

*Leave of Absence**Friday, November 5, 1999***HOUSE OF REPRESENTATIVES***Friday, November 5, 1999*

The Clerk of the House: Hon. Members, in accordance with Standing Order 5, I wish to advise that the Speaker is unavoidably absent from today's sitting. Accordingly, the Deputy Speaker is required to take the Chair.

The House met at 1.30 p.m.

PRAYERS

[MR. DEPUTY SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Deputy Speaker: Hon. Members, leave of absence has been granted to Members of this House who have asked for leave to be absent from today's sitting. They are Dr. The Hon. Vincent Lasse, the Member for Point Fortin, and Mrs. Camille Robinson-Regis, the Member for Arouca South.

**NATIONAL TRUST OF TRINIDAD AND TOBAGO
(AMDT.) (NO. 2) BILL**

Bill to amend the National Trust of Trinidad and Tobago Act, 1991 brought from the Senate [*The Minister of Culture and Gender Affairs*]; read the first time.

PAPERS LAID

1. Annual Audited Financial Statements of Metal Industries Company Limited for the year ended December 31, 1997. [*The Attorney General (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the accounts of the Siparia Regional Corporation for the year ended December 31, 1994. [*Hon. R. L. Maharaj*]
3. Report of the Auditor General on the accounts of the Siparia Regional Corporation for the year ended December 31, 1995. [*Hon. R. L. Maharaj*]
4. Report of the Auditor General on the accounts and financial statements of the Project Execution Unit of the Ministry of Housing and Settlements for the period January 01, 1998 to September 30, 1998 in respect of the National Settlements Programme as required by Loan Contract No. 584/OC-TT between the Government of the Republic of Trinidad and Tobago and the Inter-American Development Bank. [*Hon. R. L. Maharaj*]

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5. Report of the Auditor General on the accounts and financial statements of the Intellectual Property Office for the year ended December 31, 1998. [*Hon. R. L. Maharaj*]
6. The Registration of Clubs (Amdt.) Regulations, 1999. [*Hon. R. L. Maharaj*]
7. The Petroleum (Royalties) (Onshore Crude Oil) Regulations, 1999. [*Hon. R. L. Maharaj*]
8. Report of the Auditor General to the Minister of Finance in accordance with Section 9(5) of the Exchequer and Audit Act, Chap. 69:01, on Expenditure under the Appropriation Account of the Tobago House of Assembly. [*Hon. R. L. Maharaj*]

Paper 1 to be referred to the Public Accounts (Enterprises) Committee.

Papers 2, 3, 4, 5 and 8 to be referred to the Public Accounts Committee.

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Mr. Martin Joseph (St. Ann's East):

FIFA Contract Award

4. (a) Would the Minister advise the House whether Cabinet awarded to FIFA a contract to project manage the construction of Four (4) new Stadia for the 2001 FIFA World Cup Youth Football Championship?
- (b) Would the Minister indicate whether such an award is in keeping with the Central Tenders Board Act and whether FIFA has engaged the firm PW Partnership to undertake the construction management of the project?
- (c) Would the Minister also indicate the criteria to be used by FIFA and PW Partnership to hire contractors to undertake the construction of the four stadia?

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, with respect to question No. 4, I ask for a deferral of two weeks.

Mr. Kenneth Valley: Mr. Deputy Speaker, may I, on behalf of the Member for Tobago West, ask for a deferral of the questions standing in her name, questions 1, 2 and 3, for two weeks?

Question, by leave, deferred.

Adjournment Motion (Leave)

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**ADJOURNMENT MOTION
(LEAVE)**

Mr. Hedwige Breaux (*La Brea*): Mr. Deputy Speaker, I was waiting for you to call me.

Mr. Deputy Speaker: You are supposed to stand.

Mr. H. Breaux: No, I cannot stand. I have asked your permission. You have to tell me if it is granted. [*Interruption*] Mr. Deputy Speaker, you are to tell me. I cannot just decide. I cannot stand without your permission.

Mr. Deputy Speaker: The procedure is, when we reach that part on the Order Paper you are supposed to stand so we recognize you.

Mr. H. Breaux: Yes, I am listening.

Mr. Deputy Speaker: If you do not stand I think you do not want to be recognized.

Mr. H. Breaux: No, no, I am listening.

Mr. Deputy Speaker: Do you still want to be recognized?

Mr. H. Breaux: Of course I do.

Mr. Deputy Speaker: Okay.

Mr. H. Breaux: Mr. Deputy Speaker, in accordance with the provisions of Standing Order 12(1) and (2) I hereby ask leave to move the adjournment of the House at its sitting today, Friday, November 5, 1999 in order to discuss a definite matter of urgent public importance; to wit, the arrest on Monday, November 1, 1999 of Lawrence Brown and Lyle Townsend, President and General Secretary respectively of the Communication Workers' Union on warrants for charges arising out of offences allegedly committed on October 10, 1999 when persons believed to be members of the Communication Workers' Union held a demonstration in the vicinity of a Government Minister.

You see, there has been a statement sent to me but it is wrong. I do not know what is "in the vicinity of a Government Minister". I know it is in the vicinity of the home—[*Interruption*]

Mr. Deputy Speaker: No. We went through your letter and leave has been granted for you to do exactly what I have sent to you. Could you just do that, please?

Mr. H. Breaux: Yes, I am trying to. Unfortunately, it is not—[*Interruption*]

Mr. Deputy Speaker: It is at the home of a Government Minister.

Mr. H. Breaux: No, no, well that is not what I am seeing here. I am reading what is here. If you will tell—“in the vicinity of a Government”—you will notice I was reading from your paper but it would seem that it is incomplete. So if you want to take it, Mr. Deputy Speaker, correct it and then give it back to me, I will then read it in accordance with your ruling.

Mr. Deputy Speaker: Continue.

Mr. H. Breaux: What is the statement?

Mr. Deputy Speaker: The statement is, “the home of a Government Minister”.

Mr. H. Breaux: The home of a Government Minister.

The matter is definite because it refers to a definite and specific action taken by the police. The matter is urgent because the right of the citizen, the freedom of association and assembly, freedom of thought and expression, the right to equal treatment from any public authority, the right of protection from arbitrary arrest and harassment by the authorities are rights enshrined in the Constitution.

The matter is a—again I am being made to put on the record of this Parliament matters which are incorrect in English. I taught you English in school and therefore I cannot read this.

Mr. Deputy Speaker: Excuse me, Member for La Brea, you are misleading the House.

Mr. H. Breaux: It is, it is—[*Interruption*]

Mr. Deputy Speaker: No, because you were never my teacher.

Mr. H. Breaux: Oh, I was not? But you told me I was, in Couva Government Secondary School.

Mr. Deputy Speaker: No, no, you taught in the same school that I attended.

Mr. H. Breaux: Oh, right, but I was teaching English at that school.

Mr. Deputy Speaker: The word is “of” on my paper.

Mr. H. Breaux: Right, okay, you made errors. I was teaching English at that school when you were there. [*Interruption*] No, I did not teach him. I now understand why he does not know.

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The matter is a matter of importance because of the public concerns surrounding these arrests. Thank you.

Mr. Deputy Speaker. Okay, leave has not been granted to raise this matter as a definite matter of urgent public importance.

ORAL ANSWERS TO QUESTIONS

Mr. Deputy Speaker: Hon. Members, the Member for Tobago West has arrived and would like to ask her questions on the Order Paper.

Permission granted.

Incremental Payments (Allocation of Funds)

1. **Miss Pamela Nicholson** (*Tobago West*) asked the Minister of Finance, Planning and Development:
 - (a) Would the Minister inform this House whether funds were allocated to the Tobago House of Assembly to meet the reintroduction of incremental payments to public servants and daily-paid workers of Tobago from 1st January, 1997?
 - (b) If the answer is in the affirmative, could he state when the funds were released to the Tobago House of Assembly?
 - (c) Is the Minister aware that public servants and daily-paid workers in Tobago have not received their incremental increases while their colleagues in Trinidad received theirs months ago?

The Minister of Tobago Affairs and Minister in the Ministry of Finance (Dr. The Hon. Morgan Job): Mr. Deputy Speaker, the reply to question No. 1 posed by the Member for Tobago West is as follows. In the Assembly's approved 1998/1999 recurrent budget of \$315,338,000, a sum of \$19,847,000 was allocated for the payment of increments to public servants and daily-paid workers with effect from January 1, 1997.

Mr. Deputy Speaker, these funds were released in full to the Tobago House of Assembly in the fiscal year 1998/1999.

Mr. Deputy Speaker, the Tobago House of Assembly in its 1998/1999 statement of expenditure to the Ministry of Finance reported expenditure of \$116,890.00 as at September 30, 1999 in respect of the payment of increments. The Government has discharged its responsibility by sending \$19,847,000.00 to

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the Tobago House of Assembly for the purpose of payment of increments to public servants and daily-paid workers while only \$116,890.00 was reported to have been spent by the Tobago House of Assembly for this purpose.

Since this information has only recently come to hand I shall request a comment from both the Secretary for Finance in the Tobago House of Assembly and the Auditor General. Thank you, Mr. Deputy Speaker. [*Desk thumping*]

**National Housing Authority
(Particulars)**

2. **Miss Pamela Nicholson** (*Tobago West*) asked the Minister of Housing and Settlements:
- (a) Would the Minister inform this House whether the National Housing Authority has an office in Tobago?
 - (b) If the answer is in the affirmative, could the Minister state what are the functions of his office in Tobago?
 - (c) Could the Minister please advise where, in Tobago, Tobagonians should pay their monthly instalments due under N.H.A. Mortgage Agreements?

The Minister of Housing and Settlements (Hon. John Humphrey): [*Desk thumping*] Mr. Deputy Speaker, the National Housing Authority is, at the moment, relocating its office formerly located at Highmoor, Plymouth Road, Tobago to a new location at Rollocks Building corner of Maine and Fort Streets, Scarborough, Tobago.

The functions of this office are:—

- 1) Collection of all moneys due to the National Housing Authority by way of mortgage, rentals and land purchase agreements.
- 2) Delivery of title and mortgage security documents to beneficiaries of the Authority.
- 3) Servicing of sewage treatment plants at Bucco and Bon Accord.
- 4) General information with respect to the affairs of individual beneficiaries.

In answer to (c), the new NHA office at Rollocks Building, Scarborough, is now being outfitted and made ready for use. Payments can be made at any

commercial bank via cash or standing order. Mortgagors seeking to make payments can obtain the National Housing Authority's account number from the offices of the NHA in Trinidad. NHA will communicate shortly with all concerned parties on the matter.

1.45 p.m.

**National Land Development Programme
(Tobago)**

3. Miss Pamela Nicholson (*Tobago West*) asked the Minister of Housing and Settlements:

- (a) Would the Minister inform this House whether a national land development programme for housing was initiated by his Ministry in 1989 after which lots were sold to several persons?
- (b) If the answer is in the affirmative, would the Minister please identify the areas encompassed in the programme?
- (c) Is the Minister aware that an additional area in Tobago called Signal Hill was brought into the programme and the infrastructural development was implemented by the National Housing Authority in collaboration with the Tobago House of Assembly?
- (d) Is the Minister aware that the lot prices were set between \$20,000 and \$25,000 and the National Housing Authority collected the moneys from all interested persons and that by the end of 1994, 163 applicants had paid \$20,000 and more?
- (e) Is the Minister aware that after waiting for almost a decade for the distribution of these building lots, the applicants have been informed by the THA of an increase in price of \$7.00 per square foot which is \$2.00 more per square foot than their counterparts in Trinidad paid?
- (f) Would the Minister please tell the House what action would be taken to ensure that applicants in Tobago are not treated worse than applicants in Trinidad?

