HOUSE OF REPRESENTATIVES

Friday, July 21, 2000

The House met at 1.32 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LATE START OF SITTING

Mr. Speaker: Hon. Members, and also for the strangers in the House, I simply want to indicate that we have not got down to business, not because we do not feel like doing any work, but because we do not have a quorum. Believe it or not, in the Parliament, we do not yet have a quorum, so that the business of the House could hardly start.

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that apart from those Members who have already got leave of absence, I have received communication from the Member for San Fernando East who has asked to be excused from today's sitting. The leave of absence which he seeks is granted.

PAPERS LAID

1. Report of the Auditor General on the accounts of the San Fernando City Corporation for the year ended December 31, 1994. *[The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)]*

2. Report of the Auditor General on the accounts of the San Fernando City Corporation for the year ended December 31, 1995. *(Hon. R. L. Maharaj)*

3. Report of the Auditor General on the accounts of the San Fernando City Corporation for the year ended December 31, 1996. *(Hon. R. L. Maharaj)*

4. Report of the Auditor General on the accounts of the Eastern Regional Health Authority for the period December 19, 1994 to December 31, 1995. *(Hon. R. L. Maharaj)*

5. Report of the Auditor General on the audit of transactions pertaining to the Project for Restructuring the System of Managing Social Services in Trinidad and Tobago for the year ended December 31, 1998. *(Hon. R. L. Maharaj)*

6. Report of the Auditor General on the audit of transactions pertaining to the Project for Restructuring the System of Managing Social Services in Trinidad and Tobago for the year ended December 31, 1999. *(Hon. R. L. Maharaj)*

7. Report of the Auditor General on the audit of transactions pertaining to the Project for Restructuring the Management of Social Services and Community Empowerment in Trinidad and Tobago for the year ended December 31, 1998. *(Hon. R. L. Maharaj)*

8. Report of the Auditor General on the Accounts of the Project for a National Biodiversity Strategy Action Plan and Report to the CBD as per Agreement TRI/97/G31/A/IG/99 between the United Nations Development Programme and the Government of Trinidad and Tobago for the year ended December 31, 1999. *(Hon. R. L. Maharaj)*

9. Report of the Auditor General on the Accounts of the Project for enabling Trinidad and Tobago to prepare its first National Communication in response to its commitments to the United Nations Framework Convention on Climate Change per Agreement TRI/98/G81/A/GI/99 between the United Nations Development Programme and the Government of Trinidad and Tobago for the year ended December 31, 1999. *(Hon. R. L. Maharaj)*

10. Trinidad and Tobago Racing Authority Administration Report for the period August 01, 1989 to July 31, 1990. *(Hon. R. L. Maharaj)*

11. Trinidad and Tobago Racing Authority Administration Report for the period August 01, 1990 to July 31, 1991. *(Hon. R. L. Maharaj)*

12. Trinidad and Tobago Racing Authority Administration Report for the period August 01, 1991 to July 31, 1992. *(Hon. R. L. Maharaj)*

13. Trinidad and Tobago Racing Authority Administration Report for the period August 01, 1992 to July 31, 1993. *(Hon. R. L. Maharaj)*

14. Trinidad and Tobago Racing Authority Administration Report for the period August 01, 1993 to July 31, 1994. *(Hon. R. L. Maharaj)*

Reports 1 to 14 to be referred to the Public Accounts Committee.

JUDICIAL REVIEW 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 provide for an application to the High Court of the Supreme Court of Judicature for relief by way of judicial review and for related matters, be now read a second time.

Mr. Speaker, the Bill before the House is really to fill a lacuna in the law by which we have to give statutory effect to what has been the modern development of judicial review. As we all know, judicial review is an important part of the laws of Trinidad and Tobago and the laws of any country which is committed to democracy. Judicial review deals with the field of law known as administrative law. Administrative law is the part of the legal framework which gives to citizens and individuals the right to ensure that governmental action and those who exercise public power, fall within the confines of the law.

Mr. Speaker, the old judicial review law has been that persons could have applied to the court for the review of governmental action and the action of public authorities, but it was very restrictive. In the law, as we inherited it from the United Kingdom, one had to show that there was an error of the decision on the face of the record. Those of us who are lawyers would know how difficult that has been and many people were turned away from the seat of justice. What happened over the years is that the law developed in order to expand it more and more, so that the courts found ways and means to allow citizens, who challenged the actions of public authorities, to be able to scrutinize the action of the public authority. Bear in mind that the courts have recognized that the court's judicial review must not substitute its decision on policy matters for that of a government or the public authority.

Judicial review has developed to the extent that it is really concerned with the decision-making process; that is to ensure that the person who is entitled to have the benefit of that decision has a decision that is based on law, is within the confines of the law, is reasonable and is made fairly in accordance with the rules of natural justice.

Mr. Speaker, this development of the law which occurred in 1977 in the United Kingdom was done by merely amending the rules of court in the United Kingdom. It was found, thereafter, that that may have been the wrong process,

and the courts in the United Kingdom held that that could not have been done without the statutory effect. Therefore, what happened in 1981 in the United Kingdom was that a law was passed in Parliament to amend the Supreme Court Act in order to make it specific that the courts had the power to grant judicial review on the basis of illegality, on the basis of procedural impropriety, and on the basis of unreasonableness, as the law has developed.

In Trinidad and Tobago, as we have done in several areas of the law, when the reforms occurred in the United Kingdom with the amendment of the rules, the rules of court in Trinidad and Tobago were also amended, and then questions arose in Trinidad and Tobago as to whether they could have done that without statutory effect. The Law Commission advised the then government that it had to come with a law, and the law was drafted, but the law never came to Parliament. When we took office in 1995, we decided to ask the Law Commission to look at it again and that is how we have come with this particular law.

What has happened with the decisions of the courts in Trinidad and Tobago, is that there are some decisions which have held that, for example, although in judicial review the rules have stated that you can get damages, the courts have held that the courts cannot award damages for judicial review because the Parliament has not sanctioned it, and there are other decisions which say that you can do it. We have done what the Commonwealth has been doing in this area of the law, to come with primary legislation in order to make it clear that the courts have the power to review governmental action in the modern trend of the development of judicial review. This would, therefore, mean that many of the principles which have been decided as part of the law of judicial review, are now contained in this law and we are making it quite clear that the court can award damages where a public authority contravenes the law, as far as judicial review is concerned.

Mr. Speaker, I know it is sometimes difficult for laypeople to understand laws, but I think that laws are not difficult to understand. In piloting this Bill, I want to be able to say that we must make a distinction between what is judicial review of administrative action and what is a constitutional motion. Hon. Members of this House would recall that when the Constitution of 1962 was passed, the people of Trinidad and Tobago got a new remedy in terms of public law, and that is that they would be entitled to file a motion before the court to get redress for any infringement of a fundamental right guaranteed in the Constitution, and that application to a High Court could go to the Court of Appeal and to the Privy Council.

For example, if the media in Trinidad and Tobago or any section of the media believe that the Government is infringing on its right to freedom of the press, the media can file an action under the Constitution, and they can allege that there is a violation of that freedom. That is a constitutional motion, and they would have to show that a fundamental right is infringed.

Judicial review is part of public law. In public law you have constitutional motions and you have judicial review, but judicial review is a bit different from a constitutional motion. Judicial review is where public authorities—let us say, for example, either a statutory authority or a government minister—has to make a certain decision and he or she, in the case of the minister or the statutory authority, is given a discretion in order to make this particular decision. The administrative law and judicial review would be the medium whereby a person who believes that the minister or the statutory authority did not act within the confines of the law, or did not make that decision fairly, or made an unreasonable decision can apply to the court for judicial review of that administrative action.

The court would then have to grant leave to the person to apply for judicial review, and if the court grants leave and when the application is heard the court finds that whether it is a statutory authority or the minister did not act fairly, he did not act within the confines of the law or he did not act reasonably, the court would grant a declaration to say that the action was unlawful or the court would have the power to grant an injunction. Under this Bill the court would now have the power to grant damages.

1.45 p.m.

So that almost in everyday life, government and public authorities' actions impact upon individuals and it is the administrative law which is the branch of law people use to seek redress most of the time.

Mr. Speaker, having said that, I also want to say—because I have a duty to say it—that this Bill does not only state in general terms what the existing law of judicial review is. It has taken the law of judicial review in a new direction which is under the existing law of judicial review. In order for one to get redress, one has to show that a decision adversely affects the individual who is filing the claim. This Bill goes further in that it has to do with *locus standi* as the hon. Prime Minister has reminded me. So in order for the person to get judicial review of administrative action, the person has to show that he or she is affected, and in order to have the *locus standi*, the standing in law in order to file that action to get redress, he or she must show that he or she is adversely affected by that particular decision.

What we are doing here is going further. We are in effect, granting persons greater access to the courts and introducing in this Bill something known as public interest litigation. That is a field of judicial review where a person may be affected by a wrong done, but the person does not have the will power, money or inclination to go forward to file action, and it gives power to persons in the community who would like to take up the matter—because it is regarded as a public wrong—and vindicate the action in the court.

Now, *locus standi* has been extended, not only to the person who has been adversely affected, but if the wrong is a wrong done and it is considered to be a public wrong, members of the community, non-governmental organizations and groups in the society can therefore decide to approach the court. It is not what you call a normal representative action where you have to get the consent of the individual. It is considered to be a wrong, and the wrong to that individual is a wrong to the community and those groups of people would approach the court in order to vindicate the wrong. There are safeguards in the Bill as there are in other pieces of legislation to ensure that mere busybodies and people with no genuine interest do not waste time in the court.

Mr. Speaker, you would recall that quite recently there was a very distinguished visitor to Trinidad and Tobago, a previous Chief Justice of India, Chief Justice Bhagwati and he introduced the concept of public interest litigation in India and he gave an example which I would repeat.

As a judge, he was faced with the situation where people were petitioning the court. They had no legal documents, they were merely writing letters. One of the matters which he talked about was a hostel for ladies where they were very badly treated, they were treated in an inhumane way, conditions were very bad and representations to the government and state bodies failed, nobody was taking any action and he was getting these letters as a judge of the Supreme Court.

He decided to dispense with any legal requirement to have to file a normal motion and he used the letters to call in the persons involved and appointed a committee to look at what was happening and report to the court. When he got the report, he gave it to the lawyers on all the sides and asked them to make submissions on it, they could call evidence and so forth, then he granted relief on the basis of persons in the community making representation to the court by a letter. That developed into public interest litigation and it has been found in India that public interest litigation has redressed many social ills.

Mr. Speaker, that kind of litigation was very innovative and it attracted a lot of attention worldwide. In the United States of America, the lawyers and the legal profession decided that they were going to test the law there and public interest litigation has developed in certain states of the United States of America. Then it started to spread to Australia, South Africa and there are several countries that have introduced public interest litigation and the basis of it is that an additional machinery was created in which persons against whom an injustice was committed can either approach the court to have it corrected, or if they cannot approach the court, and it is a wrong which affects the community—because as Martin Luther King said, an injustice to one is an injustice to all.

Mr. Speaker, one knows that these public wrongs are wrongs which do not only affect the individual but could be considered a public wrong that affects everyone. This Government in 1997 decided to publish a working paper on Public Interest Litigation and the Government is very indebted to the Law Commission of Trinidad and Tobago which prepared this working paper which was published.

There were advertisements in the newspapers and the working paper was distributed to all centres, revenue offices, district registrars and there were invitations extended for persons to criticize it, to decide whether they wanted to object to it. I have asked the Clerk of the House to distribute a copy to Members. In this working paper, an analysis was done of public interest litigation and it shows how several countries of the world have adopted this approach on the basis that governments must be able to account and the traditional rule of the person having an interest and that person alone must be able to challenge the action is very outdated. The law must be expanded, developed and reformed so that not only individuals who are adversely affected, but other persons like members of the community would be able to test in the court whether the actions of government and public authorities are lawful.

Mr. Speaker, that is basically the overview of this piece of legislation. I will go through it in due course to try to explain it further, but that is basically what it is. What we have done with some of the amendments which have been circulated, one would see that we took the liberty while Justice Bhagwati was in Trinidad and Tobago to show him this Bill and get some of his views. He had discussions with the Chairman and other officers of the Law Commission and we have drafted some amendments in order to put the law in perspective, in which the court in Trinidad and Tobago would have a discretion to act on the basis of a letter written by a litigant or on behalf of litigants by the community.

Mr. Speaker, basically I think we have to recognize as an established principle of parliamentary government that the actions of governments must be scrutinized by the courts at the insistence of citizens and that must be done to ensure that decisions taken, and administrative practices comply in all respects with the law of the land and with the best administrative practices. That therefore means that administrative decisions to be taken must be taken fairly, reasonably and according to law.

By providing judicial review of administrative action, the law provides not only the means for citizens to seek redress where they believe they have a grievance against official action, but also for them to actively promote good administrative practices. The essential elements of administrative law are that the administrative action be confined to the areas authorized by the law, the rules of natural justice be followed, that each case and matter be dealt with on the merits and without taking account of extraneous matters; that similar cases be treated in the same way and that persons taking decisions should not have any personal or other interest in the outcome.

I have tried to extract from the existing law and the Bill some of the relevant principles in administrative law which would reflect good administrative practice and which must be enforceable in the court. An administrative authority when exercising a discretionary power should:

1. Pursue only the purposes for which the power was conferred.
2. Be without bias and observe objectively and fairly taking into account only factors relevant to the matter in question.
3. Observe the principles of equality before the law avoiding discriminatory actions.
4. Take decisions within a time that is reasonable having regard to the matters at stake.

Mr. Speaker, this list is not exhaustive, but I will be correct in saying that these matters which I have mentioned are matters that will apply to almost any action which a public authority must take.

The procedure for giving effect to these principles must involve the availability of guidelines by a public authority. It would seem to me that that public authority or the individual must have some idea of what sort of guidelines govern the exercise of a discretionary power. Although there are some deficiencies in this matter at this stage in some government departments, hon.

Members would recall that the Freedom of Information legislation was enacted and it imposes an obligation on all government departments and public bodies to publish the guidelines under which they operate. May I say that there has been a committee working on the implementation of the Freedom of Information Act and it is expected in the not too distant future that you will have the implementation of that particular piece of legislation.

2.00 p.m.

Mr. Speaker, only on Wednesday gone—there have been different committees—one of the committees briefed Cabinet on some of the matters which have been done and what is going to be done in order to implement that. So, the aim is for government departments and ministries to have guidelines so that people would know under what sort of guidelines public bodies operate.

