that bring to me if I feel offended and the matter comes before a parliamentary select committee because of something that happened in the Teaching Service Commission?

The Attorney General explains that as my case is ventilated to that parliamentary committee, no action will be taken in my particular case, but it will be used for future reference and guidance to the commission. So, what joy does that bring me? And the Member for Siparia said so too. What joy does that bring me? I will still have to recourse the usual civil law remedies against them in tort or judicial review and those are remedies that already and now exist. So it brings the individual no joy.

When it comes to using it for future reference, just like in the common law, precedence will develop. The parliamentary select committee will say that in such and such a circumstance, X and Y ought to happen and we need to use this as a blueprint for the future. What, in effect, would they be doing? Would they not be constraining, restraining and defining the role of the service commissions henceforth? So, in a practical sense, the argument just does not stand. It falls down. It does not make sense in practice nor in logic.

**Mr. Sudama:** Like your political career!

**Mr. F. Hinds:** The Member for Oropouche highlighted one principle, that no institution ought to be above scrutiny. I feel I have dealt sufficiently with that. I have established that in some circumstances there is a principle that is higher than scrutiny and, clearly, one of those is the entrenchment of the independence of our service commissions, and if they have to upset and interfere with that, they need the mandate, the majority, and all of the things, consultation—that go with that.



They do not have the right to come and interfere with that so fleetingly! You must get that clear.

**10.15 p.m.**

So what this Government really wants is power and control; but that is not an end in itself. When lead is found what are you going to do with it? And when power and control, new power is had, what are you going to do with it?

We heard about Tobago here. Tobago is in a state of madness, if we heard what the Member for Tobago West said here today. I tried to explain elsewhere, the theory of anomie as established by Emile Durkheim some centuries ago. He explained —*[Laughter]*.

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

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

*Question put and agreed to.*

**Mr. F. Hinds:** If these measures had genuinely anything to do with the service commissions and not sheer power and control of this nation the amendment would have had to do with the sections on service commissions, that is to say, Chap. 9. But this amendment does not appear in Chap. 9; this amendment does not appear in Chap. 7. Where one would find the Judicial and Legal Service Commission; it appears where? In Section 66 that has to do with money bills, totally unrelated to service commissions. How do you explain that other than to say what David Rudder said: "you all are a bunch of politricky, politricky politicians"—nothing less? How else do you explain it?

They are seeking to bring an amendment on service commissions under section 66, far removed from sections 120 to 125, which deal with service commissions. Why? Again, the Attorney General thinks we are foolish. If he takes it from sections 120 to 125 and sticks it into section 66, we might not recognize it. That is what he thinks and, therefore, we would not recognize that there is a need for a special majority. That is what he thinks. He is convinced that it does not require a special majority. Do you know why? Section 54 of the Constitution says that sections 120 to 125 require a two-thirds majority if you have to amend them. As I explained earlier, he is not here amending those provisions in those sections. What he is amending, are the principles upon which the entire Constitution,

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including sections 120 to 125 are hinged and upon which they are based. That is the point.

So that, what he is attempting here is even more fundamental than amending a provision. This is my argument. It is not just a provision he is amending which would require a two-thirds majority. It is the principle upon which those provisions are founded and, therefore, it is more fundamental and one cannot be heard to say that this major constitutional shift can be done with a simple majority in this Parliament, a majority that has to do with fragile loyalties.

Mr. Deputy Speaker, let me give you two examples. Section 111 of the Constitution has to do with the appointment of Judicial Officers and it is not entrenched in the sense that it does not require a special majority. But could you imagine presently, it is for the Judicial and Legal Service Commission to appoint Judicial Officers and the Chief Justice is part of that commission.

While section 111 does not require a special majority, can you imagine the Attorney General coming in here and saying that you must amend that section to give the Prime Minister the right to appoint Judicial Officers without a special majority? The Constitution did not say it required one, but that would be a fundamental change and we have been telling him that, just as we are telling him now, that he must go and go and come again. *[Interruption]*

Of course! It would be absurd—you understand. So Mr. Deputy Speaker, the reason for that will be whilst section 111 does not require a special majority, the spirit of the independence of the Judiciary will be affected and, therefore, he cannot do it like that. That is the point and if the framers of the Constitution had foreseen a Government like this, perhaps they would have entrenched that, as well. That is the point I am making.

Let me give you another example. The Marriage Act in this country, so far as I have read it—and correct me if I am wrong—there are lawyers here. It does not say that marriage has to be between man and woman—that makes the Member for Oropouche rather excited, I am sure. *[Laughter]*. It does not say—and Pointe-a-Pierre? It does not say that it requires man and woman. It says “parties” and the Member for Siparia is an experienced lawyer in family law, she would know. But could you imagine two men—let us take for example Oropouche and somebody else walking—

**Mr. D. Singh:** Talk about St. Ann’s East.

**Mr. F. Hinds:** Mr. Deputy Speaker, I hope I will get my whole time.

**Mr. Deputy Speaker:** Order. Member for Laventille East/Morvant continue.

**Mr. F. Hinds:** We know in this country that marriage is between man and woman and that is the spirit and that is the meaning of the thing. While the Act does not say man or woman, if two men went to be married, we would not tolerate it in this society. Again, that is an example, the letter is one thing and the spirit is another.

