

*Leave of Absence*

*Friday, November 19, 1999*

**HOUSE OF REPRESENTATIVES**

*Friday, November 19, 1999*

The House met at 10.30 a.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I wish to advise that I have received communication from the Member for Couva North who is out of the jurisdiction on official business and who has asked to be excused from today's sitting. The leave of absence which he seeks is granted.

**ORAL ANSWER TO QUESTION**

**FIFA Contract Award**

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

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. Speaker, with respect to question No. 4, I was not aware. The Government would like a deferral of this answer for two weeks.

**Mr. M. Joseph:** Mr. Speaker, when I initially asked this question, Government asked for two additional weeks to respond. Now I am hearing that they want another two weeks?

**Hon. R. L. Maharaj:** Mr. Speaker, I can give an explanation. The Minister of Finance was out of the country and this is an answer which is not only for sport

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and youth. There are two aspects that have to be dealt with, and he has just recently come back. That is the reason.

**Mr. Speaker:** In the absence of there being agreement, I will have to put it to the House. Is there an agreement with respect to it being deferred?

*Question, by leave, deferred.*

#### **CHILDREN'S AUTHORITY BILL**

Bill to establish a Children's Authority of Trinidad and Tobago to act as the guardian of the children of Trinidad and Tobago, [*The Minister of Social and Community Development and Minister of Sport and Youth Affairs*]; read the first time.

#### **CHILDREN'S COMMUNITY RESIDENCES, FOSTER HOMES AND NURSERIES BILL**

Bill to make provision for the monitoring, licensing and regulating of community residences, foster homes and nurseries in Trinidad and Tobago, [*The Minister of Social and Community Development and Minister of Sport and Youth Affairs*]; read the first time.

#### **MISCELLANEOUS PROVISIONS (CHILDREN) BILL**

Bill to amend certain laws affecting children, [*The Attorney General and Minister of Legal Affairs*]; read the first time.

#### **RELATED BILLS**

**The Minister of Trade of Industry and Consumer Affairs (Hon. Mervyn Assam):** Mr. Speaker, I seek the leave of the House to debate together, the Gambling and Betting (Amdt.) (No. 2) Bill and the other three bills before this House which are related. These are: the Trinidad and Tobago Racing Authority (Amdt.) (No. 2) Bill, the Betting Levy Board (Amdt.) (No. 2) Bill, and the National Racing Commission (No. 2) Bill.

*Question put and agreed to.*

**Hon. M. Assam:** I thank the Members opposite who are so gracious in accepting my proposal.

#### **GAMBLING AND BETTING (AMDT.) (NO.2) BILL**

*Order for second reading read.*

**The Minister of Trade & Industry and Consumer Affairs (Hon. Mervyn Assam):** Mr. Speaker, I beg to move,

That a Bill to amend the Gambling and Betting Act, Chap. 11:90, and for matters connected therewith, be now read a second time.

Mr. Speaker, these four Bills have had quite a long gestation period. In fact, not as long as the racing industry which is one of the oldest industries in the field of sport in this country—perhaps well over 100 years. An industry that was promoted by private clubs. As we know, we have had the Tobago Race Club, the Trinidad and Tobago Turf Club, the Union Park Race Club and the Arima Race Club.

That great industry—and it was called the sport of kings—began to flounder some few years ago when a number of other types of activities entered upon the scene in Trinidad and Tobago and when it was decided that racing, as a consequence, had to revisit its original moorings. Therefore, there was a decision, and I would not go into the history of it, to centralize racing in Arima. Unfortunately, we did not get the Caroni Racing Complex which, in my view, was an ideal site for this particular location.

**Mr. Valley:** Do not look for fight!

**Hon. M. Assam:** I am not looking for fight. I said in my view I think the Caroni Racing Complex was an ideal location for the centralization of racing, and this is not a criticism of anybody. I am speaking of the locale. They settled at Arima and Arima has now become the centralized plant for racing in Trinidad and Tobago.

With the unfortunate demise of the Tobago Race Club facilities in Tobago, the Tobago Race Club became somewhat of a lame duck and they had to remove their activities to Trinidad. From time to time, they are allowed a race day, so the Tobago Race Club does have a race day from time to time. That is the kind of accommodation that has taken place.

Mr. Speaker, the centralization of racing was not accompanied with that vibrant marketing plan in order to attract turfites and those people who have been interested in the sport for a long time, to Arima. For whatever reason, I do not know, because as a little boy, I used to go to the races in Arima and it used to attract lots of crowds but, for some reason, that location did not. Therefore, there was a continuous demise of the racing population attending racing. As a consequence of which, the Arima Race Club which operates that facility has had increasingly to depend on the Treasury for subventions and all sorts of assistance to bail them out of their financial situation.

Mr. Speaker, when I assumed the portfolio of Minister of Trade & Industry and Consumer Affairs in November 1995, racing was somewhat in a parlous state. I tried my very best to see how I could rehabilitate the sport, but it would appear

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that there were other forces which had other agendas. All kinds of threats—and not only threats—were subsequently carried out to shut down racing.

I will give a brief chronology of events as they occurred during 1996, notwithstanding my best efforts. On Sunday, August 18, 1996, the then Chairman of the Betting Levy Board met with the President of the Arima Race Club to discuss problems facing the club. At the meeting, the Chairman of the Betting Levy Board agreed to provide the club with additional financial assistance, notwithstanding millions of dollars were already pumped into the Arima Race Club towards the hosting of the Santa Rosa Racing Festival. It is in the month of August that the festival is held, and the Betting Levy Board (BLB) had a great input through subsidizing costs of overseas horses from Barbados and Jamaica.

Monday, August 19, 1996, to the dismay of everyone, the Arima Race Club announced that it would not be accepting entries for races on August 24, and the entries were due on that morning. They were unilaterally cancelled and, as such, cancelled the programme citing that they did not have the financial capability to do so, notwithstanding the commitment of the BLB to assist and also to bring horses.

Tuesday August 20, 1996, at my request I convened a meeting at which representatives of the Betting Levy Board, the Trinidad and Tobago Horse Racing Authority, the Racehorse Owners Association, the Arima Race Club, including HR Promotions attended. HR Promotions had no *locus standi* in that meeting, but there was some kind of arrangement whereby HR Promotions had some kind of company established with the Arima Race Club for the renting of their equipment and so forth.

At that meeting, I attempted to identify a remedial plan of action to restart racing and, it was agreed at that meeting in the full view of the press—they are the ones who requested the press: the television, the radio and the newspapers—that we would have a management committee that would now be responsible for carrying out races in the interim.

The management committee that was agreed upon would be three members of the Betting Levy Board, three members of the Racehorse Owners Association and three members from the Arima Race Club. The chairman was to be selected from among the nine members. As a consequence of that, the Racehorse Owners Association decided to withdraw their boycott with immediate effect; the Betting Levy Board decided to withdraw legal action against the Arima Race Club for non-payment of taxes; and the Trinidad and Tobago Racing Authority agreed to suspend the appropriate rules of racing relative to the payment of stakes within seven days. So, you see the compromise, the bending backwards of the Minister

and all the agencies under his portfolio? What they did to accommodate racing notwithstanding the stubbornness and the unfortunate unilateral action that private club took to sabotage racing one week before, on the very day of the entries, after arrangements had been made to bring horses from Barbados and Jamaica for one of the prime festivals in Arima, Mr. Speaker? I also got them to agree that the Betting Levy Board would develop an appropriate financial plan for racing to continue over the next three months.

On August 23, I was advised that the recommendations arising out of August 20, namely, the withdrawal of the complaint, the implementation of the financial strategy, funds released to the Arima Race Club by the BLB of \$294,500 and the payment of stakes for three race days all had been done. Provision of a grant of \$250,000 to the Arima Race Club was also done, and we agreed to the appointment of three persons from the Betting Levy Board who would serve over the next 90 days: Dr. Rupert Indar, Mr. Roopchand Chadeesingh and Mr. Charles James.

Similarly, the Trinidad and Tobago Racing Authority (TTRA) agreed to suspend the appropriate rules. The Racehorse Owners Association complied. Do you know what happened, Mr. Speaker? In spite of all of that commitment to the Minister in the full view of the press, all of the agencies of Government committing funds, withdrawing this, doing that, the Arima Race Club announced that their constitution did not permit the appointment of the interim management committee as suggested, and would have to take the matter to its full membership. A special meeting of the club was held on September 28, at which the proposal was put, but it was rejected.

Between August and November, several meetings were held with the Arima Race Club, the Racehorse Owners Association and Betting Levy Board in an attempt to fulfil the request that I put before them for the establishment of the nine-member interim committee. No decision was reached on this matter, Mr. Speaker, and after racing on November 16, hosted by the Tobago Race Club, the Arima Race Club announced that it could not continue and it ceased operations on racing in the country.

**10.45 a.m.**

Mr. Speaker, to salvage the situation, I called another meeting on Monday, December 09, 1996. Again, I implored and exhorted the members in the interest of racing, because there are approximately 5,000 people employed in that industry. There are jockeys, trainers, farriers, exercise people, stable people and

grooms. There are all kinds of people who depend on it: small business, the feed companies, veterinarians, people who have invested in all kinds of different things.

As minister responsible I had to take appropriate and urgent action to ensure that the industry continued without any threat. On December 20, 1996, the EGM for the interim committee put forward an election and it was then that they agreed to the management committee.

I went through this very brief chronology merely to show you the kind of efforts that this Minister and the various agencies—I can go on but I do not want to bore the Parliament—took to ensure that racing continued in the face of provocation, threats and the carrying out of threats; notwithstanding the fact that most of the money came from the Treasury; taxpayers' money.

Mr. Speaker, the problems associated with the racing industry, and that have plagued the industry in recent times, have been attributed to the following:

- (a) competition from lottery, play whe and lotto games;
- (b) the loss of interest by racing fans, resulting in considerably reduced turnover;
- (c) inadequate funds for the promotion and development of racing;
- (d) the reduction of the horse population together with the high cost of maintaining horses;
- (e) the need for a more professional approach;
- (f) the employment of modern techniques and procedures in the management of racing plant; and
- (g) absence of a comprehensive marketing programme.

At present, as I said before, there are two clubs: the Tobago Race Club and the Arima Race Club that are responsible for the promotion.

Various measures have been adopted over the years, with a view to the restructuring of the industry, to make it financially viable. These included the establishment, in 1976, of the Trinidad and Tobago Racing Authority which was not only responsible for the regulation and control of the industry, but also providing assistance in the provision of training for jockeys and also in financing the payment of stakes and premiums.

The establishment of the Betting Levy Board in 1989 by an Act of Parliament was part of a package of legislative reform aimed at revitalization of the industry. The Board was originally responsible for the development and improvement of every aspect of horse and dog racing in Trinidad and Tobago. However, its terms of reference were extended in 1995 to include monitoring compliance with any rules relating to the operations of pool betting and other outlets.

The Board is, at present, empowered under the existing legislation to collect all taxes, duties, fees or other payment and to retain 50 per cent of all moneys collected, in order to finance its own operations under the Trinidad and Tobago Racing Authority's expenses related to the overall development of the racing industry. Of course as I alluded earlier, the centralization of racing at Santa Rosa was opened in February 1994.

In spite of all these initiatives—in spite of what I said earlier in my opening remarks—we continued to have the problems associated. In July 1996, I went to the Cabinet with a proposal to establish a task force on horse-racing. The task force comprised three persons:

- (1) Mr. Justice James Davis, retired High Court Judge;
- (2) Mr. Herman Rodriguez, Managing Director of KPMG Peat Marwick;  
and
- (3) Miss Ingrid Lashley, Manager Corporate Services, then, of the Bank of Nova Scotia.

The following were the specific terms of reference of the task force:

- (a) to identify the reasons for the problems plaguing the local horse racing industry;
- (b) to determine if it would be worthwhile to attempt to arrest the crisis at this time, and if so, the prescription to be applied, which would, in effect, enhance proposals for revitalization of the industry;
- (c) to make recommendations relative to the terms of reference: size and composition of both the Betting Levy Board and the Trinidad and Tobago Racing Authority;
- (d) to make recommendations, if necessary, for a change in the percentage of revenue, at present, retained by the Betting Levy Board from taxes and duties collected on behalf of the Government;

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(e) to study the implications of the establishment of a new body—a jockey club.

In some jurisdictions it is called a “Jockey Club”, in other jurisdictions it is called a “National Racing Commission”. It has different names in different jurisdictions, but performing the same functions.

**Mr. Manning:** Why is it called a “Jockey Club?”

**Hon. M. Assam:** —which would assume responsibility for the promotion of horse-racing in Trinidad using the centralized complex in Santa Rosa, which it would lease from the Arima Race Club.

Mr. Speaker, the task force submitted to me its report on October 31, 1996. After reviewing the report, I forwarded to Cabinet a list of recommendations which formed the basis of the following decisions taken by Cabinet in January 1997.

When I tell you this is a long gestation, today is November 19, 1999; this saga started almost three years ago. The recommendations and agreement of Cabinet were:

- (a) that a National Racing Commission to administer horse and dog racing in Trinidad and Tobago should be established;
- (b) the National Racing Commission would comprise three representatives of the Betting Levy Board, three representatives of the Racehorse Owners’ Association and three government nominees;
- (c) that the Gambling and Betting Act be amended to allow the National Racing Commission to assume responsibility for administering the National Tote System instead of the promotion of live racing as prescribed in the said Act;
- (d) that the Betting Levy Board be required to finance the initial operations of the racing commission including expenditure relative to the establishment of the National Tote System; and
- (e) that 50 per cent of the profits by the racing commission be paid to the Betting Levy Board to be used for the development of the local racing industry, the remaining 50 per cent to be utilized for the development of sports and cultural activities and facilities.

In accordance with the decisions of Cabinet, a first draft of the required legislation was prepared. Since then, the Government has reviewed some of these recommendations. Moreover, consultations have been held with various players at various times in the industry in order to obtain their views on the proposed legislation.



Mr. Speaker, I wish to emphasize that I have had consultations and communications with, if not all, certainly most of the interest groups—on many occasions—that represent the racing industry in Trinidad and Tobago.

At the same time I would be the first to admit that it would have been nigh impossible to incorporate, in a wholesale way, all the views that were proffered by the respective bodies—although I am very grateful for all the views that we received. Government, in the final analysis—after sifting all the views—must formulate policy in the national interest and in the interest of the industry as a whole, particularly when taxpayers' money funds this industry to a large extent. Also, because it is an industry that employs so many people both directly and indirectly and has so many synergies in terms of other businesses that spawn from it or are dependent on the industry.

It would have also been difficult since it was necessary to balance those views with the demands of the national interest. In the main, discussions were held on various occasions with representatives of the Bookmakers' Association, the Arima Race Club, the Tobago Race Club, the Racehorse Owners' Association, the Betting Levy Board, the Trinidad and Tobago Racing Authority and the National Racing Commission.

Mr. Speaker, I have in my possession the *Newsday* of Friday, November 21, 1997—a large advertisement where I invited every stakeholder to the Santa Rosa Park on November 18, 1997 to attend; every stakeholder in this industry; to name only one occasion. I have had many other meetings with them.

**10.55 a.m.**

The package of the proposed legislation which we will be debating in this honourable House will therefore reflect positions which the Government considers to be in the best interest of the racing industry. Three of the four Bills seek to make amendments to the following Acts: the Trinidad and Tobago Racing Authority Act, Chap. 21:50; the Gambling and Betting Act, Chap. 11:19; and the Betting Levy Board Act, 1989.

Mr. Speaker, why did we move to the establishment of a National Racing Commission? I want to indicate to you, Sir, and to this honourable House that most countries of the world, in order to have a vibrant horse-racing and dog-racing industry have gone this way. They have established national tote systems. Among the countries that have gone this way which we are seeking to do in this honourable House today are: France, Italy, Canada, Hong Kong, Singapore, Australia, Venezuela, Mexico, Argentina, Chile, Germany, United States of

America, India, Japan, Malaysia, New Zealand, Puerto Rico, Panama, and Brazil. There are five countries that are still not on this system, they are: England, Ireland, Jamaica, Barbados and we here in Trinidad and Tobago, which today we are seeking to change. Mr. Speaker, in all of these five countries that I have just mentioned, racing has been running into serious difficulties, and in those several countries that I mentioned earlier, racing is thriving in those countries.

Let me give you a sample, Mr. Speaker, of some of the thinking. This is from Francis Hasranah, a famous jockey who, unfortunately, I believe, got injured very badly some time ago. He is writing to me.

“Contrary to what the Bookmaker’s Association of horse racing in Trinidad and Tobago is advocating, the National Tote System is the only solution for the survival for the local industry and also for the Government to collect more substantial revenue.”

I can read the whole thing, Mr. Speaker, but I would not take up your time, it is a long letter indicating that.

Mr. Speaker, this is from David Ashforth, a special report from a newspaper in England and it says:

“Rogue bookie shatters a dream.”

That is why racing in England is in trouble and this is Ashforth, who is considered to be quite an authoritative person on racing in England.

Another one published by European Racing and Breeding Digest. It says here:

“Racing’s pathetic leadership has made no progress towards a solution of the sport’s problems; bookies are still running rings around the BHB and Levy Board.”

That is in England and Europe. I would not read it; it is a long article. They are all available.

Another article, by Shade Mohammed:

“We can no longer live and go on as we have been before.”

He speaks about the problems associated with not having a centralized system like a national tote system which is causing the demise of racing.

This is by James Underwood, another authority on racing and again he laments the role of bookies in England.

Mr. Speaker, I can go on and on. I have files in my office—which I did not bring here—in order to substantiate the reason we felt that this was the way to go.

So, Mr. Speaker, the National Racing Commission (No. 2) Bill, which we have before this honourable House, would assume control of the conduct and promotion of horse and dog-racing in Trinidad and Tobago—whereas this had been the exclusive responsibility of various turf clubs in the country for a very long time—and would administer the operation of the national tote system to be established upon the expected enactment of the Gambling and Betting (Amdt.) (No. 2) Bill.

Clause 1 of the National Racing Commission (No. 2) Bill provides for a short title and the commencement of the Act, for which this is the Bill.

Clause 2 would set out the definition of certain terms used in the Bill, like what is meant by the Betting Levy Board, the board, the commission, the national tote system, *et cetera*.

Clause 3 would establish the National Racing Commission, hereinafter called the “Commission” as a body corporate.

Clause 4 would provide for the constitution of the board of directors which would govern the affairs of the commission.

Clause 5 would set out the functions of the commission which are, *inter alia*, to exercise the sole and exclusive rights to promote and hold all race meetings, to carry on betting by way of tote, forecast, trifecta or other betting pools, starting price or any other betting and to administer and operate the national tote system.

Clause 6 would confer on the commission such powers as would enable it to perform its functions including the power to borrow sums required for meeting any of its obligations or discharging any of its functions, subject to the approval of the Minister with responsibility for Finance; collect a tax of 10 per cent on all bets made on local and foreign horse and dog races, such taxes to be remitted to the Board of Inland Revenue.

Clause 7 would confer on the Minister the authority to give the commission directions of a special or general nature in the exercise of its powers and duties.

Clause 8 would make provision with respect to the custody and use of the commission’s seal.

Clause 9 would set out the sources of the funds and resources of the commission.

Clause 10 would provide that the commission's funds shall be applied to meet the expenses of the commission and profits of the commission shall be paid to the Consolidated Fund.

Clauses 11 and 12, in order to ensure the commission's accountability, would impose on the commission the obligation to keep accurate accounts and require that such accounts are audited by a qualified auditor authorized by the Auditor General for that purpose. The commission is also obliged, by clause 12, to submit an annual report and audited statement of records to the Minister which would be laid in Parliament.

Clause 13 would exempt the commission from the payment of all taxes, duties, fees, charges, assessments and impost on the profits or assets which it acquires for its own use. The commission would also be exempted from the payment of value added tax in certain circumstances.

Clause 14 would provide that the term of office of every member of the board shall not exceed five years.

Clauses 15 and 16 would set out the procedure for the resignation and termination of appointment of the board of members and the manner in which they vacate office and would provide that every appointment to and termination of office shall be published in the *Gazette*.

Clause 17 would make provision for temporary appointments of board members.

Clause 18 would provide for the conduct of all meetings of the board of directors and state that five members shall constitute a quorum.

Clause 19 would empower the board to make rules to regulate the procedure for the conduct of its business.

Clause 20 speaks of the personal liability of members so that they could be exempt from any act or omission that is done in good faith.

Clause 21 states that the board may appoint staff at such remuneration and so forth.

Clause 22 provides that the Minister may make regulations for the purpose of giving effect to provisions of this Act.

Mr. Speaker, I would also like to bring to your attention that the former chairman of the Betting Levy Board was also in wholesome support of the establishment of the National Racing Commission. Also, a very famous

veterinarian who, at age 13 was a jockey, was also very much in favour. As recent as May, 1999, the Racehorse Owners' Association wrote to me indicating the members they wanted to be on the National Racing Commission. So that, there are several individuals and organizations which are very clear in their minds as to how racing should proceed in Trinidad and Tobago.

Mr. Speaker, let me just give you an example of the kind of financial problems that the Arima Race Club has run into. Ever so often they send requests for subventions from the Betting Levy Board and, up to August 9, 1999—which was the last one I received—they requested a subvention of \$285,391; subsequent to that, they wanted an administrative subvention of \$100,000 to pay staff. But if you look at their recent unaudited statement, *Arima Race Club, Unaudited Statements to April, 1999*, you would see that this club—and I say so, not in a derogatory or gloating sense—is virtually bankrupt. Every month they are chalking up losses in excess of \$1 million. It is right here. If you look at their balance sheet, you would see that their liabilities are in the vicinity of \$27 million. They owe both short term and long term liabilities. Their short-term liabilities are \$14.8 million and their long term liability is \$8.5 million.

They are requesting that the Betting Levy Board enters into an arrangement with a certain bank to borrow a sum of \$30-odd million to bail them out. That is what the situation is today. They want the Betting Levy Board to assume the responsibility of borrowing \$30 million and throw it at a private club to bail them out. That is the situation today. Taxpayers' money! Who is going to pay back this \$30 million when it is borrowed and the interest accruing thereon? It is the taxpayer, or the Treasury, which is the taxpayer again.

So, Mr. Speaker, you understand the imperative of establishing a National Racing Commission to preserve racing and to ensure that the industry uses public funds in a manner that would benefit everyone involved in racing and, by extension, the national community.

Mr. Speaker, one of the areas that engaged our attention for a very long time was the question of the private bookmakers. We wanted to go the full way as those countries that I read out to you—about sixteen of them—where we have a national tote system and no other player in the private betting business.

#### **11.10 a.m.**

We wrestled, because people spoke about our wanting to take away their livelihood; their jobs. We had meetings over and over. We succumbed to the suggestion by the bookmakers when they said they wanted to survive; and were

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prepared to pay an additional amount in license fees to continue to operate as private bookmakers.

It is not a very good situation where there is a National Tote System and a parallel private bookmakers' situation at the same time. We felt, having considered all the facts of the situation, that perhaps in the interim we could go along. They are the ones who suggested—I want to emphasize this—that the present fee of \$100,000 could be raised to \$1 million in Port of Spain and \$500,000 outside of Port of Spain. *[Interruption]* They are the ones: it is in writing. They are the ones who wrote saying that it can be raised from \$100,000 to \$1 million in Port of Spain and to \$500,000. They wanted to remove the tax, but we said the two things are not in any way connected, because the tax of 10 per cent is paid by the punter; it is not paid by the licensee, so they cannot have their cake and eat it.

They also wanted to be agents of the National Racing Commission (NRC). They wanted to do two things: They wanted to remove the tax and they wanted to continue as private betting shops, but also they wanted to be agents of the NRC, therefore, they wanted to have several bites of the cherry.

Mr. Speaker, I did not intend to read this letter, but I will read it because I think it is pertinent. This is the former Chairman of the Betting Levy Board (BLB):

“Considerable discussion and media reports have had the National Racing Commission and the National Tote System as the subjects. Being a small part of the horse racing for some years, and in particular, the administration of the Betting Levy Board, I would like to make certain observations which I have noted over the last seven years.

The licenced bookmakers are not collecting and remitting taxes according to the law. Compliance units, surveillance and audits have not yielded the expected collections. There is hardly a satisfactory way to collect these taxes but to ensure the wages come through a centralized system. This should yield at least 125 per cent more than at the present time.”

He goes on to say that the best way to do it is through—I did not even want to read this—

“The hon. Mervyn Assam has supported racing assiduously in its most difficult era. Further the Cabinet also supported his great efforts.”

The entire country will benefit from the legacy which a National Tote System—

**Dr. Rowley:** Who is he?

**Hon. M. Assam:** Dr. Rupert Indar, former Chairman of the Betting Levy Board.

Mr. Speaker, this is the objective situation which exists today. So the license fee in respect of private betting shops would be increased from \$100,000 to \$1 million in the case of those located in Port of Spain, and to \$500,000 in the case of those outside of Port of Spain. The Betting Levy Board would have authority conferred on it to grant a betting outlet permit to an agent of the National Racing Commission authorizing the use of its premises as a betting outlet under the National Tote System.

Mr. Speaker, I said before and I would repeat, the Government is very cognizant of the fact that an estimated 4,000 persons or so depend directly and indirectly on the horse-racing industry for a livelihood, and it is also aware of the potential of the industry to create and sustain employment and to influence the further development of tourism as an industry through event tourism.

In fact, we had a great event last year called the Classico Del Caribe. It was the first time in history, that a non-English-speaking country hosted such a fantastic event. They were so satisfied that they have told us that they would like to come back in the near future. Also, when the Miss Universe Pageant took place, we had a special day of racing for all the delegates, not only the contestants, but all the people who came here.