Another important procedure for giving effect to administrative justice is practising the right to be heard. In respect of administrative matters, there are matters that if they adversely affect the individual's rights—and now it is even legitimate expectation—the law provides that there is an obligation depending on the circumstances, to give the person affected an opportunity to be heard. That applies sometimes in the law when people have to be suspended; it applies at all times when they have to be dismissed from office.

In this law that is before us today, one would see that there is an obligation to provide a statement of reasons. One would see that obligation is there so that people would know why the decision was made against them, and the other side would have an idea why the decision was made in his or her favour. Basically, these matters constitute the philosophy which underpins this piece of legislation.

Mr. Speaker, just for the record may I say that when I started my presentation, I referred to what occurred in the United Kingdom and what was followed here, and the relevant law with respect to the Judicature Act is section 9 of the Judicature Act of Trinidad and Tobago which states:

> "There shall be vested in the High Court all such original jurisdiction as is vested in or exercisable by the High Court of Justice in England under the provisions of the Supreme Court of Judicature (Consolidation) Act, 1925 of the United Kingdom…"

That is what the court had decided to do when the rules were amended in the United Kingdom, and when they were challenged there and that is why the Law Commission decided that we should put this on a statutory basis.

Mr. Speaker, let me go through the Bill to see if I could explain it. In Part I of the Bill, among other things, it says the Act shall come into force on a date to be proclaimed by the President and the Act binds the state.

In Part 2 of the Bill clause 5 states:

> "An application for judicial review of a decision of an inferior court, tribunal, public body, public authority or a person acting in the exercise of a public duty or function in accordance with any law shall be made to the Court in accordance with this Act and in such manner as may be prescribed by rules of court."

Mr. Speaker, so that really states what is the existing practice and, therefore, it is putting it in statutory effect in that an application for judicial review can so be made. Then it goes on to say:

> "The Court may, on an application for judicial review, grant relief in accordance with this Act—
>
> (a) to a person whose interests are adversely affected by a decision; or…"

Mr. Speaker, that is the existing law.

Mr. Hinds: Which clause are you reading from?

Hon. R. L. Maharaj: Clause 5(2)(a) and clause 5(2)(b) in the amendments that have been circulated states:

> "to a person or a group of persons if the Court is satisfied that the application is justifiable in the public interest in the circumstances of the case."

So the *locus standi* for judicial review now, under the Act, is not only to a person who is adversely affected, but under this Bill it would be of statutory effect. It would be "to a person or group of persons…" if the application is justifiable in the public interest.

Mr. Speaker, the grounds upon which the application for judicial review can be made are as follows:

"(a) that the decision was in any way unauthorised or contrary to law;

(b) excess of jurisdiction;

(c) failure to satisfy or observe conditions or procedures required by law;

(d) breach of the principles of natural justice;

(e) unreasonable, irregular or improper exercise of discretion;

(f) abuse of power;

(g) fraud, bad faith, improper purposes or irrelevant consideration;

(h) acting on instructions from an unauthorised person;"

So, if the person who makes this decision, whether that person is a member of the statutory authority, a public officer or a minister, if any one of these can apply, then the court would have the jurisdiction to grant judicial review of the action.

"(i) conflict with the policy of an Act;

(j) error of law, whether or not apparent on the face of the record;

(k) absence of evidence on which a finding or assumption of fact could reasonably be based;"

This also applies to interior tribunals.

"(l) breach of or omission to perform a duty;

(m) deprivation of a legitimate expectation;

(n) a defect in form or a technical irregularity resulting in a substantial wrong or miscarriage of justice; or

(o) an exercise of a power in a manner that is so unreasonable that no reasonable person could have so exercised the power."

Mr. Speaker, as I said, I do not want to make this too legal, but I think that hon. Members who are lawyers would know that reforms of judicial review have been to a great extent pioneered by Lord Diplock. There are some cases which are very famous for this, such as the cases known as *The Riley and Mc Mann; The CCHQ Case* which have really transformed the law. It has been settled in England that you could have judicial review for illegality; for procedure impropriety; for unreasonable action; and even to a large extent which is being developed, disproportionate action. So, Mr. Speaker, what we are giving as the United Kingdom has done, is statutory effect to what is the existing law as the grounds for judicial review, but giving further and better particulars, so that there can be no doubt what is the position.

Mr. Speaker, we have also put in clause 5(4) which states:

> "An applicant is not limited to the grounds set out in the application for judicial review but if the applicant wishes to rely on any other ground not so set out, the Court may, on such terms as it thinks fit, direct that the application be amended to specify such other ground."

Mr. Speaker, under this Bill, we are giving to the court the residual discretion, the inherent power that even if there are other grounds which appear to the court to be just, and should be included, the court would have that power to include them. Before I go further, one would see from the amendments that have been circulated that the next subclause would read:

> "Subject to subsection (1), sections 6(1) and 11, a person is entitled, when making an application for judicial review under subsection 2(b) or (6), to make the application in any written or recorded form or manner and by any means."

Mr. Speaker, when we come to deal with the public interest litigation, one would see that this gives the power to make the application in any form. You could have a situation where a person who is not represented by a lawyer and feels that he or she wants to petition the court, that person can write a petition to the court and the court would have a discretion as to whether to accept it in that form in the light of that matter.

2.10 p.m.

Mr. Speaker, in subclause (6):

> "Where a person or group of persons aggrieved or injured by reason of any ground referred to in paragraph (a) to (p) of subsection (3), is unable to file an application for judicial review under this Act on account of poverty, disability, or socially or economically disadvantaged position, any other person or group of persons acting bona fide can move the Court under this section for relief under this Act."

That is the extension of the *locus standi* mentioned in 5(2)(b) in order to introduce or to particularize public interest litigation in Trinidad and Tobago.

Then there is a new clause 5A, remember I talked about where the court would have the power to appoint a committee, someone to investigate and come back to the court with a report. It says at clause 5A(1):

> "Where an application is filed under section 5(5) or (7), the Court may suspend the hearing of the matter for such time as it considers just, and appoint a person or such number of persons possessing such training or

qualifications as the Court considers just and as the circumstances warrant, to investigate the facts of the complaint or matter and to submit a report on its findings to the Court within such time as is specified by the Court."

Mr. Speaker, what this could mean is that if a group of individuals in our society believes that some public institution is not functioning properly, and for some reason they are not directly affected, but other people are directly affected, but the persons are poor, they do not have the means to fight and this is a bona fide matter, this group can write a petition to the court.

If the court believes it is a matter which it should act on, the court can, in effect, call in the parties and consider whether it would grant leave for judicial review, and it could decide to appoint a committee to go and look at the matter, report it and come back. The court would then ask the state lawyers to look at the report, to make submissions on the report, to adduce evidence on the report, and the court can grant relief on the basis of that. We have specified that such a report shall be made available to the parties to the action who shall be entitled to be heard in respect of the report and make whatever application to the court in respect of the report that they consider just.

Mr. Speaker, that, as I said, is the public interest litigation as developed. It continues in clause 6 of the Bill:

"No application for judicial review shall be made unless leave of the Court has been obtained in accordance with rules of court."

But the sections we read would, in effect, take that into consideration. It continues at clause 6(2):

"The Court shall not grant such leave unless it considers that the applicant has a sufficient interest in the matter to which the application relates."

Therefore, if there is the new *locus standi* now and the applicants are from the community and they have a bona fide interest, that would be sufficient interest for them.

It continues at clause 7(1)

"Notwithstanding section 6, where the Court is satisfied that an application for judicial review is justifiable in the public interest, it may, in accordance with this section, grant leave to apply for judicial review of a decision to an applicant whether or not he has a sufficient interest in the matter to which the decision relates."

Then it gives the procedures:

> "(2) Upon the filing of an application for leave under subsection (1), the Registrar shall immediately cause notice of the application to be published on two days in each of two daily newspapers circulating in Trinidad and Tobago.
>
> (3) A notice under subsection (2) shall name the applicant, state the decision which is the subject matter of the application, describe the nature of the relief being sought, and any other relevant matter, and invite any person with a more direct interest in the matter to file a similar application, or to apply to be joined as a party to the proceedings, within fourteen days of the last publication of the notice."

What this is doing is that where there is a public interest litigation, the court is ordering for it to be filed for the country to know, for people to know and to give persons an opportunity to apply to be part of the proceedings, and for the court to determine whether there are other persons with interest in the matter or other persons with a more direct interest in the matter. It is all in an effort that if it is a public wrong and there are other dimensions to it, the court can also be able to get to know about it.

One sees, Mr. Speaker, the important role the courts would be playing in scrutinizing the actions of government, of public bodies and making government account to the people through the courts.

Clause 7 continues and it deals with some of the procedural matters, but I think I should mention it, having regard to the importance of this Bill:

> "(5) Where an application is filed within the time specified in subsection (3) and the Court is satisfied that—
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> (a) the person applying ('the second applicant') has a more direct interest in the matter than the first applicant; and
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> (b) the first applicant does not possess any special expertise or ability that will materially enhance the presentation of the case,
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> the Court may refuse to grant leave to the first applicant and grant leave instead to the second applicant, but in that event the second applicant shall not be liable to pay the costs of the first applicant."

Take, for example, they may have someone who is very versed in environmental matters and who would want to present this matter to the court. Therefore, even though it does not affect the individual who is filing the case, but it falls within this public interest sphere, the court can see if it can get greater assistance from somebody who is more versed in the matter than having someone who is not as versed in the matter. That would be a matter for the court.

Mr. Speaker, clause 7(7) is very important in determining whether an application is justifiable—these are the safeguards for the court to determine whether this rule is going to be abused. It states:

> "(7) In determining whether an application is justifiable in the public interest the Court may take into account any relevant factor, including—
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> (a) the need to exclude the mere busybody;
>
> (b) the importance of vindicating the rule of law;
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> (c) the importance of the issue raised;
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> (d) the genuine interest of the applicant in the matter;
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> (e) the expertise of the applicant and the applicant's ability to adequately present the case; and
>
> (f) the nature of the decision against which relief is sought."

Here it is that if there is the argument that this Bill is going to open up a situation where there would be a floodgate of litigation and it is not in the public interest to have this floodgate of litigation, to have people filing cases in the court and the court would be congested with cases and would not be able to function, what this Bill does is give the courts the power—apart from its inherent power—to, in effect, sift the cases and see which ones the court should adjudicate upon in order to promote the rights of the individual and to promote the rule of law in our society.

What clause 8 does in this Bill is make it quite clear what the court may grant as forms of relief. "An order of mandamus". What is a mandamus? This is a remedy well known in the law from ancient times. A mandamus is an order which commands, mandates the public authority or the minister to do a particular thing; to act in accordance with the law.

Then it says:

> "an order of mandamus, prohibition…"

Prohibition speaks for itself, to prohibit the minister or public official from doing what he is doing. It continues:

> "or certiorari;"

What does that mean? That is an order to correct the record, to quash a decision, so the courts would have the power to command, to prevent, and to quash. The court has the power to declare the matter unlawful, to grant an injunction and to grant an injunction under clause 19 of this Bill.

Mr. Speaker, one would see that the court would also have the power to make such orders, directions or grant such writs as it considers just, as the circumstances warrant. So, they put what lawyers call an "omnibus clause", to give whatever residual discretion is needed for the court to give justice to the people.

We see here under the amendment that in respect of clause 8(5), the court, having regard to all the circumstances, may grant in addition or alternatively an order for restitution or for the return of property real or personal. One sees wide powers being given to the court in order to ensure that the courts would not be impotent to act where there is an injustice and where there is an abuse or misuse of public power in order to grant redress and rectify situations.

Mr. Speaker, the remainder of clause 8 shows how the court has the power to grant damages at clause 8(4). At clause 9, which is the existing law as it is:

> "The Court shall not grant leave to an applicant for judicial review of a decision where any other written law provides an alternative procedure to question, review or appeal that decision, save in exceptional circumstances."

It is the existing law now that judicial review is not granted except in special circumstances where there is an alternative remedy. For example, where in the Magistrates' Court there is an appeal to the Court of Appeal and there is a procedure for appealing, a person who considers that a wrong was done in the Magistrates' Court as an inferior tribunal cannot apply for judicial review if he can appeal in respect of that matter. It is put in a way in which the court has an overriding discretion that in exceptional circumstances, even in those cases, it can deal with the application.

Clause 10, Mr. Speaker, says:

> "An interlocutory application may be made in an application for judicial review and the Court may make any interlocutory order, including an order for discovery of documents, interrogatories or cross-examination, and may grant any interim relief as it thinks fit."

This is not unusual, because we want to make it quite clear that under this Bill the court's powers are not being taken away. On the contrary, the court has the power to make interim orders to preserve.

What are interim orders, Mr. Speaker? Let us say there is a judicial review of a decision by the magistrate to go ahead with a case even though a person applied to have a lawyer and he does not have the lawyer. Let us assume the magistrate is acting unreasonably or, let us say the magistrate is acting unlawfully without jurisdiction, that the magistrate should dismiss a matter because there is an abuse

of process and he does not dismiss it. It means the person can apply for judicial review if the court finds there is a basis for this application. It does not mean that the magistrate can go ahead with the matters and make this judicial review meaningless.

This gives to the High Court the power to make an interim order to stop the proceedings in the Magistrates' Court until these issues are determined. In effect, it ensures that there will not be runaway horses—if I may use that expression—whether as public officers or as judicial officers. That the court, the supervisory jurisdiction of the court, would be used in order to control the exercise of public power, whether it be executive power or judicial power.

Mr. Speaker, clause 11 deals with the fact that there must be prompt application in these matters. It says:

> "(1) An application for judicial review shall be made promptly and in any event within three months from the date when grounds for the application first arose unless the Court considers that there is good reason for extending the period within which the application shall be made.
>
> (2) The Court may refuse to grant leave to apply for judicial review if it considers that there has been undue delay in making the application, and that the grant of any relief would cause substantial hardship to, or substantially prejudice the rights of any person, or would be detrimental to good administration."

Mr. Speaker, it gives certain aspects which the court would consider. This again is not new. It has formed part of the law of judicial review, but what it does is make quite clear that since we are giving statutory effect to it, we are not taking away the powers of the court. There is a limitation period, but the court has the power in circumstances notwithstanding that limitation period, to extend it in order to allow the application.

2.25 p.m.

Clause 12 deals with private law action. This is important and I will read it, Mr. Speaker.