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Deputy Speaker, the Minister is aware that a programme was initiated in 1987. That programme was titled "NHA Project 100" and I quote from a booklet published at the time which is headed "The Settlements Programme of the National Housing Authority." The National Housing Authority's new settlement

policy is based on the Sou Sou Land concept, an experience in land delivery. The major aspects of the programme are:

- (1) Decentralization;
- (2) Land for the landless;
- (3) Purchase arrangements which allow for easy access to land ownership.”

Mr. Deputy Speaker, that document was widely disseminated to the national community. The programme was expanded to include Belle Garden, Blenheim, Calder Hall and Signal Hill in Tobago.

Yes, it should be noted also, that the Tobago House of Assembly co-funded with the National Housing Authority, the development of the particular site, which is Signal Hill. The Tobago House of Assembly contributed to the overall budget of the programme, utilizing funds from the allocation of the Consolidated Fund.

Yes, the information as supplied in the question is correct, however, we wish to point out that the price of land sold by the National Housing Authority in Trinidad and Tobago does not exceed \$5.00 per square foot. The price paid by individuals for a lot of land sold by the National Housing Authority, therefore, depends on the lot size. The policy provides for 40 per cent subsidy on the actual cost of the raw land, and the cost of developing that land.

Cabinet by Minute No. 298 dated February 4, 1993, agreed that the selling price of land would not exceed \$5.00 per square foot. There has been no subsequent Cabinet decision to vary, alter or rescind the price of land; therefore, the price does not exceed \$5.00 per square foot.

The Minister wishes to inform the House that the Ministry of Housing and Settlements, the Ministry responsible for all issues of housing and settlements in Trinidad and Tobago, is taking steps to have the lands transferred at a price not exceeding \$5.00 per square foot.

LAND ADJUDICATION (NO. 2) BILL

Bill to provide for the adjudication of rights and interests in land and for purposes connected therewith or incidental *thereto* [*The Attorney General*]; read the first time.

LAND TRIBUNAL (NO.2) BILL

Bill to establish a Land Tribunal to hear and determine appeals from the Land Adjudication process, and from the decision of any other body relating to

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the use and enjoyment [of land], the division [of land], the development [of land] and the compulsory acquisition [of land], and for matters connected therewith and incidental thereto [*The Attorney General*]; *read the first time.*

REGISTRATION OF TITLES TO LAND (NO. 2) BILL

Bill to provide for a register of land titles, and to provide for the registration of estates and interests in land, in that register [*The Attorney General*]; *read the first time.*

ENVIRONMENTAL MANAGEMENT (AMDT.) (NO. 2) BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [October 29, 1999]:

That the Bill be now read a second time.

Question again proposed.

Mr. Martin Joseph (*St. Ann's East*): Mr. Deputy Speaker, I am pleased to participate in this debate on a Bill to amend the Environmental Management Act 1995 and to start off by indicating that we on this side have some concerns, as indicated by the hon. Member for Arouca South in her contribution. We have problems with amendments to clauses 3, 5 and 6.

Mr. Deputy Speaker, the amendment to clause 6 states that the appointment of the Managing Director is subject to the approval of the Minister. The original Act No. 3 of 1995 states:

“The Board shall appoint a Managing Director who shall be the Chief Executive Officer and *ex officio* member of the board.”

In the original Act, the responsibility for the appointment of the Managing Director was left solely up to the board. This new amendment is now saying subject to the approval of the Minister, and Mr. Deputy Speaker, we have a difficulty with that. We recognize that this seems to be the trend and thinking of this Government, in terms of having some direct involvement in the hiring of all persons in the public service. It was clearly stated by way of Cabinet Minute No. 2868 of October 29, 1998, the procedure concerning the employment by ministries and departments of persons on a temporary basis and I quote:

“(a) Ministers be fully informed and their prior approval obtained before Ministries and Departments engage persons on a temporary basis to fill positions that are either established, temporary or contract;”

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Mr. Deputy Speaker, this represents a clear departure from the manner in which previous administrations dealt with the employment of people in the public service. I think that this Government has a responsibility to clearly indicate that it now has a policy in place that says it is going to directly intervene in the appointment of public officers.

As it is now, the Statutory Service Commission and the Public Service Commission are the persons who are charged with the responsibility of hiring public servants. The Chief Personnel Officer is the functionary that discharges this particular responsibility. What we are seeing—and I am saying that we have a serious objection to it—is the direct interference in the hiring of everyone in the government service.

Mr. Deputy Speaker, what is happening, and from what we have seen so far, is that the major criterion use for employment seems to be some kind of political affiliation. The Minister of Finance is on record as saying that one of the first requirements he looks at in terms of hiring is the question of how you feel about the UNC.

The Member for Oropouche, when he was the Minister of Planning and Development, in making a contribution in this honourable House, with respect to the extension of the contract of the then Commissioner of Police, is on record saying that he and his Government support a position that says, first of all, it is the responsibility of the elected officials to implement policy and they ought to be able to say who are the persons going to implement public policy. The Minister even quoted countries like Germany, *et cetera*. In other words, the Minister is saying that the Government ought to—when they came into office—change all top officials, okay.

Mr. Deputy Speaker, it is quite clear, that what we are seeing happening here with this UNC administration is the implementation of that particular thinking. All I am saying is that if they want to do it, I believe it is the responsibility—

Mr. Sudama: Would the Member give way?

Mr. M. Joseph: No, I am not going to give way at this time. As I was saying, it is the responsibility of Government to indicate that is its policy. We have seen it with respect to the Ministry of Agriculture, Land and Marine Resources where someone identified as No. 6, in terms of performance at an interview, placed No. 1.

1.55 p.m.

We have seen, Mr. Deputy Speaker, situations where competent, qualified persons are bypassed and not employed as a result of their so-called political

affiliations. One of the reasons we are saying we have a difficulty with that, is because at the end of the day, it is very likely you are going to hire persons who are not competent to discharge the duties and responsibilities associated with those various positions and, as a result, the most important criterion considered is the question of their political affiliation.

This is the reason we have a difficulty with this proposed amendment. It is quite clear that the intention here is to make sure that whoever is appointed Managing Director is someone whom the Minister—well, it seems as though the Minister has the final say, because it says “subject to the approval of the Minister”. So that the board may recruit someone whom it considers to be competent and capable of doing the job but if that person does not satisfy the Minister’s criteria, then that person will not be appointed.

We have a difficulty with that, because this is not a government that is going to do things on the basis of competence and merit, *et cetera*. This is a government that, clearly, on the basis of its performance so far, has shown that political consideration seems to be the overriding factor in appointments, and I am saying, as a country, we are going to suffer because of that, because more than likely, what we are seeing is the tendency where UNC people are being put into positions only because they are UNC and, according to them, it is “we time now” so that they must be put.

We see the question about the fiasco in terms of the highway, in terms of contracts being given to people who are incapable of performing and, as a society, we are going to suffer as a result of that. We have a difficulty with the amendment proposed in clause 3.

That is the first problem we have with the amendments proposed—the question about “subject to the approval of the Minister” that the Managing Director who “shall” be the Chief Executive Officer. I am saying, when this piece of legislation was passed, Act No. 3 of 1995, the appointment of the Managing Director was only subject to the approval of the board. Now, we are seeing, really, the Managing Director is going to be hired “subject to the approval of the Minister” and we have a difficulty with that because we are saying there is going to be political interference and the likelihood of competent, capable persons being able to discharge and hire in this position can be seriously compromised if it has to be done on the approval of the Minister. That is the first difficulty we have.

The second area calls for a change in the composition of the commission. Initially, Mr. Deputy Speaker, if I may be allowed to quote from the parent Act, it made provision at section 82(1) as follows:

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“The Commission shall be comprised of a full-time Chairman, and five other members including a Deputy Chairman each of whom may be appointed to serve in a full-time, part-time or periodic capacity as may be required to fulfill the objects of this Act.”

Subsection (2) goes on to say:

“The Chairman and Deputy Chairman of the Commission shall each be an attorney-at-law of not less than ten years standing, and shall be appointed by the President.”

Subsection (3) talks about:

“The members...be qualified by virtue of their knowledge of or experience in environmental issues, engineering, the natural sciences, or the social sciences.”

The amendment proposed, Mr. Deputy Speaker, changes to, as I said earlier on:

“The Commission shall be comprised of a full-time Chairman, and five other members including a Deputy Chairman...”

Okay. So, we are talking about moving from a six-member commission to a two-member commission; only a chairman and deputy chairman. Mr. Deputy Speaker, we also have a difficulty with the reduction in the size of the commission.

Again, Mr. Deputy Speaker, this points to more political control and it moves away from the spirit of the original Act. I do not know, but I hope that the Minister, in winding up, would give us some explanation as to why the commission is moving from six to two. We have our own beliefs as it relates to that but, clearly, it moves away from the very spirit of the original Act, the intention being to bring people with varying experiences—and we indicated that here. So that the chairman and deputy chairman were expected to be lawyers, but the other four were supposed to bring these levels of expertise—knowledge or experience in environmental issues, engineering, natural sciences and the social sciences.

The requirement that the commission now becomes two, that the first major change you make is moving from six to two and the two persons are going to be lawyers of some long standing. So, where is the expertise? Now, I have seen an amendment to bring in assessors and they will tell me that by bringing in these lay assessors, they are going to provide assistance but they are not going to be making the decisions. They are going to operate in an advisory capacity, so at the end of

the day, the decisions are still going to be made by only two persons and we have a difficulty with that.

We want the original intention of the Act, that the commission comprises six persons; the chairman and the deputy chairman be lawyers of 10 years' standing and the other four members bring the expertise. We are not satisfied with the fact that you are now going to bring in lay assessors and say that they must have these competencies, but the lay assessors are only operating in an advisory capacity, so that at the end of the day, it is only two persons who are going to be making the decisions.

Again, if this were a government in which people could have confidence and trust, one would not make an issue, but when one looks at the behaviour of this Government, this is not a government in which one can have any trust. I am going to talk a little later on about an environmental issue that is now almost of crisis proportions in this country. I will get to that just now.

The point I am making, Mr. Deputy Speaker, is that we have two major concerns with this other amendment. One, is the movement from six to two and, secondly, the question about the introduction of these lay assessors. They will not, in any way, replace the intention of the original Act in terms of the decision-making, because they would be acting only in an advisory capacity.

I understand that when this original Act was passed, there were concerns with respect to parts of it that violated the Constitution, especially, I think section 22 which provided for "Powers of entry and inspection". If I may quote the original Act again, section 22(1) states:

"Subject to subsection (2), any inspector shall, upon presentation of his identity card and reasonable evidence of his authorisation by the Authority to the occupier or person in charge of any premises or vehicle, be allowed entry into such premises or vehicle for the purpose of—"

My understanding is that this is an infringement of the rights under section 4 of the Constitution and that it was agreed that when any amendments were being made to this Environmental Management Act, No. 3 of 1995, it would have taken into consideration this violation and the amendments would have addressed that. I am not seeing this being addressed in any of the amendments before us in this Environmental Management (Amdt.) Bill, 1999. Those are the concerns that I wish to address with respect to the legislation.

I wish to raise some other issues associated with the relationship of the existing Environmental Management Authority. I represent a constituency in

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which there are three active quarries. There is a quarry in Cangrehal; there is a quarry in Gasparillo and there is a quarry in Acono. We are concerned about what is going to happen after the activities of those quarries come to an end. What kind of post-quarrying type of environmental rehabilitation can one expect to get?