**Dr. Rowley:** Mr. Speaker, is the hon. Member sure he wants to speak about the Miss Universe Pageant?

**Hon. M. Assam:** Mr. Speaker, *[Interruption]* I only speak the facts. That is all I am speaking.

The Government has put a great deal of effort into ensuring the survival of the industry. We have done so because we are convinced of its potential in terms of employment generation; its capacity to earn foreign exchange; its linkages with other sectors of the economy and also, as a source of entertainment and recreation for a wide cross-section of the national community. It has been recognized that, within recent years, the industry has had some difficult times. However, with the correct mix of policies, strategies and mechanisms put in place—and if these policies are pursued with a certain commitment of all the players in the industry—I am certain that the industry will, again, be able to attain the heights that it has reached and even surpass those in previous years.

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With respect to the other Bills: the Trinidad and Tobago Racing Authority Act, Chap. 21:50, there are a few minor amendments. In the old legislation there was a definition for “turf clubs”. In the amended Bill, the definition of “turf clubs”, obviously, is deleted. In the old legislation there is no definition of Betting Levy Board and National Racing Commission. In the amended legislation, there is included a definition of a Betting Levy Board and National Racing Commission.

In the old legislation, there were nine members appointed by the Minister as follows:

- four Members appointed after consultation with the turf clubs;
- one member representing the Ministry of Finance;
- one Member appointed after consultation with organizations most representative of race horse owners; and
- three independent members with knowledge of racing, with at least one having qualifications in law.

In the new legislation, seven members are appointed by the Minister: one Member of the National Racing Commission; one Member appointed after consultation with organizations representative of the racehorse owners’ association; one Member appointed after consultation with organizations most representative of the racehorse breeders, and four independent persons with knowledge of racing.

In the old legislation, with respect to the TTRA, five members constituted a quorum. In the new legislation, four members would constitute a quorum. In the old legislation, funds and resources of the authority do not include such sums as may be received from the Betting Levy Board; in the new legislation, the funds and resources of the authority shall include such sums as may be received from the Betting Levy Board.

In the old legislation, the authority could apply its funds for the making or granting of loans for increase in prize money in connection with racing. The new legislation does not allow the authority to apply its funds to the making of grants or loans for the increase in prize money in connection with racing.

In the old legislation, accounts of the authority are audited by the Auditor General, in accordance with the Audit and Exchequer Act. In the new legislation, the accounts of the authority could be audited by the Auditor General or an auditor appointed by the Auditor General.



In the old legislation, the authority could prescribe penalties not exceeding \$500.00 for offences against the authority's regulations. In the new legislation, the authority could prescribe penalties not exceeding \$20,000 for offences against the authority's regulations.

In respect of the Betting Levy Board, Act No. 35 of 1989, in that legislation, no definition of "betting business" is defined. However, in the amended legislation, definitions are included for "betting business," "betting outlet"; "NRC", "National Tote System" and "permit".

In the old legislation, the definition of "Minister" is included. In the new legislation, the definition is deleted.

In the old legislation, the board consisted of 11 members appointed by the President: four persons appearing to him to be suitably qualified; three persons nominated by the Arima Race Club; one person nominated by the Tobago Race Club; one person nominated by each of the Race Owners' Association, the Stud Farm Association and the Licensed Betting Pool Operators.

**11.20 a.m.**

In the new legislation, the board consists of seven members appointed by the Minister as follows:

- (a) three persons appearing to the Minister to have wide experience of and shown capacity in racing, financial or administrative matters, except that they shall not be employees of the bodies referred to above, which are the National Racing Commission (NRC) or the Trinidad and Tobago Racing Association (TTRA);
- (b) one person representing the Minister of Finance;
- (c) one person nominated by the National Racing Commission
- (d) one person nominated by the organization most representative of race horse owners from among its members; and
- (e) one person nominated by the organization most representative of horse breeders.

In the old legislation, President is referred to instead of Minister in certain sections. In this new legislation, we substitute Minister for President wherever it occurs. In the old legislation, it is a quorum of five; in the new legislation for the Betting Levy Board it is a quorum of four. In the old legislation, the board does

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not have authority to grant permits authorizing the use of premises as a betting outlet under the national tote system. In the new legislation, the board has the authority to grant permits authorizing the use of premises as a betting outlet under the national tote system. There is a new section 10(a) which spells out the amendment with respect to betting outlet permits.

Mr. Speaker, in the last piece of legislation before us which is the Gambling and Betting Act, Chap. 11:19, there are some new clauses which do not appear in the old legislation. The new clauses are the definition of Trinidad and Tobago Turf Club and Turf Club deleted. Section 23 of the Act which dealt with sweepstakes organized by Turf Clubs was repealed, the definition for the National Racing Commission included.

There is a section 34(a) in the Gambling and Betting Act. In the new legislation it has been repealed and there is a new section 40 relating to the establishment of the national tote system as spelt out in the amendment Bill.

In the old legislation, the annual license fee is \$100,000 for betting offices. In the new legislation, the annual license fee is \$1 million in respect of betting offices located within the boundaries of the city of Port of Spain and \$500,000 in respect of other betting offices. In the old legislation, the Betting Levy Board is responsible for the management and so forth, of pool betting duty. In the new legislation, the Board of Inland Revenue is responsible for the management and so forth of the pool betting duty.

Mr. Speaker, these are some of the important changes and amendments in the three Acts that we are seeking to have amended this morning and I have already gone through the 22 clauses of the new Bill, which I hope we will enact this morning as the National Racing Commission Bill.

I think that I have given this honourable House some kind of perspective, some kind of history, some kind of outline with respect to the racing industry. I have attempted to show how, in my capacity as Minister, I have attempted to keep racing going notwithstanding some of the most difficult challenges to the industry under my charge. I have shown you where the organizations: the Trinidad and Tobago Racing Association (TTRA) and the Betting Levy Board have risen, considerably, to the challenge posed by the demands of the Arima Race Club, which is the private club responsible for the promotion of racing. I have shown you over the years, how racing has not been enjoying good fortune. I have attempted to show the amount of subsidies, subventions and taxpayers money that we have ploughed into the industry.

There has been a considerable amount of bickering and lack of harmony among the stakeholders, and I believe that the movement towards the establishment of the National Racing Commission will heal all these wounds and will put racing, once more, into a greater harmonized, focussed, sort of situation, and lead us to where all of these 16 countries that I enumerated earlier have gone to the successful rehabilitation and revitalization of the horse and dog racing industries.

Mr. Speaker, it is my view, having been around for three years looking at the racing industry, and I used to be part of this industry in my younger days when I did enjoy some kind of partial ownership of a couple of these horses. [*Interruption*]

**Mr. Manning:** Some 14 years ago.

**Hon. M. Assam:** Almost, Mr. Speaker. I am of the view, I am convinced, having spoken to individuals, having read newspapers, having got clippings from abroad, having met with the organizations, having analyzed the situation as objectively as possible, that the Government's policy of moving toward the establishment of a National Racing Commission is, perhaps, the only logical way to go and the only way that we believe would eventually rehabilitate, revitalize and bring back racing to the pristine glory that it once enjoyed.

I thank you, and I beg to move.

*Question proposed.*

**Mr. Speaker:** I wish to remind Members that it has been agreed that the other Bills connected with racing could be discussed at the same time, notwithstanding that they would be voted on separately.

**Dr. Keith Rowley (Diego Martin West):** Thank you. Mr. Speaker, I waited patiently with bated breath for the Minister to tell us the whole rationale behind this package of legislation before us. Alas, this must go down as one of the most unconvincing presentations of any piece of legislation in this House. [*Desk thumping*] What we have in front of us is a conundrum and I suspect that the absence of candour on the part of the Minister is the reason why his presentation was so unconvincing.

When the Minister started out by giving us a chronological description of what one can only describe as his battle with the Arima Race Club and his reference to other agendas, and one looks at what is presented here, one has to be concerned because it runs counter to every policy that this country has been following and the Government's own description of where the country should be

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going. Let us make one thing very clear: the only thing that came out clearly in the Minister's presentation is that this approach, this legislation will do one thing and that is to nationalize the racing business. I would not even say the industry. That is clear. The Government is seeking to bring under total governmental control the operations, the regulations and promotion of racing in Trinidad and Tobago. That is nationalization of the racing industry.

While there may be good reasons for that, the Minister has not given us those reasons. Let us back up a bit, Mr. Speaker. What is this thing called the racing industry? Racing is, in fact, a sport. It is a sport that is carried on by people who can afford to own horses, breed horses, run horses and do the things that go with that and, in so doing, enterprise has developed to support that sport and that is called the racing industry.

If you do not have owners who decide to spend money to own horses, I do not know what the Minister is going to nationalize. If you do not have breeders who decide to spend their money or to be interested in that, and if all these people who see racing as their sport of choice—if they do not decide to have this sport then there is no racing industry. So when the Government takes an initiative to nationalize the racing industry we must understand exactly what the Government is doing. Because if the people who have made that choice to get or stay involved in that industry, do not see eye to eye with the Government to keep such an industry operating, and the Government has nationalized this thing, then what have we nationalized? What have we done?

That is why the Minister has been less than forthright when he very casually threw into the mix how he went about arriving at this position and he made reference to Justice James Davis who was appointed to head a task force. That task, somehow, he is trying to imply as a result of this development, information was garnered which allowed us to come to this pass. But if the Minister was being up-front and forthright, since Justice Davis reported he would have made the findings of that report available to the public.

Mr. Speaker, the people who own, breed and operate the horse-racing industry in this country were begging, pleading, and beseeching the Minister to tell them publicly what the James Davis task force said. If you had dialogue and were operating in good faith and you appointed a task force, what is the difficulty of letting us, even here in the Parliament, know what the Davis Task Force said, so that when you come with the solution we could know whether it meshes with the recommendations. But no, that was not the Minister's approach.

I want to ask Members in this House today, who are being asked to vote on this, beside the Minister and a handful of his closest cronies, does anybody know what the James Davis report said? [*Desk thumping*] [*Interruption*] You do not even know where “yuh” come from. Mr. Speaker, that to me is a significant development. So for the people in racing, the confidence factor was damaged in there, because immediately the Minister’s motive and objectives became questionable.

The report was not put on the Table. It was not made available in a way to inspire confidence if made available at all to any person responsible; never laid in Parliament, not even this morning as part of his presentation. Did he make any reference to what the James Davis report said? He just threw it out, that there was a James Davis task force.

He spoke disparagingly about the Arima Race Club. I am not, other than being a Member of Parliament, sworn to be fair to all in this country. I am not here blowing a trumpet for the Arima Race Club. Unlike him, I have never owned horses or got involved in racing, but I understand what governance is about and this legislation is an abuse of power. It is a fight between factions out there, and the Minister has taken sides and is seeking to use the Parliament to get done what he could not get done out there.

Mr. Speaker, anybody who knows what has gone on in the last two years in the racing fraternity would know exactly who the players are and what the Minister has done. In fact, at one time the so-called interim committee that he made mention of, as if that was something, some panacea, that in itself was a bone of contention, because as the Minister highhandedly selected hand-picked officials, it did not throw oil on troubled waters. It only stirred the pot and made it boil even hotter.

**11.35 a.m.**

In fact, Mr. Speaker, by May of last year, racing came to a complete halt. He talked about having to resuscitate the racing, and that the Arima Race Club was using blackmailing tactics and so forth, using disparaging remarks to try to justify what he is about to do. If you accept that racing is a sport of choice of some people who choose to own and breed horses, if they decide not to have races—In fact, when I read that, I said fine. If the owners do not want to own horses, they do not want to breed horses, they do not want to run horses, they do not want to have a race meet, that is their choice. What is this national crisis that the Minister is wasting Parliament’s time to tell us that some blackmailing was taking place by people who decide not to race the horses. That was not the story at all.

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This Government, in the last four years, has interfered in every single layer of the horse industry in an attempt to control it and this is the ultimate attempt to control, which is to nationalize the horse-racing industry. [*Desk thumping*] Listen to part of his logic this morning: the Arima Race Club is making losses. Do you understand that? So because the Arima Race Club is making losses the Government's approach is to go in and nationalize racing. I wonder what else in this country is making losses? What else?

**Hon. Member:** Caroni.

**Dr. K. Rowley:** We already have Caroni (1975) Limited. What other industrial activity in this country is making losses, and the Government sees those loss-making activities and decides the solution to that is to nationalize it, maybe to save jobs or whatever.

Mr. Speaker, they should be ashamed because they are now seeking to borrow money to bail themselves out. I draw your attention to the National Racing Commission Bill, clause 6(2)(a). The Government is going to nationalize racing. Do you know what is going to be put into law, Mr. Speaker? Hear what is the National Racing Commission's (NRC) solution to racing because it is losing money and shamelessly would have to borrow to bail themselves out. Look at the power the Minister wants to give to the NRC under law:

“6(2) Without limiting the generality of subsection (1), the powers of the commission...”

That is the commission he wants to enact into law now:

“...shall include the power to—

(a) borrow sums required for meeting any of its obligations...”

So he speaks in a disparaging way about the private sector borrowing money to bail themselves out, but he wants to saddle the state with the opportunity to borrow. Where is the logic in that? If the private sector, conducting its racing business is losing money and they have to borrow and you are speaking disparagingly about them, why are you enacting into law the opportunity for your solution that the NRC borrows money? Why? So that taxpayers' money can now be used in the same way, to support a sport. Let us not lose sight of the fact that horse-racing is a sport.

Clause 9(a) says:

“9. The funds and resources of the Commission shall consist of:

- (a) such funds as may be appropriated by Parliament...”

He is telling us that Parliament would have to appropriate funds to support the commission and the funds and resources shall be:

- (b) such sums borrowed by the Board...”

Here we are setting up a commission, putting all the mechanisms in place to make it a ward of the treasury. Why should that surprise us? Because if the private sector is running racing, losing money and has to borrow, and the Government nationalizes racing, all that is going to happen is that the Treasury is now going to accept those kinds of liabilities. I daresay, Mr. Speaker, and I am going on record today as the Member of Parliament for Diego Martin West, at 11.40 a.m. this day of November to say that if the private sector cannot make racing work in Trinidad and Tobago, the Government of Trinidad and Tobago has less of a chance of making it work. I comprehensively reject this idea that the Government's taking over of racing and nationalizing it is going to be the solution to the decline of racing in Trinidad and Tobago.

Mr. Speaker, in the last few years, this country under the previous administration and the one before, has had to take out of the state's sector, a number of companies that the state owned. A number of the state-owned companies doing productive work we had taken them out of the state's control and placed them in the private sector. Lo and behold, this group of bright boys come in and is seeking to nationalize a private sport. If it was being done with the support of the people involved, one might have said there is a ghost of a chance that it might succeed. Let me put on record the position of the people who are involved in racing who have chosen racing as their sport, and have decided to put their money in racing.

Mr. Speaker, with your indulgence, I would read into the record a letter written not to the Minister, because the fraternity has given up on the Minister, they have gone over his head because of his attitude, his behaviour, and the record of interaction or lack thereof with the racing fraternity. They have gone over his head and on May 7, 1999 while he was preparing to wine and dine his delegates for Miss Universe, the racing fraternity was writing to the Prime Minister and this is what they said to him:

“The Hon. Basdeo Panday

Prime Minister of Trinidad and Tobago

Whitehall

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[DR. ROWLEY]

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Port of Spain

Dear Prime Minister,

Proposed legislation relating to the Local Horse Racing I industry”

This letter, just to make sure you understand what I am saying is signed by the Racehorse Owners Association. These are people who own horses, there is no law in this country which says you must own a horse.

**Mr. Assam:** What is the date of that letter?

**Dr. K. Rowley:** It is dated May 7, 1999.

**Mr. Assam:** Could the Member give way?

**Dr. K. Rowley:** Sure.

**Mr. Assam:** Mr. Speaker, that is a letter dated May 7, 1999, I have one from the Race Horse Owners Association dated May 18 which is after May 7 signed by the secretary advising the Minister that they want Richard Smith, Deryck Chin and Wilma Primus to be the Racehorse Owners Association members on the NRC. Could you imagine that Mr. Speaker? This is inauthentic, this is fraud, this is fraud!

**Dr. K. Rowley:** Mr. Speaker, I said that this whole thing is a conundrum and all he is doing is assisting me in proving my point.

On May 7, 1999, they wrote to the Prime Minister: the Racehorse Owners Association; the Stud Farm Association; the Bookmakers Association; the Off Track Betting Association; the Grooms Association; the Trainers Association; the Jockeys Association; the Arima Race Club and the Tobago Race Club all signed this letter to the Prime Minister on May 7, 1999.

To tell me that the Racehorse Owners Association nominated three persons to serve on a board does not negate what I am trying to say. Mr. Speaker, the racing fraternity is not in support of this legislation and they wrote—not to the Minister—but to the Prime Minister. This is what they said to him:

“We the undersigned who represent the major stakeholders in the Local Horse Racing Industry, request that Government postpone the introduction of four (4) Bills relating to the establishment of a National Racing Commission (*inter alia*) which were recently laid in the House of Representatives.

Horsing in Trinidad and Tobago has survived for over 160 years, and while we recognize the need to change the Management Structure of the



Industry, we believe that the proposed Bills in their present form, if approved by Parliament, may well lead to the demise of the Industry.

We also hereby request that Government take immediate steps to dissolve the present 'NRC' and its 'Board' as this Body and its Chairman are doing irreparable damage to the already fragile industry. The Chairman, in particular, does not have the support of the major stakeholders and the utilization of the Industry's scarce resources by this Body called the "NRC" is the source of serious dissatisfaction among the stakeholders who are making tremendous sacrifices to keep the Industry alive.

In the light of the urgency of this matter, we humbly request that you meet with a delegation of five (5) members representing the stakeholders, at which time we will be happy to suggest alternative ways in which both Government and the Industry's objectives may be achieved in harmony."

It is signed Racehorse Owners Association, Stud Farm Association; Bookmakers Association; Off Track Betting Association; Grooms Association; Trainers Association; Jockeys Association; Arima Race Club and Tobago Race Club.

Mr. Speaker, nothing could be clearer than that. If you had any doubt that there was serious conflict in the industry between those who volunteered to own and run horses and those who seek to control it, that should alert you.

When the Minister jumps up and waves a letter about somebody asking to appoint people from one of those organizations—because there are nine agencies saying what I have just read—he read that he had nomination from one, and one from nine leaves eight. And on what date? On May 18, 1999.

Mr. Speaker, I have another letter written to the Prime Minister again because they are not dealing with the Minister. He is irrelevant. His attitude, his behaviour is irrelevant and destructive so they are not dealing with him. They write again to the Prime Minister this time on November 17. He would have us believe that his letter of November 18, 1999 negates what I have read from the letter dated May 7, 1999 trying to give the impression that after May 7, everything was honky dory and they are supporting him. Nothing is further from the truth because this letter is written by the President of the Arima Race Club to the Prime Minister.

You must remember, Mr. Speaker, when he speaks disparagingly about the Arima Race Club, just cast your mind and think who make up the Arima Race Club. It is not a building, it is the people involved in racing from all walks of racing who have membership in the club. So when he speaks of the Arima Race

Club in that kind of way and dismisses the people as they are separate into their various interest groups as jockeys, trainers and so forth, just take in what he is saying.

So when the Arima Race Club on November 17, 1999 wrote to the Prime Minister, I wonder if he has more recent correspondence to negate this too. This is what they said to the Prime Minister.

“Dear Honourable Prime Minister,

I refer to a letter dated May 7<sup>th</sup>, 1999, written to you by the major stakeholder’s of the Racing Industry, requesting the postponement of the four (4) Bills relating to the establishment of a National Racing Commission.”

This is dated November 17, 1999. So how could the Minister come here and try to give the impression that he has the support of the racing fraternity? What is today’s date? He has no copy to get because the Prime Minister is not giving it to him. If he had read this, he would not try to tell me about May 18, 1999.

Mr. Speaker, the letter goes on:

“It therefore is with great surprise that despite this request that these proposed Bills are scheduled to be presented for debate in Parliament on Friday November 19, 1999. We wish to reiterate that these Bills in their present form will lead to the complete “shut down” and demise of the Horse Racing industry in Trinidad and Tobago...”

**11.50 a.m.**

**Mr. Valley:** Read the whole letter.

**Dr. K. Rowley:** Mr. Speaker, the letter is long and I do not want to read the whole letter but I will tell you one thing. Our Minister spoke about other agendas and I wonder who really has the other agendas because in the face of this position, from the people who choose to get involved in racing? Listen to what the President of the Arima Race Club says:

“The National Racing Commission Bills if made into law, will represent a retrograde step of significant dimensions.

In their present form the National Racing Commission Bills:-

- (a) will merely replace the Arima Race Club as the promoters of racing in Trinidad and Tobago and offers nothing new.”

That is what I am saying, the Government is simply nationalizing racing.

“(b) have been rejected by the Stakeholders of the racing industry.”

But take note of (c):

“(c) does not guarantee that the facilities at Santa Rosa Park, which are owned by the members of the Arima Race Club, being made available to the proponents of the National Racing Commission.”

**Mr. Valley:** Could you imagine?

**Dr. K. Rowley:** Mr. Speaker, take careful note of that because we have one racing plant in this country owned by the private sector. When the Government bulldozes its way into this position of nationalization, these citizens are saying, “do not expect that because you can go to the Parliament and use your majority in this high-handed manner, that my race track will be available to you.” What exactly is the Government nationalizing?

Already, we have seen that those who are breeding horses and only horses, the Government is opposed to their point of view. Is the Government proposing by force to extract from people their property? Or, do they have an ulterior motive as hinted by the Minister this morning, that maybe the best thing to do is to have a racing complex in Caroni? [*Desk thumping*] That is the point of view being put forward by lackeys of the Minister. We have seen it before where, when they sought to have a compromise earlier in the year, in a time of crisis when this Chairman of the National Racing Commission put there by the Minister, and who began to operate as though the National Racing Commission was already law, went out there. There was the private sector: the Arima Race Club and Horse Racing Consultants who had the tote system.

Mr. Speaker, when they got the arrangement in place, the Chairman of the National Racing Commission—with the backing of the Minister and public—assumed that they would have had the facilities and equipment of the private sector to run their tote system and the fella said: “No, no, these are our terms or you do not have it.” So, do you know what happened? The existing horse racing equipment was not made available to the Minister and his chairman. So, do you know what they did? They went and bought \$17 million in equipment—using what? [*Desk thumping*]

**Miss Nicholson:** They cannot buy a ferry for Tobago.

**Dr. K. Rowley:** They cannot buy a boat for Tobago. Today, passengers in Trinidad and Tobago have put equipment on a boat in Port of Spain. The boat is out there in international waters not coming to Port, and the Government sits here

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totally unconcerned because that is not important. A ferry for Tobago is not important, getting food and materials. They are talking about tourism. On that boat are pieces of equipment to build the swimming pool for the Tobago Hilton Hotel. The Minister cannot tell us where the boat is now. He cannot tell us what is happening but they are going to privatize a sport, where the people involved in the sport are saying, “leave us alone and let us handle this in the private sector with Government support.”

Mr. Speaker, through the Chairman of the National Racing Commission, acting in his capacity with the Betting Levy Board, they went jumping up and spending \$17 million of public moneys because the private sector did not make available to the Government equipment which the Government assumed it would have got. The same matter is arising here, again, with respect to the Arima Race Club, where the Government assumes, that if it uses its jackboots and stamp on the nets of the people in racing, it would then automatically takeover.

Mr. Speaker, I warned this Government that rather than solve a problem, it is creating one which is guaranteed to bring an end to racing in Trinidad and Tobago. [*Desk thumping*] Unless the Government intends to own and breed its horses, train them and have grooms and jockeys on the Government payroll, you cannot force people into accepting what you want if they do not accept what you have put forward. It is as simple as that. The Minister’s attitude to these people guarantees that there was no consensus on this matter, and this is the worst possible Minister to have handled this matter—worst. The Minister has taken a position that right is right and I have the power of office. He is listening to a very small clique of people with—as he says—other agendas. I do not mind that, for they intend to fund those agendas with public money and that I am objecting to. [*Desk thumping*] Understand that very carefully. Understand what they are doing.

Mr. Speaker, when they first advanced this idea of nationalizing racing, it was under the concept that, if we have one national tote system all betting will go through there and fantastic sums of moneys, in terms of taxes and other revenues would come to the state and, therefore, that was the justification. That might have been so but that would have been creating a monopoly and this Government has made it quite clear in its outlined policies that it is not about creating monopolies. So, I was not surprised when I saw the Government backing down from that position and now what this Bill presents—contrary to what is being put across—is not a national tote system. We are going to have two parallel systems. We are going to have the Government owned betting system and the Bill also leaves the private sector to run their parallel betting systems.

Mr. Speaker, so, immediately, the initial golden egg that the National Tote System was supposed to have delivered on birth is now in question because you do have the parallel system. But one interesting thing is that while you are going to have these two different arms of betting, those in the private sector would be asked to pay \$1 million in licence and 10 per cent tax, whereas those in the Government system will not pay tax. I suspect that might even be illegal and could be challenged in court. I suspect that—inequality under the law.

If you can have the state betting system not paying taxes while you are levying \$1 million on the private sector doing the same thing, I suspect that a good lawyer—when the Attorney General goes back outside where he belongs—he will come to court and tell you what this is all about, “inequality under the law.” I have heard him use that phrase so many times and I know he is a man who sticks to his position under the law. *[Interruption]* This is one he will stick with, if he is right. So that is how they proceed to solve a problem.

Mr. Speaker, the Minister says that there are people who are cheating. Now, let me make one matter very clear. In seeking to sell this idea, the impression is being given that it is a fight between the Government and tax sheets at the racing pools. Certainly, the racing pools are an integral part of the racing industry but the racing pools come after the fact, as far as local racing is concerned. Of the nine associations that I have mentioned a while ago, the Bookmakers Association is only one. There are eight other significant groups involved in racing which are opposed to this legislation. If those people do not support the Government’s position and do not give sustenance to the industry, there would be nothing for the racing pools to deal with on the local scenes and, therefore, no tax to cheat on. So, the Government has this whole thing back to front. If in seeking to deal with the bookies you kill off the breeders, owners, trainers and jockeys, then all you are going to end up with is your chairman and a few selected friends.