The law for the use of seat belts does not say that you must wear the seat belt diagonally across the body, it just says that you must wear the seat belt. If I wore the seat belt crazily across my leg or across my head or even just across my right shoulder, while I am not breaching the law, I am breaching the spirit and the meaning of the law. So I am saying as a consequence—*[Interruption]*.

**Mr. Deputy Speaker:** Members of the Government Benches, could you let the Member for Laventille East/Morvant continue his contribution?

**Mr. F. Hinds:** Mr. Deputy Speaker, I am grateful to you.

Mr. Deputy Speaker, the point is this: alteration means “to change” and one can change the Constitution by adding— *[Interruption]*.

**Mr. Deputy Speaker:** Members, if I suspend this sitting we would be here longer, so take that into consideration.

**Mr. F. Hinds:** One can amend the Constitution by adding, deleting or correcting.

Mr. Deputy Speaker, the Attorney General argues that he is not altering sections 120 to 125 and the Member for Siparia too. But Mr. Deputy Speaker, as the Constitution now stands, the service commissions enjoy the ultimate power in respect of its limited functions.

When the Attorney General puts in legislation what is proposed in this Bill that will give another body, the Parliament, ultimate power of oversight, a supervisory role and a corrective role, then that could only be altering as well. So for him to suggest that he is not altering the Constitution with those intense provisions is a farce, he is indeed altering. He is not just altering one aspect of it, he is changing the entire thing.

**Mr. Deputy Speaker:** This sitting is suspended for half an hour.

**Mr. F. Hinds:** Grateful.

**10.25 p.m.:** *Sitting suspended.*

**10.30 p.m.:** *Sitting resumed.*

**Mr. F. Hinds:** Mr. Deputy Speaker, if only for that reason, we ought to observe and respect its provisions and its spirit considerably, more than this Government has demonstrated its willingness to do over time. If we fail to do that, Mr. Deputy Speaker, then, as I indicated earlier, we would disturb the social peace and quiet, quite apart from passing unconstitutional legislation on the basis of consensus—sober consensus.

Mr. Deputy Speaker, there is no warrant for the butchering of the Constitution which the Attorney General and his Government are now attempting to do. No need. The inefficiencies, the delays, slowness of appointments, sluggishness in terms of reprieves can quite easily be ironed out. In short, this is another attempt by the Government to push upon this nation a piece of constitutional nastiness. We cannot trust this Government, that is clear. We cannot trust the Prime Minister, we cannot trust the Attorney General and trust is that Government's smallest asset base. Whatever trust it would have come with has eroded, and even if it attempts to do the most honourable thing, it would face difficulties because of the lack of trust, that intangible, quasi-spiritual concept of trust.

Mr. Deputy Speaker, the principles about which I have spoken are entrenched and cannot be interfered with by any simple majority. What we are faced with is an attempt by the UNC Government to interfere, as I have said, with the organized, unitary state that is Trinidad and Tobago. I do not think they understand the seriousness of what they do from time to time. There is a measure of organization and I was explaining the anomie theory by Emile Durkheim before we took the short break. It is called anomie, that is the French word for normlessness. It is said that when a society is in transition from a settled position with norms to another position, in that transition, madness and chaos take place. I find we are in that place from November 1995 to the present day. The point however, is that we would settle at new norms, new arrangements, but I rather suspect that based on the downward trend, that we would settle at standards far lower than those which we had known. The UNC is not the cause of crime and chaos and confusion in this country, it is simply that at the hands of the UNC, under their low ethic, abnormalcy of minds, crime, chaos, and disorder simply flourish as we have heard exist now in Tobago. That is the state of affairs now in this country.

Mr. Deputy Speaker, the Attorney General in an article on Wednesday, March 10 said a number of things in the *Daily Express*. He said:

“In the midst of some opposition to the Bill no one has been able to show me where the rights of individuals have been interfered with.”

But I am sure I have properly demonstrated today that the rights of every single individual in this country, those born and unborn, have been tampered with by the mere thought of this Bill because, as I have indicated, this does not just affect provisions in the Bill, it goes further than that and the Attorney General ought to come better. He ought to have a mandate. He went further by saying that the new bill has proposals that would make public servants behave better when they know they are subjected to scrutiny. When you think about the number of public servants in the service commissions, it is insignificant as compared to the mass of public servants out there, and, as I pointed out, the bulk of corruption and mismanagement of public funds as we have seen unprecedented in this country for the last four years, happens not in service commissions, but in ministries of Government. It happens in Cabinet, in the statutory bodies, and if there is need for security, it should begin with the Cabinet of Trinidad and Tobago because the Member for Diego Martin West asked a very serious question a few weeks ago.

He asked on what basis did NIPDEC grant the contract to NYC for the airport. They had 21 days according to the Standing Order to answer the question and after 21 days came to this Parliament and asked for more time to answer a simple question like that and they are here today to lay claim to this noble concept of transparency. Several ministers of Government have been proven to be demonstrable purveyors of untruths. In Parliament, only today again the Member for Tobago West was able to prove beyond doubt with notes, minutes and checks that \$15,000 is being paid to a certain person in addition to his salary at NIPDEC and the Minister of Finance said no.