I have been forced to interface, on two occasions, with the Environmental Management Authority with respect to some environmental issues pertaining to various areas of the constituency and, Mr. Deputy Speaker, in terms of the kind of responses that we have been able to obtain, they are less than “useful”, for want of a better word.

I am concerned also with the practical operation of the Environmental Management Authority as to what extent the amendments being made to this particular Act, would enhance the performance of the Environmental Management Authority.

Mr. Deputy Speaker, I think it is only fitting that the issue involving the whole question of asbestos in schools, something that is now current on the national agenda and the whole question of the response to it—I made the point earlier on, saying if this was a government in which the people had confidence and trust, this whole issue would not take on the proportions that it is currently taking on. It is only because, in my opinion, the citizenry does not have any confidence in the Government or the institutions, because we have seen time and time again, where some of those institutions or the very Government says one thing and the behaviour is completely different. Look at the whole question of the arrest of the two trade unionists; clearly, another fiasco—

Mr. Deputy Speaker: Arrests of trade unionists are not environmental concerns. Let us stick to asbestos.

Mr. M. Joseph: No, it is not an environmental issue, Mr. Deputy Speaker. I am talking about the trust.

Mr. Deputy Speaker: You cannot bring that in.

Mr. M. Joseph: I am giving one of the reasons why we are having problems with respect to certain issues, and I am using the issue of the asbestos as an example of the distrust that people have for the Government because of the behaviour of the Government in certain areas, [*Desk thumping*] so that when it is totalled, it creates a problem.

Look at the impasse between the Chief Justice and the Attorney General. Look at the budget debate and the fictitious figures. They all contribute to a crisis

of confidence and it is against that background that I am saying this current environmental issue will continue, notwithstanding all the statements made by the Minister of Education and by the Caribbean Institution of Research, Science and Technology; notwithstanding all the officials; we are seeing now a situation where professionals are compromised because they are required to tow a government line. They cannot take on an independence of their own, because whenever they take on an independence of their own, they get their necks cut off. So that it is in that context that we raise some concerns about the amendments. *[Interruption]* Tow the line otherwise they will get their heads cut off. Ask the Member for Oropouche.

Mr. Deputy Speaker, with these few remarks, I thank you very much for being allowed to participate in this debate.

2.10 p.m.

The Minister of Education (Hon. Kamla Persad-Bissessar): Mr. Deputy Speaker, I join this debate to support the Bill that is before this honourable House and to deal with one or two issues that have been raised by Members on the other side.

Whilst the Member for St. Ann's East is a gentleman, I think even he would accept—and most definitely he, if not anyone else—that when he raises the issue of asbestos in schools, this is not a problem that has been created by this Government. It is very clear to the entire national community that the asbestos was not placed in schools by this Government. So, for him to say, in this honourable Chamber, that it is because of this Government we now have a problem in Trinidad and Tobago, is to be totally false and misleading to the population. *[Desk thumping]*

The hon. Member for St. Ann's East should know better. I would not go so far as to say he is being dishonest, but he should know better than that! The schools were built clearly at a time when his government was in office. The problem with that is that the hon. Member is saying that the problem is because of this Government, and that is totally not true. It is totally false.

I need to place on the record that these schools were built at a time when his government was in office. That is the first point. They were the ones who were in administration. They were the ones who were in government at the time. I heard from an expert recently on *The Issues Live* that reports with respect to the detrimental effects of asbestos were there since 1901 and, by the 1970s there were thousands of these reports.

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It is not true to say that there was no information and they did not know that at that time in the 1970s, when the schools were being built, the asbestos could be a hazardous material. So, they knew, or ought to have known at that time, that they were placing hazardous materials in the schools of this country. When the hon. Member seeks to lay at the feet of this Government the blame for the asbestos in the schools, he is being, in my respectful view, very dishonest and not true to the circumstances. *[Desk thumping]*

Mr. Deputy Speaker, when this issue arose, we addressed the issue with expediency. When the issues were drawn to us, within three to four days we were able to have an action plan, to have a task force report which we took to the Cabinet and which we brought to this Parliament last week Friday. I made a statement on that day, if one will recall. Since then, we have begun implementation of the action plan contained in the report. So, do not come to tell us today about where the fault lies. Do not come to tell us that they distrust this Government, because any distrust should lie in the hands of those on the other side; not on the part of this Government.

We have acted in good faith. At every step of these matters, we have acted in good faith with the population. We have come forward openly, we have stated what our findings are and we continue to do the work. First, what we did was to carry out the mandate of the task force, which was to hold the public information sessions. We have been doing those continuously this week. We continue next week Tuesday in Central at the Rudranath Capildeo Learning Centre. This was the condition that TTUTA attached; that we educate and inform members of the public and the teachers, but that is only one limb of the action plan.

The most important point to note—again this is coming over from the discussions we are having—is the malaise in terms of what that government did; the malaise in terms of inaction on the part of that government. They knew since 1995, because they went into a school in San Fernando under that administration and they removed asbestos from that school in 1995. Mr. Deputy Speaker, nothing about the rest of the schools! Not a word from them about concern, about fear for the teachers, students, and all those in the schools who they knew from 1995, because they went in to remove asbestos during their administration in 1995.

Do not come to tell us in 1999 that they did not know. They had no care, no concern. Up to today, I have not heard a single Member from that side express any fear, any concern, any care or action with respect to dealing with the issue of asbestos in the schools. It is this Government which is taking action. I say again,

in addition to the information communication strategy that the task force recommended, we have gone even further. Arriving in Trinidad and Tobago as from yesterday, we have an expert who has 30 years' experience. CARIRI has brought him in to assist with the problem.

In addition, the Cabinet, the Government, the hon. Prime Minister mandated us last week Friday when I went to Cabinet, that we must obtain, together with the Ministry of Health, an independent person to come in and assist us. The Minister of Health has worked on that so that today in Trinidad and Tobago, arriving as of last night, is a representative from the Pan-American Health Organization and, also from the World Health Organization; the PAHO/WHO. So, he is here.

It is not only the local persons from CARIRI and the EMA. In addition to those, we have brought in those with expertise for dealing with these problems in other parts of the world. They are independent persons. So to say that we do not know what we are doing, to say that we will get them to say what we want them to say is dishonest and misleading. They are independent persons who are coming in to assist the Government with the action plan. That is the second limb of it.

The third limb of it is that we have engaged Petrotrin—I spoke with officials of Petrotrin—and they have agreed to assist us with respect to abatement, removal or control. Listen, asbestos is something—in fact, the PAHO representative, when he met with the task force this morning, said that in some cases it is best not to interfere with the asbestos if it is in a solid state and in good condition, because one could create more danger. We could not have moved faster than we have moved, because to move faster would have meant that at the “altar” of speed, we would have sacrificed the security and safety measures we need to put in place.

We have to balance the speed with which we must move together with ensuring that we do it properly. We must do it properly, and so, we are putting those safeguards at each point. Petrotrin is engaged by the Ministry of Education to assist us in dealing now with the abatement, the removal where necessary, and the control, in some cases, to encapsulate it.

There is a kind of hysteria. I read in the newspapers that in the Fyzabad Composite School, three persons died from cancer. Two died from stomach cancer. They are saying that they died from stomach cancer because the asbestos caused it. Mr. Deputy Speaker, I am advised by all the medical experts that there is nothing related to asbestos that could cause stomach cancer. The medical evidence is clear that there is no stomach cancer that is related to asbestos or the presence of asbestos. I understand the fear of those who are in the schools. This

Government understands it. That is why they are putting in place the measures to deal with it safely and, at the same time, to balance that with dealing with it expeditiously.

I want to make a further comment to the hon. Member for Arouca South—she is not here today. The last time she spoke in this Chamber, she implied that this Minister of Education was discriminating against the schools, because when this Minister was the Minister of Legal Affairs, she took action with respect to the Huggins Building, and now, she is not taking the same action with respect to the schools.

I want to make it very clear, Mr. Deputy Speaker, that this Minister is in no way discriminating against any of the citizens of this country. In the first place, the situation at the Huggins Building was totally different from what is happening in the schools with respect to asbestos. That is because at the Huggins Building, I told this Parliament on a previous occasion, we had begun refurbishment and renovation works to customize that building to house the Ministry of Legal Affairs and the registries of the Ministry.

When the staff left the Huggins Building we had begun major renovation works which resulted in ripping out of entire ceilings and other asbestos-containing material, so that the asbestos had become airborne and in a particulate condition in that building. In those circumstances, this Minister did not flee the building, contrary to the views and allegations that are being put over. The staff of the Ministry of Legal Affairs housed in the Huggins Building withheld their labour. They left the building and withheld their labour and, having done that, they made representations with respect to what was taking place. At that time, because of the major works taking place in the building, because of the technical advice received, we relocated the staff of that building to other temporary accommodation.

Mr. Deputy Speaker, as of today, we have tested and received results for 11 schools. When I came last week, there were five. Out of the 11 schools, the results are clearly showing that the levels of fibre in the air samples are well below the danger level set internationally, but there is another point about that. Those levels reflect what is known as “fibre count” in their samples. Does one know what that means? It means that the fibre count may or may not include asbestos.

The worst case scenario for the levels we have already presented with respect to the schools is that of the percentage of those amounts that we had given, only a percentage may represent asbestos. The assumption on the part of those doing the

testing for us is that there is asbestos-containing material in the schools. Having done that, they did the fibre count. The fibre count, I am saying, does not mean that the fibre count is 100 per cent asbestos fibres. So, for the worst case scenario, it means therefore that only a percentage of the fibres counted are, in fact, with respect to asbestos fibre. The situation is even more encouraging than what we had originally presented here. When I gave that statement, I told them these are the fibre counts which were a certain amount. I am now advised by the technical people that “fibre count” means “asbestos-contained”.

We have completed 11 schools since I last spoke. We have received the results for those 11 schools, and those 11 schools are well below the international standards. I talked before of the potential of developing diseases, of being struck by lightning. I have talked about the fact that if one is in an aircraft, there is always a risk. There is a potential risk, but from these results, there is no immediate risk. One can be in an aircraft; one has a risk. Does one ban the aircraft or stop flying in it?

Being in a building like this, electricity is a potential risk. Do we turn off all the lights and run out of the building? We take Panadol for whatever ache it may be. It does not harm us, but there is a potential risk. If we take too much Panadol, it can kill anyone of us. In the same way, I am advised that asbestos-containing materials in the schools, from the results and the medical advice, whilst they are a potential risk, are not an immediate danger to the health of those in the schools.

2.25 p.m.

We have tested 11 schools and those are the results. Further, we have tested an additional 16 schools, the samples are in the United States of America. I should get the results by this weekend. Seventeen schools, as we last spoke, have been tested. By the time we come back out on Monday several others will be tested. The question now—*[Interruption]*

Hon. Member: How do you know whether all of them are infected?

Hon. K. Persad-Bissessar: The Trinidad and Tobago Unified Teacher’s Association (TTUTA) has suggested that there are 56 schools suspected. There is no clear evidence that all 56 are in fact infected—if you want to use that word—with asbestos. TTUTA said that there are 56 schools because they were built around the same time, please do the testing on all of them. That is what we are doing. I am saying that we have already completed testing in 17 of the schools since I last spoke in this honourable Chamber. The allegations being made by the hon. Member for St. Ann’s East—with the greatest of respect to him—would lead

to misleading persons because we have moved with expedition and we have moved in good faith to deal with the issue of asbestos in the schools.