> "Where the Court is of the opinion that an inferior court, tribunal, public body or public authority against which or a person against whom an application for judicial review is made is not subject to judicial review, the Court may allow the proceedings to continue, with any necessary amendments, as proceedings not governed by this Act and not seeking any remedy by way or orders of certiorari, prohibition or mandamus, and subject to such terms and conditions as the Court thinks fit."

What does this mean? Let us say that somebody files an application for judicial review and for some reason the court even granted leave to make the application and the matter is continuing, but while it is continuing, it was recognized that this matter should not really be a judicial review matter, it is not a public law matter. It is really a matter which should be a matter in contract, a breach of contract, or a tort; it does not mean that the court would dismiss the matter and for the people to start over the case. What this does is for the court to make whatever necessary amendment of the proceedings and for the case to continue as a private law case. So here, again, it is to give justice and not take away justice from persons.

Under clause 13, it gives the court, in the other way now:

> "Where the Court is of the opinion that a decision of an inferior court, tribunal, public body or public authority against which or a person against whom a writ of summons has been filed should be subject to judicial review, the Court may give such directions and make such orders as it considers just to allow the proceedings to continue as proceedings governed by this Act."

So, the reverse now is that if an action is filed in contract and it turns out to the court that it should really be a judicial review, it does not make the person start over, it will convert the proceedings so that they will be able to continue as judicial review proceedings.

Clause 14 gives the power for persons to be made parties to the proceedings, for persons to apply and for the court to order for persons to be made party to the proceedings.

Clause 15 is very important and states as follows:

> "(1) Where—
>
> (a) a person has a duty to make a decision to which this Act applies;
>
> (b) there is no law that prescribes a period within which the person is required to make that decision; and
>
> (c) the person has failed to make that decision,
>
> a person who is adversely affected by such failure may file an application for judicial review in respect of that failure on the ground that there has been unreasonable delay in making that decision."

In other words, if a person has to make a decision the person cannot say, "Well, I have not made a decision so you cannot judicially review me." If reasonable time has passed and he does not make it, the person can apply for judicial review for unreasonable delay in making that decision.

"(2) Where—

(a) a person has a duty to make a decision to which this Act applies;

(b) a law prescribes a period within which the person is required to make that decision; and

(c) the person has failed to make that decision before the expiration of that period,

a person who is adversely affected by such failure may file an application for judicial review in respect of that failure on the ground that the decision-maker has a duty to make that decision, notwithstanding the expiration of that period."

One sees that it gives the court very wide powers to ensure that people make their decision even if there has been a failure of the time period.

"(3) Without prejudice to section 8, on an application for judicial review under this section, the Court may make all or any of the following orders:

(a) an order directing the making of the decision;

(b) an order declaring the rights of the parties in relation to the making of the decision;

(c) an order directing any of the parties to do, or to refrain from doing, any act or thing the doing, or the refraining from the doing of which the Court considers necessary to do justice between the parties."

Here, again, are clauses in the Bill which will, in effect, enhance the rights of the parties so that proceedings do not have to restart, so that the court can direct persons in order to give decisions.

Clause 16, which is a very important clause and which I think will go a long way towards improving the administration of justice, improving public accountability and ensuring that people are treated fairly, states:

"(1) Where a person is adversely affected by a decision to which this Act applies, he may request from the decision-maker a statement of the reasons for the decision.

(2) Where a person makes a request under subsection (1), he shall make the request—

(a) on the date of the giving of the decision or of the notification to him thereof; or

(b) within twenty-eight clear days after that date,

whichever is later, and in writing."

Here you have now the obligation to give your statement or reason and:

"(3) Where the decision-maker fails to comply with a request under subsection (1), the Court may, upon granting leave…make an order to compel such compliance upon such terms and conditions as it thinks just."

Mr. Speaker, I have decided to delete the present clause 17 of the Bill, because what this clause did was attempt to try to particularize what is already the exception in the law and I do not think this would affect the Bill. Let me explain it. If, for example, someone is ordered to give reasons, the person would give reasons in accordance with what is the existing law and if the person gave those reasons and the court is unhappy about those reasons, the court can make whatever orders it considers necessary. The person can argue whatever privilege, absolute or otherwise, and he can appeal if he is dissatisfied. But I do not think, on reflection, I would delete this as I will tell Members that I would not be proceeding with clause 17 of the Bill.

Part 3 of the Bill—clause 18 says:

"The Court may at any stage direct that proceedings to which an application for judicial review relates shall be stayed until further order on such terms and conditions as the Court may direct."

So that there is a section which deals with the staying of the proceedings. At committee stage we would see whether, in relation to clause 10, we would have to amend or whatever, but the important thing is, I wanted to make sure that there was the power to stay the proceedings.

Clause 19 deals with an injunction to restrain a person from acting in an office.

Clause 20 states:

"The Court may at any time before the proceedings are concluded, of its own motion or on the application of any party, revoke, vary or suspend the operation of any order made by it under this Act."

What we did in the clause 19 amendment—just to let Members know—we wanted to make sure that we put this amendment in:

> "Without prejudice to any other law, the Court shall have such incidental or ancillary powers to enforce any order or judgment it makes under this Act."

What happened is that we looked at some of the other pieces of legislation which were passed by other countries on similar matters and we saw that in some of them they had this just to ensure that there was no doubt about the question, so out of an abundance of caution, we have put this amendment.

Clause 22 states:

> "If, on an application for judicial review seeking an order of certiorari, the Court quashes the decision to which the application relates, the Court may remit the matter to the court, tribunal, public body…with a directive to reconsider it and reach a decision in accordance with the findings of the Court."

On a judicial review of a tribunal's decision, it does not mean that the whole tribunal's decision would go to waste. The court will have the power to give to the tribunal certain directions which the tribunal will have to follow in order to ensure that the decision-making process is lawful and fair.

Clause 23 deals with appeals and we wanted to make sure that:

> "A person aggrieved by a decision of the Court, including an interlocutory order, under this Act is entitled to appeal…as of right to the Court of Appeal."

And that the person who is affected would be entitled also to appeal as of right from the Court of Appeal to the Judicial Committee of the Privy Council. So, we have amended clause 23 by the amendment that is circulated to make it quite clear the appeal is an appeal as of right to the Court of Appeal in respect of matters and in respect of the final decision, the appeal is as of right from the Court of Appeal to the Judicial Committee of the Privy Council.

Clause 24 states what has been the existing law. Clause 25 gives power to the rules committee to make rules and clause 26 is a transitional provision of the Bill.

Mr. Speaker, having given an overview of judicial review and what it applies to; it applies to administrative law; having given the philosophy which has underpinned this Bill and also having given the reason, which is that the courts in the United Kingdom which we follow, decided to amend the rules of the court in

order to provide a reform process for judicial review. The courts in the United Kingdom held that was not possible, that it needed Parliament intervention. The United Kingdom Government decided to amend the Supreme Court of Judicature Act to make it quite clear that Parliament gave the power to the court in order to do that.

Having regard, also, to the Commonwealth trend—and if I may mention, the Commonwealth has had several meetings over the years and has encouraged governments from 1971 to the present time, and there was in 1992, a Commonwealth meeting in Lusaka, Zambia, on the administrative law and the Harare principles of the Commonwealth have encouraged governments to take steps to ensure that their parliaments pass substantive law in order to ensure that governmental action and public bodies action, can face the scrutiny of the courts so that the courts can provide a machinery for governments and public bodies to be accountable to the law and to be accountable to the people.

Mr. Speaker, I think I would be failing in my duty if I do not say that I consider it a great privilege to have been given this opportunity to pilot this Bill. It is a Bill which can only produce greater justice, greater access to justice, greater accountability by public bodies and it will do good in improving the lives of the people of Trinidad and Tobago.

Mr. Speaker, I beg to move. Thank you very much.

Question proposed.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, the Attorney General regarded it as a privilege to have been able to pilot this legislation in this honourable Chamber and he spoke with a tone that suggested that he saw this legislation as legislation apart from all that he has ever done. He signalled the importance of this by saying that he considered it a special privilege.

As the Attorney General mentioned in his presentation, the principles that govern applications for judicial review, the conduct of the hearings, the remedies as coming out of the court following them, they are all very well known by now.

I think it was in 1982, perhaps, Lord Diplock, who has been at the forefront of the development of the law of judicial review, said and I quote just for the record:

> "…'that progress towards a comprehensive system of administrative law that I regard as having been the greatest achievement of the English courts in my judicial lifetime'."

He said so in the case, again, that the Attorney General made reference to, the so-called Inland Revenue Commissioners case, NFSE, as we call it—National Federation of Self-employed and Small Businesses Limited case of 1982.

[MR. DEPUTY SPEAKER *in the Chair*]

By then, Lord Diplock was saying that the principles surrounding the administrative law and applications for judicial review had been well organized and well established and they are very well known to us.

2.40 p.m.

What this legislation is doing, Mr. Deputy Speaker, is putting in substantive law Order 53, as we call it, of the rules of the Supreme Court which govern the operation of the judicial review. Nothing really significant, nothing new, and I do not understand why the Attorney General presents it as though it is a special privilege, apart from everything else he has done.

He said, however, that this legislation is taking a new direction, and that new direction which is going to be different from that which is now in practice every day in our courts, according to the rules under Order 53, which he is simply putting in substantive legal form in this Bill—the only thing that he told us is particularly different—is the introduction of so-called public interest litigation. I see that the Attorney General or, at least, the Government, took time out to engage the Law Commission of Trinidad and Tobago and presented a *Working Paper on the Question of Public Interest Litigation, a Question of Locus Standi*, Latin meaning "he or she who would have been given the lawful right to stand or act in a particular manner."

Mr. Deputy Speaker, the Attorney General said that this new direction permits persons greater access to justice. Those are words that we have come to hear from him quite a lot. For my own part, whenever I hear them, all my alarm bells go ringing, because I understand only too well that this Government has mastered the art of presenting something that, on the face of it, appears beautiful and good, but upon closer examination there are stings evermore in the tail, pitfalls designed to create confusion.

While I am not going to say that the introduction of public interest litigation is a recipe for confusion—I will not say that because it has been debated, a proper study was done by the Law Commission—and when I looked at it I saw in my own view that they contemplated all the issues to be taken into account in that type of discussion—so I will not venture to say that it is a recipe for confusion, but I hope the Attorney General has taken careful note of those who object to this kind of operation and what they have to say.

Dr. Griffith: Would Shabazz have an opinion?

Mr. F. Hinds: The Attorney General told us and it is, perhaps, correct, that individuals must now show that they had been adversely affected, some personal disadvantage, in order to approach the court in a matter for judicial review. The National Federation of Self-employed and Small Businesses Limited case, just for the benefit of Members, where an action was brought and the court was asked to find that the Inland Revenue commissioners in the United Kingdom by their decision to forego taxes from the small business operators and from self-employed persons—they were unionized, and in the negotiations with the Inland Revenue of that country the Inland Revenue commissioners took it upon themselves to waive the right to taxes, their demand for taxes from those groups.

A public-spirited individual went to court seeking a declaration and other remedies that the decision of the Inland Revenue commissioners was wrong, and because they had gone outside tradition and they were not able to demonstrate that they were directly disadvantaged, albeit indirectly, the issue of standing was the major matter to be considered in that case; whether they had a right to approach the court on that basis.

Mr. Deputy Speaker, one of the things that makes administrative law unique is, in my view, because it is the area of law that touches on politics more than any other aspect of law. The nature of administrative law and in particular judicial review, is a challenge to state action. As it stands, one can challenge the state, challenge Executive action, challenge the decision of any decision-making body as being unreasonable, as being disproportionate, illegal and all the other grounds for judicial review as outlined in the Wensbury Principles, so to speak.

As a result of giving the courts an opportunity to make an intervention in what the state or a body carrying out a public function has done, that is where, in my view, law and politics really touch. Many of the cases that had to do with administrative law and judicial review, in particular, are very, very political in their orientation, and the National Federation of Self-employed and Small Businesses Limited case is no different. Here it is the Inland Revenue department decided that it would forego tax, which was their right under law to do, and another body was saying that that group was favoured in some particular way and they sought the intervention of the court.

There are cases in administrative law, judicial review, for example, to demonstrate another political matter, where Shell United Kingdom—this was in 1982 as well—in the height of the anti-apartheid activity around the world—decided that it would breach the sanctions that the world had imposed on South Africa, and that Shell United Kingdom would continue to trade with South Africa.

A number of borough councils in England, including the Lewisham Borough, purchased oil and other such products from Shell United Kingdom, and they were in support of sanctions against South Africa, so they decided to boycott their business because each year they spent hundreds of thousands of pounds on purchases from Shell United Kingdom.

To show their disapproval at Shell's disregard for the sanctions against South Africa, they decided to stop purchasing products. Of course, that was a very political thing, because the borough represented the people of Lewisham in the example I have given. Some persons there felt that they had no right to do it, so that matter found itself before the court. That is the general nature of matters in administrative law, very political, and you will see in the cases that arose in Trinidad and Tobago, equally political and potent with political implications.

Mr. Deputy Speaker, what we see happening today with the piloting of this legislation, in my view, reflects the difference in, if you like, the constitutional ethic of the United Kingdom, and what is happening in Trinidad and Tobago. In the National Federation of Self-employed and Small Businesses Limited case, as I was telling you, when the court had to decide whether an individual should have the right to take action, someone who is not directly affected, but as a public spirited person, a taxpayer, they wanted to challenge the decision of the Inland Revenue, they were indirectly affected, the court realized that this was very political.

As a result of all its deliberations, a number of principles came out, and I want to read into the record some of them, to make the point I really want. I am reading from *Administrative Law* by H.W.R. Wade, at page 702, because in that case the divisional court had granted the application for leave, judicial review, had allowed the application. The Court of Appeal reversed it and then the matter went to the House of Lords. The House of Lords said, among other things:

> "1. It was right to grant leave on the ex parte application.
>
> 2. It was wrong to treat standing as a preliminary issue for determination independently of the merits of the complaint. In other words, the question of sufficient interest…"

A concept the Attorney General raised, because he is saying in this Bill that the applicant must have sufficient interest. The court was saying:

> "'In other words, the question of sufficient interest can not, in such cases, be considered in abstract, or as an isolated point: it must be taken together with the legal and factual context.' It is not simply a point of law to be determined in the abstract or upon assumed facts—but upon the due

> appraisal of many different factors revealed by the evidence produced by the parties, few if any of which will be able to be wholly isolated from the others'."

That is the point I was making, if you were following, Mr. Deputy Speaker.