The Minister made reference to the wonderful job that was done with the Classico. If you talk to anybody other than the Minister’s closest friends in the racing industry—who see that their connection to the Minister is justification to wield power—they will tell you that the racing fraternity in Trinidad and Tobago by and large, did not support them hosting any Classico here. *[Desk thumping]* They will also tell you that unlike what was said by the Minister this morning, that thing was a monumental flop. They lost \$2 million in that venture and what is worse, the people who are there now are trying to keep the industry alive by seeking sponsorship. Recently they got sponsorship of \$100,000.00.

**12.00 noon**

When they got the cheque from the sponsor, the sponsor said, “\$100,000.00 minus \$56,000.00 for champagne that was drunk on the Classico by the Minister, his friends and his delegates from the Miss Universe Pageant”. That is how they see racing. Their only interest in racing is how—[*Interruption*]

**Mr. Assam:** Thank you for giving way. I do not know why, Mr. Speaker, the Member for Diego Martin West is attempting to tarnish the integrity of the Member for St. Joseph by saying that I drank champagne to the tune of \$56,000.00, which is a total misrepresentation. That is totally false, misleading and untrue. I hope that the Member would control his tongue and stick to the Bill rather than get carried away with emotion and try to attack my character because I have never attacked his character. That is not true.

**Dr. K. Rowley:** Mr. Speaker, if I do not give way to the Minister again you will—[*Interruption*]

**Mr. Assam:** I could buy my own champagne.

**Dr. K. Rowley:** Mr. Speaker, it was the Minister who introduced into this debate the question of the Classico and the Miss Universe Pageant. I am putting on record that one of the expenditures for that occasion was \$56,000.00 for champagne which was drunk—[*Interruption*]

**Mr. Valley:** By the Minister?

**Dr. K. Rowley:**—and his friends and delegates, and if he did not have any, well, too bad for him. [*Interruption*]

**Mr. Valley:** No, he never said that.

**Dr. K. Rowley:** Okay, all right. Mr. Speaker, if I accused the Minister of drinking any of that champagne, I unreservedly withdraw it. That is not the point I was making. The point I was making is about when the funds come under the control of his selected people, against the wishes of the racing fraternity, how they use funds. I say that when you end up getting \$100,000.00 sponsorship as a lifeline to the industry and out of that \$100,000.00 the sponsor deducts \$56,000.00 for champagne for one event, an event which the Minister himself praised here this morning, the point I am making—[*Interruption*]

**Mr. Valley:** Who drank the champagne?

**Dr. K. Rowley:** Maybe the horses drank the champagne. The point I am making is, that is the kind of thing that is going to go on when the Government takes full control, because what we are going to end up with, Mr. Speaker, is control and abuse and withdrawal of the people who are involved in racing.

When you look in the Betting Levy Board (Amdt.) (No. 2) Bill you see one significant change. In the existing Bill the President will do certain things. Without giving us any good reason as to how this thing will work as to the benefit of racing, they were careful to go through the Bill and remove the President, where President there means Cabinet, and put in Minister. So whereas the Cabinet, by Cabinet note, can be asked to deliberate on the best person to chair this thing and so on, and you get the benefit of the Cabinet's involvement on this matter, under existing law, no they do not want that. They want that power in the hands of the Minister and they are asking us to change the existing law to remove the authority of the Cabinet to appoint people and leave it solely in the hands of the Minister.

**Mr. Assam:** Will you give way?

**Dr. K. Rowley:** No, I am not giving way. Mr. Speaker, they want to leave it in the hands of the Minister. Then, when one looks at that against what has happened, that is one of the root causes of the current problem and the intractable nature of the current problem has to do with the way the Minister has gone about appointing people. One wonders what is going to happen when you give the Minister more power under a nationalized Racing Commission. Now that you have the private sector running racing you can ask anybody out there, their main problem is the way the Minister has gone about appointing people and the way they have behaved within the industry. Now you want to nationalize racing and give the Minister unfettered power, not even Cabinet scrutiny, and you want us to support that!

Then, Mr. Speaker, when you look at the National Racing Commission Bill itself, you will see one of the things in clause 4(2) is that:

“The Minister shall appoint a Chairman from among the persons...”

So the Minister will appoint the chairman.

“A member of the Board shall be paid such remuneration and allowance as the President may determine.”

You do not really have any regard for the President's office. If the President is not good enough to appoint the chairman then leave him alone. Why do you want the President to fix remuneration? The more important thing to me is to appoint the chairman and, if the President and Cabinet cannot do that, why are you leaving that in there? Why not go ahead and fix the remuneration for them?

Then you come over here at clause 13(1) which states:

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“The Commission is exempt from all taxes, duties, fees, charges, assessments, levies...”

What is this? And then we see that members who are appointed by the Minister shall hold office for five years.

**Mr. Assam:** It is not less than.

**Dr. K. Rowley:** Well that is even worse.

**Mr. Valley:** It is “not exceeding”.

**Dr. K. Rowley:** “Not exceeding five years” it says.

**Mr. Assam:** “Not exceeding”, sorry.

**Dr. K. Rowley:** That means they can be appointed for five years. Normally, in these matters, you give people a three-year appointment but no, this is empire building. When he puts his empire in place, they are there for life—five years! At the end of the first five years our children will forget what a horse looks like in this country.

Mr. Speaker, I raise all of this because I know the background behind this legislation. It is about power and control, nothing else. Then it goes on to give them protection. Clause 20(2) says:

“Any sums of money, damage or costs recovered against the Commission or any member for anything done, omitted or permitted in good faith...shall be paid out of the funds...”

So any misconduct can be paid for out of the fund. And then clause 21, most importantly, states:

“The Board may appoint at such remuneration and on such terms and conditions as it thinks fit...such staff as it considers necessary...”

The first thing that is going to happen, if this is brought into law, is that the friends of the Minister will go out and recruit and provide great bonuses and great largesse to the clique that would have taken control because, Mr. Speaker, that is what it is all about. It is about favouritism, taking sides and using state power in an unproductive and abusive way. That is what this is going to result in.

That should not surprise any of us, however, because if you ask the Government why they are doing this, they will say, “To save jobs and to protect revenue”. Well, for a start, there will be no jobs to be saved if the private sector does not continue to own and operate resources. So that is a private sector initiative. That is unless, of course, the Government has intentions to own stables,



and that would be another kind of disaster. Then, if it is to protect revenues, that has to be the laugh of the year because where there are no revenues to be made the Government is taking steps to nationalize a private sport to protect revenues; but where there are revenues in hand the Government is taking steps to lose those revenues. I will demonstrate this, Mr. Speaker.

So we are asked to nationalize racing to protect revenues. How can I believe that when I have here in my possession two letters to which I want to make reference, to demonstrate—*[Interruption]*

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

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

*Question put and agreed to.*

**Dr. K. Rowley:** *[Desk thumping]* Mr. Speaker, I thank you very much and I thank Members for the extension. We are talking about protection of revenues. One of the simplest measures available in the public system, and known to all, is the use of checkers. I have a document here signed by a checker, who is a protector of the revenue, and he points out that he followed instructions but was unable to verify what quantum of material the Government was receiving and, therefore, when it is time to pay there will be a problem; and there was a problem, Mr. Speaker. So I want to read a letter written by the Chief Executive Officer of the Chaguanas Borough Corporation to this checker. Observe carefully, Mr. Speaker.

Here is a chief executive officer beseeching a checker to sign documents so that certain moneys can be paid. The checker wrote to the chief executive officer on August 18, 1998, telling him that there were irregularities with respect to the sourcing of materials to pave Ramsaran Street. That is in August. The contractor was not paid even as late as January 1999. By that time, the chief executive officer is now in writing beseeching the checker and he says:

“I refer to your letter dated January 22, 1999 making reference to meeting on January 22, 1999...”

He said he notes his objections but:

“I, therefore wish to assure you and allay your fears that the Honourable Minister of Local Government has given the Corporation, the authority to pay Coosal's Limited.

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Without your input, therefore, we will be unable to honour the Minister's instructions to pay the firm.

I, therefore hereby wish to thank you for your understanding with the assurance that we are simply obeying the instructions of the Honourable Minister of Local Government.

Signed  
Chief Executive Officer  
Chaguanas Corporation.”

**Miss Nicholson:** Read the last part there for me again?

**Dr. K. Rowley:** It says:

“I, therefore hereby wish to thank you for your understanding with the assurance that we are simply obeying the instructions of the Honourable Minister of Local Government.”

[MR. DEPUTY SPEAKER *in the Chair*]

You may ask, Mr. Deputy Speaker what is this all about? It is about protection of revenues. This is because it is about Ramsaran Street being a private road, which has not been taken over by the Corporation, and being paved on an order. The order was for a certain amount of hot asphalt mix but the billing was for 1,000 tonnes more. The checker pointed out that there were no systems in place to verify how much material was coming to the site but he was instructed to proceed notwithstanding.

**12.15 p.m.**

I have all the documents here. The corporation determined that it could only have used a certain amount of material. At the end of the day, a document from the county superintendent shows that the contractor was billing for \$236,000 more than what was supplied. So, if we are talking about protecting the revenues by nationalizing racing, how are we, on one hand, trying to protect what we do not even know we are going to get, but on the other hand, a Minister of Government is instructing that public servants who are supposed to protect the revenue, go ahead and make payment, even though the officers are not of the view that the payment should be made? Yet, there is this scandalous letter where a senior officer is begging a junior officer to sign a document so as to pay as per the Minister's instructions.

You understand, Mr. Deputy Speaker, why the Auditor General can come with a report to this Parliament and show a scandalous loss of \$12.5 million in Tobago and the Government can do absolutely nothing about it? *[Desk thumping]* The Government has no moral authority to intervene in Tobago. The Government is now impotent and ineffective, and we ask, whither goest the people of Trinidad and Tobago's business?

I have the order in my hand for 1,849 tonnes. They have verified that 1,600 tonnes were delivered, but the contractor billed for 2,833 tonnes! It is an excess of almost a quarter of a million dollars, and the Minister is instructing them to pay as per the request. Therefore, public servants are under pressure to sign documents to defraud the revenue in that manner, and as for the Prime Minister, the Attorney General and my friend from Naparima, how could they accept that?

**Hon. D. Singh:** Will the Member give way?

**Dr. K. Rowley:** No! You have your own time. This is a debate here. Enter the debate! If you are out on bail, you can speak in the Parliament! *[Laughter]*

Mr. Speaker, that is why we must understand that when the Government comes here and pretends to be acting in the public interest, their hands are not clean. *[Desk thumping]* Their motives are not honourable. They are destructive, dangerous and they have overstayed their welcome in that office. *[Desk thumping]*

Talking about protecting revenues, do you know the scam, Mr. Speaker? When the PNM officers in Tunapuna/Piarco went to court and prevented them from using the CEO in the corporation to break the law to facilitate this kind of corruption, they started using the Chaguanas corporation to pave roads in the Tunapuna corporation illegally! I have a document here which shows \$2.6 million passing through the Chaguanas Borough Corporation allegedly for work done in Tunapuna/Piarco without the approval and knowledge of the officers elected by the people of Tunapuna/Piarco.

There are all kinds of names of roads I can call here, and there is evidence to show that in some instances, the roads have not been paved and, in many instances, what had been claimed had not been delivered. So, here we have millions of dollars going down the drain from the local government body and then the Government is coming here to tell us that we must nationalize a sport and bring it under Government control because we are after revenue. I give way to my colleague from Chaguanas.

**Hon. M. Ramsaran:** I just have one correction. The Member mentioned Ramsaran Street as a private street. I would like to tell him that it is a public street.

**Mr. Hart:** That is it?

**Dr. Rowley:** If I had the time, I would have read the document here from the corporation where the corporation's officers point out that Ramsaran Street is in a private development which has not yet been taken over by the corporation.

Mr. Speaker, I want to touch on this question about racing contributing to tourism. My idea of racing contributing to tourism is not about the Minister and his friends going up to the Arima Race Club and having a great bash one day with a number of international leggies. If they were interested in seriously contributing to tourism, they would have taken steps—given the amount of resources that had been consumed in recent times under the guise of supporting tourism—to establish in Tobago, the Tobago Race Club, if they really wanted racing to contribute to tourism. [*Desk thumping*]

When I was a boy, Tobago had a vibrant racing industry and again, it was as a private sector thing. After the fire in 1984 when the grandstand was burned down in Shirvan, racing in Tobago went into decline, but one thing happened. The Tobago Race Club remained alive. A site was identified, and I think they own that site, south of Shirvan where a race-track was earmarked to be built.

I would have thought that today, with a larger local population, with more money in their pockets and a much larger tourism plant and many more tourists, the time is ripe for us to have in Tobago a local chapter of the racing fraternity. In fact, the Trinidad and Tobago racing fraternity could use Tobago as their overseas racing event, because when Tobago had a vibrant racing track, a lot of Trinidad horses, jockeys and owners took part in the Tobago race meeting if only because of the different environment and different climate.

Now is a time, more than ever, that that could work and will contribute to tourism. Tourists in Tobago will then go to Tobago's racing whenever it is held and it would assist in creating employment in Tobago. It would add another attraction which could really contribute to tourism; not tell me nonsense about how the Tobago race-track has a day in Arima and Miss Universe went up and had a great time in the Arima Race Club. I, too, would have a great time if somebody bought me half a million dollars in champagne. If I got the Prime Minister to rub my shoulder up and down, I would have a great time too, if I was so inclined.

The bottom line is that this Government cannot be trusted. [*Desk thumping*]  
That is why the Minister's presentation here this morning was so unconvincing. He told us a lot of bits and pieces. He tried to incite us against the Arima Race

Club to make us feel that they were a bad group and the Government is intervening like some Sir Gallahad to save us. From what? From the private sector sport? If the people in racing are not prepared to support racing, the Government cannot force them so to do. The Government must understand that.

If there is any industry that requires a negotiated arrangement, it is the horse-racing industry. I know many people who were breeders, who have gone out of the business, because they have said that they have seen no hope in the last two or three years under this Government for the racing industry. They have not changed their minds, because the Government has done nothing to signal to them that racing will improve under the Government's initiative.

On the contrary, this initiative will further erode confidence in the industry, and the owners and trainers will simply move further away from the industry. The main reason for that is not that people do not have an interest in horses or horse-racing, but they find that the Minister and his cronies are offensive in their approach to managing people's business and nationalizing racing is the most offensive to the purists in the racing industry.

If we had any doubt that racing was on the decline and will die in this country, this Bill guarantees the death. [*Desk thumping*] The Minister does not care because he is on his way out! In a matter of months, his tenure as Minister and parliamentarian is finished, and he would have paid interest to the possibility of salvaging an industry that was in decline.

We tried before to bring racing under one head on the advice of the experts in the industry and others to have the Arima Race Club as centralized racing. It has hit difficult times and, unfortunately, for the last four years the difficulties were worse than before. There is no point in coming here and trying to personalize the issue, because coming here and reading what Rupert Indar says, we all know who is Dr. Rupert Indar—he has the ear of the Minister. That is an unwarranted, unconvincing recommendation. That is not the way to do it.

To come and say what Dr. Rupert Indar said should be done on his own without saying what the Jim Davis Task Force said, I treat it with great suspicion. If he had come here and said that the Justice Davis commission said 'so and so', and that recommendation has found favour with the racing fraternity by and large, then we had something to work with. If he was able to come here this morning with something that the racing fraternity supported, he would have got our support.

We know that if we have a vibrant racing industry, it creates funds for people owning the horse, employment for those who work around the horses, and it does

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bring some revenue for the state. So, there are a lot of win/win situations, but do not come here and try to demonize the Arima Race Club, try to give us half-picked recommendations from their favorite sons who are close to being persona non grata in the racing industry, and try to get the Parliament to help them to fight the Arima Race Club, because this is what this is all about. It is about power and control.

[MR. SPEAKER *in the Chair*]

What cannot be achieved at the race club location at the meetings there with respect to who is to be elected, somebody has got the ear of the Minister and is seeking to get power by way of appointment by executive fiat. That is what this is all about. Racing in this country will only survive if the people who volunteer to be in there to put in their own resources are able to freely elect who they want and they control it with government assistance, if and when required. That is what is required.

What is required is not governmental control. Government can control aspects of how the industry operates as a betting entity, but in terms of controlling the operations, why does the Government of Trinidad and Tobago want to control horses? Why does the Government want to be the promoter of races? Who can better promote racing in this country than the private sector race club? But they are going to pass a law banning turf clubs. I am not even sure that is legal.

This country has freedom of association, at least the last time I checked, we had it. If we look in here, we will see the banning of turf clubs. Why does the Government want to prevent private sector initiative and then replace it with what? Public servants and ministerial appointees, and tell *me* that will be an improvement? I am shocked that this comes from a man who claims to be a champion of private sector initiatives. He tells us about who is doing what where with racing—South America, and so forth. One would have thought that a Minister with a British accent—phonier nonetheless—in a Parliament that is supposed to be a Westminster style parliament, would have looked to what the English have done, but it is the English example he is disparaging more than any other. One wonders!

Mr. Speaker, this is not going to work. This is going to cause more problems than it will solve. I ask the Government to climb down from this dead horse, as it is, and, in fact, I brought a quotation which I think you are familiar with. There is a quotation which says that some people think that the way to deal with a dead horse is to get a bigger whip. I think the Minister is doing just that today, because this NRC is, in fact, a dead horse.

Mr. Speaker, you are familiar with the quotation that wisdom says that when you discover you are riding a dead horse, the best strategy is to dismount. *[Laughter]* I appeal to the Minister to dismount. Do not find yourself among those persons who believe that the best way to deal with a dead horse is to get a bigger whip, or to appoint a committee to study the horse and then they do not tell us what the committee says, or to declare that no horse is too dead to beat. Do not tell us that!

It certainly cannot be, that the way to deal with a dead horse is to buy a new horse. What the Government is doing here by going this way is to take a dying horse, convert it to a dead horse and then try to ride it in the name of the public at great expense to the public.

**12.30 p.m.**

Racing is a sport. The people who are in there can be encouraged to expand or maintain their sport, they cannot be forced to do it. This Bill is an attempt to take away whatever control they have, while the Government forces them to remain in the industry. That has no chance of success. None whatsoever!

If the Minister does not see that then he is proof to the aegis that there is none so blind as he who would not see. The minister must tell us, in his winding up, exactly how this arrangement is going to guarantee the survival of the racing industry. He did not tell us what mechanisms this thing will bring, that will change the perspectives of the current state of the industry. He did not tell us that. All the minister told us was that the Government would take control from those who are there and give that control to those with political power—by devolution those whose control is passed down too.

**Mr. Speaker:** Would you be speaking much longer? It is after 12.30 p.m.

**Dr. K. Rowley:** No, I can wind up in two minutes, Mr. Speaker.

The Minister is duty bound to tell us—that the measures in this Bill appear to be illegal, which appear to run counter to our rights of association, which appear to run counter to government's policy with respect to nationalizing businesses—how these things are going to work so that we can see a reasonable argument that the minister has said that when this National Racing Commission comes into being what will happen to racing is *et cetera*; *et cetera* will be the case. All the minister has told us is about how the Arima Racing Club has mismanaged their affairs and is seeking to bail themselves out. Does that mean that the National Racing Commission will leave those debts hanging? Do you think if it leaves those debts

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unnegotiated and hanging, the people who are exposed with those debts will give him their race-tracks to gallop horses? This is craziness, absolute madness!

The only way out of this situation—which arose out of years of decline in the racing industry—is a negotiated consensus. Mr. Minister, no other approach will work, and you do not have that consensus, you do not have that support. If the Minister does not have the support of the Owners Association, the Stud Farm Association, the Bookmakers' Association, the Grooms Association, the Trainers' Association, the Arima Race Club and the Tobago Race Club—I want to end by asking the Minister a question: “Whose support does he have and whose agenda is he advancing?” [*Desk thumping*] These are the people in racing and the Minister does not have their support. If the Minister has any support at all—good man that he is, I know he is not advancing his own cause, because he is on his way out of office—he must be advancing somebody else's cause. That is going to beat the expense of the people of Trinidad and Tobago. [*Desk thumping*]

Mr. Speaker, I am afraid that those of us on this side await the Minister to tell us how this will work, why he is forcing this Bill down the throats of the private sector in a sport of their choice. We cannot support this Bill because it threatens to create a mini Caroni (1975) Limited because the Government will have to fund racing the minute it nationalizes racing and the guarantee of funds to come is no guarantee at all.

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

**Mr. Speaker:** Hon. Members, the sitting is suspended for lunch until 2.20 p.m.

**12.35 p.m.:** *Sitting suspended.*

**2.30 p.m.:** *Sitting resumed.*

**The Minister of Local Government (Hon. Dhanraj Singh):** Mr. Speaker, I rise in support of the Bills before this honourable House which seek to amend the Gambling and Betting Act. Mr. Speaker, these Bills represent nothing new. Having worked in the Ministry of Finance before becoming a parliamentarian, the betting levy system which recommends the national tote system, was something the Ministry of Finance was looking at for many years.

I must compliment the Minister for bringing these pieces of legislation to this House to solve a problem which we in the Ministry of Finance at that time faced. That problem was the fact that there was the feeling or it was alleged that we were not collecting the amount of revenue that we should have been collecting from the industry.



The Minister has come here with these Bills which seek to solve these problems and at the same time address the concerns of the private betting shops in that, the two systems that he proposes seek to solve all the interests that have come to bear on the formulation of this legislation.

**Mr. Valley:** If the Minister would give way. I wonder whether the Minister could just outline for us—because I think we missed it when the Minister spoke—the two systems that he proposed with respect to the legislation?

**Hon. D. Singh:** Mr. Speaker, that was dealt with at length by the Member for St. Joseph. [*Desk thumping*]

**Dr. Rowley:** You understand it?

**Hon. D. Singh:** Mr. Speaker, life is a gamble and we are in the business to take chances.

**Mr. Narine:** What about kidnapping?

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

**Hon. D. Singh:** Mr. Speaker, chances are to be taken in the best interests of our country. Notwithstanding the negative movements of the PNM and the PNM-controlled corporations which seem to be like dead horses or dead weights in the saddle of a horse which only serves to retard a rapidly moving stallion, Mr. Speaker. [*Desk thumping*] Mr. Speaker, these dead weights retard any progress and I, as Minister of Local Government, will not stand for mediocrity or negativism. [*Desk thumping*]

These PNM corporations only seek their self-interests by disallowing this present Government from undertaking meaningful infrastructural development in their region. The Member for Diego Martin West stood up like a horse in his own right making allegations of corruption in order to retard the movement of the Minister of Local Government from undertaking meaningful infrastructural development throughout the country. He stood here reading from documents without allowing me the benefit of knowing the author and if he has any evidence I challenge him to go to the police. [*Desk thumping*] They will investigate, they will check, and I am sure that they will find nothing because there is nothing to find, Mr. Speaker. However, the Member for Diego Martin West will not do that. He knows there is nothing, but he prefers to stand here and mislead the Parliament under parliamentary privilege.

Mr. Speaker, Ramsaran Street is one of the major roadways in the borough of Chaguanas. It is no private roadway. It is one of the largest roadways in that region. This roadway was upgraded to meet the rapidly expanding traffic population of the borough of Chaguanas. Is he against solving the traffic problem in Chaguanas? Or does he have something against the progressive development of the people of Caroni? Mr. Speaker, I condemn what the Member for Diego Martin West has said and I challenge him to go to the police because I am clean, and I have nothing to worry about. [*Desk thumping*] I cannot say the same for him.

Mr. Speaker, in the case of the roadways being paved in the Tunapuna region, I am sure you, Mr. Speaker, may have had the privilege of driving on one of them, and the Member for Tunapuna also, having probably passed on Goya Road.

**Mr. Hart:** One road?

**Hon. D. Singh:** On many occasions, he had asked for the Ministry of Local Government to pave it, because he cannot speak to the present chairman, Jerry Narace.

**Mr. Hart:** That is not true. Stop talking nonsense.

**Hon. D. Singh:** In the Tunapuna region, all of the roads that were programmed to be paved have been paved and we have taken the television crew on a tour of the region to show them the roadway. I am surprised that the Member for Diego Martin West will come back here and make allegations about the roadways not being paved. Mr. Speaker, we intend to pave more roadways in the future. [*Desk thumping*] To name a few of them, again, the Member for Tunapuna has requested that Maniram Road be paved. He has asked the Minister of Local Government to pave the road, and I would go and pave it. [*Desk thumping*] Maniram Road will be paved, as well as Braithwaite Street, upper Mendez Street and many other streets such as Centenary Street will be paved in the near future. I am reminded of St. Croix Branch Road in Princes Town also. Mr. Speaker, I am sure that the people of the Tunapuna region appreciate the work being done on these roadways, but because of cheap politics they are trying to stifle the progress being made in the region. They want the regional corporation to do the work, but when you ask the regional corporation to do it, they do not do it, they are always partying, Mr. Speaker.

The track record of this Government, when you compare it to the track record the PNM left behind in terms of their four years in government and their four years in local government: not one road was paved in the Tunapuna region during their term of office. Not one road! All the noise that is coming from that side will not deter me from carrying out my duties as Minister of Local Government in



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—his name is in another document, I will identify his name in due course.

“Dated: 24<sup>th</sup> August, 1998

Subject: PAVING WORKS ON RAMSARAN STREET

In response to your verbal request for a report on the paving works undertaken by the Chaguanas Borough Corporation at the Ramsaran Street...I wish to report as follows:”

Again, Road Officer III, Chaguanas Borough Corporation, Ramsaran Street is a private development and is not under the jurisdiction of the Chaguanas Borough Corporation.