Finally, Mr. Deputy Speaker, I have dealt with the issue of the Huggins Building which is one of the issues arising. I have dealt with the issue of the Fyzabad Composite School which I read in the newspapers today. There is another issue because persons in the schools are fearful, they say that they are itching and coughing. Again, I am advised by the medical experts that asbestos does not cause any itching or coughing. Those symptoms that are arising are not from asbestos; they may be from other matters, nothing to do with asbestos. I believe that the fear and concern amongst those in the schools is clearly an indication of the lack of information on the subject.

This week we have started to move, in terms of providing that information and we will continue to do so. Now that we have the two experts with us: they have had experience with this matter. Last night Mr. Furman said very clearly—in spite of everything in the United States of America—there are schools in the United States of America right now that still have asbestos in them. They have done what they can. They have looked at ways of controlling and maintaining the asbestos. That is what we will do: we will take every step that is humanly possible—I said it before—to deal with this problem, but also to deal with it in a manner that is safe and follows the proper procedures to ensure the safety, health and welfare of those in the nations schools.

I thank you very much, Mr. Deputy Speaker.

Mr. Patrick Manning (*San Fernando East*) Mr. Deputy Speaker, I really had not intended to intervene in this debate at all. Having regard to the contribution of the very distinguished Member for Siparia; the hon. Minister of Education, I thought it would be most appropriate to make a brief intervention in this debate in support of the contention of my colleague, the Member for St. Ann's East.

Mr. Deputy Speaker, this Government has a way of applying circumstances of today to developments 20 years and many years in the past: different circumstances. It applies the circumstances of today to a situation that existed then. A perfect example of that is the Government talks about corruption and the PNM. When you ask them what is the corruption of which the PNM is guilty, they do not get past John O'Halloran and Francis Prevatt, they do not get past them. Two gentlemen who are probably not known to anybody on this side of the House, except me—and I met them some years ago. This is the reality of the

situation. It is like blaming the President of the United States of America today for a transgression of Abraham Lincoln in 1863. That is what they do. That is what they specialize in. *[Desk thumping]*

Mr. Deputy Speaker, the parallel to that asbestos argument is the argument of cigarette smoking. For years it was suspected that cigarette smoking is associated with the development of lung cancer. Yet the medical experts had gone out of their way to make it absolutely clear that the evidence to substantiate this is purely empirical. Therefore nobody could say, with any assurance, that cigarette smoking causes cancer. It is only recently that has been proved as a consequence of which, it is only recently on the pack of cigarettes you see: “In the United States the surgeon general warns that cigarette smoking can cause lung cancer.” In other words—*[Interruption]* It is okay, we are coming to the point.

Whereas the hon. Minister talks about this litany of reports that have been available in respect of asbestos there have been suspicions and allegations of the association of asbestos with cancer. Since it has not been proved, for a long time, and since there are always interest groups, particularly in the developed countries, that will carry a flag, asbestos was considered an acceptable construction material until very recently. That is the reality of it.

For the hon. Minister, therefore, to go and tell some students in some schools that the PNM should be locked up and she wants to charge the company and the workers who installed asbestos in schools, is to carry this politics too far. *[Interruption]*

Mrs. Persad-Bissessar: Would the Member please give way? I thank the hon. Member for giving way.

I want to make it very clear that I did not go into any school and tell schoolchildren to lock up the PNM. I never mentioned the PNM. Further, I did not say I was going to charge anyone. What I did say was that we were having legal officers investigating whether there was any legal liability attached to those who may be responsible for placing the asbestos in the schools. At no point—if the hon. Member has a guilty conscience, I am sorry—did I mention that the PNM would be charged or would be locked up.

Mr. P. Manning: Mr. Deputy Speaker, if you are a chess player—do you play chess, Mr. Deputy Speaker? The experts on chess will tell you that laying the threat is worse than carrying it out. What the hon. Minister did, in pursuance of that principle, is to lay the threat. It is far worse than carrying out the threat;

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anybody who plays chess knows that. That is what the Minister is trying to do, she is threatening the workers.

That is when a colleague of mine used to say: “She is trying to be smart by a half.” Ministers of this Government must understand that they must stop operating on the premise that they are smart, they alone are smart and the bulk of the population comprises a bunch of fools. That is the premise. When the Minister makes her smart “Alick” comment she feels that we do not understand what is being said. Not just us, the Minister feels that the workers who are associated with the construction of those schools do not understand what is being said.

It is like the Minister of Education, the minute he calls for the names of those teachers who participated in certain action in the schools—*[Interruption]*

Dr. Rowley: Ex-Minister, thank God.

Mr. P. Manning: The Minister emeritus. The minute he does it, these threats are clear. The same Minister would come and tell you: “I never threaten to lock up any teacher.” You are being smart by a half. That is the problem with that Government. It is not smarter than anybody else and sooner or later it is going to realize that. *[Desk thumping]*

That method of operation, among other things, damages the Government’s creditability and therefore whenever the Government speaks—however well intentioned that Government might be, or however accurate the Government might be in its public utterances—it lacks the creditability that normally should be associated with the utterances of people who carry executive authority. It lacks it. Therefore, when the people of Trinidad and Tobago do not believe them they must understand why: it is a bed of thorns that they have laid for themselves.

When a Minister of Government could get up and say to the national community: “We want to upgrade the communications in the police service as a result of which we have picked the Motorola radio. Our advice is that the Motorola radio works best in Cherokee jeeps, so we will buy 100 Cherokee jeeps.” Do you understand? The Government believes it has gotten away with it. The reality is, all they have done is damage their own creditability and the chickens are coming home to roost. That is what the Minister does not understand. *[Desk thumping]*

2.50 p.m.

Petrotrin does not even sell gas; it is an exploration, production and refining company, how could it be Petrotrin? If they had said MTS then I could understand

that MTS is in the business of the maintenance of schools and public buildings and therefore there is some justification for it. Therefore, when they do that kind of thing it merely reinforces in my mind, in the minds of my colleagues on this side of this honourable House, and in the minds of the people at large, that all is not well in the state of Denmark [*Desk Thumping*] and that they only go those routes because it provides yet another opportunity for them to continue with their nefarious activities. I can only hope that before this debate is over, somebody on that side will tell us, really, what is the Government going to do about this asbestos in schools.

I thank you very much, Mr. Deputy Speaker.

The Minister of The Environment (Dr. The Hon. Reeza Mohammed):

Mr. Deputy Speaker, I would like to deal with some of the issues and concerns expressed by Members on that side in their contribution to this debate and, perhaps, to begin with the concerns expressed by the Member for St. Ann's East on the proposed amendment to clause 3. I do not know whether the Member for St. Ann's East understood what I said in my presentation with respect to clause 3, where it speaks to the mode of appointment of the Managing Director, Chief Executive Officer of the Environmental Management Authority. I gave an explanation and a rationale as to why clause 3 was being put as an amendment on this issue. I said that the arrangement provides for such appointments to be subject to the approval of the appropriate Minister by way of the amendment. I went on to explain that the present arrangement under the Environmental Management Act No. 3 of 1995, is for the Managing Director, Chief Executive Officer of the EMA to be appointed by the Board of the Environmental Management Authority and that it is to be noted that the requirement for ministerial approval is provided for in the enabling legislation in respect to the following agencies.

I indicated, by way of example, that an amendment came to Act No. 13 of 1990 governing the Institute of Marine Affairs so that the Managing Director, Chief Executive Officer of the EMA would have been appointed with the approval of the Minister. I also cited several other examples including the National Institute for Higher Education, Research, Science and Technology; the Caribbean Industrial Research Institute; the National Agricultural Marketing Development Company; the National Carnival Commission of Trinidad and Tobago. What is ironical with respect to the concerns expressed by the Member for St. Ann's East on this issue, likewise the Member for Arouca South, is that all these pieces of legislation were brought to this Parliament by the former PNM government and today, an amendment to clause 3 is before this Parliament to bring in line a

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section of the Act which speaks to the appointment of the Managing Director, Chief Executive Officer of the Environmental Management Authority for the approval to be given by the Minister of The Environment. So what was good for them, then apparently, is not good for now and for this Government.

The argument with respect to the amendment to clause 3, I think it is not at all useful as far as the debate on this matter is concerned, in that, there have been precedents set with respect to authorization being vested in the respective Minister, in this case, the Minister of The Environment; under the the Environmental Management Act No. 3 of 1995, to give some measure of authority to the Minister for approval for the appointment of the Chief Executive Officer, Managing Director of the Environmental Management Authority.

The Member for St. Ann's East also spoke about quarries and post quarrying operations. I want to let him know that whilst he may have listened to my presentation, on the last occasion, perhaps he did not pay attention. Many people in this country and, in particular, those on the other side, listen without paying attention. The issue of the quarries, the quarrying and the post-quarrying operations is precisely in keeping with the need to put in place the Commission, to put in place the court, so that those people who are operating by way of quarrying operations—the Environmental Management Authority already has vested in it, the authority within the framework of the Act, to take certain courses of action, but we must have the court established in order that whatever actions are brought against those, as perceived by the Member for St. Ann's East, who are practising unethical or otherwise methods of quarrying. There is now a measure. That is a provision provided by the establishment of the court so that when the Environmental Management Agency, as empowered under the Act, takes a course of action against those quarry operators, there is a court of law to deal with the matter. Maybe he did not understand that. This is why I am saying that there are those on that side who listen without paying attention.

The Member for San Fernando East spoke a lot about the situation with asbestos and what the present Minister of Education is doing and what she is not doing *et cetera*, and it seems as though he is an expert in asbestos. Nonetheless, he indicated that this Government and Members of this Government, are smart by one half. I want to let the hon. Member know that we, on this side, consider him to be smart by a quarter—if so much—and we have very good proof of this and that is, the very Member for San Fernando East in his capacity as the former Prime Minister of this country, called an election on November 06, 1995 and he lost. It is less than being smart by a quarter, Mr. Deputy Speaker; yet he accuses

Members on this side of being smart by one half. What nonsense! I totally did not appreciate the importance of the contribution made by the Member for San Fernando East in this debate. It was totally out of context. It is a pretence that he is an expert on asbestos and asbestosis. Rubbish! Waste of the Parliament's time.

3.00 p.m.

Let me now refer to some of the concerns expressed by the Member for Arouca South in her contribution.

Mr. Deputy Speaker, the Member in her contribution, spoke to the issue of memoranda of understanding as stated in the Act. She indicated that this Government took absolutely no action with respect to section 32(2), which speaks to the signing of memoranda of understanding between government agencies and central Government.

Let me through you, Mr. Deputy Speaker, assure the Members of this House that in keeping with section 32(2)—[*Interruption*] [*Member sits*].

Mr. Deputy Speaker: Are you finished? [*Laughter*]

Dr. The Hon. R. Mohammed: No, Sir, I was seeking your protection. [*Crosstalk*]

Mr. Deputy Speaker: Hon. Members, the question is that a Bill entitled an Act to amend the Environmental Management Act, 1995—[*Interruption*]

Dr. Rowley: The rules change or what? [*Crosstalk*]

Mr. Deputy Speaker: Continue please, Dr. Mohammed.

Dr. The Hon. R. Mohammed: Mr. Deputy Speaker, I was speaking about the memoranda of understanding. Indiscipline! I want to point out to this honourable House that over 30 memoranda of understanding were signed between the Environmental Management Agency and the respective ministries as follows—[*Interruption*] Mr. Deputy Speaker, can I have your protection, Sir? I cannot continue my contribution with what is happening on that side. I need your protection.

Mr. Deputy Speaker: Order please!