The court was saying that to arrive at the decision of whether the applicant had sufficient interest is not simply a legal matter *per se*. It is not an issue to be taken strictly as a matter of law. It is not a matter to be taken in abstract, but one has to consider the factual context and it has to be determined after due appraisal of many of the different factors.

What the House of Lords is saying is that these are political matters and the court tries, as far as possible, to remain outside politics and assert and maintain its independence; but the case has come before us and we are mindful that we cannot look at this purely as a matter of law. We have to consider all the other factors, including the political factors, no doubt.

The court now in this matter—and this is the point I am trying to demonstrate to the Attorney General—must maintain the position of flexibility. They do not want to come down hard on one side or the next, because if you say no, there would be political implications for that in the society. You would be debarring persons from ever challenging government, because there is a rule of law which states that you must be directly affected. On the other hand, you cannot just jump in as a matter of law, you have to take into account all the circumstances.

The remedies in judicial review, as the Attorney General well knows, whether it is *certiorari***,** prohibition or mandamus or whether it is a declaration, whatever relief one seeks in an application for judicial review they are all very discretionary. Why is that so? The court will not, in all cases, order that the Government do or not do or prohibit them from doing something. The court recognizes the political and social context in which these issues arise. The courts are quite clear in saying that even if they find that the department or administrative body acted illegally, improperly, they may still not award the remedy one applied for, and they maintain the discretionary element, because they have to consider how it will work.

Let me give a simple example. If the Ministry of Planning decided that it would put a road through this Parliament—an absurd example—or through somebody's land, let me not be so absurd; although this Government is quite capable. [*Crosstalk*] Let me say that the Government decided it will pass a road in the public interest through someone's private land, disrupting people's homes, like, perhaps, in the Toco context.

The first thing is that the person has a certain time frame in which to bring his action; in judicial review he has three months. The understanding for that time limitation, only three months, when in normal civil cases it is four years, is because if the Government lays down a road or begins to lay down a road and you waited four years after to bring the action, you cannot take it back up. It will be a waste and inefficient, and efficiency dictates that you cannot remove it. So that the court will say that you must bring your action very early, as the course of action arises, so you would not have the trouble of wanting the court to order that they stop the road, close the road or remove the asphalt. That is the kind of point we are making. So that the relief is very discretionary.

Even in the example I have given, if a person came after three months there are some cases in which the court will still grant leave for a person to make an application, beyond three months, so there is a very strong discretionary element in all of the deliberations in administrative law.

2.55 p.m.

So that the English court—and I am dealing with the new direction the Attorney General tells us this Bill is taking—opted for flexibility so that it would have allowed—in this particular case, it did not allow—the taxpayers to challenge the Board of Inland Revenue, or its commissioners, but said that in some cases it could and would recognize public interest litigation.

It went on to say and I quote again:

> "3. On the facts (not considered by the lower courts), the applicants had failed to show any breach of duty by the Inland Revenue. Their wide managerial powers allowed them to make 'special arrangements' of the kind in question, despite their legal duty to act fairly as between one taxpayer and another."

The challenge was the Inland Revenue Department was not acting fairly, it is taking taxes from me and foregoing from the small business people because of some policy decision on the part of the government of the day. It was challenged that it was unfair to me. I have to pay tax and they are being exempted.

The court said that their wide managerial powers allow them to do that notwithstanding their legal duty to act fairly as between one taxpayer and the other. So on the facts of that case, the court felt it was not interfering with that and this too is another important principle in judicial review. The court does not want to interfere with the substantial decisions of the government of the day, it is about

challenging improper procedures where they acted outside their jurisdiction or downright illegally, like the Film Censors Board, for example, making a decision that the Central Tenders Board should have made and that kind of madness. That would have been an example of acting outside their jurisdiction.

Mr. Deputy Speaker, to advance this debate a bit, I have no doubt—as the Attorney General has done on countless occasions in this Parliament—he goes some place, hears something and it does not surprise me that the former Chief Justice of India, Justice Bhagwati, I hope I got the pronunciation right. My good friend from St. Joseph is at my assistance, but I still cannot manage to pronounce it as accurately as he. But the former Chief Justice of India who was here did not surprise us because when I read the Working Paper on Public Interest Litigation, there is a full exposé as to public interest litigation in India so I have no doubt that the Attorney General would have lifted the Bill from India or from some other country and now seeks to implant it in Trinidad and Tobago, but he ran into some problems.

In their legislation, they had sensibly, in my view, a clause 17 or a similar clause wherever it would have fallen in their legislation. The Attorney General having lifted it lock, stock and barrel as he always does without exerting any intellectual energy, then tries to impose it notwithstanding our culture, or any differences in ours to those from whom he is lifting it, came upon a clause 17 which deals with exemptions to giving reasons.

Lord Diplock spoke about the development of judicial review, administrative law, one of the greatest things he has seen in his judicial lifetime. One of the developments since 1981. They were already making a case for the duty to give reasons because prior to that, bodies made decisions. You may have some body or committee and they make an administrative decision. If somebody wanted for example, a taxi driver's badge and applies to the Transport Commissioner, who under law is empowered with the authority to grant a taxi driver’s licence and they tell the fellow they are not giving him, the applicant had no way of finding out why they were refusing him, so the logic was quite clear. If you, as the decision-maker was obliged to give reasons for your decision, that would tend to procure better decisions. The quality of the decision would be better if the decision-maker was obliged to give reasons because if he had to give reasons, he could not appear whimsical or arbitrary, he had to rationalize and demonstrate that justice was done and shown to be done. Since 1981 a case was made for that and it continued, and in fact, the practice has been duty to give reasons for a long time.

The Attorney General is now presenting this with all the privilege in the world. He says he feels privileged as though it is something new. I am submitting that it is not. He has in the Bill that the decision-makers now have a duty to give reasons, that is old stuff, nothing new. As a safeguard to that, wherever he got this legislation lock, stock and barrel, they had a clause 17 stating the exception to giving reasons because again, sensible people would realize that while in the main one ought to give reasons for his decisions, there are specific cases where reasons ought not to be given. So when the Attorney General got the assistance of those professionals in his department and maybe they got this Bill, they left in clause 17 because they are sensible.

The Attorney General came here today and boldfacedly told us he is withdrawing clause 17. What is the effect of that? He is saying to us that the public body now has a duty to give reasons, no exceptions whatsoever. So in all cases they must give reasons.

Mr. Deputy Speaker, clause 17 as it appears here reflects to my mind good legal thought and good common sense. *[Interruption]* It is quite all right, they would not split hairs over that. Yes, Mr. Arima, you talk your talk. I will not be deterred, I have the business of the PNM and the nation to look after and I would not be distracted by my friend from Arima. I call him friend only because he sits in this Parliament.

Mr. Deputy Speaker, one of those exceptions is that you are not obliged to give reasons if the issue relates to the personal or business affairs of a person other than the person making the request.

In other words, some decision is taken in respect of my matter at the Inland Revenue Department, some public-spirited taxpayer says I am supposed to pay $1 million in tax per year and the Inland Revenue Department only taxed me $400,000. The exception they had originally said that the Inland Revenue Department was not obliged to give information about my personal business affairs. What is wrong with that? The Attorney General whisks that away in a flash and now the Inland Revenue Department according to him, can relate my personal or business matters as demanded. Do you understand? Clause 17(b) says:..information—

> "(b) that is supplied in confidence;"

The police service in this country, and security units in this country must operate and they do operate on the basis of confidential information. So a man is arrested and charged, he wins his case or seeks a judicial review against the police

commissioner who acted on the basis of information received from some public-spirited person who felt that cocaine ought not to be sold and gives information to the police. Now the police is obliged to give that information in respect of its decision to the police officer concerned, the subject of the complaint in the context of my example before the Police Service Commission or something like that. So the fellow is now to be disciplined because of some confidential information that the police commissioner got about him from a member of the police service whom the Attorney General turned his attention to last week in another Bill. The man applies for judicial review and now the confidential information must be made known as the commissioner is obliged to give reasons. That is the sort of thing this contemplates.

> "(c) that, if published, would reveal a trade secret;"

If a trade secret would be revealed, then you ought not to give reasons for your decision as an exception here.

> "(d) that is by any written law prohibited from being divulged or communicated."

That too the Attorney General is willing to disregard.

> "(e) relating to national security, defense or international relations of the State."

Traditionally, these are matters that were kept rather confidentially, matters relating to national security issues. Take for example, a man who applies for membership in the Trinidad and Tobago Police Service, the commissioner says we are up to strength and we are not taking any more people. The man applies for judicial review saying that his application was not properly considered or whatever the circumstances might be and he wants to know the reasons for the decision. The commissioner says because we are up to strength. He now wants to know how many police officers there are in the police service, how many are stationed here and there. That kind of information is what the state would not normally want to divulge. How many soldiers there are, where they are posted, what type of weapons they use. Confidential information, but the Attorney General thinks, as he deletes the exception to giving reasons, that that is not important.

He made reference to the Council for the Civil Service Union's case, the CCSU. In that case the decision was taken by the House of Lords that there are certain matters that simply cannot be divulged because the application in that case involved getting information and they said that information cannot be given in the public's interest and the court felt in that case that the decision-maker was not obliged to divulge that kind of information.

Finally, in what should have been the exception it says in (f):

> "(f) that, if published, would reveal the deliberations of the President, either House of Parliament, a Committee of either House of Parliament, Cabinet, or a Committee of Cabinet;"

If my suggestion that this Bill was lifted from some other jurisdiction is right, it means that the Attorney General did not contemplate these issues as fully as he should and when he did, he allowed it to come in the Bill and on second thought decided to take it out. If it was as a result of his and his department's intellectual exercise of their minds and they came up with this and are now rejecting it, it means therefore that the matters were not properly thought out or perhaps they were. We would recall the Government bringing a motion—when we were dealing with the Deyalsingh Inquiry into the airport scandal, of certain statements made in this Parliament.

3.10 p.m.

Mr. Deputy Speaker, the Deyalsingh Report was brought to this Parliament, in which Mr. Justice Deyalsingh, with an independence of mind, found that there was collusion and mala fide in respect of the award of the contract to the contractor at the airport without public tender. The Government was prepared to disregard Mr. Deyalsingh's Report and certain statements were made in this Parliament. Ordinarily, one would not have access to them for use in court but the Government, on that occasion, found it wholly convenient and it moved a Motion in this House to permit the contractor to use the records of this House, in a court matter that he was pursuing at the time, because it was convenient for the Government at that time. *[Desk thumping]* You see now, this ordinarily would have been an exception to the duty to give reasons, but the Attorney General now wipes it away, so that the public body ought not to be constrained by that sort of thing.

Mr. Deputy Speaker, what I am seeing is a simple matter. Last week, we dealt with a Bill to amend the Constitution to permit judicial review and other challenges to service commissions. The Attorney General did that last week. The Attorney General is bringing this Bill, legislating principles surrounding judicial review, now found in Order 53, and hardening it into law to be passed by this Parliament, and look when the Attorney General brings those two Bills.

The Attorney General brought the so-called hanging bill—it should not be called that—the Constitution (Amdt.) Bill (No. 2) of 1998, and not a hanging bill. Hanging took place in this country long before that Bill and certainly after.

Although, the Government told us that there was no way it could hang, unless the Opposition supported it. The Opposition did not in the event, recognizing the dangers to Trinidad and Tobago, and the Government still went ahead and hanged, so it demonstrates that the Government did not really need the Bill in the first place. Tricks! Tricks! The Government hanged more than ever—the Attorney General, who would believe that? Anyway, we are not dealing with that. The Government brought the so-called Service Commissions Bill here last week. I am observing a pattern. All these troublesome and potentially troublesome bits of legislation, the Government is bringing it at the nth hour of their term in Government, when it realizes that it would be leaving soon. *[Desk thumping]*.

Miss Nicholson: So you will have to clean them up. The Government is giving you the work to clean them up.

Mr. F. Hinds: So, what the Government is doing is, clearing the way for trouble and confusion for the government that will be taking office as soon as they go! That is what they are doing. *[Desk thumping] [Interruption]* Mr. Deputy Speaker, notwithstanding the conviviality that my statement seems to have generated from the other side, I take it quite seriously.

Mr. Deputy Speaker, you will notice that a few days ago, the Prime Minister—as he was misleading the country again about his free education and universal education, trying to fool people—said right here in this House, if the PNM—I cannot quote him, I never try to quote him. I will be displeased if I could do that, but let me try to paraphrase him—God forbid if the PNM goes back to office, he hopes that the PNM does not remove the Government's decision to send all the children forward into so-called secondary schools. Well, that is another matter. But two things came out from that. Firstly, we were the makers of Common Entrance Examination in this country. We put it in place and free education is well known to the PNM. *[Desk thumping]* We granted free education to thousands long before the UNC. It was universal in the context of the fact that we had "x" amount of places. Mr. Deputy Speaker, if today we could afford more places, then it is still universal. The concept of universality is not new.

The second point that came from the Prime Minister's comment was an underlying suggestion that he knew he was on his way out and contemplates the presence of the PNM in Government. *[Desk thumping]* So, the Prime Minister was hoping that we would not do it and that is very instructive. Why is it instructive? It is instructive because when I look at this Bill and the service commissions bill, because we argued last week on the service commissions bill that it would open the floodgates to all kinds of foolish challenges against service commissions.

One is not arguing that people ought not to be able to scrutinize every body that operates any law in the public interest. That is not the point. The Government tried to put that on us. That is not what we are saying. What we are saying is that just like I demonstrated what the House of Lords did in this case, and many others, is to find a balance in the context of our Constitution, history, culture and all of that. The Government may open the floodgates for all kinds of challenges and frivolous reasons. That was one of the points we made, apart from the fact that every Monday morning the Government comes here to amend the Constitution of our Republic, the supreme law.

Mr. Deputy Speaker, we know, our short history reveals, in 1971, when we had 36 seats we never interfered with the Constitution in that way. When the Robinson government had between 1986 and 1991, 33 seats, they never tampered with the Constitution in that way. That minority 17 plus two-seat government—

Hon. Member: Plus what?

Mr. F. Hinds: —something like that wants to interfere with the Constitution every Monday morning. That is one of the points that we made.

Hon. Member: You are jealous.