This is the Road Officer III, Chaguanas Borough Corporation, writing to his Boss, Chief Executive Officer, confirming that Ramsaran Street is a private development not under the jurisdiction of the Chaguanas Borough Corporation. This is August 20, 1998. Yet, we heard the Member for Pointe-a-Pierre state emphatically that this road is a public road and so forth. Documentary evidence.

You see they come into this honourable House and say that the reason for these Bills is to create a revenue stream and to gather revenue to run the country and so forth. Then they want to cut down revenue. Let us go into this issue that was raised by the Member for Pointe-a-Pierre. Let me put in the record now, a document from Mr. Rawle Ramdath, County Superintendent, Chaguanas Borough Corporation. It is a memorandum from the County Superintendent to the Chief Executive Officer, dated September 03, 1998.

“Subject: RAMSARAN STREET PAVING

At the Physical Infrastructure Meeting held on 21<sup>st</sup> July, 1998 I was requested by the Council to investigate paving works on Ramsarran Street, Chaguanas. An estimate was prepared by the Acting Road Officer II, Mr. Beeran Rambarran for the sum of Three Hundred and Ninety Thousand Dollars (\$390,000.00) under the Road Improvement Fund and forwarded to the Chief Executive Officer...”

They have a list of names of persons interviewed in person and by telephone and so forth. It continues:

“Research done at the Chaguanas Borough Corporation office revealed that no release was made...Neither the estimate had no approval of the Chaguanas Borough Corporation...”

**Dr. Rowley:** I want to hear that again.

**Mr. C. Imbert:** The estimate had no approval of the Chaguanas Borough Corporation. It continues:

“Work commenced on the 30<sup>th</sup> June, 1998 and was completed on 1<sup>st</sup> July, 1998. No request was made for additional funds, neither did we have approval from the Ministry of Local Government,...through the Chief Executive Officer...”

Then it has a detailed list of measurements and it gives the actual quantity of hot mix used on Ramsaran Street, to be 1,685 tonnes of asphalt. *[Interruption]*

**Mr. Speaker:** I am having tremendous difficulty in relating what you are saying to the Gambling and Betting (Amdt.) (No. 2) Bill, 1999; or the Trinidad and Tobago Racing Authority (No. 2) Bill, 1999; or the Betting Levy Board (Amdt.) (No. 2) Bill, 1999; or the National Racing Commission (No. 2) Bill, 1999.

In the course of debate, after the presentation by the Minister for St. Joseph, the Member for Diego Martin West, referred to certain documents to which you have replied, and I allowed some latitude.

We were just treated to a contribution from the Member for Pointe-a-Pierre, which again was stretching the imagination in terms of its relevance to these Bills, but which I allowed to go simply, perhaps, because one could argue that he was responding to things read into the record by the Member for Diego Martin West.

I really do not know where we are going; we are going out on a limb in terms of other issues that do not really concern this. *[Interruption]* Yes, you did say that these Bills concern revenue. Do they?

**Dr. Rowley:** Yes.

**Mr. Speaker:** I beg your pardon? I do not like the angle that this thing is taking from the point of view of moving away from the issues that we have come here to debate. I ask you please to return to the issues that are before us and not be dealing with side issues which, to my mind, are not relevant to this Bill.

**Mr. Manning:** Mr. Speaker, can I ask a question?

**Mr. Speaker:** No, no, please, I am quite prepared to see the Member for San Fernando East in my Chambers to give him any guidance that he needs.

**Mr. Manning:** So I cannot ask a question in this honourable House!

**Mr. Speaker:** No, please. Could the Member for Diego Martin East please continue.

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**2.55 p.m.**

**Mr. C. Imbert:** Mr. Speaker, when one examines the Bills before the House, one of the features is a tax of \$1 million for establishments in Port of Spain and \$500,000 for establishments outside Port of Spain. The reason given by the Minister for the imposition of this tax is that the Government is having difficulty in establishing the precise amount of revenue that is collected through betting and gambling, moreso on racing and, therefore, it was felt that it was better to go for a large one-off tax in addition to the 10 per cent levy so that they would better be able to increase government revenues.

He has put forward the rationale for this large \$1 million tax as the Government's inability to accurately determine the precise amount of money that is circulating within the racing system and difficulties with the administration and collection of taxes and adjudication on the amount of money that is spent on gambling. My contention is that they are not interested in collecting taxes and revenues and this was also the contention of my honourable colleague. [*Desk thumping*] [*Interruption*]

I was almost at the end of the document, Mr. Speaker, and the document I was referring to demonstrates ministerial interference, and that is what this Bill is all about. This Bill will create a system of ministerial interference in the racing industry—[*Desk thumping*—and create ministerial power to instruct and direct a commission that will not have the ability to be self-financing and that will not be able to manage its own affairs effectively, but will have to depend on handouts and subventions from the Ministry of Finance and the Treasury. It is going to create a ministerial fiefdom, a ministerial principality.

My rationale, the evidence I was putting before this House from the Chaguanas Borough Corporation is physical evidence that this is already happening. [*Desk thumping*] When ministers can control statutory authorities and government departments and give them instructions, you have a resultant loss in government revenue. Therefore, we have a very great difficulty with accepting the rationale behind this taxation on these gambling establishments.

The loss alone on this one road—yes, I have an example here. The loss caused by ministerial intervention, the price charged for the road was \$583,000. The estimate and the record of the Chaguanas Borough Corporation is that it should not have cost more than \$346,000; a loss of revenue on one road of almost \$250,000, a quarter million dollar loss in government revenue on one road. Ministerial instruction, without the approval of the corporation, without going

through the various committees in the corporation, without going through the procedures in the corporation, you have a loss on one road indicated in evidence in documents before the council; a loss of one road of \$250,000. That is the relevance of all of this.

Terrorizing public officials, all these documents show what they are capable of, the instructions that they give to public servants, what they will force public servants to do. If one looked at these documents one would see a complete pattern of behaviour where the revenue of the country is just given away, nearly \$600,000 for a road that should not cost more than \$340,000, and they paved a whole set of roads. It is not just one road, it is about 20 roads they interfered with in this manner, and this is just one example. God alone knows what is going on in this country with ministerial intervention in statutory authorities, public servants being terrorized and being told not to check the weight of the asphalt at the plant and all these sorts of things. That is what is inside these documents, memos from public servants to their superiors saying, "I was instructed not to check the weight of the asphalt and I could not, in all conscience, leave this thing just like that without putting something on the record."

If one looks at what they are trying to do—the revenues of the National Racing Commission, in clause 9 of the Bill:

"The funds and resources of the Commission shall consist of:

- (a) such funds as may be appropriated by Parliament for the purposes of this Act;
- (b) such sums borrowed by the Board in accordance with section 10(a);
- (c) such other sums or property as may become payable to or vested in the Commission in respect of any matter incidental to its functions."

Right now you have a system, an authority in place that collects revenue, takes some of it to promote and develop racing and to cover its own expenses and remits part of it to the Treasury, so it is self-financing like any other authority, such as the Port Authority which collects port charges, fees for stevedoring and all that sort of thing; the Airports Authority which collects landing fees, departure tax and so forth, retaining some of these funds. It is a well-established precedent in Trinidad and Tobago, if you want to move into the modern world that you give these authorities ability to manage their own affairs. You give them the ability to

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collect revenues and to use these revenues to develop themselves and the areas under their portfolios; well, long established precedent in Trinidad and Tobago.

This Government is reversing the clock; they are going backwards. They are creating, as I said, a little ministerial principality, a toothless commission that will just have to put its hand out for releases, will have to beg, prostrate itself before the Minister of Trade & Industry and Consumer Affairs and the Minister of Finance and beg for money, so he could direct them and tell them what to do. So that officials of the Government, supporters of the present administration will determine who will hold races and who will not, who will have establishments and who will not, who will get a licence and who will not. That is what all of this is about. It is all about power and control.

Every where in the rest of the world there is the movement toward divestment of state control, this has been going on, as far as I know, since the 1980s. There has been a movement in Trinidad and Tobago towards divestment of state control, towards a smaller government, towards a partnership with the private sector and so forth. This Minister, the hon. Member for St. Joseph, who comes out of the private sector and knows exactly what is going on in that area of our country, knows exactly what happens when you create a bureaucracy, the stranglehold it puts on the industry for which it is responsible, the bottleneck it creates. What a joke!

We have a Minister of Logjams or something like that; a Minister of dynamiting bottlenecks, and about a month after the man is put into office the Government is setting up a system—just like we saw yesterday with the Occupational Health and Safety (No. 2) Bill—creating more bottlenecks, more logjams, more authorities. It is all about turf, all about power and control. These UNC ministers, they just want to control. They do not want to let go. They do not want to let people manage their own affairs; they just want to engulf everybody in their octopus-like embrace, that is what this is all about.

The entire racing industry has indicated its opposition to this Bill; just a small minority, a clique, a small parasitic oligarchy that they seemed to have embraced now, as they abandon their trade union and socialist roots of that party, and they embrace the new parasitic oligarchy. That is what they are all about and they want to favour now a little minority clique that will now control horse-racing in Trinidad and Tobago.

I understand that the Minister is denying that there is opposition in the industry; well, I have before me a letter written on November 17—today is what, November 19—two days ago, a letter from the Arima Race Club. Let me remind



the Minister that the Arima Race Club was set up to centralize racing in Trinidad and Tobago. There was racing in the savannah, in Union Park in San Fernando and in Arima, and all the stakeholders came together with the Government to form one centralized racing authority at Arima and one venue for racing, because they were of the view, at that time, that it was the best thing for racing. So the Arima Race Club is certainly a major player in racing in Trinidad and Tobago.

Here we have a letter written on November 17, to the hon. Prime Minister, Basdeo Panday—[*Interruption*—they are not writing the Minister, “dey” know he not taking them on.

“Dear Honourable Prime Minister,

I refer to a letter dated May 7<sup>th</sup>, 1999, written to you by the major stakeholders of the Racing Industry, requesting the postponement of the four Bills relating to the establishment of a National Racing Commission.

It therefore is with great surprise that despite this request that these proposed bills are scheduled to be presented for debate in Parliament on Friday November 19, 1999. We wish to reiterate that these Bills in their present form will lead to the complete “shut down” and demise of the Horse Racing industry in Trinidad and Tobago, an industry which has been in existence for over one hundred and seventy (170) years.

This could prove to be much of an embarrassment to the Government as it would result in the displacing of over three thousand (3,000) persons who depend on racing for employment. We may add that many of these persons employed in racing would otherwise be unemployed in other sectors and that amount does not include the effect it will also have on feed suppliers, stud farms, owners, farriers, etc.”

The letter goes on to indicate that the Arima Race Club is of the view that they:

“have made significant headway in turning around the fortunes of the racing industry, taking the necessary steps for the first time to place the industry on a firm business footing.

The National Racing Commission Bills if made into law, will represent a retrograde step of significant dimensions.”

And this is the Government that said it consulted with people. With whom did they consult? A little minority clique, friends of the Minister of Trade & Industry and Consumer Affairs. That is the only conclusion to which I could come.

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“In their present form the National Racing Commission Bills:

- (a) will merely replace the Arima Race Club as the promoters of racing...and offers nothing new.
- (b) Have been rejected by the Stakeholders of the racing industry. The perception that the Bills were not being enacted, has in fact resulted in owners who had walked away from the industry returning to racing and along with new investors creating the current wave of optimism.
- (c) Does not guarantee that the facilities at Santa Rosa Park...being made available to the proponents of the National Racing Commission. The current National Racing Commission Board does not have the support of the stakeholders of the industry.
- (d) prescribes a license fee...which were not agreed to by the current operators.

In July 1999, a special meeting between the stakeholders and the Finance and General Committee was held...”

I would have to assume that this is of Cabinet.

“...and an understanding not to pursue the enactment of these Bills was agreed upon.

Mr. Prime Minister, we have really worked very hard to attain this remarkable feat in such a short space of time and only wish that your Government is sensitive to the realities of the current situation.”

The letter was signed by Derek Chin, President of the Arima Race Club. Copied to Hon. Ramesh Lawrence Maharaj, Sen. Brian Kuei Tung, Hon. Mervyn Assam, and Sen. Lindsay Gillette, the logjam man. Yet this Minister will come into this House—[*Crosstalk*]—

**Mr. Speaker:** Order please!

**Mr. C. Imbert:** —when my colleague from Diego Martin West indicated that a letter was written on May 7, I have it here and it is worth repeating:

“We the undersigned who represent the major stakeholders in the Local Horse Racing Industry, request that Government postpone the introduction of four (4) Bills relating to the establishment of a National Racing Commission...”

I understand the Minister said that after that letter was written, persons agreed to work on committees and so forth. They have explained why. They said that they were given the assurance that this legislation would not be pursued.

As a matter of fact, Mr. Speaker, within the industry there was a belief, as recently as Sunday that this matter was not coming up for debate today. Several of the stakeholders firmly believed, because they had been given assurances, that this matter was deferred, that it was not coming up today. That is why you see this letter coming on November 17, written to the Prime Minister, because they were given personal assurances by Members of the Cabinet that this matter was not going to be debated today in this Parliament but, of course, you cannot trust this administration.

I do not know what is going on in that place because, as I said yesterday, they march to the beat of different drums. All of them march to the beat of a different drum. You have the Minister of Labour and Co-operatives with his ridiculous legislation completely contrary to statements and actions of other Members of the Government; totally contrary. [*Crosstalk*].

**Mr. Speaker:** Order please!

**Mr. C. Imbert:** You have in this Government, within the space of two weeks, within a 14-day period, actions and statements coming from the Minister of Education, the Minister of Social and Community Development, the Minister of Public Utilities, the Minister of Local Government, totally contrary to the policy enunciated by the Member for Nariva on this occupational and safety business. Four ministers going so, he going so; he going so. I could understand the dilemma that this Government finds itself in, because I understand that the Cabinet is split on this issue—[*Interruption*—splintered, fractured. Half of the Cabinet going so; and half of the Cabinet going so. [*Crosstalk*] Because the Prime Minister is not here; the hon. Basdeo Panday is not here. When the cats are away the mice would play, that is what is going on here.

When the stakeholders in the racing industry get the assurance from senior members of the leadership of the UNC that this thing “ain’t going no place,” that is not going to be debated in the near future, and they see something like this just drop on the table, it is a complete loss of confidence in the credibility of the present administration.

**3.10 p.m.**

Mr. Speaker, all this talk about revenue, I believed I heard a motion being debated yesterday about casinos, private members’ clubs. There was a newspaper

exposé about these private members' clubs, casinos really masquerading under the guise of being private members' clubs and the millions of dollars that are won and lost. Let us say lost because you do not ever win in the long term as a gambler. That is the whole point, otherwise casinos would not make money. If gamblers would win in the long term, casinos would close down, but casinos make much money and generate much revenue, but you see, there is a situation where there are all these private members clubs in Trinidad and Tobago. There are roulettes, one arm bandits, black jack, craps, you name it.

**Mr. Assam:** You know them well.

**Mr. C. Imbert:** Yes. They have all these various games and millions of dollars are passing through these clubs, but the Member for St. Joseph comes here today and talks about loss of revenue in horse-racing, but what is the license fee for one of these members club? It is \$2,750.00. I remember the casino on Tragarete Road, Ma Pau.

**Hon. Member:** Ariapita Avenue.

**Mr. C. Imbert:** Ariapita Avenue? You see, I “doh” even know “weh” it is. Somewhere down by Mas Camp Pub. I remember reading in the newspapers—it was last year I believe—for Christmas they were giving out bonuses, about half a million dollars in bonuses. Big celebration and all the staff came up and received their bonuses. I read this article in the newspapers how they were giving out \$500,000 or some such sum. I am subject to correction, and I am not really dealing with that specific establishment because I do not know anything about it, but I saw this article which struck my fancy that they were giving out bonuses for having such a successful year, hundreds of thousands of dollars.

Yesterday, in this same rubric of gambling, this rubric of raising revenue, we have the regulations made by the Minister that the registration of clubs upon application for registration of a proprietary club situate in Port of Spain or San Fernando if the total membership does not exceed 100, there is a license fee of \$2,250. But what is the license fee in this Bill? I am not sure which one it is, but it is \$1 million for Port of Spain and \$500,000 for establishments outside of Port of Spain, but for establishments in Port of Spain, or San Fernando that are involved in casino gambling \$2,250 and if you have less than 100 members, it is \$1,800. If you have more than 100 members, it is \$3,375.

Is this Government interested in collecting revenue, Mr. Speaker? That is the point I was making when I was talking about the irregularities demonstrated by documents emanating from the Chaguanas Borough Corporation, where there is a

discrepancy between the amount claimed and the actual amount placed value of \$250,000 on one road supported by reports and minutes of meetings in the Chaguanas Borough Corporation. The sum of \$250,000 apparently on the face of the evidence was lost to the Treasury on one road. So you could imagine it is millions of dollars lost in that paving exercise if this documentation is correct.

I wonder if this Minister has friends in these private clubs; I wonder if he is an aficionado? I wonder. I wonder when the rest of us are carrying out our lawful duties if he is willing away the midnight hours throwing dice on one of those craps tables or placing his chips on the roulette table, or telling the dealer: "Hit 'meh' man, hit 'meh', give 'meh' another one. I wonder if the Minister is like one of these little old ladies who you see in Atlantic City who go with a big bucket of coins and they do that whole day and whole night until the entire—I mean it is a phenomenon in the United States of America where you have these little old ladies who get their social security cheques of \$1,000, or whatever it is, at the end of the month. They jump on a bus and go to Atlantic City, and gamble away everything. Two, three days later they have nothing and they go home and eat cat food for the rest of the month. It is a well-documented phenomena in North America. If you go to Atlantic City, you see the bus loads of them going down the road, a convoy of these little old men and little old ladies going to squander their social security, their welfare cheques in Trump Plaza and Showboat and all these places that I am sure the Member for St. Joseph is very familiar with, and yet Mr. Speaker, in Trinidad and Tobago—and the Minister is no fool, you know—I am sure he opened the one on Tragarete Road. Through you, Mr. Speaker, I am sure that the latest casino on Tragarete Road was opened by the Minister, or at least he was present during its opening. The one that is opposite the gas station. I see he is smiling. He cannot tell me he does not know.

In the context of these fees this \$2,000 and this \$3,000 for these clubs that are generating millions of dollars in revenue, how does that square with a million dollar tax on racing pools, but a \$2,000 tax on casinos? Where is the equity in all this? Is it that the Minister is 'vex' with the people who run racing pools, and he likes the people who run casinos? Mr. Speaker, is that what it is all about? Is it that they have friends who own and operate casinos and enemies who own and operate racing pools? I would really like to know what is going on, because, this is a very serious matter. I find the Minister is very flippant about this whole thing.

He comes here to talk about all the revenue that is being lost in the racing industry and surely, there are effective means that can be used to deal with these issues. There are revenue collection challenges in any industry: income tax, value

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added tax and so forth. I have not heard the value added tax office decide that all businesses in Trinidad and Tobago are not declaring VAT, so we will charge them a flat fee or nationalize all businesses in Trinidad and Tobago and charge them a flat VAT of \$100,000 a year because we cannot monitor it, we cannot check it, we do not know what is going, and while all that is going on, all these casinos are carrying on and doing their thing. They are flourishing under this UNC administration and the Minister is turning a blind eye.

You know, one gets the feeling that the intention is that there will be such a proliferation of casinos in the near future. A long time before the advent of the UNC administration, they may have had maybe 10. Member for Diego Martin Central, could you help me? *[Laughter]* They may have had maybe 10 or 20 of these things. I do not know, but let us assume before the advent of the UNC administration, maybe there were 10 or 15 private members' clubs engaged in gambling and betting. I am sure there are at least 100 now. The newspaper report which I saw, said it was in excess of 50 and those are the ones they have been able to determine.

I am sure what is going to happen—they feel they are smart—over the next year they are going to encourage the proliferation of casinos in Trinidad and Tobago so you are going to have employment in this sector reaching 3,000—5,000 and so on and then they will come to this Parliament—it is all a set up you know—and say there are so many people employed in this industry it “doh” make sense to close it down, we now have to regularize it. So what they will do is, in a very surreptitious, underhand way, bring for the first time in Trinidad and Tobago, legalized casino gambling.

One has to wonder what is the policy of this Government? I cannot see it in the legislation. It appears to me it is all about friends and family, all about assisting friends and family to prosper, that is the inescapable conclusion I can come to. There is legislation before this Parliament today which is not supported by the vast majority of stakeholders in the industry. There is legislation here which should not be debated today if one is to accept what is being said in the industry. There is a naked attempt to take an area of private sector participation and monopolize and nationalize it in the face of trends in the world moving totally away from that and one wonders what is the policy of the Government. Why have they picked on these people? Is it something personal? Why could they not raise the tax, for example, and instead of 10 per cent raise it to 15 per cent or something like that? Why are they picking on these people? Is it a personal vendetta that the Minister has against these people? That is the only conclusion I could come to.

Mr. Speaker, I cannot support this legislation because the Government is totally inconsistent in terms of its policy with regard to gambling. It wants to mash up racing, it wants to destroy the revenue base in racing and allow millions of dollars to escape in other sectors of the gambling industry; to put their friends in charge of racing to mash it up, destroy it, control it and let their other friends have fun with the black jack and the roulette and one arm bandits. We cannot support this.

The Minister, I am afraid, cannot in my opinion present any viable case for what he is doing, he cannot, because he has to be consistent. If there is a policy, it has to be consistent. He cannot demonstrate any viable case for nationalizing the private sector and for imposing these strange regulations on the industry.

From all that I have seen, racing has been in chaos.

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

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

*Question put and agreed to.*

**Mr. C. Imbert:** Mr. Speaker, the thing is, I am not a horse race aficionado. I am afraid I do not knock glasses in Arima as the Minister quite often does. I am afraid this is not part of my experience, but I know since the UNC has come into office, racing in Trinidad and Tobago has been virtually destroyed. There have been very few race meetings, and I am sure that the revenue earned by the Government from local racing in the last year or so has been a fraction of what it was prior to the coming into power of this Government.

**3.25 p.m.**

Mr. Speaker, I am certain from what I have seen, what I have read and what I have been told that the efforts of the Minister and the Government over the last four years, in the racing sector, have been absolutely disastrous. They have taken an industry that is over 1000 years old and they have brought it to its knees. I cannot see in the face of all of that the Minister would persist in a stubborn—because it is an element and facet of this Government—probate of issues where they have no evidence and nothing they could bring to justify what they are doing, but they stubbornly persist in their foolhardiness. I hope the Minister would understand what we are saying on this side, and the Government would make

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good its commitment to the stakeholders in the industry and defer the enactment of this legislation.

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

**Mr. Kenneth Valley** (*Diego Martin Central*): Mr. Speaker, permit me really just to make a few observations about the manner in which this House is being conducted before I look at the Bill. I have formed the opinion that this House sitting is really at the comfort of the Leader of the House. Whenever he has to travel, the House is on recess and, this week for example, the House is to sit on some three occasions for very long hours. When we looked at the legislation enacted over the last year, we see a woeful site. I would hope that the Government would in fact, arrange its business so that we can conduct the business of this House in an organized manner.

Mr. Speaker, the subject Bills, one has to wonder—I know they have been on the Order Paper for sometime but even so, given the other legislation—why are these Bills given priority at this time? Why are we in the Parliament who ought to have respect for our democratic traditions coming to the Parliament really to confiscate people's property? The point has been made on this side. We are talking about the Turf Club that has been existing for some time and has been arranging its affairs—perhaps, not as efficiently as we would like—but at the same time a private sector organization. But here are we with the Bills in front of us, the intent of which is really to ban the Turf Club.

**Dr. Rowley:** To confiscate.

**Mr. K. Valley:** To confiscate the assets as it were and give it to a National Racing Commission. In our Constitution, it states quite clearly, that we respect the right to property and, as though that is not sufficient, we have a situation where pools are now being asked to pay a license fee of some \$1 million. What is that? A 1000 per cent increase from the \$100,000 they are now asked to pay?

**Dr. Rowley:** How much are they paying now?

**Mr. K. Valley:** They are paying one hundred thousand dollars.

**Dr. Rowley:** A 10 per cent increase.

**Mr. K. Valley:** How it could be 10 per cent? That is 1000 per cent increase or perhaps, even more than that really, and quite simply one sees that is a confiscation because there is no pool that can continue to operate in that environment. If the Minister had evidence to suggest that these pools were



making millions of dollars to warrant such a license fee, then he should have shared it with us. He has not done so.

Mr. Speaker, I am aware that this is not an easy issue because as the Minister of Trade back in 1994, we had to deal with this issue because of the different groups in the racing authority. There are persons from time to time who would claim that pool operators are creaming off the top; they are not contributing anything back to the Racing Authority and, therefore, we ought not to ban them. They came to us with that proposition way back in 1994 and our position was, that we are now in an environment quite different from the 1960s and so forth; we are operating under a different paradigm; that we are really opening the economy and we would have none of that.

In 1994, we did a few things. You would remember back in the 1960s, I think, it was somewhere around 1967, around the same time that really, we banned the sweepstakes and we brought in the National Lotteries and at that time, we had stop giving licence for pool operators. So that the legislation you would see as existed up to 1994, stated quite clearly in section 29, that really, only two groups were allowed to carry on the business of pool betting. Section 29(2) says:

“The following persons, and those persons only may apply for the grant of a betting office licence in respect of any premises—

- (a) a person who is for the time being the holder of a permit authorizing him to carry on such business as is mentioned in section 28(1)(a) or (b);
- (b) the Trinidad and Tobago Turf Clubs.”

Mr. Speaker, that situation was changed in 1994 because at that time we said, given the new environment that we were attempting to create here in Trinidad and Tobago, anyone who so wishes may apply for a licence and had to pay the license fee and so forth and that is contained in an amendment to the Gambling and Betting Act and it says:

“Section 29, by deleting subsection (2) and substituting the following subsection:

(2) Any person who meets the requirements of paragraph 14 of the First Schedule, and whose premises meet the requirements of paragraph 15 of the said Schedule, may apply for a licence to operate a betting office.”