Mr. Deputy Speaker, no wonder in the *Daily Express* of Friday, April 2, 1999, there is another editorial expressing the view of that newspaper and public sentiment under the rubric: “AG using his weapon of choice”, from which I would quote extensively because this really says it all. It says:

“The Attorney General of Trinidad and Tobago is in London chairing a Commonwealth Parliamentary panel on ‘legislation and the right to know’. It is hard to think of a more inappropriate person for this task than an Attorney General who is intent on controlling the Press, on curbing free speech in an Equal Opportunities Act, and who has amended the law to make political speeches at religious meetings (or vice versa) punishable by imprisonment.

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Mr. Ramesh Lawrence Maharaj, while strenuously maintaining the irrelevance of other people's legal culture to our political evolution, is a past master at using any outside institution to reinforce whatever measure he is trying to foist on his country at any given moment...

Mr. Maharaj is equally unscrupulous in his reporting of the results of these forays into foreign territory in search of crumbs of self-justification. The half-truth is his weapon of choice."

This is not me, this is the *Daily Express*. This is not the PNM you know.

The editorial further states:

"Mr. Maharaj's half-truth in this case lies in his failure to put the matter in its context."

And the paragraph that closes this is the classic. It says:

"Mr. Maharaj also proposes to recruit the Commonwealth Parliamentary Association to the cause of Amendment No. 3 by having it put the question of 'transparency' on its agenda for its meeting in September. We can be sure that any contribution Mr. Maharaj makes to the debate will lack that very quality."

Two things are to be noted in this. I write a weekly column in the *Daily Express* and at times I am hard-pressed to get them to say the things I really feel. They are very conservative and careful about the things they write and they resorted to this stinging truthful criticism of the Attorney General.

Secondly, I have heard people—I listen keenly to radio programmes and I am hurt for Trinidad and Tobago when I hear people speaking of Ministers of Government the way you make them do. I have heard people call in and talk about the Prime Minister. They call him "Bas". I would not do that, I would say, "Mr. Panday", or "Sir", out of sheer self-respect, but the way you have conducted your affairs, you have brought ministerial and governmental activity and standards so low as you move from one settled state established by the PNM to a downward trend, to the other settled state according to Durkheim. You have brought the standard so low that people of this country would wipe their feet on the Government however they feel and that is a sad thing for Trinidad and Tobago. *[Interruption]*

It has to be the same thing because your behaviour does not stop. You have been demonstrating it from day one and you continue, and it is getting worse.

Only last week we read of a Minister of Government cussing people up and down Trinidad. The lies continue, we proved it here today. When you stop misconducting yourself, we would stop talking about it. [*Desk thumping*].

Mr. Deputy Speaker, you just have to listen. The Attorney General in a matter which we debated here refused to make public his advice to the Cabinet as Attorney General, he said that it was privileged information. Every first-year lawyer understands that the concept of privilege means that you are not supposed to disclose discussions between a lawyer and his client. There ought to exist a lawyer/client relationship for the concept of privilege to subsist, so when he advises his Cabinet, that is not a lawyer/client relationship, he is a minister of Government, and is accountable like any other minister of Government and whatever he does or says ought to be the subject of scrutiny like any other minister, but he hides behind that. One week later we have the Minister of Public Utilities quoting the Attorney General's advice to the very Cabinet. They say one thing and they do another. My grandmother told me when a man—and by extension a government—says one thing and does the next, you take what he does and forget what he says.

Mr. Deputy Speaker, we contend very fervently on this side—and this is no fun as I have explained—the Constitution of this country represents on paper a settlement arrived at by consensus, it is not to be treated lightly. This is not just an amendment of words in a book of statutes, this affects the spirit, the mood, the culture and lives of the people. Do not for God's sake treat it so lightly. I have said I am not a political expert but if I were the Attorney General I would pack up and turn back on this one, if only because of the threat to the political settlement in this country. It is very serious business and I can go on and on with examples of the Attorney General's inconsistencies, but I do not think it is necessary, he knows his sins better than I or anyone else would. All I am responsible for is highlighting them to the national community. Elections are coming soon and we would be doing just that.

Mr. Deputy Speaker, as I approach the conclusion, if the Attorney General takes time to listen he would discover that there are a number of little solutions that can be found to the problem that we concede that he faces. Of course, there are inefficiencies in the service commissions, we have said the regulations can be tightened.

The United Kingdom does not have as many service commissions as we do. There is one for the civil service as a whole that does the employment and the

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people go off to the various departments, get their training and begin work after a period of probation. John Major in 1991/1992, when he came to government put in what is called the next step agency principles to make the civil service more efficient. I see in Trinidad and Tobago we have name badges, that was one of the things, so that idea was to give the consumers, the users of the various services more power. There is need for efficiency and more power, but not for politicians, for the people. If we deliver more efficiently in the service commissions, if letters are responded to promptly, if in seven days you get a reply, when a post is made vacant within three months it is filled, that is the kind of efficiency. There is no need to interfere with the Constitution to do that.

A lawyer in this country said that the Ombudsman, an independent body established under section 90 of the Constitution, can have the role of looking into the issues regarding the service commissions. That is a useful suggestion and I put it to the Attorney General. It is not that he does not know, he is aware of all the facts, he pretends, he knows the truth, but I want to put on the record that is an option he can observe.