Mr. F. Hinds: Jealous. I am happy, in a strange way about the UNC Government. It has caused the people of Trinidad and Tobago to see the Government for what it is and they will be in no doubt henceforth. *[Desk thumping] [Interruption]* The UNC asked for a chance, and some people said, "Well, let we try them out because the PNM was not perfect." Well, now they have seen the Government's hideousness. *[Interruption]* Look the Attorney General is trivialising the issue to tell me, I am not going up as the parliamentary candidate. I so love the PNM; I am so proud of the PNM; it has nothing to do with me. It has to do with the PNM and if I go up or do not go up as a candidate, I want the PNM to win the next election, and candidate or no candidate, I will work my fingers to the bone for the PNM for the good of Trinidad and Tobago. *[Desk thumping]*

Miss Nicholson: "Yes man"!

Mr. F. Hinds: It has nothing to do with me. *[Interruption]* It matters not. The country has use for the PNM. The country needs it bad because the Government has corrupted and spoilt everything that it puts its hands on. I will not be deterred; I will not be distracted. May I continue to deal with this Bill? Let me continue.

Mr. Deputy Speaker, I was making the point—*[Interruption]* I need your protection.

Mr. Deputy Speaker: Order, order.

Mr. F. Hinds: Mr. Deputy Speaker, this is serious business. What I am seeing is a pattern. The Government brought the so-called Equal Opportunity Bill, again a misnomer and no equal opportunity in that. The Government brought the service commissions bill, and now it brings a Judicial Review Bill to harden it into law. Do you know what? The Attorney General must be whetting his chops, he must be waiting. When he goes back in private practice next year, boy, is worries with the service commissions; is worries with judicial review; I am going to catch them; they have a duty to give reasons; and they cannot say anything is confidential again.

Mr. Deputy Speaker, if the Judicial and Legal Service Commission considers an application by someone for a judgeship, and decides it will not confirm that person as a judge, or after that person's temporary six-month operation, it will not continue with that person full-time, the Judicial and Legal Service Commission and/or the Chairman of that commission, the Chief Justice, may not want to say why it did that. It may harm the person concerned.

There is a measure of confidentiality that must operate and I want the Government to understand that, one cannot operate without confidentiality in a society. One is not saying that people ought not to scrutinize bodies; one is not saying the public ought not to have access and to challenge illegal and unreasonable conduct on the part of a decision-maker or the Government, but one is saying, we must recognize, as a fact, that there are certain matters, for example, in the Chief Justice's and the Judicial and Legal Service's deliberations, they may want to deal with confidentiality. To expose them and demand that they say why a judge was not appointed as a judge will create confusion in our country.

Hon. Member: Chaos!

Mr. F. Hinds: Chaos! To use the Mighty Sparrow's words, "canker and confusion" and that is the kind of subtlety that escapes this crude Government.

3.20 p.m.

When they come here with a Bill that does not require a special majority, the Attorney General says, "You could talk, you could quarrel, you could say what you want. We are pushing it through anyway". This is such a Bill. We are only obliged to make our concerns heard, to put them on the record and to go on record as saying to Trinidad and Tobago, we told you so! So, there is no regard for confidentiality anymore, whether it is in the security services or the Judiciary; it matters not.

We saw in a Bill sometime ago—I cannot remember which legislation it was—*[Interruption]* Yes! He brought another Bill within the last year. A Bill dealing with freedom of information, and that Bill was to permit people to peruse all government files and information as they wanted.

Mr. Assam: No. There were exemptions.

Mr. F. Hinds: With a few limited exemptions. They are setting the stage to create further confusion when they demit office in the next few months, Mr. Deputy Speaker. *[Desk thumping]* They are corrupting the noble principle of access by individuals to justice and to scrutinize public decisions. That is what they are corrupting.

Mr. Deputy Speaker: Hon. Members, the speaking time of the hon. Member for Laventille East/Morvant has expired.

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

Question put and agreed to.

Mr. F. Hinds: I am obliged. Mr. Deputy Speaker, recently in this country—and the matter is no longer *sub judice*, I can speak as freely as I wish; it is now a matter of public record—a contracting firm by the name of Jusamco brought an action in judicial review against the Central Tenders Board of Trinidad and Tobago.

Jusamco observed that in departure from the traditional rules, the Central Tenders Board established some requirements to be satisfied if one had to get a contract, and Jusamco recognized that those constraints were put in place to favour a particular contractor. Jusamco went to court saying so in an application for judicial review. The matter took about two and a half years, but Jusamco was able to get the court to grant an injunction to stop the Central Tenders Board from awarding further contracts to pave our roads with hot mix pending the outcome of that matter. So, for that period, the Government's project with roads was stymied because of the law.

One could understand why they are aggravated with the judges of this country, because Jusamco argued that there was corruption and, in fact, they were vindicated when the matter was finally determined. So it is proper for us to conclude that the court agreed that there was corruption in terms of the issue of tenders, the issue of contracts through the Central Tenders Board.

Worse than that, Mr. Deputy Speaker, the Government was unable to carry out its road paving project, so everything was at a standstill and they continued to "bad talk" the PNM and say, "Thirty years, look at the roads!" but they could do nothing about it for two and a half years. *[Interruption]* Unless, of course, if I take the hint coming from my friend from Princes Town, if they found another way to do it, notwithstanding the injunction as put by the court.

Mr. Deputy Speaker, now that the case is resolved and the Central Tenders Board was made to do the proper thing by the courts, the Government is now in haste to fix roads, so it writes me and all Members of Parliament telling us to send a list of the roads needing repairs most urgently, and the Prime Minister goes to a public meeting of the UNC and tells the nation that the Opposition is not doing its work! *[Interruption]* Mr. Deputy Speaker, I am being disturbed.

Mr. Deputy Speaker: Member for St. Joseph and Member for St. Ann's East, order.

Mr. F. Hinds: Not St. Ann's East. It is St. Joseph. The Prime Minister goes to a UNC meeting and tells the nation that the PNM is not doing its work; that they asked us for a list of six roads that must be paved now and we have not sent these lists. We sent them lists of all the roads because all the roads need paving. All the roads in my constituency need paving! All! *[Desk thumping]*

So, Mr. Deputy Speaker, they are now wanting to portray us as the bad guys, but it all came as a result of an action for judicial review by Jusamco in which they succeeded and got the remedies that they sought. So, they want us now to assist them in quickening up the road project to look good for the elections just like they are trying with the Common Entrance Examination. We are made of sterner political stuff, and we are made of sterner spiritual stuff and we will not be caught.

I am arguing, and I want to make it quite clear that there are some cases, many cases where there ought to be a duty to provide reasons on the part of the decision-makers, so I do not want the Attorney General coming after and saying the Member for Laventille East/Morvant argued against that. If he says so, he must say so knowing he is not speaking the truth yet again.

Mr. Maharaj: I will never say that.

Mr. F. Hinds: Mr. Deputy Speaker, you will remember in the same contract matter—you see the Attorney General is the legal adviser to the Government. He sits in the Cabinet, and one of the problems with the current law has to do with the relator action by the Attorney General. If an individual who did not, in current terms, have sufficient interest wanted to bring an action in judicial review against

a public body, he may be able to persuade the Attorney General to take the action on his part. That is called a "relator action", and it has been done. There is a well-known case, *Gouriet v. the Post Office Union*; a relator action. I think the McWhirter case as well.

Mr. Deputy Speaker, the trouble with that, however, is because the Attorney General is a member of Government, a member of Cabinet, and their friend and adviser, he is sometimes recognizing the political implications of the challenge that the citizen wants to make, he may refuse to do it. If the Attorney General refuses, there is nothing the citizen could do. That is one of the limitations, but one will remember in the same airport matter, this Attorney General wrote to that Cabinet, his own Cabinet, and told them that the award of the contract without tender was illegal! He wrote and told them that. *[Desk thumping]*

Then, when the Prime Minister, disregarding his own Attorney General's proper, considered, legal and accurate advice, and Sister Pam—Oh my God! Mr. Deputy Speaker, I have the benefit of the intervention of the Member for Tobago West who was at that time present in the Cabinet. *[Desk thumping]* She told us exactly that! You cannot want better evidence than that!

Miss Nicholson: He showed me his document! *[Laughter]*

Mr. F. Hinds: Mr. Deputy Speaker, the Prime Minister disregarded his own Attorney General's considered legal advice. Archbishop Pantin may have died a heartbroken man because he told them that they should have an inquiry into the airport. They rejected the Archbishop; they rejected his godly and noble advice. Bishop Abdullah told them the same thing; they rejected that as well. Not only did they reject the advice of our spiritual leaders, but they have since gone on to destroy the IRO too, and tell lies on the spiritual leaders in this country, that they all supported clause 7. It turns out that they did not!

They are not constrained by any concept of honesty and morality. They are capable of anything. So, Mr. Deputy Speaker, let me continue with the Bill because I will not be disturbed. Not only did they disregard the Attorney General and the men of the cloth, Archbishop Pantin and Bishop Abdullah, but the President of the Republic, sitting and speaking as President; not as "Robbie", as the Prime Minister disrespectfully went to Sangre Grande and called him; "Robbie against we and "Robbie want to bring down the Government". Not that.

On this side, we did not sanction certain things, but we were told—and we did not have to be—by the highest person in our party, the political leader, that from the day the President was elected, we ought to honour and respect that office down the road. So, one would not hear anybody here saying "Robbie". We respect the presidency and the President of the Republic of Trinidad and Tobago—*[Desk thumping]* notwithstanding all the hitherto political battles we may have had.

The Prime Minister disregarded the President too. He disregarded everyone and went ahead with the airport, and it has moved from $400 million to $1,200 million under the UNC. *[Desk thumping]* What is worse is that they are going around saying they are opening an airport. It is no new airport. It is a terminal. *[Laughter]* An airport comes complete with control tower and everything. Not a new airport! The reason I can say that is because British West Indian Airways (BWIA) told the Airports Authority the other day that they could keep the new terminal and they could operate right there on their own because they would get control from the terminal. *[Desk thumping]*

Mr. Assam: BWIA said today it is the most modern thing!

Mr. F. Hinds: We are not saying it is not modern. All the gas stations under NP's upgrade are very modern, each at a cost of $7 million. The gas station is modern too, but at a cost of $7 million a piece. Everything is modern! We are getting 10 new modern secondary schools.

I will get a private taxpayer, a concerned citizen, a public-spirited individual to make use of this when they pass it to bring an action to consider; let the courts tell us how they moved the budget for ten schools in less than six months from $148 million to $243 million ! That UNC! *[Desk thumping]* The Prime Minister said that it is because the architects increased the size of the schools. Imagine that. Over $100 million. God help Trinidad and Tobago.

Trinidad and Tobago, as I conclude, Mr. Deputy Speaker, may never be a great country, but it has the potential to be a much better one, and that betterment could never come under the governance of the United National Congress.

I thank you very much, Mr. Deputy Speaker.

Mr. Barendra Sinanan *(San Fernando West)***:** Mr. Deputy Speaker, I join the debate to make a very brief intervention. First of all, let me congratulate my colleague from Laventille East/Morvant for his sterling contribution, and I would also like to congratulate the Attorney General for his presentation. When I listened to the Attorney General, he sounded very much like a professor. Not necessarily a professor of law at the University of the West Indies (UWI), simply because that may be beneath what he may think is his status. He sounded very much like a law professor at Harvard or perhaps Oxford. But, Mr. Deputy Speaker, there was one particular clause which I found the Attorney General glossed over in less than 20 seconds. That is clause 14.

3.35 p.m.

Mr. Maharaj: Clause 14?

Mr. B. Sinanan: Clause 14 states:

"(1) Any person who has an interest in a decision which is the subject of an application for judicial review may apply to the Court to be made a party to the proceedings.

(2) The Court may—

(a) grant the application either unconditionally or subject to such terms and conditions as it thinks just;

(b) refuse the application; or

(c) refuse the application but allow the person to make written or oral submissions at the hearing."

This reminded me very much of a case now being argued in the court and I noticed that the Attorney General perhaps thought it was sub judice so in 20 seconds or less, he glossed over that.

Mr. Maharaj: Do you want me to give you the answer?

Mr. B. Sinanan: Here it is the Attorney General is now putting into law what the judge in that particular case allowed, the application.

Mr. Hinds: Is that the Petersen case about which you are speaking?

Mr. B. Sinanan: Yes. What my friend said here is perfectly right. All this Bill seeks to do, really, is what exists in different orders of the court, Order 53 being the principal order. It does also expand certain parts of the public law and private law, so we are not knocking the legislation. It is good legislation. [*Desk thumping*] [*Interruption*]

He did not say it was bad legislation. But, as I said, with all this legislation that is being passed in the House, passing legislation, which seems to be the pet achievement of the Attorney General, is all well and good, but I keep saying we have to give the Judiciary the tools to work the law.

We are passing bad laws and we are passing good laws. This is a piece of good law and, again, I am saying we do have to give the Judiciary the tools by which it can implement and adjudicate on the law. For example, we have said it over and over again here that judicial officers need judicial help in terms of legal people, legal assistants helping them, because a judge cannot continue sitting week after week after week, doing his own research without assistance.

Mr. Hinds: That is right.

Mr. B. Sinanan: Sometime ago, I think there were two legal assistants in the Appeal Court. I do not think they are there anymore.

Mr. Maharaj: They are still there.

Mr. B. Sinanan: They are there. But that help should be made available to the entire High Court so that judges will have legal officers doing research for them. Judges must not, in this modern age when we have a magnificent structure housing the Attorney General across the road from here, take notes in longhand. Judges must be supplied with palantypists. We are spending money on all sorts of things—$200-plus million for 10 schools; $1 billion for the airport—yet, we are passing laws and not giving the judges the tools with which to do their work. So, I am appealing to the hon. Attorney General in his closing months in this House—

Mr. Hart: Fifteen Sundays to go.

Mr. B. Sinanan:—perhaps he can do the right thing and encourage his Minister of Finance, Planning and Development—I do not know which one, whether it is the Member for Tobago East or the hon. Senator from the other place—whichever one, to at least fund the Judiciary properly. Equip it properly to implement and adjudicate on all these laws.

Mr. Hinds: Stop strangling them.

Mr. B. Sinanan: Stop strangling the Judiciary. That is correct.

Also, judges need judicial education. I think the hon. Attorney General is fully cognizant and aware of all these things yet, in four and a half years, we have not seen this Government giving the Judiciary the tools and money it needs to perform its function.

Mr. Deputy Speaker, I would have thought the Attorney General would have extended legal aid in cases like these.

Mr. Hinds: The Bill does that.

Mr. B. Sinanan: The Bill does that. Where? I do not know of any persons successfully applying to the Legal Aid Commission in civil cases. I know, certainly, in criminal cases—

Mr. Maharaj: Under the amendment to the Legal Aid Act, in constitutional cases—judicial review—you apply for legal aid.