Mr. Speaker, at that time, we increased and rationalized the license fees. The license fee was \$100,000. In addition to that there was a 10 per cent tax on betting and that applied to pool betting, as well as, betting via the National Tote System.

We have before us today legislation which is going to increase that license fee to some \$1 million but, more than that, the shops to be operated by the National Racing Commission would not be required to pay that license fee. It appears also that they would not be called upon to pay the 10 per cent tax also. Are they going to pay the 10 per cent?

**Mr. Assam:** Everybody has to pay the 10 per cent tax.

**Mr. K. Valley:** They will pay the 10 per cent tax. Everybody is paying the 10 per cent tax but they are not paying the \$1 million license fee. Is that correct? So that here you have in a country that has a respect for our democracy; a country in which the saying is, that really one ought not to discriminate and that there must be equity in treatment. I do not know how the Minister expects to put this law in operation because I can guarantee him that those persons who feel done in would face the courts the following day, and it would be saying clearly that I am not treated fairly; I am not treated equally with those persons who are under the National Tote System.

It is fundamental to our Constitution and I do not know why we want to do this.

**3.35 p.m.**

Mr. Speaker, I suggest to the hon. Minister—I am aware, having had to deal with this in 1994, that is not an easy issue—that we can benefit if we consider these Bills in a select committee so that we can look at them and try to arrive at a solution with which all persons involved would be at least relatively happy and comfortable. Quite frankly, we are going nowhere today. Even if we pass these pieces of legislation we would be no better off. I think clearly that in the other place, in the Upper House, there would be objections also and even if the Government were to use its majority to get the Bills through the Senate they would have difficulties with the courts, Mr. Speaker.

The other issue is, of course, the one mentioned by my colleague, the Member for Diego Martin East. When one compares the treatment meted out to the casinos vis-a-vis the treatment to which the bookmakers or pool operators are subjected, one sees, really, another area of discrimination. I cannot help but believe that there is that intent to get rid of pool operators so that there could be that spread of casinos in Trinidad and Tobago in which, as we know, persons close to the government seem to have vested interest. So it appears that the purpose of the legislation is to provide the framework, the environment as it were, so that those who have become extremely rich over the last four years may even get richer, Mr. Speaker.

I want to make another point with respect to the casinos. Looking at the legislation under which the casinos operate, which is the Registration of Clubs Act, Chap. 21:01, in the definition section these casinos go under the rubric of members clubs. I mean, in the definition it says:

“‘members’ club’ means a club not constituted for the acquisition of gain, the members of which contribute to the funds out of which the expenses of conducting the club are paid and are jointly entitled to all the property and funds of the club;”

You understand? So that these casinos are, in fact, operating illegally in Trinidad and Tobago. [*Desk thumping*]. That is the fact, Mr. Speaker.

However, the point made by my colleague for Diego Martin East is relevant because, with the proliferation of these clubs, there could very well come a time when, in this Parliament, somebody on that side would come and argue that, now they have created so many jobs you cannot close it down. “Let us make what is wrong right”. Understand that. So at the same time that we are confiscating the property of persons, and I hold no brief for anybody, all I say is that if we respect our Constitution, if we really want to build Trinidad and Tobago, we have to understand that we cannot operate in this manner.

We cannot have a license fee of \$100,000.00 today and from January 1, or what have you, the license fee will be \$1 million. That is really simply saying, “No longer can you exist”. Understand that these people would have invested funds to build their businesses. If you want to nationalize these clubs—and I am not saying that nationalization is correct—then it means you have to negotiate with these people and buy; pay fair compensation. Similarly, if you want to set up a National Racing Commission, you have to negotiate with the clubs and say, “This is the value of your assets”, or have an independent valuer and pay them for this.

They have been operating lawfully all the time. You cannot simply come to the Parliament and pass a law to confiscate people's property. We are not in Latin America. We are still in Trinidad and Tobago. We are still following the Westminster model. What the national community would then ask, and what they will have every right to ask is, “Who next”? Whose business would you close down in a similar manner on the next occasion you feel like coming to the Parliament? So, Mr. Speaker, my view is that we are today dealing with very serious legislation which strikes at the root of how we believe, as a people, we should organize our country and our system of Government.

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I suggest that these Bills be sent to a select committee for further study. I think that in a number of ways one understands the difficulty of determining how much, in fact, is earned by these pools, but I think we can place a responsibility on the accounting profession—the auditing firms. Let them do audits. Let them tell us. Have that independent audit. Of course, these companies must also be subject to the normal corporation tax and, if they operate as sole proprietors or partnerships, they are entitled to pay income tax.

In this environment, where we believe that the state ought only to get into strategic areas of the economy, we do not believe that the Government has any right whatsoever in the racing industry. If they need assistance, the Government's role is to attempt to provide whatever assistance they need in terms of the environment to facilitate, but not to confiscate, not to nationalize. Mr. Speaker, that is my humble submission. I thank you. [*Desk thumping*]

**Miss Pamela Nicholson** (*Tobago West*): [*Desk thumping*] Mr. Speaker, I am very pleased to rise here this afternoon to make a very brief intervention in the discourse we are having here. For, after looking at these Bills, that is the National Racing Commission (No. 2) Bill and the other Bills to amend the Trinidad and Tobago Racing Authority, and to amend the Gambling and Betting Act, something confronted me and what confronted me was the policy of the Government. When you look at the approaches of the Government one sees the direction of privatization all the time but in order to get rid, as my colleagues have argued and articulated very well here this morning and this afternoon, the Government seems to be on a path to destroy people or certain stakeholders in the racing industry.

[MR. DEPUTY SPEAKER *in the Chair*]

For example, in a bill to amend the Trinidad and Tobago Racing Authority Act, clause 2 says that they are deleting turf clubs. In a bill to amend the Gambling and Betting Act, clause 3 would amend section 2 of the Act by deleting the definition of Trinidad and Tobago Turf Club and turf clubs. So one gets the impression and one feels that there is a confrontation, a battle, between the turf clubs and the Government. In the whole power struggle the Government has come up with the position of showing the turf club or the racing club who is the most powerful in the country. “We are the most powerful. We have the power here and we are going to show you by implementing these laws here today”.

When one looks at the National Racing Commission one sees a politicization of the National Racing Commission because where you might have had

amendments, and also in some of the other Bills where you have amendments, you see the government saying “delete President and we are now going to give that position to the Minister”. So clause 7 of the National Racing Commission Bill says, “We would confer on the Minister the authority to give the commission directions of a special and general nature”.

So we have a situation where the Minister will be putting his hand in everything, so all that the Racing Commission would be doing would be under the directives of the Minister. The Minister shall appoint the chairman, the Minister may, from time to time, give the commission directives of a special and general nature, the commission shall comply with the directions of the Minister. So under the National Racing Commission the Minister is the most important institution, and so he is directing and running the National Racing Commission from day to day.

Here we see nationalization under the purview of the Minister. However, when we have a serious question to address in this country, for example, we have a situation now where there is a boat that a group of businessmen chartered, the *MV Romana* I think they call it—the *MV Romana I*. They chartered the boat to do business, privatization, because the Government said it is not going to charter or buy any ferry to look after Tobago's business and that is their concern. The Trinidad and Tobago Shipping Act says that the Government of Trinidad and Tobago should address that system in Trinidad and Tobago, that is, the sea transport between Trinidad and Tobago, to make sure that the needs of Tobago are met, and that the Government should also give subventions to the Port Authority.

They cannot deal with that. They cannot give exemptions to the private company that was formed to purchase the boat, but if you look in this Act one sees all forms of exemptions that will be given to the National Racing Commission. Clause 13(1) states:

“The Commission is exempt from all taxes, duties, fees, charges, assessments...”

**3.50 p.m.**

Concerning a ferry that was chartered with the guidance of the Minister, I learned that the Member for Tobago East and the Government supported what they were doing. I learned that the Minister of Works and Transport was the man who promoted these people to charter the boat.

**Mr. Imbert:** What?

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**Miss P. Nicholson:** Yes. When the boat came to Trinidad and Tobago and they recognized they did not have the funding to cope with the bond and to pay all the tax exemptions, they appealed to the Member for Tobago East and the Minister assured them that they would get those exemptions. This is something that is essential. I am dealing with the privatization as against nationalization; the contradiction in the Government's approach. [*Desk thumping*] This is what I am dealing with.

**Dr. Job:** Will the Member give way on a point of order?

**Miss P. Nicholson:** When I am finished, Sir. Sorry, but no. You are interfering with my contribution. No point of order!

**Mr. Deputy Speaker:** What is the point of order?

**Dr. Job:** Standing Order 36(5).

**Mr. Deputy Speaker:** You cannot do that. Member for Tobago West, continue please.

**Dr. Rowley:** Ignore him

**Miss P. Nicholson:** I always like to support my colleague, but when I am dealing with certain serious issues, I like to concentrate and I do not like to be put off. I am sure, in fact, I know that he has the ability to join the debate and to clear up any misconceptions that he believes I have promoted. I am dealing with the exemptions they are giving here, and I am asking why those same exemptions that the people with the boat have asked for, they cannot give, when that is to meet a national service, an essential service which should be met by the Government of Trinidad and Tobago. That is what the Shipping Act says.

Today, there is a situation where a boat with over \$5 million worth of cargo for the Tobago businessmen is just in international waters with a Government unconcerned, a Government showing no sensitivity at all. Whenever I get up here and watch their faces, I want to know if they have a conscience. Being serious, Mr. Deputy Speaker, that is one of the things that really concerns me. I looked at it and wondered how they could give this commission all of these exemptions and they cannot give the exemptions to the people with the boat. I am not a supporter of privatization in certain areas—like the essential service that Government must do certain things and must meet their demands—but in order to destroy certain people, they will go the longest way to cut them up.

Mr. Deputy Speaker, this is one of the areas that concerned me very much. When I went through the Act and saw the argument postulated, I got the impression that in order to collect the most revenue one could collect, one has to

use a certain system. Also, the commission should audit their documents and send them in at certain times.

I asked myself again, when they talk about auditing, is this government serious about auditing? That is another question I have in my mind. When they say that the Auditor General should guide and in three months they should produce their audit document from year to year, and I heard the Minister this morning criticizing what the Arima Race Club's documents were showing, I asked myself the question about whether they are concerned about audited documents and collecting revenue.

If collecting revenue was so critical to the Government, today we would not have people—the Auditor General's Report on the Tobago issue showing what has happened to \$12.6 million or US \$2 million. Her recommendations on the US \$2 million were that this matter be referred, with immediate effect, to the Attorney General for legal guidance and support. Immediate! Over three weeks, no action, but they are setting up another institution, probably for others to come and steal some more money, or probably to spend some more money on a touring trip.

My concern is the attitude of the Government. My concern is the seriousness of the Government. I am saying that if they are serious, they have audited documents and people are found wanting, act immediately. Therefore, we are demanding immediate action from them on the Tobago House of Assembly Auditor General's report.

Secondly, we are saying that they must be consistent in their approach and their policies. If their approach is privatization, let us see privatization. Why are they going to interfere with the turf club to nationalize and destroy people? Why take our taxpayers' money? Because these people are getting powers to do their own thing. I looked at the document and I was very surprised to see the powers that are given to the authority. At clause 6(2)(a) of the National Racing Commission (No. 2) Bill, it says:

- (2) Without limiting the generality of subsection (1), the powers of the Commission shall include the power to—
  - (a) borrow sums required for meeting any of its obligations or discharging any of its functions, subject to the prior approval, in writing, of the Minister with responsibility for finance...

So, we have two things coming up here: the politicization, as I articulated a while ago and, secondly, this institution is given all these powers to borrow money, but the Tobago House of Assembly cannot borrow money to pay the public servants

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in Tobago. There is a monetary problem, and the Government is not even meeting with the Tobago House of Assembly to correct the problems.

One of the problems is the shortage of funds, and we have the National Racing Commission being given powers to borrow sums required for meeting any of its obligations or discharging its functions. When it borrows and, if it is not successful, whose money will have to go to pay back the deficit? Is it the funds of the taxpayers of Trinidad and Tobago that the Government will use to correct this problem? This is one of my questions I had to ask.

They can have conditions for loans. They also have the power to employ people and pay them certain salaries. The only person who could come into that would be the Minister, again, a very powerful Minister. What is good about it is that if these are passed, the Minister would not be around to take charge of this situation. I am sure that when we have a new government we will deal with this comprehensively on behalf of the Trinidad and Tobago Racing Commission.

My concern is nationalization of the racing authority as against the privatization that the Government has been articulating all the time. There are people who want to charter boats when it is the Government's business. They have chartered the boat and are having problems. It is to provide an essential service to Tobago. When the people launched their boat, the Minister for Tobago Affairs was there representing, I believe, the Government. Up front he was!

Also, I heard on the radio where it was stated that the Minister promised them they would get certain subventions. It was said! Now there is a crisis. The boat is in international waters with Tobago cargo. This is the Government that should address it. It is private people functioning. That is the kind of approach they love and nobody is coming into it to address the problem, but there is nationalization of the racing industry, and they give all kinds of exemptions that they see fit. I have a very big problem with that, Mr. Speaker.

[MR. SPEAKER *in the Chair*]

I believe that we have a situation of conflict between two sets of people. I do not think that is a good approach for the Government. We got an antagonistic bite coming out of the discourse of the Minister this morning, and we noticed that there was a skilful attack on the Arima Racing Club, exposing them in a certain way. If the racing industry must be successful, all the stakeholders must feel comfortable and happy in the situation. It is very critical that they would have to meet and function with these people, and I support the view that these documents



be put before a Joint Select Committee for the welfare and advantage of the racing industry and of the people of Trinidad and Tobago.

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

**Mr. Jarrette Narine** (*Arouca North*): Mr. Speaker, I am very much concerned about this debate today in that we have had contributions coming from this side, and may I compliment my colleagues on this side for carrying this debate today and bringing the facts out about the racing industry in Trinidad and Tobago. I compliment my colleagues.

The presenter of the Bill, the Minister of Trade & Industry and Consumer Affairs, and the Member for Pointe-a-Pierre spoke on the other side, and I can say that the Member for Pointe-a-Pierre actually entered the debate to make a personal explanation. So, maybe we should not worry about that. While he was speaking about horses, saddles, dead horses and so forth, I had the opportunity last year on “Derby Day” to be invited to the Arima Race Club. A certain horse, Indian Prime Minister, was supposed to have won the derby last year, and there were a number of persons there, Ministers’ wives and so forth, dressed in cowboy outfits to lead in this horse, yet the race was won by the Jamaicans.

Racing is close to me. I grew up in an area in Arima very close to the race-track and my family was involved in racing. When my uncle died, his children sold the horses which he owned because racing is not a profitable thing for persons who own racehorses. It is a sport, Mr. Speaker. People who are engaged in this sport are the people we should be thinking about today. The Member for Diego Martin West, in his contribution, said—and I agree with him totally—that without horses, we have no industry. The important thing is that we should have all the stakeholders in this industry sit and work out this problem instead of making a national commission to run racing in Trinidad and Tobago.

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

How will this work if the stakeholders are not in agreement with what is taking place? Hence, we heard here today that the Arima Race Club wrote, two days ago, to the Prime Minister indicating to him that they had a promise that this Bill will not come to Parliament. This morning someone called my home and asked me what we were going to debate in the House today. When I told him of these Bills he said: “No, up to last night we were told that these Bills will not come to Parliament.”

One would understand that these Bills were laid—[*Interruption*]

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**Hon. Member:** Who told you that?

**Mr. J. Narine:** I must say who tell me so that you can victimize them as you normally do? The point is that these Bills were introduced in the House on January 08, 1999—11 months ago. I heard someone said that there was a meeting with the Finance and General Purposes Committee of the Cabinet, and certain decisions and guarantees were made in confidence to the persons who sat in the meeting. They trusted this Government. This morning they realized—like we realized long before now—that one cannot trust this Government. When anything comes to this Parliament, one has to look at the agenda, how should this thing work and what is the next move that the Government is going to make in order to facilitate its colleagues, friends, supporters, financiers and so forth.

Mr. Speaker, the most important Bill here is the National Racing Commission (No. 2) Bill. *[Interruption]* Instead of sitting there all week and talking, the Member should get up and ask you to make a contribution in this debate. *[Interruption]* No, he has to get up.

Mr. Speaker, at present, there are three organizations that run racing in Trinidad and Tobago. Firstly, there are the promoters of racing, which are the private clubs such as the Arima Race Club and the Tobago Race Club, the Betting Levy Board and the Trinidad and Tobago Racing Authority. The promoters of racing: the Arima Race Club and the Tobago Race Club, are to promote racing under the rules and guidance as set out by the Trinidad and Tobago Racing Authority.

I would like to support the Member for Diego Martin West who made an appeal, this morning, for racing to be revived in Tobago; the multiplier effect for the economy, tourism and so forth. It is very important that—although the Tobago House of Assembly has no authority, according to the Act, to promote racing in Tobago or to provide any infrastructure—we feel the Ministry of Tourism and the new Minister of Tourism—I understand he got his socks already, he now has to get his Bermuda shorts and his straw hat—can probably bring something to Cabinet that will revive the racing industry in Tobago. We are interested in that. We are saying that if Tobago has to survive as a tourist destination, racehorse running in Tobago—at Shirvan Park or anywhere else—will be of benefit to the people of Trinidad and Tobago.

Mr. Speaker, when the Member for St. Joseph spoke about Tobago importing labour in the next few years because there will be a surplus of jobs and nobody to work, I agree with him because the last time, in the trade union movement, when we wanted a demonstration in Tobago I was told to go to Tobago and do a survey.

The unemployment situation in Tobago is far better than what we had in Trinidad 10 years ago. Tobago was approximately 8 per cent at that time. This was our estimation. It is not beyond what the minister has alluded to.

The Betting Levy Board was set up by Act 35 of 1989. Their main responsibilities are:

- (i) to act and collect all taxes, duties, *et cetera* that come under the purview of the Gambling and Betting Act;

A percentage of this collection is presently being channeled to the promotion, development and improvement of racing in Trinidad and Tobago. Over the years, the Betting Levy Board has collected money on behalf of the Government. I understand 50 per cent remains with them for the development of racing and so forth.

- (ii) taking policy decisions on the welfare and status of grooms, stable lads and jockeys *et cetera*;

The Trinidad and Tobago Racing Authority Act 45 of 1976 further amended by Act 31 of 1989 states the responsibilities for:

- (1) regulations and control, making of all rules to govern, the conduct of racing, registration of horses, dogs and other things. They are responsible for all registrations;
- (1) (2) the control of all farms; this means stallions, mares, foals, *et cetera*;
- (3) issuing of all relevant licences and permits;
- (4) establishing racing schemes for jockeys, stable lads, grooms and others.

May I say, at this point in time, my information is nine years ago four jockeys went to England to get an idea of England's racing fraternity. They were trained and so forth. Since then, none of our young jockeys was sent. There is no jockey school in Trinidad, which should be, in order to promote—probably only the Government has a jockey school because it is riding everybody in this country. *[Laughter]*

- (5) to administer and enforce rules;

And most important:

- (6) hearing and determining appeals of disputes and conflicts within the racing industry.

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Wherever there is gambling, and money is involved, there will be disputes. This Act, as we now have it, has that regulation. The National Racing Commission will now be responsible for all three bodies that are functioning right now.

Therefore, I am asking: should this legislation be passed, to whom will the National Racing Commission be responsible? They will be the ultimate body for racing in Trinidad and Tobago, controlled by the Minister of Trade and Industry and the Minister of Finance. *[Interruption]*

**Dr. Rowley:** And his friends.

**Mr. J. Narine:** I would come to that, because we are looking at—*[Interruption]* I would come to those people who are—*[Interruption]* Remember they are accustomed to clubs. They had “Club 88”. I understand there is a “Club 99”, in Arima, with a few people who control the racing industry in Trinidad and Tobago. One “fella” said that he would pay \$1 for the race-track. He is the same person who was saying that there should be other private tracks in Trinidad. This morning we heard that the best location for a race-track in Trinidad is Caroni. Probably the thinking is already there.

**4.15 p.m.**

Who will be responsible? As detailed in this Bill, the racing commission’s functions are set out in clause 5 and I would read them:

“The functions of the Commission shall be as follows:

- (a) to exercise the sole and exclusive rights to promote and hold race meetings;
- (b) to carry on betting by way of tote, forecast, trifecta or other pool betting, starting price or any other betting.”

I would suggest that between “other” and “betting” we put “exotic”, because it is any other exotic betting, whatsoever they may come up with and then you have quinela and pari and all that. This should be amended to say “exotic betting”. It continues:

- “(c) to administer and operate the National Tote System; and
- (d) with the approval of the Minister, to make Rules for the exercise of its functions under this section.”

At the back of this document, clause 22 says that”

“The Minister may make Regulations for the purposes of giving effect to the provisions of this Act.”

I look forward to whatsoever regulations are coming here. Although he said “may” I feel that it should be “shall”, he should be responsible if they are saying that he should be responsible for doing so.

The functions of the commission in clause 5 are setting a dangerous precedent in that the National Racing Commission will now be judge, jury and executioner. If you have a dispute, when it goes to the National Racing Commission, who is the authority that they can go to, except probably the High Court? You would hear the Attorney General saying that, if you are not satisfied, take me to court. That is the attitude of this Government since they won.

I am asking: should we allow one body to determine how or what races should be run, acting as promoter on what type of betting should take place, collecting the people's money, private citizens in this country, collecting their money and a law unto themselves, arbitrating the destiny of every bettor in the industry is really a dictatorial movement. I feel that way because that authority is going to be the sole authority on racing in Trinidad and Tobago and they will be a law unto themselves.

I do not blame the Minister for his behaviour, because it is constant with the way the Government operates. It is constant. Every week something is wrong. You were hearing this morning how people who are supporters of the Government are now writing letters saying that on a road, they have overspent \$250,000 of taxpayers' money! Ministers blocking the gateway of schools! People are being attacked in offices of Ministers! It is ridiculous! I feel that this is consistent with what is taking place in Trinidad and Tobago now. When you look at these things and, as the nap selector would say, “government true to form”. They are acting true to form. They have always been like that and they are acting true to form.

Clause 6 reads that:

“(1) The Commission has power to do such things as are necessary to enable it to perform its functions.

(2) Without limiting the generality of subsection (1), the powers of the Commission shall include the power to—

- (a) borrow sums required for meeting any of its obligations or discharging any of its functions, subject to the prior approval, in writing, of the Minister with responsibility for finance as to the amount, the sources of borrowing and the terms and conditions of the loan;”

We have seen recently government guaranteeing loans for these types of things.

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So we are saying that once all the revenues now have to go into the Consolidated Fund, then, those people who are in charge of racing in Trinidad and Tobago will have to go “cap in hand”, as was said before, to the Minister of Finance to get funding. If he does not feel to give funding what is the position? If he feels that he has to squeeze the industry in order to privatize it—as some persons in Trinidad and Tobago feel that is the way they are heading—then he is in authority to do that. So, we have to be very careful when we pass Bills here which give authority to people who are going to be a law unto themselves.

When he takes the Arima and Tobago Race Clubs and replaces them with the National Racing Commission: where will racing be held? This started here today. Where will racing be held? I understand that the Arima Race Club will not be selling their facilities up at Arima. So where will the National Racing Commission run horses? Ramsaran Road? I want to know where they are going. Because this is a private club that we are speaking about. The Arima Race Club is a private club. Where will racing be held?

I am saying that I feel there is a move to privatize the racing industry in Trinidad and Tobago and I say so without any reservation. Because at present, there is a certain clique in that racing industry, close friends of the UNC, that parasitic oligarchy, who are going to be made multi-millionaires in Trinidad and Tobago. They have been controlling the funding and they have been given the contracts to repair the race club and so forth. They have been given contracts to bring machinery into Trinidad and Tobago. They have no tenders. They may have a sham for a tenders committee and all that, but it is just a sham, they have their friends with which they do it. This club, I understand, people are now saying that the threesome, those three persons in Arima are the people who make up “Club 99”. I know they had a Club 88, I did not know about a Club 99, that will want to have this Bill passed.

Are they planning to build a new race-track? I want to know. Maybe Northern Construction is already hired to get the contract to build from government funding. They can borrow the money. They can get the guarantees from the Minister of Finance to borrow money. If the Arima Race Club says it is not selling the race-track, as they have said, what next?

We have a letter here which was read by the Members for Diego Martin West and East where two days ago the Arima Race Club was opposing what is taking place here today. So if I hear that they are not going to sell the race-track in Arima to the National Racing Commission or allow them to use it, then I must believe that there must be some move to have another race-track in Trinidad and Tobago.

I am saying that these three persons must not be allowed to do this. You have to stop them now! And you have to stop the Ministry from doing that. It is Samlalsingh, Chadeesingh and Kama Maharaj. I do not know where these names came from. I am not attached to the Arima Race Club, but these are the names which keep coming up. Who is Singh? They are singing all the way to the bank, brother; all the Singhs.

They are planning to build a new race-track. According to clause 6(2)(a), they will be in authority to borrow, as I read before. They will be in authority to borrow any sum of money with government guarantees, falling under the Minister of Finance. The Minister is saying that Caroni is the best location. Again, it is about power and control. Anywhere which has a lot of money spinning around, you will notice that instead of nationalizing the racing industry, if you leave it in the hands of private people, we will have a racing industry, because it does not only mean money, it means that you have to have persons who are interested in the industry to import blood stock, thoroughbreds and so forth to race in Trinidad and Tobago. We have lost the calibre of racehorses in Trinidad and Tobago over the years. But the Government will do that. They are going to bring racehorses, they are going to run their own racehorses, they are going to have their own track, they are going to pay their own funding and the other people will get out of the racing.