**10.45 p.m.**

The next-step agency principle, I have just tried to explain in brief, because I am coming to an end. I can go into details about it; I studied it myself. I can assist the Attorney General with all the notes and materials I have on it, how to make the thing more efficient, not for the sake of the UNC, but for the sake of Trinidad and Tobago which, at the moment, is in slippery and sad hands.

**Hon. Member:** We will take the advice of your grandmother, not you.

**Mr. F. Hinds:** The Attorney General was advised by the big and towering six, as I like to call them, that he could either do two things. He could withdraw the Bill in its entirety, or he could amend it at least to take the service commissions out of the purview of this legislation. That is another option open to him. In that way, he would not be trampling on the fundamental principles of the independence of these units for the reasons we have explained, particularly the Judicial and Legal Service Commission which has another tier, another reason for its independence; not only because it is a service commission *per se* but because it is the Judicial and Legal Service Commission hinging on the other important question of the independence of the Judiciary and the separation of powers.

When the Attorney General talks about, "We would not be getting involved in these matters", he knows the courts of this country and all over the Commonwealth,



by way of judicial review say, “We are not getting involved in substantive decision making; we do not interfere in policy; policy is for the Government.”

[MR. SPEAKER *in the Chair*]

What we do with judicial review is look at procedural impropriety, extra-judicial *ultra vires* principle but, in the end, it all affects the substantive decision-making. I give one example. In a case called *ex parte Kawaja*, an immigration case. When in the United Kingdom they had rules for immigration from all parts of the world, they changed the rules and did not notify Kawaja. He ended up in the airport and, on the basis of the changed rules, they told Kawaja he could not enter the United Kingdom. The court, when he went for judicial review, said, “You cannot do that. If you changed the rules, you have a duty to notify the applicant and potential applicants.” That affected the substantive decision.

The Attorney General knows quite well that in practice a parliamentary committee will wind up interfering with substantive decisions quite apart from intimidating Commissioners. Kenneth Lalla and others have come out and said it. Think it over, think it again. They want power to scrutinize hiring.

Look at what the Member for Princes Town did when one woman was ranked sixth in an interview at agriculture and he pushed her to number one. He lied about that and when he fired her, he lied about that, too. He lied about hiring her; he lied about firing her.

**Dr. Mohammed:** I fired her.

**Mr. F. Hinds:** That is his track record with hiring. Do we want any Member like that on any committee dealing with the functions of the service commissions?

Look at the Minister of Energy and Energy Industries in the Ken Soodhoo matter. He said the job was advertised; he said Soodhoo was the best person for the job; the Minister of Finance said he got a high recommendation from First Citizens Bank. When we saw it, there was no such thing. Again, an untruth. When his service was terminated at First Citizens Bank, he wound up at the National Petroleum Marketing Company Limited. Now, he is out again.

Look at the Minister of Education, the Member for Tabaquite, and his behaviour when he went to the Ministry of Education. Can we trust him with overseeing anything that has to do with hiring and firing, like service commissions? Look how he treated three Permanent Secretaries. Look at the state of the education ministry today. It is just about trust and it cannot work.

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As I have indicated, this Government is on record, privately and otherwise, as saying service commissions are obsolete and they are riding on the back of the PNM, suggesting that we wanted to abolish service commissions. There is no truth in that. I have already explained—

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

**Mr. F. Hinds:** I am indeed obliged.

Mr. Speaker, I think I have said sufficient on this matter and, in conclusion, I want to sincerely—this is no fun—ask my honourable friend, my learned friend, the Attorney General of Trinidad and Tobago to stop, pause, take it easy. We all have egos, but take it nice and slow. Understand that even though you are well-meaning and well-intentioned—

**Dr. Rowley:** Do you know that?

**Mr. F. Hinds:** Even if, perchance. You have to carry Trinidad and Tobago with you on this one. This is about the Constitution, this does not affect one group; this affects all of Trinidad and Tobago. We call upon him to stop in the name of government.

I thank you, Mr. Speaker.

#### ADJOURNMENT

**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that the House do now stand adjourned to Friday, April 23, 1999 at 130 p.m. That would mean that we would not be sitting next week Friday; and Friday, April 23, 1999 is Private Members' Day.

I wish to give notice to the House and I have indicated to the Acting Opposition Chief Whip, that we propose to sit on Monday, April 26 from 10.30 a.m.; also, on April 28 from 10.30 a.m. and on April 30 from 10.30 a.m. and the Government intends to continue debate on this Bill, the Constitution (Amdt.) (No. 3) Bill and to embark on debate of the Freedom of Information Bill and also the Equal Opportunities Bill on those days.

**Mr. Speaker:** Hon. Members, before the Motion on the Adjournment is put, there are matters which Members got permission to raise. First of all, I will call on the Member for Toco/Manzanilla to raise a matter on the poor conditions of the Arima Magistrate's Court with reference to the location of the prisoners' dock in the First Court and the lack of an air-conditioning unit in the Second Court. The Member for Toco/Manzanilla.