Mr. B. Sinanan: Thank you very much for your intervention. Is that law operational now?

Mr. Maharaj: Yes.

Mr. B. Sinanan: Okay. Well, that is very good because in cases like this where you might have litigants who cannot afford to retain attorneys, it is good that the Legal Aid Act can give them access to lawyers.

Mr. Assam: This is a good Government, you know.

Mr. B. Sinanan: What I am saying here is simply this: in passing good legislation, in passing many pieces of legislation, give to the people, give to the judges and give to the magistrates who have to adjudicate on this and other pieces of legislation, the tools by which they can adjudicate on the legislation.

This Bill also provides for the rules committee to make rules to govern this legislation and we know that within recent times we have had a problem with the rules committee—again, the Chief Justice; rules of the Supreme Court. I am hoping that with this legislation where it is, perhaps, not as contentious as with previous matters with which they had to deal, that the rules committee would adjudicate and prepare these rules with haste.

Mr. Deputy Speaker, I say that yes, the Attorney General has done a good job with this piece of legislation. As he himself said, he took pride in introducing this legislation, but what he has to do and what this Government has not done in four and a half years, is to give to the Judiciary the tools with which to implement legislation.

For example, we have had a commission of inquiry and I think the Member for Siparia was at the last meeting of the Commonwealth Parliamentary Association in Malaysia where it was suggested that the Judiciary should be given its own vote, its own money and I am not sure whether the hon. Member was a signatory to that. Perhaps that is one way of helping the Judiciary, give it its own money.

Mr. Maharaj: Are you agreeing, therefore, that the PNM policy is that if it gets into office a PNM government would give to the Judiciary its own budget?

Mr. B. Sinanan: Well, I would tell you, you would not have long to wait for that answer. [*Laughter*] [*Desk thumping*] Within a couple days after the election is called and won by the PNM, you will get that answer. [*Desk thumping*]

Mr. Assam: It is a pity you would not be there to help formulate it.

Mr. B. Sinanan: Perhaps both of us would not be there to formulate it.

Mr. Assam: That is all right with me, but you said you would be there.

Mr. Hinds: You will be somewhere saying, "Om Lalla."

Mr. B. Sinanan: I would not be saying that, Mr. Deputy Speaker.

Let me thank the Attorney General for his presentation of this Bill. I congratulate my colleague from Laventille East/Morvant for his contribution and I would ask the Attorney General, certainly, to look at funding the Judiciary in a meaningful way, so that all these good laws that we are passing here can be properly adjudicated on.

Thank you very much.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I thank hon. Members for their contributions. Since some of the points which have been raised do not impinge exactly on judicial review, but involve matters which were raised, I think I have an obligation to put the record straight.

May I start with the hon. Member for San Fernando West. He has recognized that the legislation is good, but we have not been as fortunate with the hon. Member for Laventille East/Morvant, because he reminded me of what happened here last week in that we had criticisms about the Bill that we had here last week. Then, I saw a television programme on channel 6 on which the hon. Member for Laventille East/Morvant was with Mr. Robin Montano and Mr. Anand Ramlogan, when Mr. Montano said, "I am a PNM but I do not understand the PNM at times."

Here was very good legislation and the PNM was opposed to it. The hon. Member for Laventille East/Morvant said, "Listen, we did not oppose the legislation. We did not abstain from it." So, they asked him, "Did you agree?" He said, "We did not oppose." Here it is from the Member for Laventille East/Morvant today, we did not get from him whether he supported the Bill, whether it was a good Bill, whether it was a bad Bill.

We got a whole issue about some cases and he even talked about some clause lifted from the Indian law which is totally untrue, because if the Member for Laventille East/Morvant had studied this thing before he came here, he would have known that what India did, was that they used the existing constitution and construed the Indian Constitution to say that the constitution as construed gave public interest litigation. There was no additional law passed in India.

So that what has happened is that the Member for Laventille East/Morvant came here and believed he had to get up to talk. That was why, Mr. Deputy Speaker, you would see that there was no structured contribution, with the greatest respect. As a matter of fact, he had certain things that were wrong—and I will come to them. He told this honourable House that illegality and procedural impropriety had to do with the Wensbury principles. That has nothing to do with the Wensbury principles. As a matter of fact, any student of law would know that the Wensbury case decided as to whether the court would intervene because a decision is unreasonable. It has nothing to do with illegality or breach of the rules of natural justice. A law student knows that, so that is why I am convinced that the Member for Laventille East/Morvant—and I have written down what he said—has not studied this measure.

Mr. Hinds: I think you got my comments inaccurately on that. The Wensbury case, if you got me wrong, deals with the principle of unreasonableness. That is one of the heads for judicial review. In addition to illegality, disproportionality—if I can call it that—and the other head. That is all. So you misunderstood what I was saying.

Hon. Member: Do not try to "breaks" now.

Hon. R. L. Maharaj: Mr. Deputy Speaker, if he said so, the *Hansard* is there for the record for law students to read in the future.

As I said, I would prefer to start with the hon. Member for San Fernando West. The Member for San Fernando West talked about the administration of justice and, therefore, I would construe his comments to mean that he recognizes there are problems with the administration of justice. I would, therefore, construe what he said to mean that an investigation to see where the problem lay was justifiable.

Mr. Assam: Sure. Clearly.

Hon. R. L. Maharaj: Therefore, the Government's decision to have a Commission of Enquiry into the Administration of Justice has turned out to be justified and many persons who gave evidence before the commission and persons who submitted—over 300 persons—talked about some of the same things he has been talking about here. What arises is, one would have to see whether more resources are needed but, for the record, I put on record that if you look at the Judicial Sector Reform Programme, the Government agreed that if the Judiciary came up with a plan for better note-taking, it would support it, whether it meant whatever it was.

As a matter of fact, it was this administration which rectified the computer-aided transcription network that it had under the last administration which was affecting the Judiciary in the taking of notes. He talked about resources for the Judiciary. Laid in this Parliament and also produced before the Commission of Inquiry, are statistics and figures to show that the Judiciary, under this administration, got the most resources, whether they were financial, human, technological; whatever it was, the most resources.

3.50 p.m.

Therefore, accommodation, courts, refurbishment, whatever it is, judicial assistance, they are there; so that I do not think it is correct to say that. The question which other countries have looked at is whether the problems with respect to the administration of justice can be solved merely by more judges, more staff or whether they can be solved by better management of the existing resources.

The Member for Laventille East/Morvant talked about the Jusamco case; that was a case of an injunction against the state. Hon. Members, do you know how long that case took to be determined? While it was being determined—an injunction case, for months, it has been recognized that injunction matters should not take months to be determined, and I could go on and on; I could tell you of judgments outstanding. The administration of justice is now being subjected to a Commission of Enquiry, these matters are being investigated, and we look forward to getting the report.

I was happy to see that there was full cooperation in the matter. Members of the Judiciary cooperated, magistrates cooperated, and the interested groups, but I did not see any memorandum from the People's National Movement. They actually filed a motion; in the Parliament a motion is on record objecting to this Commission of Enquiry. We see from their utterances that what the Government did was not only justifiable but supported by the population. It is the only Commission of Enquiry in recent times which has had such wide public response; every section of the society.

I want to tell the other side that they are living alienated from what is happening in the society; they do not understand what is happening in the society.

Mr. Assam: Dinosaurs!

Hon. R. L. Maharaj: They believe that they can make these same statements over and over like a stuck gramophone record, and for some reason certain sections of the media might print it, and they feel that that would give them some relief. [*Interruption*] If you bear with me I will give way.

The hon. Member for San Fernando West also spoke about the budget for the Judiciary. Chief Justice after Chief Justice, from the time this country had independence, has called upon governments to give the Judiciary its own budget and governments have refused. As a matter of fact, there is this grouping which met and the grouping said that this should be considered, a statement of principle, and the Commonwealth governments have considered it. It was even raised at the recent meeting of Prime Ministers in South Africa, and important considerations arise. Are you going to let judges manage money and get them involved in the politics of the country? Should they have to answer about spending money? If they spend money with their own budget, should they not be accountable to the Parliament?

Studies show that the Commonwealth governments are not prepared to do that, because judges are to decide cases. If they spent time having to worry about spending money and how they have to account, they would have more delays, that is one of the reasons. I would ask the hon. Member for San Fernando West to ask his political leader why they did not give them their own budget under the last administration. Why did the National Alliance for Reconstruction not give it to them? Why did the previous administration not give it to them? There must be reasons. He should not come here and make it appear as though this is the end-all of it, that would solve the problem, and the Government is preventing the Judiciary from functioning.

The Judiciary is not being strangled. As a matter of fact, when one sees the budget of the country and one sees what has been given to the administration of justice, in the widest context, one sees that there are sufficient resources being given. Judges in this country do not say that they cannot deliver a judgment because they do not have paper; they do not have ink; they do not have computers. As a matter of fact, one sees computers, paper, ink, facilities, housing allowance, house sometimes—yes, house sometimes, because the facts show that they themselves ask not to be given houses, but to be given an allowance instead.

I think this is the only country in the world in which you have some of the benefits that we give to the Judiciary; when I say we I mean the taxpayers. I do not understand why in this Bill—but I take his point; I want to be fair to him. Legislation like this cannot work unless the Judiciary has sufficient resources in order for them to discharge their duties.

Mr. Sinanan: Would you agree, therefore, that giving the judges more palantypists, for example, instead of having the judges taking notes in long hand, would be an assistance to the Judiciary? My information is that there are only two.

Hon. R. L. Maharaj: You cannot have it both ways. This Government agreed for a Court Administration Department and gave to the Judiciary an administration department for the Chief Justice, as head of the Judiciary, to manage. The Government does not interfere with this; there has been no request for us to provide any more money or any other thing like that.

As a matter of fact, when the judicial sector reform programme was agreed upon, it was on the basis that the Judiciary itself would come up with plans in order to solve some of these problems, and the Government would then consider resources. Regarding the Computer Aided Transcription (CAT) system, the Cabinet, in effect, agreed to employ people even from abroad in order to facilitate it. In the Parliament you have Computer Aided Transcription and there was a training programme, so the Judiciary, as management of its affairs in administration, could also have a training programme. There is the John Donaldson Technical Institute where there is a training programme, but we cannot have it both ways. If the Executive interferes with that, you would say that we are interfering with the independence of the Judiciary. I do not know why it is that we do not get our facts straight.

The facts are that the Judiciary has its Court Administration Department and the Government has provided the necessary resources that it has asked for in respect of note-taking. I support the view that the note-taking system is bad, and from the time I became Attorney General I gave a commitment that if a proposal comes we can go with it. I have asked about that several times.

Mr. Deputy Speaker, the next thing I want to talk about is the rules committee. The hon. Member for San Fernando West mentioned the rules committee. The Law Association of Trinidad and Tobago has expressed the view that the existing rules would not be in the public interest. We met in the Parliament on a motion and we may have disagreed on certain matters of the motion, but the Parliament unanimously agreed, by the expressions, that those rules should not come into force. Here it is you have the lawyers and the Parliament disagreeing, so I do not know how the Government could be blamed for any problem with respect to the rules committee.

We must bear in mind that with the separation of powers, governments have difficulties at times in trying to redress some of these matters, because it can be construed as interfering with the independence of the Judiciary, since, in recent times, this issue seems to have a very wide meaning. As a matter of fact, in recent times it seems that if you affect anything, as far as the Judiciary is concerned, it affects the independence of the Judiciary.

Mr. Deputy Speaker, I want the hon. Member to know that the Judiciary of Trinidad and Tobago consists only of the judges of the Supreme Court and the Court of Appeal. It does not consist of chauffeur, orderly, or computers; the Judiciary consists of the judges of the Supreme Court. The question which arises when people hear talk about affecting the administration of justice and the independence of the Judiciary, nobody has said that they are affected in any way in deciding any case. You have a lot of politics, and that is what happens, probably, at election time: politics.

Having said that, about not giving the judges the tools and so forth, and having responded to the hon. Member for San Fernando West, let me go to the hon. Member for Laventille East/Morvant.

Mr. Deputy Speaker, it must be very significant that in a piece of legislation like this, if the hon. Member for Laventille East/Morvant did not understand, why it is a great privilege for me. I do not think that many people in their lifetime would get an opportunity to pilot a bill which will give, what is called, public interest litigation. As I talked about poor people who cannot fight for themselves, but giving other people the right in the community to go to the court in order to fight for them, to get redress for them.

As a matter of fact, when South Africa introduced that legislation—I have a copy of the Act—it was considered to be a high point in the improvement of social justice for people. Therefore, if the hon. Member for Laventille East/Morvant does not understand why I consider this to be a great privilege, I do apologize, but I think that he does not understand, really, the impact of this measure. It merely does not restate what the law is, it goes further, as I said, and it makes a fundamental change to the law, which is not going to affect judges and which will give the right for judges to determine matters.

He talked about political cases. It may be so, but the matters which will be aired here in the court would be matters which affect the environment, roads, drainage, schooling, everything, but politics is the food you eat and the air you breathe; politics involves people, politics involves human and fundamental rights. If it is that we are getting a measure which will give the legal framework to provide remedies for people who do not now have access to remedies, what is the problem?

To go to the courts, which he is boasting about, totally competent, efficient and so forth, to adjudicate on these matters, to give people redress, I thought that he would have gotten up and supported expressly the legislation, but no, the politics has prevented him from saying that. The politics prevent him from saying that the Government has come with a very good piece of legislation and we should support. It is in the interest of the people and we should support it. This party politics prevents him from saying that.

[MR. SPEAKER *in the Chair*]

Mr. Speaker, is it not very significant that in an important measure like this, which has been on the Order Paper for some time, that you have the Front Bench of the Opposition not even attending the session? As a matter of fact, this measure which is going to give to the little man and little woman in Trinidad and Tobago, who could not approach court, the right to get redress where politicians and public officials do not want to give them redress; whether it is the nursing home, whether it is a road, drainage, a school, whether it is a ministry's office, or the Attorney General's office, whatever ministry, the right not to go to a committee in Parliament, but the right to go to the court and get redress; to compel actions to be taken to redress the wrongs, and they are not here today. They are not here today!

Some of them who were here, when this was being debated, left; they left the hon. Member for Laventille East/Morvant, and he did not support it. The hon. Member for San Fernando West supported it. He did not support it and they left him and he got up. This is sad; I feel sorry for the hon. Member for Laventille East/Morvant!