So that every time this Government comes to this Parliament, we really need to do a lot of work and do research and ask people in the industry, wheresoever it is, how they feel about it. Consultation is very important. These people outside there are seeing, probably, more than some Members of Parliament, in what directions the country is heading to bringing all these Bills to Parliament.

Then, I submit, Mr. Speaker, that if we pass this Bill here today, that the National Racing Commission will actually take away the responsibilities—because it is similar—of the Betting Levy Board. The Betting Levy Board will become null and void because they are no longer in the position to collect any funding; all goes into the Consolidated Fund. There will be further collapse in the industry. More than one person on this side, the last speaker here, Mr. Valley, the Member for Diego Martin Central said that he is expecting that there will be further problems with the industry and I feel that if anybody on this side has the authority to speak on these things, the Member for Diego Martin Central has that authority because he has done his research and he is concerned about these things.

The records will show that since 1989 the Betting Levy Board has collected ten times the amount of money which was collected up to 1989 and before. They

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have increased and they have been monitoring all the revenue collections and making sure that Government gets its part of that payment. Then you have the staff to be paid. I saw in the budget documents here that there was staff attached to the race club and other areas who had to be paid out of government funding. I am asking the Minister to say whether these people will be paid off in the same way that they were paid before. I am just asking, it is not clear. So that, you have a situation where, and it was reported to me that the Betting Levy Board had employed someone as a supervisor recently, a good friend of the chairman. He is there as a supervisor with a secretary. A glorified cashier! He is collecting money for programmes, and he is collecting taxes. Eight thousand dollars per month! He is the highest paid cashier in the world! This is how the funding—

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

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

**5.05 p.m.:** *Sitting resumed.*

**Mr. J. Narine:** Mr. Speaker, when we took the tea break, I was speaking about employment of a supervisor—and he was actually a glorified cashier—working for \$8,000 a month.

So that one would understand why the hon. Members on that side left the Minister alone today. Apart from the Member for Pointe-a-Pierre getting up here to make his personal explanation, no one else entered the debate because they are fragmented on this legislation. Some of them do not even understand what is taking place. As a matter of fact, a cheque for \$35 million was supposed to be delivered today which the Minister spoke about, and a press conference for Monday for which the Minister of Finance gave approval. He gave them a letter of comfort so that they could have negotiated that loan for \$35 million.

Today, they are saying that is why people called this morning, asking whether we were going to debate these Bills today, because they had certain assurances from certain Ministers, and the acknowledgement from the Minister of Finance to give a letter of comfort to go and negotiate a loan to hand over that cheque today. We now understand why these Bills are being rushed in through the Parliament today. So that the cheque would be withheld. If this Bill passes today then that cheque must be withheld. They cannot give that \$35 million to the Betting Levy Board to bail them out, as the Minister said.



After 11 months it was rushed here today, because if you look at page 5 in clause 12(3) of the National Racing Commission Bill, under the financial year and annual report, it says:

“The first annual report in respect of the activities of the Commission shall be in respect of the period commencing with the incorporation of the Commission and ending 31st September, 1999.”

This is written in the Bill. I repeat, 31<sup>st</sup> September, 1999. They were supposed to lay a report here. They waited 11 months and because they have a cheque for \$35 million to collect today, these Bills have been rushed to Parliament so that they will have to stop it, and there would be no press conference on Monday. One does not even know what is taking place in the Government. He is a petty Minister now. Do you understand? Mr. Speaker, there is much to be desired—he should have been the Minister of Tourism—short pants Minister.

What I am saying is that we cannot support this Bill in this present form because if the National Racing Commission is coming in and they have no one to report to and they are going to control the racing industry and they would have all the powers—it is just about a few persons who are friends of the Government and the ruling party and they want to take over the industry. Of course, the Members of the Arima Race Track have been saying for years that they would not give up their assets and they are going into dog racing, what will happen? *[Interruption]* Of course, they will have to open Caroni. And then there will be the friends of the UNC—this is a multi-billion dollar industry. They want to get their hands in the industry! This is what we are all about here today!

We are saying that good sense should prevail, and what the industry needs is support. While the industry needs support, it needs proper management. If there are people working in the industry, as stewards—they are working in the industry but yet they are being paid as stewards on the race-track. What about the qualifications for these stewards? Racing is a very delicate kind of operation. There are a lot of tricks in the trade and so forth; and when someone tries to pass something across: be it the jockeys; be it the grooms; be it the owners; or the trainers, your stewards must be well qualified in order to identify those things.

There are a lot of problems, yes, but they need the support; not only the financial support; you need people who would be encouraged into the industry and not fall out of the industry. A number of persons in Trinidad and Tobago who have been known people in the racing industry for years are out of the industry now because they have been losing money, year after year after year, and they

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have seen no improvement to the racing industry in Trinidad and Tobago. We cannot forget Tobago because I insist that Tobago has a lot to offer to the tourism industry by having a race-track in Tobago. Hotels would encourage people to come to Tobago if there are activities they can go to, apart from Goat Race, Crab Race, Heritage Festival and so forth, but there must be racing in Tobago. People must be allowed to bring race horses from Tobago to Trinidad to enter races here—they would not only come for an outing but for financial gains.

Last year the Jamaicans won; this year they won again. They would always come to Trinidad because they boasted the last time and said that they have better blood cells than we, if you need horses come to Jamaica; Jamaica has horses; Trinidad's blood cell has gone down to the cleaners. The people who breed horses in Trinidad are fed up with the industry. They are not doing anything to help the industry.

Mr. Speaker, I would like to thank you for giving me the opportunity to make my small intervention in this debate and I hope that good sense would prevail and that the Government Benches would understand what the Member for Diego Martin Central said; let us put this on hold; let us put it to a Joint Select Committee; let us sit and interview the people in the industry so that we can come up with proper legislation because we have a lot to gain from this, Mr. Speaker. If our industry here is improved, then the coffers of the Minister of Finance would be greatly enhanced. We can make billions of dollars here through racing.

Recently, when I went to Grenada, there was a race-track and now there is no racing in Grenada. The people who had worked in the industry were disappointed, they said that they should never have stopped racing in Grenada, and we are heading in that direction. In years to come my children may tell me that we should never have stopped racing in Trinidad and Tobago. So that I am not going to stand here as a Member of Parliament—representing people who are in the racing industry—and try to break that industry down. I am appealing to them that if they send it to a Joint Select Committee that good sense would prevail.

I thank you very much, Mr. Speaker.

**The Minister of Trade & Industry and Minister of Consumer Affairs (Hon. Mervyn Assam):** Mr. Speaker, notwithstanding the abuses that I have been subjected to from the other side this afternoon, there is always a comfort in the strength of man that makes all things endurable. And when I heard last night—because I could not attend, I had to be in the Parliament well after 10 o'clock—that the Ministry of Consumer Affairs had won the magnificent trophy for excellence throughout the entire public service, my heart gladdened.

I congratulate my Permanent Secretary and all the divisional managers and the entire staff of the Ministry of Consumer Affairs, for which I have a responsibility, for winning the trophy for excellence during Public Service Week, 1999.

**5.15 p.m.**

The second thing I want to do, on behalf of the Government and people of Trinidad and Tobago, is to commiserate with all our Caricom neighbours in the wake of the devastation of hurricane Lenny, which I understand did some damage to Grenada, St. Lucia, Martinique, and some of the other islands, including St. Marten. We would hope that they can return to a state of normalcy as soon as possible, and whatever assistance we can offer, the Minister of Foreign Affairs and the Minister of National Security and other relevant ministries would do so in due course.

Mr. Speaker, as I sat listening to the vituperation, the invectives, the abuse of all the Members opposite, against me, I was amazed that people who are supposed to represent our country, represent, particularly, the youth of this country, could descend into that kind of thing. It is not that it hurts me but I feel saddened that we are digging our own graves as leaders when we project that image unto the television screen and when it is reported in the newspapers, particularly for the young people who are beginning to develop a cynicism about politics and politicians, not only in Trinidad and Tobago but, perhaps, worldwide.

I have often heard the Leader of the Opposition, the Member for San Fernando East, in his rather hypocritical style, rising and imploring in a hortatory fashion, all the Members of this House to rise in a dignified fashion in their contributions. I am amazed that he can sit as leader and allow his Members to carry on with the kind of accusations that they carried on with today.

I am particularly grieved that the Member for Diego Martin West could have done so, because I believe that he is a man of intelligence, I said that last night. I do not know why he gets carried away sometimes, but I suspect like good old Cassias, a man with a lean and hungry look, such men are dangerous and, perhaps, that is why the Member for San Fernando East watches him with such great temerity and apprehension.

**Mr. Manning:** Who is descending now?

**Mr. Speaker:** Order, order!

**Hon. M. Assam:** I am sure the language is very different from saying “the Minister and his cronies and friends drank \$56,000 in champagne”. The language

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is quite different. It is very difficult to respond to some of the things said opposite because, in a very real sense, we have wasted so much time this afternoon.

I shall start with the last because he is about the least, the Member for Arouca North. There are only three things that I want to respond to. He said that there is no jockey school in Trinidad. What crass ignorance, Mr. Speaker! He lives in Samaroo Village and the jockey school is just over the highway from where he lives. I had the honour to inaugurate that jockey school because of my portfolio responsible for racing, and he said that there is no jockey school. I had to ask quite rhetorically whether jockies who are apprentices fall from a tree, fall into a saddle and begin to ride horses in this country. There is no jockey school! I am amazed that a Member of Parliament would make such a statement.

Then he went on to speak about disputes that the national racing commission would enter into and they would be judge, jury and executioner. What disputes? Did he read the Bill? The Trinidad and Tobago Racing Association has its own role; the Betting Levy Board has its own role; the National Racing Commission has its own role! What disputes is the Member for Arouca North speaking about? He is so ill informed. He gets up and rants and raves in a demagogic fashion, with a voice that has a certain kind of ring, with a decibel that almost deafens the people in this House and says absolutely nothing.

Then he went on to make another unfortunate statement: the Bills have been rushed. Now, Mr. Speaker, you know as all of us do, when I tried to introduce the Bills this morning I spoke of the long gestation period. I spoke of the number of consultations with the stakeholders, the number of exchanges of letters. As I said, I have in my office now, two big files, I could not bring them. I just brought what was absolutely necessary for the purposes of my presentation.

There were letters to and fro. Letters were sent to ministers. There were different meetings with different groups and I had consultations. I showed a newspaper clipping where we had an ad in the newspaper. Invitations were sent out. Look, I have one right here for another meeting, invitations to the stakeholders. To say this has been rushed is to be so unfair and dishonest, because these Bills were in the last session of Parliament. They were on the Order Paper for several months in the fourth session of this Parliament. We are now into the fifth session of this Parliament. Notice was given to this honourable House, to the Speaker, to the Clerk and all Members two weeks ago, that the Bills would be debated today, and the Member for Arouca North stands in this honourable House and disgraces himself by misleading the House and speaking falsehoods. That is sad, and he gains nothing by that. Even the reporters will tell you that this has

been on the cards. Yet you say that we are just rushing it today. The falsehood that emanates from your mouth not even the multitudinous seas incarnadine can wash that away.

The Member for Tobago West, honestly—she is not here, and I am sorry she is not because I do not know what she was trying to say. She was saying that there was a shortage of funds for the Tobago House of Assembly (THA), but she comes, raves and rants and says that there is no accountability in the Tobago House of Assembly. So she wants to give an organization that she accuses of no accountability more funds. I really do not understand her logic. Her logic escapes me quite honestly.

Then she speaks about a boat. I am not the Minister responsible for boats. Why is she posing questions to me about Romano or whatever the boat is. I do not know, I am not the Minister responsible for boats. [*Crosstalk*] She accuses the Government of being inconsistent but she is patently inconsistent, because to speak about lack of accountability on the one hand with the THA and she has been pressing for the Government to take action on the Auditor General's report; she has been pressing this Government for all kinds of financial regulations, pressing the Minister for Tobago Affairs, Member for Tobago East, with all kinds of questions she posed to him two or three sessions ago, and then she comes today and says that there is a shortage of funds. Then she says no more funds should be given to them until they account. [*Interruption*] She has said so.

**Mr. Speaker:** I appeal to the hon. Member for Diego Martin East—

**Dr. Rowley:** She did not say that.

**Mr. Speaker:** There are different ways in which one objects to things. If the Member who made the speech and left were here, there are certain things that she might have been able to object to, but the Member must be permitted to reply without interruption. It is not fair. I do not think that anybody interrupted you when you spoke.

**Hon. M. Assam:** In fact, the Member for Tobago West has repeatedly said that no more funds should be given to them until they are accountable.

She is familiarly and affectionately known as Sister Pam and today, she became Prophetess Pam because she said that I am on my way out just, as the Member for Diego Martin West said. So what if I am on my way out? I have given yeoman, sterling, dignified, honest service to this country. [*Desk thumping*] I was Chairman of St. George County Council for four years and gave sacrifice to

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this country, tears, sweat and blood. [*Interruption*] I gave blood when I was a hostage in this House.

I was, for three years, Ambassador to the Court of St. James and Ambassador to the Federal Republic of Germany, France, Denmark, Norway, Sweden and Finland. I gave noble and dignified service to this country and when I came back here I was held hostage for six days and five nights. I gave my blood to this country, blood I said. I spilled my blood on this very carpet for this country—it may not have been this carpet. Innocently my blood was spilled! [*Crosstalk*]

**Mr. Speaker:** Hon Members, it is not right that while a Member is on his legs he should be having to put up with comments and shouts coming from the other side; it is not right. Please, let us not have anymore of that. He is entitled to be heard.

**Hon. M. Assam:** Now, Mr. Speaker, since 1995, I have had the honour to be appointed by the Prime Minister, and I am very grateful for the opportunity to serve as a Minister in this Government and to be elected by the people of St. Joseph whom I serve faithfully, honestly and with great hard work. I do everything possible for my constituents and, indeed, other people's constituents: St. Ann's East, Tunapuna, to name but a few; Laventille East/Morvant, Port of Spain South, they all come to me and I treat them fairly, without prejudice in the same way as I try to treat my own constituents of St. Joseph. I do it all the time, that is a fact. I am not boasting, I am telling you.

So if I am on my way out, I have given service. If the people no longer want me, if the party no longer wants me, I would not do like some people, go and fight and undermine their leader, as some people opposite have done. I am not going to do it. I am not going to fight anybody or undermine my leader. Some of you have done it, and now you are trying to have "skin teeth" to give the impression that you have made up, but we know the seething ferment that is taking place within the bowels of that party. [*Desk thumping*] [*Crosstalk*]

**Mr. Speaker:** Order please!

**Hon. M. Assam:** I really do not know what the Member for Diego Martin Central was attempting to say, because he got up and took out some law books from which he read. During the tea break he was trying to make a point to me, I said, "Well, show it to me in the law books," he was fumbling and he could not show me, which showed that he did not understand the law; he did not read the Bills properly and he was just fulminating in front of this audience in order to

catch a glimpse and photo opportunity with the press. I really do not understand it; and he is talking about equity of treatment!

Mr. Speaker, there are so many situations in this country under law where people are not treated equitably. There are some people who pay no income tax; zero income tax. There are some people who pay 28 per cent income tax. There are some people who pay 35 per cent income tax. Can you take the Government to court because there are three classes of income tax imposed on people? Value Added Tax, some people pay 15 per cent, some people pay zero, and some people are exempt. Can you haul the Government to court for making what he called discrimination or inequity?

There are people who have exemptions from duties. Ministers have a privilege of buying a vehicle—and I believe Parliamentarians to a lesser extent—with certain exemptions. Is it not inequity, vis-à-vis, the rest of the population? So I do not know what he is talking about inequity. Even in heaven there is a difference between Cherubims and Seraphims, between angels and archangels. [*Interruption*] I would not educate you. You are a born again Christian, although a hypocritical one at that.

Then the Member went on to talk about confiscation of property. Who is confiscating the property of the Arima Race Club? Even a licence to operate a betting pool is not property. I am not a lawyer, but I have been advised by the legal people in my Ministry and the Ministry of the Attorney General, the Ministry of Legal Affairs, that a licence is not property, it is merely a privilege. Government gives you a privilege and can withdraw the privilege, and for the privilege of having a licence you pay a fee. That is not property. You have no property rights inherent in a licence. So I do not know what these bush lawyers on that side are talking about property and confiscation.

Mr. Speaker, he talked about the license fee for private betting shops. There is no change in the law except an increase in the license fees. It was the very bookmakers themselves who I met with several times and exchanged correspondence. They are the ones who proposed an increase from \$100,000 to \$1 million in Port of Spain and from \$100,000 to \$.5 million outside of Port of Spain.

### **5.30 p.m.**

I repeat, I am quite honest, I will never deceive. They said eliminate the 10 per cent tax and I told them there was no link between the license fee and the tax because it was the betting pool operator who paid the tax and it was the punter

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who paid the 10 per cent on the bet, so there was no link and I told them I could not accept that and if you have proposed it that is what I am going with. So I do not understand what the Member for Diego Martin Central was saying.

Then we come to the Member for Diego Martin East. The Member was not present when I made my presentation, but I do not know if he was eavesdropping as is his wont because you know he is a mischievous sort of person who feels he can be omnipresent everywhere and minding other people's business. He knows about the old people who take their welfare cheques and eat cat food after they have lost all their money in Atlantic City. He is even snooping on old people and I suspect he is telling untruths on old people that they are eating cat food having spent all their money in Atlantic City.

He says there is a survey of 50 clubs which have exploded since the UNC came into office and there were only 15 under the PNM, then he went on to say there are hundreds. His mind works exponentially in the area of mischief. He accused me of all kinds of things. I do not even know what is Ma Pau. I do not know about all the tables and the games about which he spoke. I do not know. I do not go into pubs and drink. I do not know what he is talking about, but he accuses me of doing this, doing that, and doing the other.

I live a very simple life. I am not like the Member. I am not building apartments and having the walls broken down to the inconvenience of the inhabitants, I do not do these things. I am an ordinary, simple, human being. [*Crosstalk*]

Mr. Speaker, I am amazed that the Member for Diego Martin East who was the Minister of Works and Transport, and also the Minister of Local Government, is talking about a private road. Imagine that, in this day and age! I wonder if he ever read the Highways Act? I would remind him about the Highways Act, which does not admit of a private road, it only admits of highways, secondary roads and agricultural access roads. Read your Highways Act. Once it was promulgated, the question of orphan roads and private roads went out of the window with the promulgation of the Highways Act, but the Member does not know anything although he was the Minister of Works and Transport, and the Minister of Local Government.

The gentleman is so wicked, Mr. Speaker, he is accusing me by bringing the National Racing Commission Bill to this Parliament that I will engage in ministerial interference. The Minister does not appoint, the practical fact of the matter is that a Minister will take a note to Cabinet with certain recommendations. That note goes to the board's committee of Cabinet, the Board's Committee



invites every Member of Cabinet to make recommendations with respect to the particular board and after all the recommendations have been sifted, the board committee makes a recommendation to the Cabinet for acceptance. That is how it works in our Cabinet. I do not know how it worked in your cabinet. So there is a greater degree of democratization and the process is more transparent in our Cabinet than yours. *[Interruption]*

**Mr. Speaker:** Hon. Members on the Front Benches of the Opposition, I once more appeal to you to allow the debate to proceed in an orderly fashion so those of us who care to hear could hear. Please continue.

**Hon. M. Assam:** Thank you, Mr. Speaker. He accuses me as Minister of Trade & Industry and Consumer Affairs that when I was Minister of Tourism—there is nobody in this country who could point a finger at me, nobody. Nobody could say that I have done an injustice, that I tried to go over the Public Service Regulations, or I have offended anybody in their capacity. I have never done that. I know that, my conscience is clear. My heart is clean and my hands are cleaner. I assure you of that, but the Member engaged in ministerial interference.

Do you know what he did when he was Minister of Works and Transport? He fired the transport commissioner. Not only did that Minister fire the transport commissioner, he took the new one hand in hand and went to install him personally at the transport division and the Public Service Commission had to come down on him like a ton of bricks and he is talking about ministerial interference. Do not deny it. That is fact, and it can be proven. That is ministerial interference! Not to speak of him throwing out a girl, a member of the press out of his office lock, stock and barrel. Interference in the freedom of the press. Not only ministerial interference in the public service, but he took a girl lock, stock, and barrel and threw her out of his office and he is talking about ministerial interference.

Do not provoke me because I can give you many more. Accusing me of wrongdoing. I never imported or smuggled gold into this country. *[Laughter]* I never imported or smuggled exotic birds into this country without a permit and evaded taxes. I never did that. I have never done that. I never evade taxes. Check up my income tax return. Long before April 30, every year since I have been here in 1973, my income tax return is in—long before. I pay my taxes, I do not evade anything. I never smuggled anything in here you know, whether it is exotic birds, or gold without licence. I never did that, and I want everybody to know that.

The Member went on to talk about a turnaround in the industry. How fallacious, how misleading, how misinformed. There is a turnaround in the racing industry and every month the Betting Levy Board is being requisitioned for more

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and more money to pay staff to do this, that and the other. I just read the figures. I was not maligning the Arima Race Club. In fact, the words I used were: I do not want to use anything derogatory. Look at the *Hansard*. I do not want to say anything derogatory. I was merely giving the facts, and if you look at the statements they are in the red. They have unrelieved losses of \$18 million, they have liabilities of \$27 million, long-term and short-term liabilities and they have turned around and every month they are calling on—they just borrowed \$3 million from FCB—the Member for Arouca North—and they were going to sign a loan for another \$35 million? Who is going to pay this back? It reminds me of somebody giving a free fowl for a bazaar and the priest asked who is going to pay for the corn. Who is going to pay for the corn? Who will pay for the corn? And he said that the Arima Race Club was given assurances.

Mr. Speaker, if the Arima Race Club was given assurances, I do not know who gave those assurances. I do not know. I do not know who gave any assurances to anybody. I am totally in the dark and without knowledge. If they were given assurances I do not know. Then the Member went on to talk about that simple motion that was passed last night about fees and mixing up that situation with clubs that operate in a somewhat casino-type fashion comparing as usual, apples with oranges to create mischief and to mislead the House.

Mr. Speaker, I am so saddened by somebody who has some intelligence you know. He has some intelligence. I saw a movie many years ago called the Bad Seed, that bad seed had an IQ of over 200, but used it for nefarious purposes. He said this Government has created problems and put the racing industry into deep trouble, but I thought I had given a chronology, but he was absent. He would not come to Parliament, he is chasing Emile Elias and all these other contracts. He would not come to Parliament, but nothing is wrong in making a decent buck if it is a decent honest buck. He says we put the racing industry into deep trouble. I found the racing industry in deep, deep trouble. I can show you unrelieved losses, millions owing and I am not trying to, in any way, attack them. This is fact. But the Member says we put them in trouble. They were in trouble during the four years the Member for San Fernando East was the Prime Minister and he was a Member of the Cabinet. Deep, deep trouble. Do not blame us for that.

Mr. Speaker, I go to the Member for Diego Martin West.

**Mr. Imbert:** “Yuh” finish with me then.

**Hon. M. Assam:** He says we are trying to privatize, nationalize or whatever. I am really amazed that if he read the Bill he did not understand it, but he is an intelligent fellow. He read the Bill, he understood the Bill, but he was trying to deceive us, to mislead us. I have the National Lottery Bill in front of me. It was their government who introduced National Lottery, you know. Do you know what they did? The Trinidad Turf Club used to run something called a Sweepstake for years. Do you know what they did? They shut down the sweepstake and nationalized it. They nationalized sweepstake in the form of a national lottery. Do you know it is illegal to play “Whe Whe” in this country, but they have legalized “Whe Whe” into a game called “Play Whe”. They want to hoist themselves on their high moral petards, but they have no moral standing whatsoever, and if they were to look retrospectively at themselves, I think they will see some demons emanating from the mirror into which they look. They want to hoist themselves on their petards and tell us we are thieves, we are corrupt, we are this and that. Look retrospectively at yourselves and stop being this high, moralist, because you are not. You are not one bit of a moralist.

What are we trying to do with this piece of legislation? They say we are trying to confiscate property. This is the 1956 Ordinance signed by the then Governor, Sir Edward Betham Betham, an Ordinance for the incorporation of the Arima Race Club and do you know what it says in clause 3(b)?

“(b) to promote and hold race meetings under the Rules of Racing of the Trinidad Turf Club or other recognised Turf Authority responsible for controlling horse racing in Trinidad and Tobago and, in connection therewith...”

So there is no monopoly in it. There are no property rights in it, but the rules of racing also are very clear and unequivocal. No one must benefit from the profits or proceeds of racing whether member or organization, you must plough it back into the racing industry. That is what it is. So you are not taking anything from them.

Mr. Speaker, perhaps they do not understand what we are trying to do. People talk about if there are no horses, and of course, that is such an illusion, it is such a wild assumption that tomorrow morning there will be a shut down of horses in this country. There are so many horse owners and people willing to come into the industry to invest now that it is going to be secure and not haphazard—on today, off tomorrow, shut down today, all kinds of things. It is going to be secure and there is nothing better for an investor than certainty, reliability and a framework within which he can operate. You tell me I am from the private sector. That is how the private sector operates and that is why I am trying to do this, because I

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am from the private sector. That is the paradigm in which you have to work; one of certainty, reliability and dependability.

Mr. Speaker, if there are no horses, once you have signals and you have a network of these Off Track Betting Centres around the country under the National Tote System operated by the National Racing Commission, you will be able to run racing, get racing through your signals from Barbados, Jamaica, Canada, the United States of America, wherever, in addition to local racing, so you are going to enhance the pot considerably and have certainty of collection of taxes.