Dr. The Hon. R. Mohammed: Thank you, Sir. Over 30 memoranda of understanding have been signed between the EMA and the following ministries and agencies of government, since this Government came into office:

the Ministry of Agriculture, Land and Marine Resources;

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the Ministry of Works and Transport;
the Ministry of Planning and Development;
the Trinidad and Tobago Bureau of Standards;
the Ministry of Foreign Affairs;
the Ministry of Labour and Cooperatives;
the Institute of Marine Affairs;
the Ministry of Education;
the Ministry of Public Utilities;
the Port Authority of Trinidad and Tobago;
the National Institute of Higher Education, Research, Science and Technology
(NIHERST);
Cariri;
the Ministry of Energy and Energy Industries;
Solid Waste Management Company Limited;
the Ministry of Trade and Industry;
the Ministry of Housing and Settlements;
the Ministry of Local Government;
the Ministry of Culture and Gender Affairs;
the Ministry of Consumer Affairs;
the Ministry of Finance;
the Ministry of National Security;
the Water and Sewage Authority;
the Ministry of Health,
the Chaguaramas Development Authority;
the Ministry of Social Development,
the National Housing Authority;
the Airports Authority of Trinidad and Tobago;
the University of the West Indies; and
the Ministry of the Attorney General; to mention a few.

Mr. Deputy Speaker, the hon. Member also questioned the capacity and capability of the former Minister in the Ministry of Planning and Development, with responsibility for the environment as well as the capability of the present Minister of The Environment to deal with environmental matters. The Members on the opposite side will always question the competence and capability of ministers of government even though they never questioned their own capabilities as Members of the Opposition.

If I may, through you, Mr. Deputy Speaker, use the performance of the agricultural sector over the period 1998/1999 to demonstrate the capability and competence of this Minister in this Government in his capacity as the former UNC Minister of Agriculture, Land and Marine Resources—[*Laughter*—not the former PNM Minister of Agriculture, Land and Marine Resources. [*Interruption*] Nobody had to question whether he did anything, because they all knew that he did absolutely nothing in his capacity of Minister of Agriculture, Land and Marine Resources when he sat in that chair! There is no need to question what he did and did not do, because everybody knew that that former minister did absolutely nothing during his period as Minister of Agriculture, Land and Marine Resources under that PNM government.

If we are to measure the performance of the agricultural sector in terms of growth, then we need only to look at the economic indicators as revealed in the *Review of the Economy 1998/1999*.

Mr. Imbert: Withdrawal symptoms!

Dr. The Hon. R. Mohammed: On page 9, paragraph 3, it is clearly stated that in the non-oil sector:

“growth is being led by Agriculture (12.6%), followed by Manufacturing (6.9%) and Services (4.1%).”

Mr. Manning: Lying again!

Dr. The Hon. R. Mohammed: Mr. Deputy Speaker, I take objection to the statement made by the Member for San Fernando East. I am quoting from the *Review of the Economy*, page 9, paragraph 3. Mr. Deputy Speaker, I expect you to discipline him! [*Laughter*]

Dr. Rowley: Why do you think you were fired? For non-performance. [*Interruption*]

Mr. Deputy Speaker: Member for Diego Martin West, the Speaker determines the relevancies in this House. In this House, the Speaker or Deputy

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Speaker determines what is irrelevant and what is not. [*Interruption*] I know that, but I am trying to help you.

Dr. The Hon. R. Mohammed: He needs help, Mr. Deputy Speaker. In keeping with the concerns expressed by the Member for Arouca South during her contribution with respect to the capability of the present Minister of The Environment to deal with environmental issues, and using the performance of the Minister in his former capacity as Minister of Agriculture, Land and Marine Resources, as demonstrated quite clearly in the *Review of the Economy, vis-à-vis*, growth in the agricultural sector in comparison to growth in the manufacturing and services sector, I want to assure the hon. Member that this present Minister of The Environment is quite capable and has the capacity to deal with all environmental issues. [*Laughter*]

Mr. Deputy Speaker, I turn now to the question of enforcement. The Member for Arouca South enumerated a number of rural transport buses by registration numbers. [*Interruption*] According to the Member, the drivers of those buses received tickets from the environmental police. [*Laughter*] I want to inform this honourable House that the environmental police have been issuing tickets, not only to those rural transport buses but also to buses of the Public Transport Service Corporation. I want to also point out that those on that side must understand that absolutely no agency is above the law and, in particular, government agencies whose vehicles contribute to environmental pollution by way of vehicular emissions.

The ticketing of the rural buses is a clear indication that the environmental police and the Environmental Management Agency (EMA) are, in fact, enforcing the law, and this law is in keeping with the Environmental Management Act No. 3 of 1995. This Act does not discriminate between public or private sector offenders. Furthermore, it does not discriminate between members of any particular political party, and in particular, since it is perceived that the rural transport buses are owned and operated by supporters of the UNC. So there is absolutely no discrimination with respect to those rural buses, which are perceived to be owned and operated by UNC members. They are operated by the Public Transport Service Corporation. The environmental police, through the Environmental Management Agency and through the law, are doing their job.

So when the hon. Member for Arouca South come to this House and tries to make mischief and tries to create the perception that the Environmental Management Agency is not doing its job, has not gone about its business whereby the memoranda of understanding, as indicated by section 32(2) of the Act, had not

been signed, and that the environmental police are not doing their job, she was making every effort, in my humble view, to create mischief.

The hon. Member also spoke about funding of the EMA. I would like this honourable House to know, Mr. Deputy Speaker, that I find it passing strange that she should express concern about the level of funding for the EMA. I find it strange since under the PNM government, funding for the EMA was capped at \$4 million. It is the same kind of scenario, which played out with respect to the Tripartite Agreement for Caroni (1975) Limited. The EMA was financially strangled under the PNM government and the same situation played out with respect to the Tripartite Agreement for Caroni (1975) Limited. In 1993, the agreement which was signed between the PNM government, the sugar union and Caroni (1975) Limited was for the provision of \$45 million by the PNM government in 1993, \$45 million in 1994, and \$40 million for Caroni's pension plan.

Mr. Deputy Speaker, none was provided, so that the Tripartite Agreement was financially strangled by the PNM government. They come to this House and accuse the UNC Government of not implementing the Tripartite Agreement which they killed from day one, because they financially strangled it. That is the kind of mischief they come to this House to perpetuate; trying to lay all the blame on this Government here, when they have not looked at themselves internally! It is time that they so do. The time has come for those sitting on that side to reflect on what they did during their term of office; and the records are there to show them.

I do not intend to prolong this debate. [*Desk thumping*] I think that I have addressed some of the concerns expressed by Members on that side during the debate and I urge them to support the Environmental Management (Amdt.) (No. 2) Bill.

Thank you.

3.15 p.m.

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.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Dr. Mohammed: Mr. Chairman, I propose that clause 4 be amended as follows:

“Delete this clause and substitute the following:

4. Section 80 of the Act is amended by deleting subsection (4) and substituting the following:

(4) With effect from the year 1999, the financial year of the Fund shall be 1st October to 30th September each year.”

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5.

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

Dr. Mohammed: Mr. Chairman, the Member for Diego Martin East requested an explanation to the further amendment of clause 5. This would alter section 81 of the Act to include a new section 81A to provide for the qualifications of the registrar and clarify the status of the post. Is that clear?

Mr. Imbert: ...Ten years standing.

Dr. Mohammed: Why do we need the registrar to be an attorney-at-law of ten years' standing?

Mr. Imbert: What is the qualification of the registrar? One year, two years, three years? I would like it to be of ten years' standing.

Mr. Maharaj: Mr. Chairman, I have been told that there is no ten-year requirement for the registrar of the Supreme Court. Maybe there should be some requirement, but certainly not ten years. We can go with five years, so we would add the words: “for at least five years.”

Dr. Mohammed: Mr. Chairman, I beg to move that clause 5 be amended as follows:

- A. In subclause (a), delete the word “and”:
- B. In subclause (b) delete the full stop and substitute the word “and”; and
- C. Insert the following new subclause (c):

“(c) by deleting subsection (6), and substituting the following new section:”

Section 81A(1) shall be further amended as follows:

“81A(1) There shall be a Registrar of the Commission who shall be an Attorney-at-law of at least five years’ standing.

(2) The post of Registrar shall be a public office to which section 111 of the Constitution shall apply:

(3) The Commission may appoint such other officers and employees as may be required to carry out its business.”

Question put and agreed to.

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

Clause 6.

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

Mr. Joseph: Mr. Chairman, does the amendment to clause 5 also deal with amending section 82 where the commission shall comprise a chairman?

Mr. Maharaj: That is clause 6.

Mr. Joseph: Mr. Chairman, there is a further amendment to clause 6.

Dr. Mohammed: Mr. Chairman, I beg to move that clause 6 be amended as follows:

“A. Insert the following new subclauses (b) and (c), and reletter subclause (b) as subclause (d):

“(b) In subsection (4) by deleting the words “determined by the President and;”

(c) In subsection (7) by inserting after the word “may” the words “suspend or”;

B. In subclause (d) as relettered, by deleting the word ‘subsection’ and substituting the words ‘subsections (7)’

Question put and agreed to.

Mr. Joseph: Mr. Chairman, I have a query and this is where the commission shall be comprised of a chairman and a deputy chairman. We are not satisfied

with the explanation given by the Government why it moved from a six-member commission to a two-member commission.

Mr. Maharaj: We are not hearing you.

Mr. Joseph: Mr. Chairman, we have not been satisfied as to why we are moving from a six-member commission to a two-member commission and confining the capabilities of that two-member commission to be strictly legal. The legal requirements in the original Act were that the chairman and deputy chairman were required to have legal expertise, and the other four persons were supposed to have expertise in the Environment, Engineering, Natural Science and Social Science.

As I have said earlier on, we have seen where these lay assessors are now coming in to have that expertise, but the lay assessors are advisors, they are not in the decision-making and it is only those two commissioners who would be making decisions. We have a serious difficulty with that.

Mr. Maharaj: Mr. Chairman, what has motivated this change is that under the Bill as passed, the appointees were not appointed by the Judicial and Legal Service Commission and, therefore, it had the powers of a superior court of record and therefore, you could not have persons appointed to do that kind of work exercising judicial powers without being appointed by the Judicial and Legal Service Commission so the structure had to be changed. So you now have the chairman and the deputy chairman appointed by the Judicial and Legal Service Commission and they are assisted by lay assessors.

If that number is increased, you will then have to increase the numbers of the court and you are talking about vast expenditure. The reason the structure has been changed is that under the existing law it could not have been implemented because the constitutionality of the law was in question, in that you could not have those persons exercising judicial powers. I think that being a lawyer, you would be aware of the case of *Hinds vs the Queen*, a Privy Council case in which the Jamaican Government attempted to set up a gun court and the question of the power of the executive to appoint officers to exercise judicial powers came into question and it was held that where a tribunal has to exercise judicial powers, especially as a court of record, it had to be in accordance with the appointment of judges who would be appointed by the independent commission who would have security of tenure.

Mr. Joseph: How do we treat with the concern that the other expertise needed—how can we ensure that that influences the decisions that are going to be made by the chairman and the deputy chairman of the commission?

Mr. Maharaj: The lay accessors can advise but they cannot be part of the decision-making process because they are not judicial officers, and the feeling was you could not set up another supreme court and that you were still giving a right of appeal in any event and putting certain criteria in that the chairman and the deputy chairman shall each be persons experienced in environmental issues. In other words, you could not just be an ordinary lawyer with ten years' standing. We specified that he shall be experienced in environmental issues, and the lay accessors would be persons from different walks of life who would be able to advise but they cannot be a part of the decisions.