I find it very, very astonishing that the hon. Member for Laventille East/Morvant decides, with respect to clause 17, which I said I was not pursuing, to give the impression to this House that this Bill would, in effect, violate all the existing laws which deal with privacy and other things like that, by omitting it.

Mr. Speaker, before I give an example, which I am sure the hon. Member for Laventille East/Morvant would approve, I want to explain clause 17.

4.05 p.m.

Mr. Speaker, clause 17 merely states that if a statement of reason is to be given or ordered to be given, then that statement of reason should not contain matters relating to the personal or business affairs of the person and it goes on to state the different matters relating to national security.

What I said when I presented the Bill is that it was my view if a person is ordered to give reasons, he must answer those reasons in accordance with the law, and when he provided the reasons to the court, if they are against the law, the court would make its decision and we did not want to specify matters here. By not specifying other matters it would look as if we left out those matters and there is no other Bill for judicial review which can take this clause.

Ministers do not draft laws, laws are being drafted by the technical people and recommendations are made and studied from time to time, and having studied and re-studied it, my advice is that it should not be pursued because it is not necessary.

I could understand the fears of the hon. Member for Laventille East/Morvant. Assuming—I am not saying it is so and do not get sensitive—the hon. Member for Laventille East/Morvant while the PNM administration was in power applied for a loan to be forgiven to a state corporation and there is a mortgage, and the loan has been forgiven. And let us say there is some judicial review by somebody else alleging inequality of treatment. If reasons are to be asked for, the reasons would not state that other persons were given normally, but if the court orders that it would like to see in order to determine whether there was inequality of treatment how many persons were forgiven loans, and why others who were in more deserving circumstances were not forgiven, the court would be entitled to do that even though it relates to the personal record of an individual. It might be the National Insurance Board.

Therefore Mr. Speaker, if a Government Minister or a public official got a forgiveness of a loan and it turns out that there was inequality of treatment, an individual would be entitled to ask the court to supply that information; so I do not understand. For it to be said that this law, or the omission of it would cause the invasion of people's privacy is not correct, but what is correct is that if there is an issue to be determined, the court would have the power to make an order with respect to any information and if people are dissatisfied about that, they can apply, become a party and appeal.

Mr. Speaker, since I have spoken about applying and becoming a party, I do not understand why the Opposition has so much difficulty with clause 14 because it is not new. As a matter of fact, anyone can apply to become a party, but the hon. Member for San Fernando West raised it in connection with a matter which is now before the court, and without going into the merits of the matter it is my duty to answer the allegation.

Judicial review with which this Bill deals is totally different from a constitutional motion. A constitutional motion can only be filed against the state and the state under the Constitution is represented by the Attorney General. If the Attorney General makes a decision which is wrong he is accountable to the Parliament. The court does not have the power to rewrite the Constitution of Trinidad and Tobago to make anybody else the state. The only person who represents the state in proceedings is the holder of the office of the Attorney General.

When you have a case, the person who occupies the office of the Attorney General has to determine whether he would waste taxpayers' money by paying lawyers, or whether he would do what he is advised to do if it is correct. If, for example, in the Crane matter, the Attorney General of the day had taken the right advice, he would have saved the taxpayers of Trinidad and Tobago at least $10 million, plus matters are still going on for damages. So the holder of the office of Attorney General, being accountable to Parliament, would have to answer. For example, if there is a particular matter and he got competent advice that there is no defence to the action and if he continues to allow that matter to be litigated, to pay lawyers and other costs, then obviously he is not being truthful to the Parliament and the representation. So clause 14 is not as simple as you said, it has nothing to do with a constitutional motion because the rules are different in a constitutional motion.

Mr. Speaker, the other point raised by the hon. Member for Laventille East/Morvant is that he said that the Attorney General has said that one must show under this Bill that the person is adversely affected by the decision and that is what we are introducing in this Bill. That is not correct. What I said when I opened this Bill is that under the existing law—it is the law now—that if someone is adversely affected he has *locus standi* to apply for judicial review. I said the major change this Bill is going to have is to extend the *locus standi* from an individual to other persons who are not adversely affected by the Bill. Therefore if you have a non-governmental organization, the members of which are not affected by the decisions made, they would then be able to apply for judicial review even though they are not affected.

Mr. Speaker, the hon. Member for Laventille East/Morvant talked about the hanging bill and made a statement which is not correct. He made a statement that we asked for the hanging bill to be passed, referring to the Constitution (Amdt.) Bill, but the Government hanged people after the Bill was rejected. The Member knows what that Bill sought to do was get parliamentary approval and especially the Opposition's approval, that after a person who is convicted and sentenced to death has exhausted all his rights of appeal and his constitutional motion and he then applies to the human rights bodies which are the Inter-American Commission on Human Rights and the United Nations Committee on Human Rights and they are taking a long time, two years, three years, the bill would have provided some time frame for these bodies to complete these matters, and if the Opposition did not support it, the Government would not be able to effectively carry out the law with respect to the death penalty.

Mr. Speaker, it is a matter of record that the human rights body in the matter of Chadee and the other persons who were executed completed the matters within a reasonable time frame and therefore, the Government was committed to carry out the execution, but because the Opposition did not support that Bill there are over 24 persons with matters before the Inter-American Commission on Human Rights who have exhausted all their rights of appeal and their constitutional motion, but the state cannot consider executing them.

When I say consider executing them, this is in accordance with due process of law with respect to the applications for mercy and so forth because these matters are there for a very long time, in some cases over two years. If the Opposition had supported the Government in that measure, the death penalty would have been able to be carried out in more cases. I am not saying in all those cases because those cases would have had to be reviewed in any event by the Mercy Committee.

So it is not correct for the hon. Member for Laventille East/Morvant to give the impression that we are coming with legislation and some are not important and not useful and we are in effect trying to fool the Parliament and the population. It is not correct for him to have used the Constitution (Amdt.) Bill which he has designated as the hanging bill which his party opposed the Government in passing. Because the Opposition opposed that Bill there is a situation where the Government cannot consider executing some of these people because the Opposition failed to support a legislative measure.

The Opposition is causing the laws relating to the death penalty to be frustrated in Trinidad and Tobago and he gets up today when I am sure he knows that it is not correct.

Mr. Hart: What about Sankerali?

Hon. R. L. Maharaj: I hear the hon. Member for Tunapuna shouting Sankerali, Sankerali and I do not understand why he is doing it. Is he saying that the jury's verdict in Sankerali was perversed? Is he saying that when the Court of Appeal decided Sankerali's matter it was perverse? Is he saying that the constitutional motion before the High Court was perverse or wrong? Is he saying that when the Privy Council decided Sankerali, it was perverse? Is he saying that the Constitutional Motion which was filed and went to the High Court, Court of Appeal and the Privy Council was perverse? This again is propaganda and they do not know what they talk about, but they just talk.

Mr. Speaker, I do not know why the Member for Laventille East/Morvant would say every Monday morning we amend the Constitution and I do not know how education came into this debate. Their position on education reflects their attitude to matters which improve the lives of people. Here children are getting an opportunity to be educated, something they have been deprived of for years and he would not support it. He would not say I would support it, I want to work with the Government and make it work, I want to ensure that the children benefit from this policy of the Government even though his party had the same policy.

Mr. Speaker, they could not implement it and here the Government and the Minister of Education are working hard to implement this and he is jealous. I call that political jealousy.

What should happen is that they should forget their jealousies, personal emotion and differences and bury them in the interest of the children and people of Trinidad and Tobago.

4.20 p.m.

Mr. Speaker, if the Opposition does that, the Member would not find himself in the difficulty he was in the other night on television, when he could not say, I agree, I disagree or I do not know what is the position. Here it is, the hon. Member for Laventille East/Morvant has come to be one of the main spokespersons for the Opposition. The Member talks on everything. At one time it used to be the hon. Member for Diego Martin East, but it seems as though that since his political leader has decided that he would not put him back in the seat, and he will put Sen. Shabazz, the Member decides that he wants to speak on everything.

Mr. Assam: Including misinformation. Bush lawyer. *[Laughter]*

Hon. R. L. Maharaj: Mr. Speaker, the hon. Member for Laventille East/Morvant says, every Monday morning the Government is coming here to amend the Constitution and he talks about this measure. Now, I cannot understand, something must be radically wrong with the Opposition, particularly these days. Somehow the Opposition is seeing—I do not know what it is—strange things.

Mr. Assam: They "bazodee".

Hon. R. L. Maharaj: I do not know if it is "bazodee" or "malkadee" but all kinds of things.

Mr. Assam: They "gi-gi-ree."

Hon. R. L. Maharaj: "Gi-gi-ree". That is the word I was looking for. It looks like they are getting political "gi-gi-ree". Mr. Speaker, here it is, this law is not going to take away the rights of the Judiciary; it is not going to take away the rights of the Opposition; it is not going to take over the rights of the Government. What this Bill is going to do is put greater scrutiny on the Government and an Opposition must be very happy about measures like these.

Mrs. Persad-Bissessar: But they do not like that.

Hon. R. L. Maharaj: Mr. Speaker, but I do not understand that. Do you know what he says? The Member says the reason the Government is passing all these laws is because the Government knows it is going to lose the elections, and when it goes in Opposition it is going to make it difficult for them. I think what has caused this is, the Opposition "took basket" last week. *[Laughter]* The hon. Prime Minister said that if the Opposition gets into power, if they would give an undertaking, and they construed that to mean that they are getting in power. They are "taking basket". As a matter of fact, after that statement, "they start to walk brisk" and feel that they are really getting into office. I think this has gone to their heads. What I want to tell the Opposition on this matter is that both amendments—the amendment last week and the amendment this week—are to strengthen the legal framework to ensure that people's rights are adequately protected.

The hon. Member for Laventille East/Morvant has talked also about what he called a relator action. The Member—I do not understand what was the significance of it—insinuated certain matters and I think I should deal with it. The Member said that under the present law that the holder of the Office of Attorney General has the power, if representations are made, and the Attorney General would in effect, give consent for a relator action to be filed, and the relator action means that the Attorney General, the holder of that Office, would be part of that action where there is some public wrong, even if it means that the Government is violating the rights of the people. So there is a situation where the holder of the Office of Attorney General could be approached in respect of any public wrong, for him to give his consent for the filing of an action.

Mr. Speaker, all that I want to say is, since I have become Attorney General, I have received no request to file any relator action. So that if I did not get any request, I could not consider any. So, therefore, I do not know if the implication was that there were requests and the Government did not deal with them. So, I am glad that the Member is saying that there were no such requests. I do not know why the Member mentioned it. *[Interruption]* Sorry.

Mr. Hinds: I said that because I was pointing out the political difficulty with the law in that sense, because the Attorney General recognizing that there was illegality on the part of his Government—and not you, just in general—can refuse to adopt the action and, therefore, the person will not have the redress that he or she was seeking. That is the point I was making.

Hon. R. L. Maharaj: Mr. Speaker, well, I would have thought that was additional reason why this Bill should be supported. What this Bill would do is to a great extent not depend upon those kinds of matters, because those matters relate to where people do not have any *locus standi*. For example, in the Blackburn case in the United Kingdom—and it is mentioned in this Working Paper—where somebody who had no *locus standi* decided that he wanted to take action against all these sex shops, because the sex shops were affecting the morality of people. In the Blackburn case it was held that he could not do it because he did not have any *locus standi*.

Mr. Speaker, what Lord Denning said in that case is basically what this Government is in effect doing here. Lord Denning said he believes that whenever there is a breach of the law, and wherever things are not in the public interest, it should not be restricted only to people who have *locus standi.* So that if it is that the relator action principle meant that people had to depend upon the Attorney General to give his consent for an action to get its *locus standi* to be able to be aired in court, and there is now a situation in which you can have people who are not directly affected, but who can take up the matter, I would have thought that the Member would have supported the measure.

Mr. Speaker, I cannot find the relevant section of Lord Denning's statement, but I have in my hand here, at page 19 of this report, where Lord Diplock said that it would be a grave lacuna in our system of public law, if a pressure group like a federation or even a single spirited taxpayer were prevented by outdated technical rules of *locus standi*, from bringing the matter to the attention of a court to vindicate the rule of law and to get the unlawful conduct stopped.

Mr. Speaker, I think I should put on the record that the comments made by the hon. Member for Laventille East/Morvant are not accurate, in respect of what he said about the Airports Authority and the Attorney General. I do not want to go into details of that, but what the Member said is not accurate in the context of which he had said it and, therefore, I think that hon. Members should be more careful that if they have to make those statements, they should make them accurate in the context in which matters occurred.

Mr. Speaker, in concluding, I reiterate what this Bill does. Some of the suggestions made by the Member for Laventille East/Morvant were to the effect that this Bill was not necessary. In order to respond to that again, I would say that it is necessary, because statutory effect must be given in the light of what has happened with these matters, and it is necessary if we are to introduce public interest litigation in Trinidad and Tobago.

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.

Mr. Speaker: Hon. Members, the House shall go into committee, immediately after the half-hour break for tea.

4.30 p.m.: *Sitting suspended.*

5.03 p.m.: *House resumed.*

House in committee.

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

Clause 4.

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

Mr. Maharaj: Mr. Chairman, I propose the following amendment to clause 4:

Delete clause 4 and substitute the following new clause:

"Interpretation 4. In this Act-

'Court' means the High Court of the Supreme Court of Judicature; 'action' includes inaction.

Question put and agreed to.

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

Clause 5.

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

Mr. Maharaj: Mr. Chairman, I propose the following amendment to clause 5:

A. In subclause (2)(b)-

(i) insert after the words "a person" the words "or a group of persons"; and

(ii) delete the word "person's";

B. Insert after subclause (4), the following new subclauses-

"(5) Subject to subsection (1), sections 6(1) and 11, a person is entitled, when making an application for judicial review under subsection (2)(b) or (6), to make an application, in any written or recorded form or manner and by any means.

(6) Where a person or group of persons aggrieved or injured by reason of any ground referred to in paragraph (a) to (p) of subsection (3), is unable to file an application for judicial review under this Act on account of poverty, disability, or socially or economically disadvantaged position, any other person or group of persons acting bona fide can move the Court under this section for relief under this Act."

Question put and agreed to.

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

Clauses 6 and 7 ordered to stand part of the Bill.

Clause 8.

Question proposed, That clause 8 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I propose the following amendment to clause 8:

A. In subclause (1)-

(i) Delete the word "or" at the end of paragraph (b);

(ii) Insert the words "or" at the end of paragraph (c);

(iii) Delete the words "and may make such other orders and give such directions as it considers just and as the circumstances warrant,"; and

(iv) Insert the following new paragraph after paragraph (c)-

"(d) such other orders, directions or writs as it considers just and as the circumstances warrant."