**5.45 p.m.**

Mr. Speaker, let me give you an example of the kinds of projections that the National Racing Commission are likely to have and we have done three scenarios. Case 1 scenario; the first year we would have a cash flow of \$2.6 million; the second year, \$6.8 million; the third year, \$11.1 million; the fourth year, \$10.4 million and the fifth year, \$9.7 million. That is the worst case scenario. The middle case scenario is: year 1, \$4.4 million as opposed to \$2.6 million; \$9.3 million as opposed to \$6.8 million; \$14.2 million as opposed to \$11.1 million; \$13.5 million as opposed to \$10.4 million and \$12.8 million as opposed to \$9.7 million.

The best case scenario will be: \$10.1 million as opposed to \$4.4 million and \$2.6 million in the two previous years; \$17.1 million as opposed to \$9.3 million and \$6.8 million in the previous years; \$23.8 million as opposed to \$14.2 million and \$11.1 million in the two previous years; \$23.1 million as opposed to \$13.5 and \$10.4 million in the previous years and \$22.4 million as opposed to \$12.8 and \$9.7 million. That is the scenario that we are having.

*[Mr. Valley on his feet.]*

**Hon. M. Assam:** No, I am not giving way. I have learnt now, not to be as decent as I have been in the past four years in this Parliament. You have refused me to give way. He has refused me and he has refused me. I am not giving way anymore. *[Desk thumping]*

**Hon. Member.** Give them jam.

**Hon. M. Assam:** You all are too discourteous. I have never ever refused giving way to a Member. You have refused; you have refused and you have refused.

**Hon. Member:** I have refused.

**Hon. M. Assam:** No, those three. I am not doing it anymore. I am telling you, I am not doing it anymore. I have to be just like them now. If that is the kind of

politics that they want to play, I am going to follow suit—trump and follow suit. [*Desk thumping*].

Mr. Speaker, so, that is the kind of projection that we are looking at for the National Racing Commission and, therefore, they are placing emphasis on all the profits but all Bills have that. Every Bill that Government brings to this Parliament, whether it is under a PNM, NAR or UNC administration, there is provision for borrowing; there is provision for drawing on the Consolidated Fund; there is provision for hiring staff and providing them with remuneration; there is provision for paying directors, directors' fee. There are all of these provisions. Why is this Bill so different in the minds of Members opposite, that they feel that the Minister is trying to give work to his cronies and friends and would engage in ministerial interference? I do not understand it! [*Interruption*]

**Dr. Rowley:** What about Miss Universe?

**Hon. M. Assam:** I wanted to say something about that, but now the Member has brought it up. The Member said that we wined and dined—I avoided to have it done, but I did not want to descend. Now do you want me to descend? The Member said that we wined and dined with Miss Universe and we spent all the money. Do you know that he wined and dined to with Miss. Universe?

**Dr. Rowley:** Me?

**Hon. M. Assam:** I have a picture in my files with the Member drinking Johnny Walker Black on the 5<sup>th</sup> floor of ALGICO Plaza. You! You! I have a picture in my file—you! [*Desk thumping*] [*Laughter*].

**Mr. Speaker:** Now, I have tried to appeal to the Opposition not to intervene and distract, or try to distract, the hon. Member while he is speaking. One of the unfortunate by-products of that is, that the Minister starts to talk directly to you, when indeed, he should be speaking to me.

**Hon. Member:** I do not mind.

**Mr. Speaker:** No, you may not mind because you spoke, you have already had your say and you are now having a second say by intervening when the hon. Member is speaking. It is not right. It is not fair to all of us; it is not fair to the people in the gallery, who have not come to hear you making comments to the hon. Member. They came to hear you when you presented and they want to hear him when he, too, does that, so do I. So, please, could I ask that we keep that interruption to the minimum? Talking among yourselves and remarking on how

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foolish the hon. Member has been. [*Laughter*] Say it in very quiet tones to yourselves, so that the Member and I cannot hear it. Please, proceed.

**Hon. M. Assam:** Mr. Speaker, I will talk to you. The Member for Diego Martin West was a beneficiary of the wining and dining. I have a picture in my files—I keep all my files—drinking Johnny Walker Black on the 5<sup>th</sup> floor of ALGICO Plaza, which was the offices of the Miss Universe Pageant Company.

**Mr. Imbert:** I was not invited.

**Hon. M. Assam:** Mr. Speaker, do you know that the constituency that benefited most from the whole pageant company exercise was Diego Martin West? They got 2000 extra phones, the Minister of Public Utilities can testify; they got a complete sub-station that electrifies on a reliable basis the entire western peninsula; they got a bigger main for water to have reliable supplies to the western peninsula; the market was upgraded; the people who sell fish by the wayside, we built a new stand for them and the Health Centre in Diego Martin was completely repainted, all from the funds of the National Pageant Company of which the Member for Diego Martin West was a beneficiary. [*Desk thumping*].

[*Dr. Rowley on his feet*]

**Hon. M. Assam:** No, I am not giving way. No, no, I am in flight. I am not giving way. [*Laughter*] [*Desk thumping*] I am now beginning my propulsion. I am not giving way, I am not giving way. So, when the Member comes here today, and makes these statements, I feel sad. I did not want to descend, but now that he has reminded me, I have to say it and he knows he cannot deny all these things that happened.

Mr. Speaker, do you know how much beautification took place along that Western Main Road? Do you know how much beautification beautifying the constituency of Diego Martin West? Huge, huge beneficiaries and recipients of the largesse that they talked about associated with the Pageant Company and now today he wants to come—ingratitude. There are two major sins in the Christian Bible—“blasphemy against the Holy Spirit and ingratitude.” [*Desk thumping*] [*Laughter*]

Mr. Speaker, they talk about the National Racing Authority would rely on the funds. That is not so. We merely put this in as a provision, just in case but they did not talk about clause 10(2). They deliberately omitted it.

“All profits of the Commission shall be paid into the Consolidated Fund.”

I have shown them three scenarios in terms of the profits that would be generated from years 1 to 5—three scenarios, and the least case scenario, still makes the National Racing Commission look good, in terms of profitability and it will not have to rely on the Consolidated Fund, on the Treasury. So, I do not know what they are talking about, totally. Now, they are saying we want to take away the Arima Racing Club plant and they would not sell their plant and a lot of things.

The Member for Arouca North—I really do not want to reply to him too much—does not know what he is talking about. I have a letter here on the letterhead of: Mr. B. S Dulal-Whiteway, c/o Neal and Massy Motors, P.O. Box 1298, Port of Spain and the letter is addressed to: The Secretary, Arima Race Club Santa Rosa Park, Arima. This is not fictitious, this is authentic. I do not come to mislead Parliament. “Allyuh believe is only allyuh could get letter from CEO and ting” [*Laughter*] I quote:

“Dear Sir,

Many thanks for your letter of January 14, in which you advise.”

Mr. Speaker, listen very carefully and I want it recorded:

“Many thanks for your letter of January 14, in which you advise that I have been appointed to serve on a committee to deal with the transfer of the Arima Race Club assets and liabilities to the National Racing Commission.”

**5.55 p.m.**

**Hon. M. Assam:** At a racing forum held on June 29 it was agreed that a committee comprising three members of the management committee of the Arima Race Club, two ordinary members of the club, namely Messrs. Bernard Dulal-Whiteway and Richard Smith, would meet with the National Racing Commission to discuss and negotiate an agreement in principle regarding the terms and conditions under which the existing facilities at Santa Rosa Park will be made available to the NRC for the staging and promotion of local racing. [*Interruption*]

You know, Mr. Speaker, I am not going to worry with them. However, there have been many spurious arguments made, false accusations and all kinds of innuendoes; part of that Mephistophelean characteristic that the Member for Tobago East so often ascribes to the Member for Diego Martin East.

So I have said that this system operates in 19 countries of the world. Let me repeat them: France, Italy, Canada, Hong Kong, Singapore, Australia, Venezuela,

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Mexico, Argentina, Chile, Germany, the United States of America, India, Japan, Malaysia, New Zealand, Puerto Rico, Panama and Brazil. These are 19 advanced countries—like 60 million Frenchmen cannot be wrong—which have a successful racing industry and they cannot be wrong. There are only five countries involved in racing that are still in the backward situation. They are England, Ireland, Jamaica, Barbados and Trinidad and Tobago. Trinidad is moving away from it. Jamaica is now studying it and in England they are agitated because I read into the record this morning a number of outstanding racing punters and authorities who are urging England to go that way. It is the only way to go for the survival and development of racing in the United Kingdom.

That is what we are doing here. We are not taking away anything from anybody. What we are trying to do is develop the industry in such a way that it will have survivability and growth and development. It will redound to the benefit of the people who are in the racing business and eventually redound to the benefit of the entire country by providing jobs, foreign exchange, synergies, small business and so forth and even farriers. There will be veterinarians, a jockey school, more jockeys, including lady jockeys whom I saw when I went to the jockey school. So that, Mr. Speaker, I really do not understand what is all this fear. It is a kind of fear based on one argument and the argument repeats itself, “This Government cannot be trusted”.

What has this Government done in four years, Mr. Speaker, to create any lack of confidence in terms of its personal attack on any of the Members opposite, in terms of their livelihood, their occupation, their family and so on? When I look at all of these front-benchers and the back-benchers opposite, I see prosperity in abundance written all over them and, in fact, they are doing much better today in the Opposition than they were doing when they were in government. You know, business people are saying the country is flourishing under the UNC. The stock market is bullish under the UNC, more investments are coming in under the UNC, there is a greater amount of confidence shown by the private sector and the foreign investors now that the UNC is there. I do not understand what they are talking about trust and lack of confidence.

We have done so much in the four years to improve the quality of life of the people of this country. We have inspired confidence in so many people. It is the people opposite who have been trying to undermine and destroy the confidence that we have so carefully built up over the last four years, Mr. Speaker. The national tote system, therefore, is merely a mechanism for ensuring the continued development of racing, for rescuing racing from the doldrums in which it has



found itself. There are many people who are willing to get into racing and expand and so forth once this method, this mechanism, this certainty, this reliability is put in place. They do not want to have this seesaw, the now and then, the stop and go, the start and stop kind of system that we have had over the last several years where we are not certain where racing is going.

That is one of the biggest problems with racing today. They do not know where it is going. In fact, these management committees have changed with the speed of lightning. Since I have been the Minister, Mr. Speaker, the composition of this management committee has changed so many times because there are many power-hungry people who come in and actually take over these committees, like "bad Johns", and throw out other people. They even throw out people from the car park. They cannot park their car in certain places; they threaten them, they abuse them. These are the kinds of people and they are purporting to sign their names as head of this organization and head of that organization when they have no *locus standi*.

There is a gigantic kind of network and I am sorry that the Member for Diego Martin West was sucked into it. Somebody got to you and I do not know how they got to you, Member for Diego Martin West. What they did to get to you, I do not know. You were such a passionate advocate of that group that really wants to derail races and does not want to see races succeed and develop in this country. Mr. Speaker, I hope I have dealt with as many of the concerns, objections and points raised by the Members opposite. I hope I have tried to clarify the policy position of this Government in terms of it wanting to see racing move forward in the future. I hope I have clarified the benefits that can be derived.

We have decided that the profits from the National Racing Commission will go into the development of culture and the development of sports, two areas that we sadly need to develop, to fund and to finance, particularly for the young people and for the artistes of this country. And so, Mr. Speaker, I hope that Members opposite have seen a different light in my response to them. I did not want, in any way, to attack anybody, because I do not want to attack anybody. If I have said anything that was not too parliamentary, I am sorry for it. However, I was provoked because I was unfairly accused by some of you. I am one to say I am sorry if I offended any of you. I make the point that we should raise the standard of debate in this Chamber and stop attacking people. [*Desk thumping*] Attack the Bill.

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I have no difficulty with that, Mr. Speaker. If you say the Bill is stupid, the Bill is foolish, the Bill is flawed, the Bill is illegal, the Bill contravenes the Constitution, tell me all of that. I will ask my legal advisers, "Is that correct? How can we fix it?" But do not come and attack ministerial interference, "The Minister and his cronies drank \$56,000.00 in champagne" That is plenty champagne, you know. I should be drunk up to now. If I drank, with my cronies, \$56,000.00 in champagne I should still be drunk after all this time. I hope that I have clarified things and I hope that there is some rethinking on the part of Members opposite.

With these words, Mr. Speaker, I beg to move. [*Desk thumping*]

Mr. Speaker, I forgot to announce that during the committee stage I will be proposing a few amendments and I think the amendments have already been circulated. Thank you, Sir.

*Question put*, That the Bill be read a second time.

*The House divided:*                      Ayes 18    Noes 9

AYES

Maharaj, Hon. R. L.

Humphrey, Hon. J.

Persad-Bissessar, Hon. K.

Lasse, Dr. The Hon. V.

Griffith, Dr. The Hon. H.

Maraj, Hon. R.

Rafeeq, Dr. The Hon. H.

Assam, Hon. M.

Job, Dr. The Hon. M.

Kahn, Dr. F.

Singh, Hon. G.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, R.

NOES

Valley, K.

Manning, P.

Rowley, Dr. K.

Draper, G.

Imbert, C.

Narine, J.

Hart, E.

James, Mrs. E.

Hinds, F.

*Question agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

**Mr. Chairman:** Hon. Members, there is circulated a list of the amendments to the Gambling and Betting (Amdt.) (No. 2) Bill, 1999 which we are now doing.

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

*Clause 3.*

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

**Mr. Assam:** Mr. Speaker, I beg to move that clause 3 be amended in accordance with the circulated draft as follows:

“Delete the word ‘and’ and substitute the word ‘or’.”

*Question put and agreed to.*

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

**6.10 p.m.**

*Clause 4 ordered to stand part of the Bill.*

*Clause 5*

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

**Mr. Assam:** Mr. Chairman, I wish to move that clause 5 be amended in accordance with the circulated draft:

- A. Substitute for the word '26' the word '26(1)'.
- B. Substitute for the word '(c)' the word '(b)'.
- C. Substitute for the word '(ca)', the word '(ba)'."

*Question put and agreed to.*

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

*Clauses 6 to 10 ordered to stand part of the Bill.*

*Clause 11.*

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

**Mr. Assam:** Mr. Chairman, I wish to move that clause 11 be amended in accordance with the circulated draft:

- "In part IIA delete the words 'National Racing'
- A. in the proposed new sections 40A(3) and (4).
  - B. in the proposed new sections 40 E(5).
  - C. in the proposed new sections 40F(1)(a)."

*Question put and agreed to.*

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

*Clauses 12 to 14 ordered to stand part of the Bill.*

*Clause 15.*

*Question proposed, That clause 15 stand part of the Bill.*

**Mr. Assam:** Mr. Chairman, I beg to move that clause 15 be amended in accordance with the circulated draft:

"Delete the word 'clause' and substitute the word 'paragraph'."

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*Question put and agreed to.*

*Clause 15, as amended, 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.*

**NATIONAL RACING AUTHORITY (NO. 2) BILL**

*Order for second reading read.*

**The Minister of Trade & Industry and Minister of Consumer Affairs (Hon. Mervyn Assam):** Mr. Speaker, I beg to move,

That a Bill to amend the Trinidad and Tobago Racing Authority Act, Chap.21:50, be now read a second time.

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

*Clauses 1 to 9 ordered to stand part of the Bill.*

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

*House resumed.*

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

**BETTING LEVY BOARD (AMDT.) (NO. 2) BILL.**

*Order for second reading read.*

**The Minister of Trade & Industry and Minister of Consumer Affairs (Hon. Mervyn Assam):** Mr. Speaker, I beg to move,

That a Bill to amend the Betting Levy Board Act, No. 35, be now read a second time.

*Question proposed.*

*Question put and agreed to.*

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*Bill accordingly read a second time.*

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

*House in committee.*

**Mr. Chairman:** Hon. Members, there is circulated a list of amendments to this Bill.

*Clauses 1 to 7 ordered to stand part of the Bill.*

*Clause 8.*

**Mr. Assam:** Mr. Chairman, I beg to move that clause 8 be amended in accordance with the circulated draft:

“A. In the proposed section 10A delete the subsection (4).

B. Renumber subsection (5), (6), (7), and (8) as subsection (4), (5), (6), and (7); and

C. Delete in the renumbered subsection (4)(a) and (b) the words ‘under subsection (2)’.”

*Question put and agreed to.*

*Clause 8, as amended, ordered to stand part of the Bill.*

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

*House resumed.*

*Bill reported, with amendment, read the third time and passed.*

**NATIONAL RACING COMMISSION (NO. 2) BILL.**

*Order for second reading read.*

**The Minister of Trade & Industry and Minister of Consumer Affairs (Hon. Mervyn Assam):** Mr. Speaker, I beg to move,

That a Bill to provide for the establishment and operation of the National Racing Commission and for matters connected therewith, be now read a second time.

*Question proposed.*

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

**Mr. Chairman:** Hon. Members, there is circulated a list of amendments to this Bill, which I trust you all have.

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

*Clause 4.*

**Mr. Assam:** Mr. Chairman, I beg to move that clause 4(4) be amended in accordance with the circulated draft:

Delete the words “public officer ” and substitute the words “public officer”.

*Question put and agreed to.*

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

*Clauses 5 to 8 ordered to stand part of the Bill.*

*Clause 9.*

**Hon. M. Assam:** Mr. Chairman, I beg to move that clause 9(b) be amended in accordance with the circulated draft:

Delete the word “10(a)” and substitute the word “6(2)(a)”.

*Question put and agreed to.*

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

**6.25 p.m.**

*Clauses 10 and 11 ordered to stand part of the Bill.*

*Clause 12*

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

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

“12(3) Delete the word ‘1999’ and substitute the word ‘2000’

*Question put and agreed to.*

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

*Clause 13*

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

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

“13(2)(a)                      Insert the word ‘or’ after the words ‘Commission’ ”

*Question put and agreed to.*

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

*Clauses 14 to 22 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 amendment; read the third time and passed.*

**CRIMINAL PROCEDURE (AMDT.) (NO. 2) BILL**

*Order for second reading read.*

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

That a Bill to amend the Criminal Procedure Act, Chap.12:02, be now read a second time.

Mr. Speaker, this is a very short Bill. The Criminal Procedure (Amdt.) (No. 2) Bill seeks to amend section 3 of the Criminal Procedure Act, Chap 12:02: an Act which regulates the procedure to be adopted in criminal cases triable on indictment. The conjoint effect, an objective of the intended amendment, is to empower the Director of Public Prosecutions to enter a species of offence; namely drugs and firearms offences for trial at Chaguaramas regardless of where the offences were committed in Trinidad and Tobago.

It further stipulates, that where drugs and firearms offences have already been entered for trial at the High Courts in Port of Spain, San Fernando or Tobago, the Director of Public Prosecutions would be empowered to have the trials transferred to Chaguaramas.

Mr. Speaker, there is no denying that, there has been a proliferation of drugs and firearms offences, not only in this country, but it is worldwide and some kind of structured mechanism is required to arrest the further escalation of this problem which includes the prosecution of offences.

The criminal justice system must be adjusted to suit circumstances. Some countries have attempted to go the route of establishing special courts to deal with



drugs and firearms offences, as was done in Jamaica, but such courts were declared unconstitutional by the Privy Council.

In 1994, the last administration drafted a Bill to establish a drug court, but it did not go forward. I suppose because of the case of *Hinds*, which had declared special courts like these unconstitutional—this Bill is the reaction to that constitutional pitfall. Rather than rehash the failures of the past, the Government seeks the constitutional friendly approach by extending the power of transfer that the Director of Public Prosecutions has to include those aforesaid specified type offences.

The Bill would, therefore, result in the expeditious hearing of drugs and firearms offences and will also enable the implementation of appropriate security measures when dealing with such cases.

Mr. Speaker, Chaguaramas by its peculiar geographical position in the context of a security service is a safe zone where high profile cases involving dangerous criminals can be dealt with without the attendant evils of having to shut down the streets, reroute the traffic and possibly create widespread discomfort and inconvenience for the law-abiding population. At Chaguaramas, the Government would be in a better position to effectively provide the security which is required.

The Bill was drafted in a spirit of consultation with the relevant bodies. The Bill before us, it is hoped, would be able to redress some of the existing problems. Mr. Speaker, it is important to note that this Bill deals specifically with indictable—*[Interruption]*

**Mr. Manning:** I appreciate if the Attorney General would be kind enough to tell us exactly what was the constitutional difficulty that was faced and how would this Bill get around it?

**Hon. R. L. Maharaj:** Do you mean with the gun court?

**Mr. Manning:** Previous Bills and Bills of that nature.

**Hon. R. L. Maharaj:** There was a case of *Hinds vs. the Queen* and that case revolved around the efforts of the Jamaican Government to set up a gun court and to provide a special kind of judicial system to deal with it, included in relation to punishment. The special judicial tribunals, which were in place, included judges but, having regard to the nature in which the sentences were to be passed by that court, it was held that the judicial power of the state was exercised by the Judiciary. Therefore, it would be wrong to create any other body which would take away that judicial power. What *Hinds* did was struck down certain parts of

the legislation which dealt with the usurpation of the judicial power away from the Judiciary.

What we are doing here is, under the existing law, the Director of Public Prosecutions has the power to transfer certain cases to certain places in Trinidad and Tobago. There was no power to transfer it to Chaguaramas. For example, if there is a case in San Fernando, the Director of Public Prosecutions already has the power to transfer it to Port of Spain. As you would recall, we had recently made Chaguaramas a court. Parliamentary approval would be needed to give the Director of Public Prosecutions that power to be able to transfer a case in respect of Chaguaramas; bearing in mind, it is only indictable cases, so the summary matters can still be done at the Magistrates' Court. In relation to other matters, it does not mean that all indictable cases, at one time, are going to be transferred to Chaguaramas. The Director of Public Prosecutions will have that discretion.

The aim, obviously, is that ultimately Chaguaramas should be a court in which the prosecutors, the judges and the entire judicial system would be a specialized court. In effect, it would be a drugs and firearms court. That is a way of getting around the constitutional hurdle.

**6.35 p.m.**

I have the Bill that the last administration had drafted and, in fairness to the last administration, it was finding it very difficult to have these drug matters dealt with over the country in the way they were being dealt with—with all of the delays—and they had a drug Bill in 1994, but it never really came forward in that sense.

So what this measure is attempting to do is carry out the same kind of policy just including the question of firearms offences and trying to prevent it being challenged in the sense in which it was challenged in Jamaica. Because one could understand that if you have a court which is set up and then you have cases tried and then your court is challenged and it is declared unconstitutional, you would have much more difficulty.

What this Bill deals with specifically, as I said, are indictable matters in respect of sittings of the Magistrates' Court in Chaguaramas. An amendment to the Summary Courts Sittings Order, 1995, which prescribes the sitting dates and times of magistrates' courts, has been prepared for the signature of the Chief Justice, to be signed at the appropriate time when cases of the appropriate kind arise.

Mr. Speaker, I beg to move.

*Question proposed.*

**Mr. Fitzgerald Hinds** (*Laventille East/Morvant*): Thank you very kindly, Mr. Speaker, for recognizing me. I agree with the Attorney General that this is a rather short Bill and the design is to make the criminal justice system more efficient. The Attorney General pointed out that the matters affected by these provisions would be confined to indictable matters.

I recall recently there were some serious criminal activities, a series of murder trials involving a well-known gang at Chaguaramas and they were not necessarily treated as drug cases—it was a murder—nor were they treated as gun cases, *per se*. Again, it was a murder, the use of firearms was not seen in that particular light. This is one of the problems that I had as I listened to the Attorney General. When do you decide that it is a drug matter or it is a gun case? In that particular case, the country understands that much of the activity behind the scenes had to do with drugs, but what went to the court was the murder trial. Guns were used, but we focussed on the murder. I would like to ask the Attorney General if he would be able to demonstrate to us what kinds of matters would we consider gun matters in that sense. I give way.

**Mr. Maharaj**: Any firearm case at the present time. There is power that if you have a murder case there is a formulation for an order to be made that can go to Chaguaramas. This Bill has nothing to do with murder. But any possession of firearm matter or any drug case, the Director of Public Prosecutions would have the power to transfer it to Chaguaramas; that is what this Bill is about. He would have that discretionary power to transfer it to Chaguaramas. So it is not a murder which has guns involved in it. At the present time, any murder case, because of the reforms which have already been done by the orders and the Chief Justice signing it *et cetera*, can, in effect, go to Chaguaramas. But this Bill deals specifically with firearm cases and drug cases. Instead of setting up a drug court, with the difficulties that we talked about, this is going to give that discretion to the Director of Public Prosecutions, which he can exercise, to transfer any case and, obviously, the importance of this would be that it be done on an incremental basis and ultimately the court can become a specialized court.

**Mr. F. Hinds**: All right. I take the point the Attorney General has made.

Mr. Speaker, I cannot resist a few words on matters that I considered very important. Because while we seek to make the criminal justice system more efficient in that sense, I cannot help but escape the reality that as the Member of

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Parliament for a community, as we all have jurisdiction over as Members of Parliament, there are thousands and thousands of young people across this country, and what we have been observing is the age cohort for the offenders in these kinds of matters seem to be declining by the day.

Only this morning I had the opportunity to speak to three little boys—I call them little boys—probably 17 or 18 years old, small in stature, and they are before the court in a murder trial. As I looked around in the course of my activity as a professional, I have observed that over the last four years no one can doubt the Attorney General has brought before this Parliament various measures affecting the criminal jurisdiction. No one would doubt that in many ways he has made the escape route a lot more difficult, to put it in the metaphor, if the net that caught the fishes in the stream was six inches by six inches wide, he has made it now two inches by two inches, so that fewer shall escape. He has done that. The question is: to what extent are we really dealing with crime in Trinidad and Tobago?