**Arima Magistrate's Court  
(Inefficient Functioning of)**

**Mr. Roger Boynes** (*Toco/Manzanilla*): Mr. Speaker, I rise to deal with the problem that I have experienced firsthand at the Arima Magistrate's Court. For the past three months, I have been attending that court attempting to do matters at that particular Magistrate's Court, however, attorneys have been experiencing problems at that particular court because we observed that over the past three months, the court just has not been functioning as efficiently as it should be, in that the magistrate who sits in the first court, that is, Magistrate Indra Ramoo-Haynes refuses to sit in the first court and she now occupies the second court and, over that period of about three months or so, the second court did not have a magistrate.

Now that a magistrate, Mr. Byron Henriques is now supposed to be occupying the second court, the magistrate in the first court does not sit in the first court and the magistrate in the second court does not sit in the second court. So, what we find happening over the past few weeks is that matters have only been adjourned in both the first and second courts of the Arima Magistrate's Court.

The reason for that is due to the stench and the location of the prisoners' dock with respect to where the magistrate sits. The prisoners' dock is approximately four or five feet away from where the magistrate sits and the stench and pungent odour that emanate from the prisoners' dock make it almost unbearable for anyone to actually sit in the first court. So, it is no SURPrise that the magistrate refuses to sit in that particular court.

Also, the air-conditioning unit in that particular first court, sometimes it comes and it goes. At present, it is working but not on every occasion do you find that the unit is functioning in the manner that it should be, so it is very frustrating for persons to even catch their breath in the first court. It is uncomfortable and the stench is unbearable.

With respect to the second court, at the moment the air-conditioning unit is down and it is unbearably hot. If anyone sits there for a period of five minutes or more, he or she would be drenched in sweat, so it is no SURPrise that the magistrate in the second court has refused to sit in the second court.

As a result of both magistrates refusing to preside, what we do have at present is the two Justices of the Peace adjourning matters on a daily basis.

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Now, the Arima Magistrate's Court is one of the most important courts in the entire country because persons who are charged at the airport are brought to the Arima Magistrate's Court to be tried, so it is a crucial court and it should be functioning at its maximum.

There are tremendous numbers of matters that are dealt with at that particular court on a daily basis. Most of the matters have to be adjourned and, at present, all the matters are being adjourned by the Justices of the Peace.

What does that tell us? That persons who are denied bail cannot have their matters commenced, so they are left to languish in prison. Is this justice? At least, if there were magistrates presiding, if persons were not granted bail, then their matters could be commenced as soon as possible, but this is not the case at the Arima Magistrate's Court.

**11.00 p.m.**

Mr. Speaker, businessmen who own bars and restaurants are not in a position to obtain their liquor and restaurant licences as they should. That, too, is being held up. The business persons and others in the court as well, have been complaining.

Last month the Clerk of the Court went on a work-to-rule action in protest of the lack of airconditioning units in the administrative section. These units were repaired to an extent. However, the units in the court itself, especially in the second court, have not been repaired. I ask the question again, if the units in the administrative section can be repaired, why is it that the units in the second court cannot be repaired? I am asking the hon. Member for Couva South to use his office to have the condition of the courts upgraded to an extent whereby the Magistrates could return to the first and second courts in order to preside.

I wish to indicate that I spoke to the Member for Arima on this particular matter. He gave me the assurance that he would communicate with the Member for Couva South in order to have this situation rectified. It is a grave situation. The people of Arima who utilize the courts are very concerned about the problem. As a practising attorney in that particular court, I thought it best to bring it to the attention of this honourable Parliament.

I also want to use the opportunity to call upon the Member for Couva South to use his good office to try to expedite the construction of the court complex. This complex would house the courts and a High Court in Arima. So I draw this to the

attention of the Member for Couva South, so that he can use his good office to have the problem rectified. Thank you, Mr. Speaker.

**The Attorney General (Hon. Ramesh L. Maharaj):** Mr. Speaker the contribution of the hon. Member for Toco/Manzanilla has demonstrated the need for having parliamentary committees to scrutinize the administration of justice. [*Desk thumping*].

The matters he spoke about referred to the malfunctioning of the courts and touch upon the administration of justice. As I would show, these matters fall within the ambit of the functions of the judicial arm in that, for recurrent expenditure, the Judiciary and Magistracy are given allocations. The Chief Justice was once the head of the judiciary, but under this administration, the Chief Justice requested there be appointed a court administrator and Cabinet agreed—there is a Court Administration Department. The Court Administration Department within the Judiciary is responsible.

As we are here now, you the Opposition shows the impotence of the Parliament. The Opposition sees this matter, brings it to the attention of Parliament; the Attorney General gets information from the Judiciary, brings it here, but the Parliament is impotent to examine facts to determine what are the facts to be satisfied. Be that as it may, I would try to do the best I can in the circumstances.

Mr. Speaker, on December 07, 1989 Cabinet agreed to the lease/rental of office space on the ground floor in a building located at No. 5 Hollis Avenue, Arima, to house the Arima Magistrate's Court. Partitioning and other improvements were undertaken and in the very limited space available, provision was then made for two courts, two magistrates' chambers, a probation office, a prisoners' dock, storerooms and vaults, offices of the registrar, cashier's room, toilet facilities *et cetera*.