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

Clauses 7 and 8 ordered to stand part of the Bill.

Clause 9.

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

Dr. Mohammed: Mr. Chairman, there is an amendment to the clause as follows:

“A. Delete subclause (b) and substitute the following:

- (b) in subsection (4), by deleting all the words beginning with the words ‘by a division’ and substituting the words ‘both members.’”

Question put and agreed to.

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

Clause 10 ordered to stand part of the Bill.

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

House resumed.

Bill reported, with amendments, read the third time and passed.

3.30 p.m.

LAND ACQUISITION

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, I beg to move the following motion standing in my name:

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

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If we turn to the Appendix, Mr. Deputy Speaker, the purpose for which the land is being acquired is the establishment of a national park. The land is a parcel containing 17.2499 hectares more or less, situated at Palmiste, Phillipine in the ward of Naparima in the county of Victoria and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys dated December 9, 1994 and filed in his office as required for a public purpose, which is a national park.

The parcel of land known as the “Pasture” comprising 17.2499 hectares more or less, Mr. Deputy Speaker, forms the part of an estate that was developed for housing and, in fact, was set aside by the developers for this particular purpose. However, it appears as though the community does not have the resources to develop the land, which is a very beautiful piece of land and, therefore, the state is acquiring it so that the resources of the society as a whole can be directed to establishing a permanent national park for the enjoyment of all of the residents of that part of south Trinidad.

If Members wish, they can find the particular area, which is coloured raw sienna, on a survey plan filed as GA 107 in book 1140, folio 182, in the vault of the Lands and Surveys Department, Red House, Port of Spain.

Mr. Deputy Speaker, I beg to move.

Question proposed.

Mr. Barendra Sinanan (*San Fernando West*): [*Desk thumping*] Mr. Deputy Speaker, as you would probably know, I take this opportunity, as I have done in the past, to remind the Government, and in this aspect I wish to remind in particular our new Minister of Legal Affairs, the hon. Attorney General and Member for Couva South—while I am on that trend, I congratulate him on his additional portfolio as Minister for Legal Affairs. I notice he paid a visit to the Registry downstairs and I am sure that in short order he will be paying a visit to the Huggins Building at South Quay.

On the last occasion when we spoke about land acquisition I had recommended to the then Minister the establishment of a division within the Land Registry whereby land acquisitions could be registered because the public at large, owners, attorneys-at-law searching titles would not know whether a parcel of land is acquired unless that member of the public, that owner or that attorney-at-law reads all the publications of the *Trinidad and Tobago Gazette*. So, to me, a very practical way of solving this problem would be the establishment of a division of the Registry whereby land acquisitions could be filed. The former

Minister of Legal Affairs had agreed with that on the last occasion and I am recommending the same to the present Minister of Legal Affairs.

What bothers me in all this is, this is about the third occasion that this particular land acquisition is coming to the House. Before I get there let me indicate to the House that, yes, the pasture in Palmiste was made famous by a well-known Trinidadian, a West Indian spin bowler, in the person of Sonny Ramadhin. Sonny Ramadhin was discovered there playing cricket at that Palmiste Pasture [*Interruption*] a place familiar to the hon. Attorney General. Perhaps he played cricket there also.

When the developers were putting in their application for the development of the acreage, over about 1,000 acres, that pasture was designated by Town and Country Planning as an open space so that there was never the intention of Town and Country Planning to allow any sort of buildings to go there. The idea was for it really to remain a pasture. The Minister is correct in saying that, perhaps the residents were either not inclined or not supportive of the idea of developing the pasture as an open space. It is right and fitting for the Government to take it over as a national park.

Now, Mr. Deputy Speaker, this matter first came to the House some time ago, way back in March 1992, when a section 3 notice was published. If I may read, this is the *Trinidad and Tobago Gazette* dated April 2, 1992. There it was stated, No. 558:

“Notice is hereby given that it appears to His Excellency the President that the land described in the Schedule hereto and situate at Palmiste in the Ward of Naparima, in the County of Victoria, is likely to be needed for a purpose which in the opinion of the President is a public purpose:”

The public purpose is a national park. The area of land then given was 13 hectares. It is very important for the Minister to follow me. This is 13 hectares. It is a section 3 notice. With the section 3 notice, one has to give notice of the intention to acquire.

Then again, in May 1993, in the *Trinidad and Tobago Gazette* dated May 13, 1993 it is stated:

“Notice is hereby given that it appears to His Excellency the President that the land described in the Schedule hereto and situate at Palmiste in the Ward of Naparima, in the County of Victoria is likely to be needed for a purpose which in the opinion of the President is a public purpose: National Park.”

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In this case the size of the park has now grown. It is 16.2 hectares and the same volume and folio numbers are referred to in the plans that can be inspected at the office of the Director of Surveys. Then, Mr. Deputy Speaker, lo and behold we have a section 5 notice. Now this thing goes in two parts. There is the section 3 where a parcel of land is likely to be needed for a public purpose and the section 5 notice is where the land is actually acquired. Between the stages of the section 3 and section 5 publications there can be abandonment of the acquisition.

So here we are on September 10, 1996, a publication in the *Trinidad and Tobago Gazette* stating:

“THE ACQUISITION, for public purposes, of the following parcel of land containing 17.2499 hectares more or less, situate at Palmiste...”

And it gives the same description as in the present notice before the House. The same parcel of land described as:

“A parcel of land known as the Pasture comprising 17.2499 hectares more or less situate at Palmiste, Phillipine, in the Ward of Naparima, in the County of Victoria, and said to belong now or formerly...”

We see those words again, Mr. Deputy Speaker:

“...now or formerly to Palmiste Estate Company.”

On previous occasions I indicated the difficulty with the Director of Surveys ascertaining the owners of lands being acquired. This parcel of land was formerly owned by Palmiste Estates Limited but is now owned by a company called Palmiste (1975) Limited. The difficulty I am having here is this. We have on September 10, 1996 a section 5 publication where the same parcel of land now being proposed for acquisition being already acquired but no previous section 3 notice being published for 17.2499 hectares of land. There was 13, there was 16, and now there is 17. I do not know if the hon. Attorney General is following me.

It is a two-pronged process. First there is the section 3 notice—likely, then there is the section 5 notice. *[Interruption]* No, it does not. There must be a section 3 notice. To my recollection and knowledge there has been no section 3 notice for 17.2499 hectares. What I am telling you about now on the September 10, 1996 is a section 5 notice acquiring this land. *[Interruption]* Yes, but you do need a section 3 notice and this land is already acquired, according to this publication. Perhaps I had better read it in full. It states:

“THE ACQUISITION, for public purposes, of the following parcel of land containing 17.2499 hectares more or less, situate at Palmiste, Phillipine, in the

Ward of Naparima, in the County of Victoria, described in the Schedule hereto and coloured raw sienna on a plan of Survey signed by the Director of Surveys and dated 9th December, 1994 and 30th June 1995 executed under Survey Order Numbers 75/92 and 60/94 and filed in his office, having been decided on by the President with the approval of the Parliament of Trinidad and Tobago by Resolution of the Senate on 2nd July, 1996, and the House of Representatives on 14th June, 1996, it is hereby declared in pursuance of section 5 of the Land Acquisition Act, Chap. 58:01 that the said land has been acquired for the following purpose: A National Park.”

It then gives a description:

“The Schedule

A parcel of land known as the “Pasture” comprising 17.2499 hectares...”

It is the same parcel of land you are now trying to acquire that has already been improperly acquired before. However, you cannot come now—you are now coming—you see, your previous section 3 notice did not deal with 17.2499 hectares. Those section 3 notices dealt with 13 hectares and 16.2 hectares. So how are you acquiring this land?

When that first section 3 notice was published it spoke about 13 hectares. Mr. Deputy Speaker, this original section 3 notice has not been abandoned. They have come subsequently and put in a section 3 notice for 16.2 hectares. That has not been abandoned. There is a procedure where it has to be abandoned. Now we come to September 10, 1996 and a section 5 acquisition is published stating that the 17.2499 hectares have been acquired. There was no section 3 notice published dealing with this.

So I think, Mr. Deputy Speaker, the Government or the Minister is having some problem with size of the land being acquired. I suggest to him that perhaps he should look at it again. I say that you must publish a section 3 notice but before you get there, for the two section 3 notices previously dealt with in the Parliament and published in the *Trinidad and Tobago Gazette* dealing with 13 hectares and 16.2, you must publish a notice of abandonment of those proposed acquisitions. [Desk thumping] You then should come with a section 3 notice for the 17.2499 hectares and then you move on to what we are now about to do. Mr. Deputy Speaker, I am pleading with the Minister to look at this again. I think this whole thing has been bungled and totally confused and—[Interruption]

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3.45 p.m.

There is an angle in it and as the hon. Member mentioned the word “corruption” there must be an angle. The angle is simply this, when one looks at the funding in the case of the airport and so forth with NIPDEC, this parcel of land is mortgaged to NIPDEC. Do you follow? So, there may be an angle in that. *[Interruption][Desk thumping]* It is mortgaged to the board of management.

Hon. Members: I see.

Mr. B. Sinanan: So I do not know. Anyhow, I am not into that but more the notices. Let me just repeat it once more that we have dealt previously with section 3 notice dealing with 13 hectares; section 3 notice dealing with 16.2 hectares and we have ended up with a final section 5 acquisition of 17.2499 hectares.

Hon. Member: The land is growing over the years.

Mr. B. Sinanan: This land is growing and they have not abandoned the two previous section 5 notices dealing with 13 and 16.2 hectares. With respect, I am suggesting to the Minister that he consult with the hon. Attorney General if need be. I think the solution is to abandon the two previous section 3 notices and come back with a section 3 notice for the 17.2499 hectares and then a final section 5 notice, with respect to the parcel of land intended to be acquired. So far the whole procedure of this acquisition has been totally flawed.

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

Dr. Keith Rowley (*Diego Martin West*): Mr. Deputy Speaker, I just want to raise a little concern, and I hope that the Minister in winding up could address it just from the point of view of information. I know that somewhere in the pipeline there was the whole question of legislation for the proper management and establishment of national parks and now today, we are being asked to approve this acquisition for the creation of a national park. I was anticipating that the Minister in presenting it to us would have said something about where we are at with this national park legislation. Since that was not done—he was very brief in his presentation—I hope that in winding up, he will be in a position to indicate to us where this effort is at the moment.

Mr. Deputy Speaker, one of the assets that this country has, and should take very good care of, is the body of locations which we either currently have designated as national parks or which we intend to or should designate as national parks. In recognition of this, steps were being taken to ensure that we have proper legislation. We did have much help from the international agencies on this matter.

I think there were funding discussions in place to pursue the preparation of an establishment of proper national parks with legislation, with a view to establishing and managing our national parks. I thought that this was an opportune time when someone on the Government side would have said something to us, since we have not seen this legislation forthcoming.

Mr. Deputy Speaker, we did have something called—I think it was the National Park and Wildlife Bill, very early in this Government's tenure which was a total disaster. It appears as though it has died on the vine or has been withdrawn for renovations. As you would have heard from my colleague from San Fernando West, a simple standard matter like acquisition of a parcel of land has been so bungled. It makes you wonder how the Minister got to the Parliament with this given the kind of help that the Minister is supposed to have available to him. What is worrisome—and I want to mention it since it has been brought to light again in this innocuous debate—is the question of what NIPDEC is doing with pensioners' money.