This measure gives the Director of Public Prosecutions the discretion to send certain matters to Chaguaramas. I can immediately see, because when we made Chaguaramas a High Court for the purposes of the matters that I referred to earlier, that was done because of the special need for security in that particular case. Notwithstanding the Attorney General's assurance that one day Chaguaramas might become a specialized court where all drug matters and all gun or firearm offences would be, if you have a matter, for example, arising in the Princes Town or Couva Magistrates' Courts where some homemade shot gun was found in the possession of someone, I rather suspect that the Director of Public Prosecutions may not easily decide to send that to Chaguaramas. If a young man was found with two rocks—as they call it in the drug world—of cocaine, I do not see the Director of Public Prosecutions sending that kind of matter down to Chaguaramas.

So one envisages a situation where, if you have a case that requires special kinds of security, or the quantum of drugs is really significant, in those cases you could see the Director of Public Prosecutions channeling all to Chaguaramas. That Chaguaramas Court, notwithstanding the power that the Parliament imbued the Chief Justice with to cause it to be a High Court in circumstances, it is effectively a magistrates' court. The Attorney General probably does not know, but it is grossly underutilized at the moment. Hopefully, this development could cause that court, not in its magisterial jurisdiction, but in its jurisdiction as a gun or drug court, to become more seriously utilized. That court, and I want the Attorney General to note, sits almost idly on a daily basis as it now stands.

Mr. Speaker, I was speaking about young persons and crime. I want the Attorney General to take note of this. While he does all that he has done in respect of the criminal justice system, I submit that precious little has been done to discourage the kinds of activity that he is seeking to guard against in the final analysis.

Mr. Speaker, the reality in Trinidad and Tobago is partly this: the magistrates across the country—and the Attorney General is aware, but I want to take this opportunity to remind him—at the moment, are a very dissatisfied and disgruntled bunch of professionals, very much so. The Attorney General is aware that only recently they sought to meet with the President to have their legal concerns ventilated. They will play a very important role in any matter that will be tried eventually at Chaguaramas, by way of preliminary enquiry before it gets to the indictable stage. I want to ask the Attorney General—as I wind up, because there is not much else to be said—to take note of the fact that there is a serious crisis in the magistracy. It exists. One could not deny that. They have serious concerns about the conditions under which they work.

Day before yesterday, for an example, I sat in the Port of Spain Magistrate's Court for a long time, I had a number of matters before the particular magistrate and she sat from 9.00 a.m. until about 2.30 p.m. without a break. She had a list of about 140 matters and I felt some sympathy for the goodly lady and I wondered to myself: how could she properly administer the court under those circumstances? I felt very tired in my own mind and bored about the whole thing.

So, I know that we have just renovated and improved the conditions of a new building for magistrates here at St. Vincent and Knox Streets, but the reality is that to date it has not been furnished and, therefore, the magistrates, practitioners, and the public at large cannot enjoy the benefits of it. I would like the Attorney General to give serious attention to that. I know it has to do with resources, it has to do with money, but that is not short with the Government. The economy is better; the Government claims that. I hope that matter would be rectified very soon. I want to tell the Attorney General, because I suspect that being in Government has a way of causing some people to lose touch with the reality in our society—I want to draw the Attorney General's attention to a matter that I witnessed some time ago. I cannot, of course, say where, but it was in Port of Spain. I went to visit someone and I was invited to look over the balcony at the back of public buildings and observe the goings-on. To see two or three vagrants around Port of Spain is a sight in itself, Mr. Speaker, but to see 40 or 50 of them together is another experience. I was shocked. The location of which I speak

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could not be more than about 300 yards from a police station. I am aware that the police would, from time to time, conduct raids in that particular area, but no sooner would the police go away the situation develops yet again.

I observed something. I learned what I just told you about the police, because I took the time to bring it to the police's attention. I observed scores of those vagrants, people who are afflicted by the scourge of drug use, creeping in, some literally limping, one by one, and I observed the way the business was being conducted. It startled me. The dealer stands some distance away—he is never found in possession of the drug, so even if the police come they will hardly ever find him in possession of drugs—he lines up the stuff on a wall, Mr. Attorney General, and from time to time the individuals would go to someone to whom they will hand the money and they will be directed to the wall about 30 yards away where they would go and take what they paid for. It was a real dehumanizing experience to see, not only the illegality of it, but also the whole experience, and to know that it exists in my country startled me somewhat. This is going on, on a daily basis. I suspect if we went there now, the situation is taking place. I do not know if we are really making any serious impact on the use of drugs in this country. I do not know if we are doing it; but we must aspire, because as far as guns are concerned, they are a dime a dozen, as it appears in this country.

**6.50 p.m.**

Mr. Speaker, while we make the criminal justice system more efficient, while we create another judicial establishment in Chaguaramas, I would like to see more serious effort exerted to dealing with the problem at an earlier stage. I am of the view, and from my observation in the ghettos, in the highways and byways in this country that not much is being accomplished in that regard.

Cocaine could still, for example, be had at \$3.00 for one piece or a rock, as they call it. It means that they are still very, very accessible at those prices, and the people to whom I spoke, who are involved—I mean, you talk to some of the vagrants—tell you it has never been in short supply. Trinidad and Tobago is facing a crisis with this, and like many other countries in the world, guns are very easily available.

Only today, I was telling the Member for San Fernando East, my political Leader, of an experience that I had, again—I will tell the hon. Members on the other side—where a young man came running to the house that he saw me enter

in Laventille some time ago, in a panic, but by the time I went down the road the individual of whom he spoke had already left. A young man came at the street corner with two, I am told—I did not see them, he had already left—brand new weapons—guns, 9 mm firearms and he was asking the guys on the block—just like that, as if possessed by the devil—whether they had anybody for him to shoot. This is the reality in our country. They were brushing him away because he was a dangerous young fellow. I was told that he shot somebody before.

A gentleman came around the corner, oblivious of what was happening, and then he started to prod them, asking if they knew the fellow who was passing and whether he ever did any of them on the block anything. Again, they brushed him away. When questioned about this apparent sickness, he then explained, in his language, that the guns were hungry, they had not eaten, so he just wanted to make use of them.

I bring this to the attention of Parliament so that we would all understand what we are dealing with here as we pass legislation. Mr. Speaker, legislation is no fun, you know. This is not about words put in a statute book, we are trying to relieve a serious social situation as it exists in Trinidad and Tobago. Mr. Speaker, I bring these issues to the Attorney General's attention, as he contemplates more ways of making the criminal justice system more efficient, but for these particular purposes we support the measure on this side, and with those few words, I thank you.

**The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence-Maharaj):** Mr. Speaker, I share the concerns of the hon. Member for Laventille East, in that these measures, really, cannot totally prevent drug use and the ill effects which come from drug use. As a matter of fact, over the last few years being in Government, I have seen, to a great extent, the great damage which illegal drugs have done to our society and I have had the privilege also of seeing what they have done and are doing to other societies. It is not an easy problem with which any country in the world has to grapple. Passing laws, really, is to assist in setting up additional legal infrastructure to try to interdict, prosecute and send signals to society—punish the wrong-doer, confiscate assets and so forth.

But a lot must be done in prevention, which, as we know, means educating; it means going to the schools; it means promoting moral and spiritual values and working with the community. The Government has been trying to do that. Again, people are not born drug addicts. This is something, because of circumstances, they become part of and a Government has to try to, in one way, send the signal,

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prosecute, interdict, imprison, but in another way, try to be as humane as possible in the punishment.

One of the things which the Government is considering, even in respect of what would ultimately be this drug and firearm's court, is to go the route which the United States has gone and which other countries of the world are going, in relation to having courts which would also monitor rehabilitation. As a matter of fact, in the United States some years ago, there were drug courts which had to monitor rehabilitation, so that if the magistrate sent a drug person—a person who is involved in trafficking—for seven years imprisonment, during that period of time the prison, administratively, can find out who are the persons involved in rehabilitation. There have been reports which go to the court on a regular basis and the person turns out to be a rehabilitative person.

As a matter of fact, presently, in America, there is a National Drug Court Control Programme which has found that the drug court concept has done a lot in America to rehabilitate persons on drugs. As a matter of fact, the European Union has taken it as a measure in which they are trying to get the countries of that part of the world to go along that route, and some of the countries of Europe have started already. Quite recently, at the Caribbean level, this concept was explained and it is intended in a short space of time, to have an expert come to Trinidad and Tobago to look at this and see what sort of infrastructure would be necessary to implement this.

It is correct that we cannot solve these problems overnight. It is also correct that law alone cannot solve them, but we must also remember that one needs a strong legal infrastructure if one has to deal with a problem like this and it cannot be doubted that firearm offences are serious offences—there are a number of serious offences which flow from illegal drugs.

With respect to the vagrancy problem, may I just say that Members of Parliament would see that we have laid three Bills in Parliament that are going to be part and parcel of a package of family law legislation which includes the problem of vagrancy. The last administration had been trying to wrestle with this particular problem of children and the family. One needs to reform that legal infrastructure; although it was recognized that laws were passed in 1930, 1940 and some laws in 1800 and sometimes there had been no reforms. However, we put in place a committee and they have been able to come up—and we drafted seven or eight pieces of legislation which are going to be introduced to reform the entire family law system in Trinidad and Tobago, which includes dealing with the



problem of vagrancy. That should be introduced within the next two weeks in the Parliament.

**7.00 p.m.**

Mr. Speaker, regarding the question of the courts, I would agree and I do not think that anyone can doubt the fact, that magistrates in this country perform most of the judicial work because 90 per cent of the cases in the Courts are determined by magistrates. But as you know, we have a system. The system is in respect of terms of conditions, how they are dealt with, but in respect of conditions of the courts, it also cannot be doubted that over the last three or four years much has been done to refurbish the Magistrates' Courts and to improve the conditions.

In respect of the Port of Spain Magistrates' Court, I can say without any fair of contradiction, that place is unfit to be a court; NIPDEC House is unfit to be a Magistrate Court. When it was conceived for that place to be a court it was supposed to be a temporary measure. I recently went to NIPDEC House and the conditions there are not suitable for a court. Apart from security for the prisoner, the conditions for magistrates, lawyers and witnesses, no way, and that is why, a few years ago, we decided to refurbish the Port of Spain Magistrates' Court. The Court is finished but the only problem now is that it is felt by the Judiciary that unless the clerical staff has new furniture there would not be motivation.

The position is, when the Hall of Justice was built there was refurbished furniture, usable furniture. If they could have been used, they were used. When the Hall of Justice in San Fernando was opened, if there was serviceable furniture they were used. In this refurbished building there is new furniture for the magistrates and the magistrates' staff, for the court itself. In respect of the clerical staff, we have serviceable furniture, which can be taken and put in the building, but the position being adopted is that the Government must provide new furniture otherwise the staff would not have the motivation. All I can say is that the Ministry of the Attorney General has attempted and has made certain offers and it is hoped that the problem would be solved shortly.

**Mr. Hinds:** Thank you very kindly for giving way. Mr. Speaker, I sense the co-operative spirit of the Attorney General so I want to ask him: in respect of the salaries for the magistrates, is the Attorney General able to tell us what about the Salaries Review Commission (SRC) report and how it would affect them? Secondly, is the Attorney General willing to tell us today, because the practitioners too are concerned, [*Interruption*]—just now, I am speaking—when

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can we expect the \$9 million package with the legal aid department? While we are at it, if you can tell us something, we will be very happy.

**Hon. R. L. Maharaj:** Mr. Speaker, in respect of the magistrate package, the Salaries Review Commission could not have considered new terms and conditions for magistrates unless the Cabinet had decided to refer the matter to them. This Cabinet did that and the package, which the magistrates got from the SRC, from what you read in the newspapers, they seemed to be a bit unhappy with it. That is the position. All I can say is that if representations are made to me by the magistrates or the Judiciary, I will look at it again and see whether I can take it back to Cabinet for a further referral. There has been no such representation made to me, so that is the position.

With respect to the legal aid matter, it is being looked into and in a week or two we will be able to tell you something about it. In respect of the matters, which you have raised, I hope I have been able to give you some responses.

Mr. Speaker, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

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

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

*House resumed.*

*Bill reported, read the third time and passed.*

#### **LIMITATION OF CERTAIN ACTIONS (AMDT.) BILL**

*Order for second reading read.*

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

That a Bill to amend the Limitation of Certain Actions Act, 1997 be now read a second time.

Mr. Speaker, this is also another short Bill, but when there was the debate on the Limitation of Certain Actions Act in 1997, the question was asked in this House about what the Government was going to do with respect to limitation in

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respect of workmen compensation matters. The House was informed that there was going to be an Industrial Injury and Disability Compensation Bill, which would have dealt with that and other problems affecting workers.

The policy in that matter is still being worked out and it was thought that we should bring this Bill in order to relieve the suffering, which is caused in workmen's compensation matters. The statutory time in making a claim in a workmen's compensation matter, at the present time, is six months and there is a one year limitation if you want to file a common law action for negligence in addition to workmen's compensation. What this Bill does is to remove that six months and put it to one year, as is done in some other countries, although in the Caricom countries you still have six months, and to remove the one year and put it to four years, in accordance with the law. That is basically what this Bill does.

I beg to move.

*Question proposed.*

**Mr. Fitzgerald Hinds** (*Laventille East/Morvant*): Thank you, Mr. Speaker, we consider this to be a very progressive development and we support it wholeheartedly on this side. [*Desk thumping*]

**Hon Member:** That is the best contribution you have ever made.

**Hon. R. L. Maharaj:** Mr. Speaker, that is the shortest speech the hon. Member for Laventille East/Morvant has made, of all times. I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

*Clauses 1 to 4 ordered to stand part of the Bill.*

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

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

**ADJOURNMENT**

*Adjournment*

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**The Attorney General (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, I beg to move that this House do now adjourn to Friday 26, November, 1999, at 1.30 p.m. What has occurred is that although we had planned to sit for two days next week and two days in the following week in addition to the Friday, we have done so much work in the time that we were able to complete what we had set out to do. Friday is Private Members' Day and I am told that the Opposition would be doing Motion No. 2 on the desalination plant. [*Crosstalk*]

**Mr. Speaker:** Hon. Members, before we deal with the Motion on the adjournment, there is a matter, which is to be raised by the Member for Tunapuna, "the deplorable conditions that exist at the Tunapuna Police Station."

**7.15 p.m.**

**Tunapuna Police Station  
(Deplorable Conditions)**

**Mr. Edward Hart (Tunapuna):** Mr. Speaker, I raise this matter, the deplorable conditions that exist at the Tunapuna Police Station because of what I have heard and seen at that station.

The officers are working under very hazardous, unhealthy, unsatisfactory conditions. For the past two years, they have been making numerous requests and complaints to the Ministry of Works and Transport, the Tunapuna/Piarco Regional Corporation, and the URP and apparently these police officers are bouncing their heads against a brick wall because nothing is happening there, and the conditions are certainly deteriorating—and we all know the importance of the police service.

Mr. Speaker, at the station the condition of the cells are very unsanitary. On entering the station, there is a stench emanating and the cells are located in the precincts of the charge room itself. Many days it is not uncommon to see human filth on the floor. [*Interruption*] It is a fact, I have seen that on more than one occasion and this is the condition under which these officers have to operate. Sometimes the stench is unbearable.

Mr. Speaker there is a pigeon-infested ceiling. When you look up at the ceiling you can see the sky, pigeons flying all over the place. Then there is an abundance of mosquitoes, so that these policemen cannot sleep in the building anymore.

**Hon. Member:** Sleep! They working.

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**Mr. E. Hart:** I am talking about the policemen who are off duty. They have a dormitory, they are human beings also and they are over-worked. This is not a laughing matter Member for Oropouche. They are in an improper working environment, the officers are very demotivated. There are poor toilet facilities and out of the three toilets they have, only one is working right now. There is the oppressive heat in the charge room. There are no fans provided, not even a single water cooler for these police officers.

Mr. Speaker, there is inadequate manpower, and they are grossly understaffed. There is lack of mobility. When they introduced the Cherokee jeeps there was a big song and dance, I think 15 vehicles were assigned to the Northern Division. There are only two working. They have been fortunate in one way, when a friend loaned them an old Sunny motorcar. It hurts my heart to see this car ambling to the scene of crimes with windows that cannot go up and this sort of thing. This is the vehicle they have to use.

Two Wednesday nights ago, a gentleman was supposed to pick me up at 7.15 p.m. to go to a cottage meeting at Wharf Trace and while waiting for him at my constituency office, I received a frantic call from a lady stating that Mr. Cecil Boyce had just been held up by three gunmen and they are holding him at gunpoint at Watts Street in Curepe. I rushed to the scene and I took Cecil to the St. Joseph Police Station and while he was making the report, two young gentlemen came into the station to lodge a report that they were just robbed and it was the same motor car they took from Mr. Boyce.

Although they called the E999 people, they were still able to proceed to Paradise Heights in Tacarigua and deprived a lady of a white motor car. They found that car the next morning at Rose Hill after they had completed their robberies.

Mr. Speaker, I tried to get some statistics of the crime rate in Tunapuna from January to the present time which are accurate. There were 523 serious crimes reported and, with your permission, I would break it down.

Larceny	90
House breaking	144
Rapes	9
Robbery	164
Suicide	5
Murders	2

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Shooting with intent	22
Possession of firearms	12
Drug trafficking	26
Wounding	20
Others	29

Then there were 416 minor crimes reported and, of course, there are unreported crimes.

When people in Tunapuna call the police station, the police have no choice but to tell them they will come, but they are handicapped because they have no transport so obviously the solving rate is hindered badly.

They are speaking about putting computers in the station, but I am afraid the condition is terrible. Right now, we in Tunapuna are poised for Borough status and a beautiful administration building has just been completed and it is an eyesore to see the police station which is a stone's throw from the administrative complex. The walls are not painted and there are broken down fences.

I am making a plea tonight on behalf of the officers of the Tunapuna Police Station to see if you could alleviate, if not all, but most of the problems immediately. The crime rate, despite the statistics we have presented in this House from time to time—most times by the Attorney General and not the Minister of National Security—I am not convinced that these statistics are correct.

There is an air of uneasiness in Tunapuna. Not so long ago they went up the hill and kicked down the doors of the Briggs family, held them under siege claiming they are policemen and this has been a prevalent thing. Last week Wednesday, a 20-year-old dropped out by the Tacarigua EC School and she was dragged into a drain and raped. There were two murders in the savannah. There was an unfortunate death when a youngster took a station wagon and knocked down Mrs. Paul killing her. She did not deserve to die that way and up to now I do not think the culprit has been apprehended.

Mr. Speaker, I am calling on the powers that be to try to pay some attention to what is happening at Tunapuna because it is possible that these policemen could take to the streets and we do not want that to happen. They might have to camp outside. It happened in San Fernando already. They are patient, they are trying, they are appealing, hence my reason for coming here tonight with this Motion. I

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now await a reply from, I guess probably the Attorney General, because I am not seeing the Minister of National Security.

Thank you, very much, and I expect to see some speedy action.

**The Attorney General & Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj):** Mr. Speaker, when this Government took office, it recognized that the police service was done a great disservice by having very deplorable conditions for police to occupy, and the problems of the police stations did not come overnight. *[Interruption]*

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

**Hon. R. L. Maharaj:** The record would show how many police stations have been built since this administration took office, and how many have been refurbished. *[Interruption]*

**Mr. Speaker:** The purpose of this mechanism to elicit a response is intended for people to hear what the facts are. We must come of age with respect to this question of interruption. I am appealing to very seasoned and experienced long-standing Members.

**Hon. R. L. Maharaj:** Mr. Speaker, the police station is situated in the constituency of St. Augustine and it services surrounding areas including the constituencies of St. Augustine and Tunapuna. This honourable House is advised that the Government is keenly aware of the need to upgrade the physical facilities at the Tunapuna Police Station. We intend to address the matter very soon in the context of the overall plan devised to construct, reconstruct and refurbish police stations and police posts throughout the country and also the proposed maintenance programme being formulated for all police buildings.

The intensive programme to ensure proper accommodation for police officers has been on-going for the past three years. In addition, the Minister of National Security at this time is taking steps to establish a building maintenance unit dedicated to the care and maintenance of buildings and fixing equipment in the police service. This will ensure that buildings are continually maintained at an acceptable level.

Mr. Speaker, the new unit will be headed by a professionally trained facilities manager who will be responsible for schedule and other maintenance of all buildings under the police service. The approval of Cabinet has already been sought to employ this manager.

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The unit will oversee the services to be provided by the firms contracted to perform maintenance services and other services for the increasing number of police stations. In addition, skilled workers comprising a core of plumbers, welders, electricians, masons and carpenters, many of whom are currently employed as Special Reserve Police in the police service would play an integral role in servicing the unit especially in the smaller stations and police posts.

Mr. Speaker, the Ministry of National Security envisages a programme for maintenance of police facilities to work in tandem with its development programme to prevent the building stock from deteriorating over a 20—40-year period. In this way, savings would be expected in the long term as a large number of buildings will no longer have to be replaced over the period.

The thrust of this initiative is threefold as follows:

- a. continued programme of replacement, reconstruction of police stations;
- b. repair and refurbish other police stations after assessing their economic feasibility;
- c. provide adequate maintenance of police stations via contracted firms and the police artisan corp.

Mr. Speaker, the facility manager will co-ordinate and manage the contracted maintenance firms as well as the police artisan corp that will undertake minor maintenance works.

Implementation of Phase I—the Ministry of National Security will implement the maintenance programme for the police service in two phases to cater for the stock of dilapidated buildings yet to be reconstructed under its capital programme as follows:

- a. Phase I—engagement of contracted maintenance firms to provide services for selected police stations.
- b. Phase II—inclusion of all police stations in the maintenance programme.

Funding of \$1.1 million has already been provided in the recurrent estimates for the fiscal year 1999—2000 under repairs to police stations and facilities. This will be utilized to commence the programme, whilst additional funds will be sought from the Ministry of Finance to continue this cost effective maintenance schedule.

Mr. Speaker, the Ministry of National Security has already approached various firms to provide proposals for the maintenance of the facilities in Phase I



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including Tunapuna Police Station. The compound of the Tunapuna Police Station houses three buildings: the main station, the CID and the women's police unit. Two of the buildings are of concrete construction while the other utilizes timber materials. The main building of concrete structure consists of two levels as follows: the ground floor with a reinforced concrete finish 6"x 6" non-skid tiles; the upper floor which is serviced by two access stairs constructed of concrete; the walls are rendered block work with sash windows and patterned doors and the roof consists of wooden rafters covered with galvanized iron roof sheeting.

The three buildings within the compound are more than 50 years old and require major refurbishment to upgrade them to the present day needs of the station. The main building is deficient in the following ways: the plumbing system is faulty with leaking toilets and taps; a major refurbishment is required for the toilets and bathrooms; the electrical system requires rewiring with replacement of fixtures; floorboards in some offices are rotted and require replacements due to termite infestation; the roof leaks in many places and replacement of the roofing sheets is required; leaking through some walls also occurs via faulty vent blocks; the cupboards are dilapidated and require replacement; windows require replacement; the cell area requires refurbishment; the annexes housing the CID and the Women's police unit require general refurbishment; generally, expansion of the facility is required to accommodate the many services required of this station.

**7.30 p.m.**

Proposal for improvements in the 1999—2000 fiscal year. In the medium term, the Tunapuna Police Station will be refurbished and expanded. The first phase of this project will include refurbishment works to the buildings on site to address the deficiencies described above. This will be followed by the construction of a two-story building. By adopting this approach, we hope to minimize disruption to the operations of the station and also to curtail the overall cost of the project.

Mr. Speaker, an example of this procedure occurred with the refurbishment of the San Juan Police Station where an annex was constructed and major works were undertaken on the main building. These works included replacement of the timber floor with concrete; the demolition of some partition walls; replacement of doors and windows and refurbishment of the plumbing and electrical systems.

Mr. Speaker, other stations earmarked for reconstruction using this method are the Central Police Station, the Siparia Divisional Headquarters and the Caroni Police Station. It should be noted, that in the context of the plans for the 1999—

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2000 fiscal year, a decision has been taken to review the list of stations earmarked for reconstruction, with a view to undertaking major refurbishment work to upgrade selected ones and, thereby, alleviate the deplorable conditions under which police officers are required to work. This decision has been taken in consultation with the police service, which provides direct inputs into which stations will be targeted.

Mr. Speaker, in respect of the Tunapuna Police Station, the following refurbishment works will be undertaken in the 1999—2000 fiscal year, commencing in December, 1999. Refurbishment of the plumbing; replacement of the roof sheeting; electrical upgrade; replacement of the windows; replacement of the timber flooring and replacement of the cupboards.

Mr. Speaker, designs will also be prepared for the Tunapuna Police Station extension in the fiscal year 1999—2000, so that when additional funds become available, these major works will be completed to increase the office space needed for the efficient operation of the station. This procedure will enable the works to be completed in two phases with the least disruption in the station's activities—a very important consideration in the light of the fact that this station provides important services to the Tunapuna Magistrates' Court.

Proposed expansion of the Tunapuna Police Station. The police service and its planning and development unit has investigated the needs of this densely populated area, in light of the existing facilities at the police station. It was established that expansion will be required and, thus, the station has been included for refurbishment and reconstruction within the Ministry's programme for upgrading all police stations throughout Trinidad and Tobago.

Mr. Speaker, as already pointed out, the project will be completed in two phases as follows:

- (a) Phase I, refurbishment of the existing buildings;
- (b) Phase II, construction of a two-story block attached to the main building.

The estimated construction cost of the proposed two-story block at Phase II is, \$4.5 million, inclusive of furniture and fittings. Activities for Phase II completed to date. The following activities have been completed to date: implementation plan and project time-frame duration decided; user brief completed. Phase II would be completed in the fiscal year 2000—2001.

Mr. Speaker, in conclusion, the Ministry of National Security intends to pursue the programme of maintenance of its police facilities by the methods mentioned above. This programme will be eventually extended to all other

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divisions of the Ministry of National Security, so that our objectives of providing safe and adequate accommodation for all personnel to carry out their work efficiently and effectively, will be met.

Mr. Speaker, thank you very much.*[Desk thumping]*

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 7.37 p.m.*