A toilet for the use of the prisoners was provided in a separate adjacent building. In an area that measured 48' x 88', the resulting conditions were very cramped and unhealthy. The situation was unacceptable and required urgent correction.

In July 1996, this Government recognized the need for additional space and more comfortable surroundings and, based on the recommendation of the Property Management Unit of the then Ministry of Public Administration and Information,

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Cabinet agreed *inter alia* to the rental of an additional 4,860 square feet on the first floor of the said building.

Subsequently, in 1997 Cabinet agreed, *inter alia*, to approve expenditure in the sum of \$226,600 for the improvement of the first floor of the Arima Magistrate's Court at No. 5 Hollis Avenue, Arima. Works carried out included: air-conditioning; partitioning and reconstruction of the cashier's cage and counter, and were completed in August 1997. The court was handed over by the Ministry of the Attorney General to the Magistracy in November 1997.

May I add here in agreeing to these works, the Magistracy was consulted, they agreed, these works were done and the court was handed over. As you know, it is not unusual for docks in the Magistrate's Court to be five or six feet, but the Magistracy agreed to it.

On August 06, 1998 the Magistracy requested that a third court be created in the Arima Magistrate's Court and that air-conditioning be provided throughout the ground floor which had been vacated by the officers who had moved to the first floor. Other related works were also requested.

A Maintenance Training and Security (MTS) proposal to undertake these works was accepted by Cabinet on September 10, 1998 and MTS was ready to proceed with the improvement works in November 1998.

However, the Court Administration Department of the Judiciary did not agree with the establishment of a third court. The Magistracy agreed. Work proceeded and the Court Administration Department did not agree and requested that the works be suspended pending a visit to the Arima Magistrate's Court by its representatives. It took some time for the representatives of the Court Administration Department to go, but following that visit, and in subsequent discussions between the Chief Justice and myself, it was agreed that the Court Administration Department would submit their proposed changes. I have been advised that a visit was made to the court on April 07, 1999 by a representative of the Court Administration Department and a representative from the Ministry. The Court Administration Department of the Judiciary—over which we have no control—requested alterations to the Scope of Works.

I am also advised that MTS is unable to finalize their revisions as information regarding the location, size and framing design of holding cells and the type of fixtures to be used in toilets requested for the prisoners is still outstanding. In the meanwhile, the police seem to have difficulty taking the prisoners to the existing

toilet provided near the prisoners entrance to the court, and the Court Administration Department has therefore requested a conversion of this court by providing two toilets indoors and two additional holding cells. The area vacated by the staff who are now on the first floor will be converted to a court. The revised proposal from MTS is expected to be ready within two weeks, provided we receive the relevant information from the Court Administration Department within days.

Window-type air-condition units were provided in both courts but lack of maintenance has resulted in the malfunctioning of the unit in the second court. It should be noted the executive arm of the state insofar as the Judiciary and Magistracy are concerned, is responsible for projects under the Development Programme. The Judiciary and Magistracy are responsible for maintenance of the facilities in the Magistrate's Courts including the air-conditioning units and other works funded under recurrent expenditure. The Judiciary and Magistracy are given annual allocations to fulfil these responsibilities.

Mr. Speaker, this Motion gives me the opportunity to give an account also of the Arima Magistrate's Court which should have been constructed. The Member has raised that—in early 1995, the then Ministry of the Attorney General and Legal Affairs requested that the project proposed for constructing a Magistrate's Court in Arima be modified to include a High Court. This request was approved by Cabinet and the project was re-designated the Arima Judicial Complex. In 1996, considerable works on this project were carried out by the Ministry of Works and Transport in respect of the tendering process for consultants and preparation of design drawings by the appointed consultant.

However, Mr. Speaker, in January 1997, the Chief Justice requested that the High Court be eliminated from the scope of the project as he did not see the need for a High Court in Arima.

That recommendation was conveyed to me and, based on what he requested, as the Chief Justice, we accepted his recommendation. It was decided that the entire area would be used to house an Arima Magistrate's Court Complex. The savings from the project were used for the refurbishment of courts throughout Trinidad and Tobago.

### **11.10 p.m.**

I do not want to go into all the refurbishments which have been done, but all the Magistrates' Courts throughout Trinidad and Tobago have had some benefit of it. The refurbishment works included:

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1. The plumbing and electrical installations of all 16 courts;
2. All the Magistrate's Courts were repainted;
3. Yards were repaved at Chaguanas, Couva, San Fernando, Siparia and Toco;
4. Courtrooms were air-conditioned in Point Fortin, Chaguanas and Couva. All Magistrates' Chambers and the office of the Clerk of the Peace at San Fernando, and all offices, chambers and courts at Mayaro were air-conditioned;
5. All the urgent repairs required at all courts were completed and this included replacement of roof sheets, supporting timber, flooring timber, ceilings and floor finishes;
6. Garages for Magistrates were reconstructed at Mayaro, Moruga, San Fernando, Siparia, La Brea, Couva and Chaguanas;
7. Public washrooms were completely refurbished at Chaguanas, Couva, San Fernando and Siparia;
8. Attorneys' interview rooms were constructed at Chaguanas, Couva, San Fernando and Siparia;
9. Extensive renovations to the court buildings at Toco and Mayaro.
10. There is going to be the removal of the Port of Spain Magistrate's Court to the site at St. Vincent Street.