Mr. Deputy Speaker, as far as I am aware, this piece of land was covenanted—subject to correction from the other side or anywhere else—it means that the land has been left and could only be used for a specific purpose namely “A park”. I would want to know why an agency like NIPDEC, which is supposed to manage pensioners' funds to generate an income so that they can pay people's pension when they are retiring in the near distance or medium term, what in heavens name would NIPDEC do with a covenanted park in the event that the mortgage is not serviced and NIPDEC ends up foreclosing on this covenanted park? What is NIPDEC going to do with it and what revenue can come to NIPDEC from a park like that? I want to make the point again that people are paying their money to the National Insurance Board and we have to be concerned about how those moneys are invested and to ensure that people's moneys can give a return in the end.

Mr. Deputy Speaker, the other point I wanted to make is, my colleague mentioned Sonny Ramadhin having been spotted at this famous location in south at the pasture at Palmiste. It is opportune at this time, that Sonny Ramadhin's name is being mentioned in our Parliament as we are seeking to create a park where he started to play cricket and to ensure that the park remains for all the youngsters in perpetuity.

Mr. Deputy Speaker, the Parliament of Trinidad and Tobago should take note of the passing of one of our stalwarts, Malcolm Marshall. Malcolm Marshall

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represents everything that was good about the West Indies. That village boy who had some talent was spotted by someone who knew talent when it was seen and nurtured it and rose to the highest level of a game that is dear to the breast of every West Indian. Malcolm Marshall would easily be selected among the best fast bowlers in the entire history of the game. In fact, up until recently, he held the record for the most wickets ever taken by any West Indian bowler. He still holds the record for the rate at which he cuts his wickets. He still has the best performance in terms of number of runs per wicket. I am sure that all my colleagues in here today, would agree that it is good that our *Hansard* should record our debt of gratitude to that man called Malcolm Marshall.

Cricket in the West Indies is one of the few things at which we have been successful. When one looks at the perpetual failure of recent Heads of Government Meetings to deal with mundane matters that ought not to detain us, and put across a sense of helplessness, in treating with matters like the Caribbean Court of Appeal and the single market and the economy, we have to be thankful that we still have the University of the West Indies and Caribbean cricket as examples of the potential and the success that we can be as a people. Cricket means a lot to us and Malcolm Marshall was the best.

Mr. Deputy Speaker, I think that our Parliament through you should send a note that we have acknowledged his passing at the very young age of 41 years and we are happy to have been exposed to his talent. He served us well and we appreciate what he has done and we mourn with his family.

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

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Deputy Speaker, I recall when the advice from the Member for San Fernando West was given to the out-going Minister of Legal Affairs. I think at that time we expressed support for that advice to have a register which would really facilitate everyone who is dealing with land transactions. I hope that is in fact coming.

I have recently requested the Director of Surveys to give me a complete list of acquisitions that are outstanding in terms of payment of compensation to previous landowners. When I get that, then I will be able to arrange to prioritise the payment for people who have been waiting for a very long time. So, I give that assurance to the honourable House.

3.55 p.m.

Now, in terms of the advice that the hon. Member for San Fernando West has given on this occasion—and we all know that he is a very competent attorney—it

is a great pity that he did not proffer that advice on the PNM government when, to use his own words, they were “bungling” in the measurement of the land and in the publishing of section 3. However, we would like to ensure that we do not bungle this time around. So the hon. Attorney General has advised that what we would do is to hold on this pending clarification of the issue that was raised.

Before I take my seat, I would like to address the Member for Diego Martin West who is anticipating legislation that is well underway; in fact, it is scheduled for being brought to Parliament in this session early o’clock by the new Minister of Agriculture, Land and Marine Resources, who is responsible for national parks.

Dr. Rowley: It will come.

Hon. J. Humphrey: I give that assurance as well. The Attorney General has advised that the sentiments expressed by the hon. Member for Diego Martin West are, indeed, very worthy sentiments and I think everybody in this House will agree with the things he has said. Certainly, this side of the House endorses all he has said about the late Malcolm Marshall.

Motion made, That debate on the Motion be deferred to the next sitting of the House. [*Hon. R. L. Maharaj*]

Question put and agreed to.

DANGEROUS DOGS (NO. 2) BILL

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I beg to move,

That a Bill to provide for regulating the keeping of dangerous dogs which present a serious danger to the public; to make further provision for ensuring that such dogs are kept under proper control; and for connected purposes, be now read a second time.

Mr. Deputy Speaker, I think hon. Members of the House are all aware of the problems caused by dangerous dogs, in particular, the Pit Bull Terrier and those dangers have increased to alarming proportions in this country.

In 1998, dog attacks occurred at epidemic levels. The *Newsday* dated Thursday, September 10, 1998 reported at page 4 “Woman chewed to death by four dogs”. The *Daily Express* dated Thursday, September 10, 1998 reported “SON’S PIT BULLS KILL MOM”. The *Daily Express* dated Monday, November 2,

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1998 reported that Pit Bulls were shot after attack on daughter and mother. The *Trinidad Guardian* dated Thursday, December 3, 1998 reported a "Pit bull attack at Copacabana" Hotel. The *Newsday* dated Wednesday, March 11, 1998, talked about 'pit bulls ravage youth's leg'.

These attacks generated much public concern at the time and it was felt by the national community that something should be done to address the menace which posed a serious threat to the well-being and safety of our citizens.

This problem of dangerous dogs is not confined to Trinidad and Tobago alone. It is, in effect, a global problem. Pit bull attacks in Canada, England and the United States of America have been widely publicized in the past several years. In 1992, the United States Centre for Disease Control reported that 42 per cent of confirmed dog bite deaths which occurred in the United States between 1979 and 1998 involved Pit bulls.

In Britain, the danger of the Pit bull has earned them the label of "devil dogs". This breed of dog has also been referred to as a "superb killing machine". Gruesome attacks on persons by these dogs include that of a nine-year old girl in Canada who required five hours of plastic surgery to her face after she was mauled by a Pit bull.

There are several incidents in Canada and if I may just mention one, the *Globe and Mail* of Toronto, Canada stated that the Pit bull was specifically bred to kill other dogs and that its jaws can exert a pressure of 1800 pounds per square inch. It, therefore, has the capacity to cause tremendous damage to human beings and even animals.

Mr. Deputy Speaker, in our country there were 28 reported cases of dangerous dog attacks in 1998. Quite recently, a pensioner was mauled to death by a Pit bull while seeking shelter from the rain in a neighbour's yard. During the last decade, lawmakers in many parts of the world have been trying to resolve the problem of attacks by dangerous dogs by instituting and enforcing a variety of laws and regulations and countries in the Commonwealth especially have had to face the problem of trying, on the one hand, to enforce the right of individuals to enjoyment of property and, on the other hand, to protect the public interest from being attacked by dangerous dogs.

What governments and parliaments have had to do was to find a way of striking a balance so that, on the one hand, you would not take away the right to the enjoyment of property but you would find a way of regulating that right, because it is recognized that no human or fundamental right is absolute.

For example, Mr. Deputy Speaker, just as there is the right to the freedom of movement enshrined, that right is not absolute, because if there were that absolute right, we would not be able to regulate traffic. For example, in Australia, there was a call for stricter laws to try to regulate dangerous dogs and for harsher penalties and the Australian government took steps to regulate. In New South Wales, the law requires that all dangerous dogs must be registered and they must carry a registration disk on their collars.

Here in Trinidad and Tobago, the Government has taken steps to try to redress this problem by introducing in the Parliament, sometime ago, a Dangerous Dogs Bill, when it was made clear that it was not cast in stone and that it was being introduced so that the public could comment on it, also, before its debate. That Bill which was introduced, followed the English pattern by, in effect, banning dangerous dogs. Based on the comments received from the population, that bill was amended and this Bill is not a complete ban but it is regulating.

Mr. Deputy Speaker, over a period of nine months in 1998, the newspapers in this country have carried 168 reports of attacks by dangerous dogs, and comments on these matters. That in itself is a testimony of the nature of the interest which the public and the media have shown on this topic.

For example, some of the headlines in 1998 were: March 1998—dogs push open a gate and launch a bloody attack on a 50-year old woman—a pit bull was one of the dogs; September 1998—three pit bulls and one Rottweiler attack and kill a 73-year old woman as she entered her home; Wednesday, October 14, 1998—pit bulls attack a morning jogger; Friday, October 16, 1998—mother and daughter attacked by five pit bulls; Wednesday, October 21, 1998, “Student victim of pit bull attack”. One can go on.

Therefore, it was in and around 1997 that the Government took a decision to draft legislation and that legislation was put out for public comment. As I said, this particular legislation has been amended so it is now, if I may use the expression, the “flavoured” legislation, that flavour having come from the public consultation.

I think it is important for me to give some idea as to what is the existing law. The law which regulates or controls dangerous dogs in Trinidad and Tobago is a Dogs Act of 1918. That Act was passed to deal with what it considered in those days as the problem of dangerous dogs. Mr. Deputy Speaker, that can be found in Chap. 67:54 of the Laws of Trinidad and Tobago. Although that Act provides for the licensing and control of dogs generally, I think we will all agree that it is totally outdated to present day requirements.

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Some of the obvious deficiencies of that legislation—if I may list some of them to hon. Members so that we can put into perspective what we are doing here today—in the existing Dogs Act of 1998, for example are: there is no provision for liability insurance in the event that a dangerous dog injures or kills a person; there are no provisions for secure fencing of premises on which dangerous dogs are kept; there are no restrictions regarding the ownership of dangerous dogs. The Act does not name the types of dangerous dogs, and there is a common law principle with which lawyers will be very familiar, known as *scienter*, and it implies that it is necessary to prove that the owner of a dog knew from past conduct that his animal was likely to behave in a vicious way.

Mr. Deputy Speaker, if for example, Mr. A received a bite from a dog and he had to sue the owner of that dog, he had to prove that the owner knew that his dog had those types of tendencies and if he could not prove that, the case was dismissed because he had to prove knowledge on the owner. That gives you an example of how the laws of 1918 have had to change over a period of time.

Mr. Deputy Speaker, I think it is quite clear that the time has come for the introduction of more robust mechanisms and legislation to deal with the problem of irresponsible ownership of dogs and to deal with the problems of dog owners being reckless in keeping dangerous dogs.

4.10 p.m.

Mr. Deputy Speaker, the Law Commission, as you know, is a body created by statute and its purpose includes revising, looking at laws and recommending reform. It is headed by a very distinguished jurist, Justice Guya Persaud. In formulating this Bill on the instructions of Cabinet, what the commission did was analyze and try to get what other jurisdictions have done and how they have dealt with these problems in order to determine what is best for Trinidad and Tobago.

One can see several models. For example, some countries, as I have said, have instituted a total ban on the importation and breeding of dangerous dogs with a view to eventual extinction. So, there are countries in the world which have introduced a complete ban, not only in the importation, but in the breeding, and there is a time-frame for complete extinction. There are other countries which have adopted a sort of regulatory approach. This Bill is a regulatory approach. The first Bill was a total ban approach.

That Bill, however, received a lot of opposition from the national community; not only the pit bull owners. As a matter of fact, there have been extensive—I can even pass to Members of the House a tabulated list of the names of the persons

and individuals and they would see the sorts of comments. There were consultations held by the Law Commission over an extended period of time, and the majority of the population believed that we had to start, at least, with regulations and then decide what we wanted to do.

Mr. Deputy Speaker, just to give some ideas, the initial Bill was put on the British model which the population has rejected. For example, the British Parliament—following a rash of pit bull attacks just before 1991—enacted a Dangerous Dogs Act in 1991. That was amended by the Dangerous Dogs Act of 1997. That Act prohibits persons from having in their possession or custody, dogs belonging to types bred for fighting. It imposes restrictions in respect of such dogs, pending the coming into force of the prohibition. It enables restrictions to be imposed in relation to other types of dogs which present a serious danger to the public and it makes further provisions for securing that dogs are kept under proper control and for connected purposes.