Mr. Speaker, I have said this to put it in the context that, as far as the maintenance of the buildings is concerned, the maintenance of those facilities at Arima will fall under the Court Administration Department. I have been in touch with the Chief Justice, and up to this morning I spoke to him indicating that the matter is very serious. He has agreed that the matter is serious and has said that the matter is under consideration and action is being taken.

Mr. Speaker, I thank you very much. [*Desk thumping*]

**Sangre Grande Regional Corporation  
(Misappropriation of Public Funds)**

**Mr. Speaker:** The Member for Toco/Manzanilla on the misspending of public funds of the Sangre Grande Regional Corporation with respect to funds paid to maxi-taxi drivers to transport persons to the Rienzi Complex, Couva on Sunday November 8, 1998.



**Mr. Roger Boynes** (*Toco/Manzanilla*): Mr. Speaker, I think it was agreed by both sides, I do not know if they had communicated with you, to defer it to the next occasion.

**Yolande Pompey Park  
(Squatters)**

**Mr. Speaker:** The Member for La Brea on the plight of the squatters on the periphery of Yolande Pompey Park, Princes Town.

**Mr. Hedwige Bereaux** (*La Brea*): Mr. Speaker, the constituency of La Brea has its own share of problems. It is with some reluctance that I have chosen to make this plea and it is definitely as a result of pleas that have been made to me and a serious concern for the persons involved. In fact, when the first gentleman came to me I sent him to the Member of Parliament for Princes Town. He again returned with a list of persons numbering 22, households that is, and approximately 70 residents, including children.

Mr. Speaker, these persons have been living on the periphery of the Yolande Pompey Park in Princes Town, as I am advised, for periods ranging between 16 to 24 years. There is no question that the area is state lands and, in fact, it was originally a dump which they have refurbished in some way, filled up and done a number of things and they are living on it. I have been to see this place and there are a number of coconut trees and bearing fruit trees on the land. It is evident that they have been there for a long time.

I know that time does not run against the state, so I am not claiming that they have any prescriptive right or anything like that. In fact, I was taken aback tremendously by the fact of the treatment they allege that was meted out to them. Just bordering on where they live, Mr. Speaker, is an NHA development of some 50 acres, originally; and some 300 lots have been developed just next door to them. In fact, a few of those squatters are already living on lots within that development.

I understand that the Ministry of Sport and Youth Affairs requires the area where those persons are living, for extension of the Yolande Pompey Park. There can be no quarrel that if the state, in fact, requires the area for some governmental purposes, that must take some precedence. Those are admitted situations and I have so told the persons involved. Where the problem lies is that these people have been there for a long time. They are in the shadow, as it were, of a development. This is a Government—and I commend them for what they did in

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respect of the Squatter Regularization Act, and I supported it in this House—that purports—and to some extent I say in respect of squatter regularization, we did agree to that.

What has happened since they have been there, the development next door to them started six years ago. It is now ready, the roads are there and houses are being built. They told me that when they were approached to move, originally, they were told that they would be given lots in the present development, but now they are told something else! They have been told that they should go to Fairfield. Some people say, “beggars cannot be choosers”, but those people are not beggars. They are citizens of Trinidad and Tobago, and they deserve to be treated properly, especially by a Government of a Parliament that has displayed its concern for the plight of those who are unable to purchase land for themselves of a certain level, or land that is not within their reach.

When I first heard about Fairfield, I did not know the place. I told them I wanted to see Fairfield, and I went to see Fairfield, and not today—although I was there today too—because I read on the newspapers where the people who were living in Fairfield indicated that they did not want the squatters from Yolande Pompey Park there. Fairfield is a canefield. The canes have just been cut. I saw one or two stakes there with red cloth on them. There is no preparation of the place at all. It is close to a ravine and they purPorted to mark out lots for people, lots for which there is no preparation. The cane beds are still there, the drains are still there and they are calling on the people to go and live there. Worse than that, Mr. Speaker, Fairfield is two and one half miles away from the nearest transportation available.

There is no electricity, no water, none of that, and the representatives from the National Housing Authority and the state have told those people they are coming to break down their houses on April 13, 1999. I cannot understand it.

**11.20 p.m.**

I approached the Member for Princes Town on this matter and he told me that he had done all he could. The persons came to me to take legal action on this matter. I like to put to the test statements made by people in this honourable House and I felt that a matter of this kind did not need necessarily to be faced from a legal standpoint—although it is law. I did not think that was necessary because I could not understand, having regard to the proximity of the lots in

Princes Town—they are here around the park, Mr. Speaker, and next door, the lots are there. There are houses going up there now.

They found places for other people there; mud volcano victims from Piparo: I have no problem with that. In fact, it is good if people have suffered to be able to deal with them and assist them, but why is it that these people are being treated in a particular way? I examined the names of the people. I spoke with all who would come. I was looking for some kind of discrimination but I did not find it. I do not know the reason for them to be treated like this. Is it that what I am saying and what I have observed is really the truth—that they do not care about poor people? Is that the case? Because I cannot understand it.