The Act, therefore, in the United Kingdom imposes a complete ban on the importation and breeding of any dog of the type known as the pit bull terrier or the Japanese Tosa. Additionally, Mr. Deputy Speaker, there is provision for the Secretary of State in England to make an order to include any other dog appearing to him to be bred for fighting. The Act also provides for the regulatory framework to control dangerous dogs in public places. So, they banned the importation and controlled the dangerous dogs in public places. It also provides for the neutering of the existing population of dangerous dogs to ensure the eventual extinction of the breed.

In Australia, most states have enacted legislation to govern the ownership and control of dogs. For example, in New South Wales, there must be registration and, as I mentioned, there must be a registration disk on the collars. The dogs must be contained on private property and it is an offence to allow dogs to wander the streets unattended. A dog in a public place must be kept under the effective control of some competent person by means of adequate chain, chord or leash.

In New Zealand, for example, in 1996 the Dog Control Act provides for mechanisms to deal with irresponsible owners and their dangerous dogs. The local authorities are given the power to control the activities of irresponsible owners of dangerous dogs and restrict the movement of dogs identified as dangerous. The Act makes provision for the care and control of dogs by requiring special provisions to be made in relation to dangerous dogs.

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Mr. Deputy Speaker, the New Zealand Act imposes on the owners of dogs, obligations designed to ensure that they do not cause a nuisance to any person or injure, endanger or cause distress to any person.

If I may deal with Canada, before I deal with our measure, in Ontario, Canada, the Dogs' Owners Liability Act of 1990 makes the owner of a dog liable for damages resulting from a bite or an attack by the dog on another person or domestic animal. Where there is more than one owner of a dog, they are jointly and severally liable under the Act. The common-law principle of scienter does not apply, since liability of the owner does not depend on the knowledge of the propensity of the dog or fault or negligence on the part of the owner. The courts can make an order for the destruction of a dog that has bitten or attacked a person.

Mr. Deputy Speaker, some countries have banned the importation of certain aggressive and dangerous dogs which have been bred for fighting. These countries include Australia, Denmark, Hong Kong and Singapore. They have all banned specific breeds of dogs. Additionally, Hungary, Canada and, as I said, the United States have introduced stringent controls and restrictions on keeping dangerous dogs in order to stem their increasing attacks.

Pit bull owners in Edmonton, Canada are required to carry a minimum of \$500,000 in liability insurance and pay heavy fines and licence fees. In Winnipeg, Canada, the authorities found it necessary to place a ban on new pit bulls within the city limits and owners are required to muzzle their dogs while the dogs are in public.

Mr. Deputy Speaker, Members of this honourable House will recall, as I said, our 1998 Bill. That Bill, as I indicated, was discussed on a national level, and there were several consultations. Some of the groups with which consultations were held, apart from members of the public, were the Trinidad and Tobago Society for the Prevention of Cruelty to Animals, the Trinidad and Tobago Kennel Club, the Dog Training Club and the Working Dogs Association of Trinidad and Tobago. From the comments, it seemed as though we should have flavoured the legislation in this way.

Mr. Deputy Speaker, it is against this background that this Bill is before this House and that Cabinet revisited the Bill. In recognition of the very strong views expressed by organizations and individuals, the Bill reflects the policy changes which I have mentioned. May I make it clear that the present Bill retains the primary objective of declaring certain breeds of dogs as dangerous and providing mechanisms to address the problems caused by these dogs to the well-being and safety of citizens of the country.

In recognition of the overwhelming public concern in certain areas, the new Bill proposes significant changes. The first major change is the fact, as I said, of the withdrawal of the banning provision banning the importation and breeding of dangerous dogs. Even though, for example, in Britain, there was a complete ban on these dogs, it was felt that this measure was not appropriate in the context of our society. So, the focus of the legislation has been shifted from the dangerous dogs themselves, and the Bill now places more emphasis on responsible ownership and the introduction of a regulatory framework for the control and management of the dogs.

The framework includes the licences of dangerous dogs as provided for in clause 4 of the Bill. The clause requires the owner of a dangerous dog to have that dog licensed annually and, before a licence is issued, the owner must present to the local authority sufficient evidence in the form of a certificate verifying that the premises on which the dog is kept have been inspected and approved, and that a policy of insurance has been issued.

Clause 5 of the Bill, Mr. Deputy Speaker, empowers an officer of a local authority to inspect premises on which a dangerous dog is kept for the purpose of ensuring compliance with the requirements for the security of the premises.

Clause 6 of the Bill creates the offence of keeping an unlicensed dangerous dog, and imposes a fine of \$50,000 or imprisonment for one year.

Clause 7 is aimed at promoting the ideal of responsible ownership and consequently, this clause seeks to make it unlawful for a minor to own a dangerous dog, since it is felt that a minor is incapable of shouldering such a responsibility.

One of the most controversial aspects of the former Bill was the proposed requirement that owners of dangerous dogs hold liability insurance in the sum of \$1 million. This was perceived by many to be excessive, and it was considered by them to be an oppressive measure. The new Bill proposes to reduce the sum to \$250,000. In the light of the frequent attacks by dangerous dogs on innocent citizens, it was necessary to ensure that persons injured by these dogs would have their medical expenses defrayed and the provision of liability insurance seeks to guarantee this.

Mr. Deputy Speaker, clause 9 would place the onus on the owner of a dangerous dog to inform the local authority if the policy of insurance in respect of a particular dog has lapsed or, for any other reason, it has ceased to be enforced.

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Failure to inform the local authority that the policy is no longer enforced would constitute an offence punishable by fine and imprisonment.

Clause 10 makes provision for the joining of an insurer as co-defendant where the plaintiff pursues civil action against the owner of a dangerous dog. If I may explain this, under this legislation, there will be no need for the injured person to file two actions: one against the owner of the dog and then a separate action against the insurance company. In one action, the insurance company can be joined at the same time and the issues can be determined.

Mr. Deputy Speaker, consistent with the promotion of responsible ownership of dangerous dogs, clause 11 requires the owner of a dangerous dog to keep that dog under proper control at all times.

4.25 p.m.

This clause provides that where a dog is dangerously out of control, in such a manner that there are grounds for reasonable apprehension and that it will injure any person, whether or not it actually does so, an offence is committed. Mr. Deputy Speaker, owners of dangerous dogs must be made to assume the full responsibility for their behaviour.

Clause 12 of the Bill introduces the requirement of adequate fencing on premises on which these dogs are kept. This clause places an obligation on the person who owns a dangerous dog to ensure that the premises on which the dog is kept are secured by a fence or wall of suitable height and that the wall or fence is so constructed and maintained so as to prevent the escape of the dog. We would have the local government body monitoring these matters.

Mr. Deputy Speaker, very often, innocent passersby are severely mauled by dangerous dogs which escape from the owners premises. This measure is an attempt to deal with some of those problems. Contravention of this provision constitutes an offence and attracts a penalty of \$50,000 and imprisonment for one year.

Clause 14 of the Bill requires the owner of a dangerous dog or a person who keeps a dangerous dog on his premises to display, in a prominent place on those premises, a notice indicating the presence of a dangerous dog.

Clause 15 not only places an obligation on the owners of dangerous dogs to have those dogs muzzled and securely held on a lead when those dogs are in a public place but, additionally, it prohibits a person who is less than 18 years of age and who is not capable of controlling that dog from being in charge of it in a public place.

Clause 16 creates the offence of inciting a dangerous dog to attack a person. It has been made a criminal offence to do that and is liable to a fine.

Subclause (2) of the Bill makes an exception where the person who is attacked by the dog is on the premises with the intention of committing a criminal offence. If a person is on the premises and it can be shown that he was there unlawfully—he did not come as a lawful visitor, as you know there are certain inferences; time and circumstance—and he is there with an intention to commit a criminal offence, if he is injured and dies, there is no—*[Interruption]* I see the Member for San Fernando West is trying to protect his future activities. *[Laughter]*

Mr. Deputy Speaker, clause 17 of the Bill seeks to address the situation in which the Minister can amend the Schedule so that any additional type of dog can be included as being dangerous. But, there is a safeguard in this measure in that it would have to be approved in Parliament by an affirmative resolution.

Clause 18 gives the court the power to destroy a dangerous dog where the owner of that dog has been convicted of an offence in which the dog was involved. The clause also provides for the disqualification of the owner from having custody of dangerous dogs.

Clause 19 of the Bill seeks to strengthen the provisions relating to the requirement for the muzzling of dogs in public places by empowering a constable or an officer of a local authority to enter premises and seize any dog which is not muzzled and kept on a lead in a public place.

Mr. Deputy Speaker, I notice that the tea break is coming up. I will deal with clause 20. I would not finish this afternoon.

Clause 20 of the Bill aims at protecting from liability a veterinary surgeon, who in his professional capacity receives a dangerous dog for care and treatment. Although he is expected to exercise the general duty of reasonable care which he owes under law, while a dangerous dog is under his professional care he is exempt from the general provisions of the Bill which make reference to persons in charge of dangerous dogs.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I know the tea break has come, I did indicate to the Opposition Chief Whip that we were not sitting after tea today, we were rising early. I beg to move the adjournment of the House to Friday November 12, 1999 at 1:30 p.m.

Adjournment
[HON. R. L. MAHARAJ]

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I know many of the Members have to go to different functions relating to Divali, so we are taking an early break. May I announce that I passed a note to the Acting Opposition Chief Whip, in the absence of the Opposition Chief Whip: the hon. Member for Diego Martin East—[*Interruption*] that from Monday November 15, 1999 and on Mondays, Thursdays and Fridays until December 03, 1999, the Parliament would be sitting on a regular basis. On November 15, 18, 19, 22, 25, 26, 29 and December 02, and 03, 1999, the House of Representatives would be sitting from 10:00 a.m. until not later than 10:00 p.m. in order to deal with some of the matters.

I mentioned to the Acting Opposition Chief Whip that there were certain time periods this Parliament got and it was on the basis that when we resume we would have some of these sittings in order to deal with the legislative agenda. I should mention, however, that one day of those dates; Friday 26, November, 1999 is Private Members' Day and we cannot, on that day, determine whether we will be sitting from 10:00 a.m., the normal time would be 1.30 p.m. It depends on what the Opposition would want. I would be prepared to consider.

Thank you, very much.

DIVALI GREETINGS

Mr. Patrick Manning (*San Fernando East*): Mr. Deputy Speaker, I merely rise with your kind permission since Divali is celebrated this weekend, to extend on behalf of the People's National Movement and those of us on this side happy Divali greetings to the Hindu community and indeed to all of Trinidad and Tobago. [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): The Government of Trinidad and Tobago would like to extend to the Hindu community and to the national community Divali greetings. Divali is no longer confined to Trinidad and Tobago, as a religious festival of the Hindu community, the national community celebrates Divali, they regard Divali as a religious festival of lights in which darkness would be erased from the lives of people, there will be reflection. [*Interruption*] We support the Opposition in respect of that. [*Desk thumping*]

The Members were talking about the agenda for that period. We will, in effect, do the agenda on the Order Paper. At the next sitting, we will be dealing

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with the Dangerous Dogs (No. 2) Bill and we will attempt to complete the motion, depending on what the situation is.

Question put and agreed.

House adjourned accordingly.

Adjourned at 4.35 p.m.