They spoke to Haniff Mohammed, and the point about it is, in the letter they had sent to me—which is available, I do not want to go through that—they have said that they spoke to Haniff Mohammed. The Member for Princes Town has agreed that they have spoken to him and I am asking, why are they doing this? There are one or two families whose lots are on the development itself, and apparently—I have been told by those families—they have not been asked to move.

I am saying that by no stretch of the imagination can the people from around Yolande Pompey Park be expected to live in Fairfield without substantial development there, because Mr. Speaker, Fairfield is a canefield with no facilities whatsoever. It is not an abandoned canefield. It is a canefield from which canes have been cut and the ratoons are growing. So, on the one hand, we are putting people in a situation where the land is low and it is not suitable because of flooding; there is no water; children have to walk two and a half miles to just get to the junction where the neighbours—the persons who live in the immediate vicinity, which is still about a quarter mile away—are looking at them in a hostile manner.

Why is this being done to these people? I do not know the reason. They believe it is rank discrimination and mistreatment, and I say to the Government, I am not threatening them now, because that is another man's problem, but there comes a time when we cannot see injustice going on like this without raising our voices. The plight of the people around Yolande Pompey Park needs to be looked into.

Mr. Speaker, the people around there are just ordinary Trinidadian, poor people. I spoke to them and they are not like the Guyanese they went to arrange to

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bring here, so let us cut it out! I spoke to them, they are ordinary people, and they have children. They have families and there is no reason why they should be treated this way.

Thank you, Mr. Speaker.

**The Minister of Housing and Settlements (Hon. John Humphrey):** Mr. Speaker, the Ministry of Sport and Youth Affairs, as part of its national development plan, has identified a five-phase programme for the upgrading of the Yolande Pompey Park in Princes Town to serve the surrounding region. The programme includes, but is not limited to, extension of the cricket ground and football field, construction of a hard court and a car park facility, a main pavilion a double-sided pavilion, including toilets, change rooms and cafeteria facilities, as well as a community swimming pool.

The National Insurance Property Development Company Limited (NIPDEC) in conjunction with Project Control Associates who are the design consultants, and PCCL Construction Limited contractors have been implementing this project in tandem with the Ministry of Sport and Youth Affairs and the Princes Town Regional Corporation. Twenty households are currently squatting on the periphery of the Yolande Pompey Park on lands owned by the Princes Town Regional Corporation and are thereby hindering the proposed developments.

At the commencement of 1998, the parties charged with undertaking the exercise of developing the Yolande Pompey Park sought the assistance of the Squatter Regularization Unit of the National Housing Authority for the relocation of the squatter community. In October, 1998, the State Land (Regularisation of Tenure) Act came into effect with a schedule of 251 designated sites. It is an Act to protect certain squatters from ejection from state land to facilitate the acquisition of leasehold titles by both squatters and tenants in designated areas, and to provide for the establishment of land settlement areas. The Yolande Pompey squatter community is not included in the schedule of the State Land (Regularisation of Tenure) Act 25, 1998, since the community is not located on state lands or state enterprises land as defined in the Act. The community, therefore, is not entitled to any of the benefits arising under that Act.

In the interest of the affected community and of national development, the Government has, however, opted to treat the squatter community of Yolande Pompey sympathetically by offering the settlers the following: Alternative land on a two acre NHA-owned parcel within Fairfield Matilda Estate, Princes Town which is a site designated for regularization under Act 25, 1998 and which is in

close proximity to their existing location; surveyed front lots of 50 by 1200 feet (5,000 square feet each); infrastructural services including paved roads, basic drainage, interim supply of truck-borne water pending the installation of standpipes, as well as proposals for the provision of electricity in conjunction with the National Commission for Self-Help; opportunity to acquire a leasehold interest in the land; support for social and community development, as well as access to low-interest loans under the Trinidad and Tobago Mortgage Finance Company Limited for upgrading homes and purchasing the land.

All of the measures I have described represent a very substantial improvement over the present living circumstances of the community. Members of the community currently occupy unsurveyed plots of approximately 2,500 square feet in a very haphazard arrangement without any hope of tenure or improved infrastructure.

The Government wishes to assure this House that the process of relocating the settlers is, in fact, ongoing. This caring Government of national unity is committed to the goal of improving living conditions so that everyone in the society will have access to adequate, secure and affordable shelter in the context of well-planned and sustainable human settlement, and that is the approach being used.

I have also been advised that the project of the sporting complex is already one year behind schedule because of the squatters, and that this facility is required for the World Cup Under-17 event in the year 2001. So, it is urgent, in fact, that we get the support of the community in relocating so that the sporting complex can continue in the interest of the entire national community.

**Mr. Bereaux:** Is it not possible to put them next door to where they are?

**Hon. J. Humphrey:** The problem there is that is not an NHA project. That is an IDB-funded project of the Ministry of Housing and Settlements, and with the IDB funded projects there are conditions which are laid down by the bank. In fact, all of those lots in that settlement have been allocated to other people. If any of those people drop out we will be able to accommodate some of them, but there is no hope that we could accommodate as many as 20. Now, I have been further advised that seven families have co-operated and are moving without any hindrance or problem.

**Mr. Bereaux:** I will speak to you after. [*Desk thumping*]

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 11.30 p.m.*