B. Insert after subclause (4) the following new subclause:

"(5) The Court, having regard to all the circumstances, may grant in addition or alternatively an order for restitution or for the return of property real or personal."

Question put and agreed to.

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

Clause 9 ordered to stand part of the Bill.

Clause 10.

Question proposed, That clause 10 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I propose the following amendment to clause 10:

Renumber clause 10 as subclause (1) of clause 10 and insert the following new subclause:

"(2) The Court may, at any stage of the application for judicial review, direct that the proceedings to which such application relates shall be stayed until further notice."

Question put and agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clauses 11 to 16 ordered to stand part of the Bill.

Clause 17.

Question proposed, That clause 17 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I propose that clause 17 be deleted.

Question put and agreed to.

Clause 17 deleted.

Clause 18.

Question proposed, That clause 18 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I propose the following amendment to clause 18:

Renumber clauses 18 to 22 as 17 to 21 respectively.

Question put and agreed to.

Clauses 17 to 21 ordered to stand part of the Bill.

New Clause 22.

New clause 22 read the first time.

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

Mr. Maharaj: Mr. Chairman, I beg to move that a new clause 22 be added to the Bill as follows:

"Enforcement of judgment

22.(1) Subject to subsection (2), where an order has been made or a judgment given in favour of a person who brought an application under section 5(2)(b) or (7) and who, for any reason, is unable to enforce the order or judgment, any other person is entitled to enforce that order or judgment on behalf of that person.

(2) Where a person seeks to enforce a judgment or order under subsection (1) on behalf of a successful applicant, he shall first obtain leave of the Court."

Question put and agreed to.

Question proposed, That the new clause be added to the Bill.

Question put and agreed to.

New clause 22 added to the Bill.

Clause 19 recommitted.

Question again proposed, That clause 19 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I beg to move that clause 19 be amended as follows:

A. Renumber clause 19 as clause 19(1) and add the following new subclause-

"(2) Without prejudice to any other law, the Court shall have such incidental or ancillary powers to enforce any order or judgment it makes under this Act.";

B. In the marginal note add the words "or enforce" after the word "modify".

Question put and agreed to.

Clause 19, as amended, again ordered to stand part of the Bill.

Clause 23.

Question proposed, That clause 23 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I propose the following amendment to clause 23:

"Appeals

23.(1) A person aggrieved by a decision of the Court, including an interlocutory order, under this Act is entitled to appeal that decision as of right to the Court of Appeal.

(2) An appeal shall lie from a decision of the Court of Appeal referred to in subsection (1), as of right to the Judicial Committee of the Privy Council."

Question put and agreed to.

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 to 26 ordered to stand part of the Bill.

New clause 5A.

New clause 5A read the first time.

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

Mr. Maharaj: Mr. Chairman, I propose the following new clause 5A be added to the Bill:

Insert after clause 5, the following new clause-

"Appointment of person to investigate

5A.(1) Where an application is filed under section 5(5) or (7), the Court may suspend the hearing of the matter for such time as it considers just, and appoint a person or such number of persons possessing such training or qualifications as the Court considers just and as the circumstances warrant, to investigate the facts of the complaint or matter and to submit a report on its finding to the Court within such time as is specified by the Court.

(2) Such report shall be made available to the parties to the action who shall be entitled to be heard in respect of the report and make whatever application to the Court in respect of the report that they consider just."

Question put and agreed to.

Question proposed, That the new clause be added to the Bill.

Question put and agreed to.

New clause 5A added to 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.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I wonder whether before we go to the other Bill we can do the two Motions of Government Business; the Motions relating to the amendment in the Senate?

Mr. Speaker: Yes, indeed, let us proceed.

Agreed to.

FINANCIAL (MISCELLANEOUS PROVISIONS) BILL, 2000
(Senate Amendments)

The Minister of Tobago Affairs and Minister in the Ministry of Finance, Planning and Development (Dr. The Hon. Morgan Job): Mr. Speaker, I beg to move the following Motion standing in my name:

Be it resolved that the Senate amendments to the Financial (Miscellaneous Provisions) Bill, 2000 listed in Appendix I be now considered.

Question proposed.

Question put and agreed to.

Clause 5(d).

Senate amendment read as follows:

A. Renumber paragraph (i) as paragraph (ii) and paragraph (ii) as paragraph (iv).

B. Insert the following before paragraph (ii) as renumbered.

"(i) by deleting in subsection (3) the words "subsections (5), (5A), (5B) and (9)" and substituting the words "subsections (4), (4A), (5), (5A) and (5B)","

C. Delete in re-numbered paragraph (ii)

(a) the words "either one of them at their option or by both of them" and substitute the words "each spouse".

(b) the words "of each spouse" and substitute the words "of that residence".

D. Insert the following as paragraph (iii):

"(iii) by deleting in subsection (4A) the words "or for tertiary education".

Clause 5(d)(iv) as renumbered read as follows:

A. In the new subsection (10) delete in line ten the words "either spouse at their option" and substitute the words "each spouse".

B. Delete the words "(3) (a)" wherever they appear and substitute the words "(4) or (4A)".

Mr. Maharaj: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

5.15 p.m.

HOMES FOR OLDER PERSONS BILL
Senate Amendments

The Minister of Social and Community Development (Hon. Manohar Ramsaran): Mr. Speaker, I beg to move the following Motion standing in my name.

Be it resolved that the Senate amendments to the Homes for Older Persons Bill, 1999 listed in Appendix II be now considered.

Question proposed.

Question put and agreed to.

Clause 3.

Senate amendment read as follows:

Delete the definition of "Facility Review Team" and substitute the following:

(i) "Facility Review Team" means a team within the division of Aging appointed by the Minister and authorised to inspect Homes for Older Persons.

(ii) Delete the definition of "Home" and substitute the following:

"Home" means a house or other premises established for the express purpose of caring for and housing older persons, whether for reward or not.

(iii) In the definition of "older person" delete the word "sixty-five" and substitute the word "sixty".

Mr. Ramsaran: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 4.

Senate amendment read as follows:

(i) In subclause (1) delete the words "to assist and advise the Minister on matters relating to the administration of this Act, and the Board shall exercise such powers, duties and responsibilities as are delegated to it by the Minister."

(ii) In subclause (2) insert after the word "Chairman," the words "a Deputy Chairman" and after the word "ten" the word "other".

(iii) Delete subclause (2)(e) and substitute the following:
"a nutritionist or dietician".

(iv) In subclause (5) delete the words "Minister may appoint a member to" and substitute the words "Deputy Chairman shall".

(v) In subclause (6) delete the words "members present shall appoint one of their number to" and substitute the following "Deputy Chairman shall".

(vi) In subclause (7) delete the words "other members presiding and three" and substitute the words "Deputy Chairman in the absence of the Chairman and five".

Mr. Ramsaran: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

New Clause 4A.

Senate amendment read as follows:

Insert after clause 4 the new clause 4A as follows:

"Functions of Board

4A The Board shall be responsible for—

(a) Advising the Minister on all matters relating to the care of older persons, the administration of the Act and standards to be observed in the care of older persons; and

(b) Guiding and assisting the Division on the implementation of the Act".

Mr. Ramsaran: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 5.

Senate amendment read as follows:

(i) In subclause (2) delete the words "Every Home" and substitute the words "The licensee of every Home".

(ii) In paragraph (a) delete the word "and" at the end of the paragraph.

(iii) In paragraph (b) delete the full stop after the word "Act" and substitute the words ";" and "and"

(iv) Insert a new paragraph (c) as follows:

"(c) ensure that where a registered nurse or physician is not resident at the Home, their services can be readily available if a resident is in need of such."

Mr. Ramsaran: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 9.

Senate amendment read as follows:

In subclause (2) delete the word "six" and substitute the word "two".

Mr. Ramsaran: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 17.

Senate amendment read as follows:

Delete clause 17 and substitute the following:

"17 Where the licensee or the sole surviving licensee of a Home for Older Persons dies, upon application by the Legal Personal Representative, beneficiary, or any other interested persons the Minister may, after considering the representations of the Administrator General, the character, fitness, financial status and any other relevant factor in relation to the applicant, grant a temporary licence to an applicant for a period not exceeding six months at a time and subject to such terms and conditions as are prescribed under this Act."

Mr. Ramsaran: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 22.

Senate amendment read as follows:

Delete subclause (1) and substitute the following:

"Manager (1) Every Home for Older Persons shall have a named Manager who shall ensure that at all times there is present on the premises, an officer who shall be responsible for the operations of the Home."

Mr. Ramsaran: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 23.

Senate amendment read as follows:

In subclause (d) delete the words "of each resident" and substitute the words "or other person who is responsible for the resident".

Mr. Ramsaran: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 27.

Senate amendment read as follows:

Renumber clause 27(1) as clause 27.

Mr. Ramsaran: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 28.

Senate amendment read as follows:

Delete subclause (2) and renumber clause 28(1) as clause 28.

Mr. Ramsaran: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

Clause 30.

Senate amendment read as follows:

In subclause (2) insert after the words "to the Minister" the words "and the Board".

Mr. Ramsaran: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

New Clause 33A.

Senate amendment read as follows:

"Transitional Provision	33A. Nothing in this Act shall affect the operation of a Home for Older Persons within six months of the coming into force of this Act."

Mr. Ramsaran: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

STAMP DUTY (SPECIAL PROVISIONS) BILL
Senate Amendment

The Minister of Tobago Affairs and Minister in the Ministry of Finance, Planning and Development (Dr. The Hon. Morgan Job): Mr. Speaker, I beg to move the following Motion standing in my name:

Be it resolved that the Senate amendment to the Stamp Duty (Special Provisions) Bill, 2000 listed in the Appendix be now considered.

Question proposed.

Question put and agreed to.

Clause 4.

Senate amendment read as follows:

Delete the word "negative" and substitute the word "affirmative".

Dr. Job: Mr. Speaker, I beg to move that the House of Representatives doth agree with the Senate in the said amendment.

Question proposed.

Question put and agreed to.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I had indicated to hon. Members on the last occasion that we would do Bills Nos. 2, 3 and 4. Bills Nos. 2 and 3 deal with the same issue of increase in interest. I wanted to tell Members that we were going to ask to defer these for a short period, the reason being that we are looking to see whether there should not be some other formula to make it more equitable because, as it is, we are just increasing the interest from one rate to another rate and you may have to increase it over time. So, the Ministry of Finance, Planning and Development is looking to see whether there could not be a formula that would remain, something like above prime rate or whatever it is, so that if we defer it, on the next occasion we will probably have a decision on that.

Mr. Speaker, I will ask that we do not proceed with those two Bills but instead that we proceed with Bill No. 4.

Agreed to.

RENT RESTRICTION (AMDT.) 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 re-enact the Rent Restriction Act, Chap. 59:50 and to validate things done thereunder, be now read a second time.

This matter is a matter which I am sure is not new to many of our Members. [*Laughter*] Historically, governments have had to come from time to time to this House in order to extend—

Mr. Sinanan: On time.

Hon. R. L. Maharaj: No. No. The record will show that sometimes they were not on time.

The Rent Restriction Act, Chap. 59:50, was passed in 1941 and was due to expire on February 23, 1981 unless Parliament, by resolution, extended its life for a period of up to three years. The Act expired on February 23, 1981, but in order to correct the lapse, the government of the day introduced the Rent Restriction (Re-enactment and Validation) Act, 1981 into Parliament and this was passed on March 20, 1981. That shows it was not always on time.

Mr. Speaker, the Act again expired on February 23, 1984 and it was not until April 23, 1985 that a new Rent Restriction (Re-enactment and Validation) Act, No. 18 of 1985, was passed in the Senate and it validated all things done since the previous Act expired 14 months before. Before the Act of 1985 expired, it was extended by way of a resolution of Parliament to February 24, 1990.

Mr. Speaker, when the Act expired, it took the government of the day until August 9, 1991 to pass the Rent Restriction (Re-enactment and Validation) Act, 1991 and this Act was to continue in force until February 23, 1993. Before the Act of 1991 expired in 1993, it was renewed by way of a parliamentary resolution which extended its life to February 23, 1996. This Act to expire was not re-enacted until April 3, 1996 when, as hon. Members remember, we had a debate in this honourable House under this administration.

It remained valid until February 23, 1996 and the Government introduced a resolution on February 5, 1996 to extend the Act for another three years, and the Opposition supported it but it took the view that a resolution was not sufficient, that we had to come with a bill and we came. Out of an abundance of caution, we introduced a bill, followed the procedure and we re-enacted it to validate all things done on it since February 23, 1996.

The Act expired on February 23, 1999 and those of us who are in government or who have been in government, know sometimes how these things are not brought to the attention of ministers. As soon as it was brought, the matter was taken to Cabinet and here it is we are asking, in order to follow this process, for the support of the Parliament, but we recognize that this needs the support of the Opposition in that it needs a three-fifths majority.

We all know the purpose of this Rent Restriction Act. We know what it was passed for. We know that if it is not validated what effect it can have on people and if you want to put any blame on the Government, I would be prepared to take all the blame for it. But, I do not think that, we should, in effect, because of any blame-worthiness of anybody, suffer little people in matters like these.

Mr. Speaker, I beg to move.

Question proposed.

5.30 p.m.

Mr. Barendra Sinanan (*San Fernando West*): Mr. Speaker, it is the first time in the Parliament, since I am here, that I have heard the Attorney General in such contrite tones. He has asked for forgiveness, in effect, and we are prepared to give him that forgiveness. However, I would like somebody on the other side to get up and indicate to us, what is the Government's policy in terms of housing.

What we are doing here is revalidating the Rent Restriction ordinance, and, basically, it has its history going way back to the war days, but I would not carry you all that way back, Mr. Speaker. What we would want to hear is the Government's policy on housing for the small man, the ordinary man. We know that, to some extent, the policy is to provide serviced lots and also to provide housing where the citizen can buy, but we do have in this country citizens who cannot afford to buy a serviced lot. I think those serviced lots are probably going between $15,000 and $30,000, in some cases and the houses for other citizens are in the region of $175,000 to $250,000, but we do have in this country, citizens who cannot really afford it.

I know the hon. Minister of Housing and Settlements has said, on numerous occasions, "You have got to pay for these things." I cannot recall the Bill that was before us, but he had enunciated Government's policy with respect to getting the tenants of National Housing Authority buildings to purchase those units, which is good, but so far I have not yet heard what has happened to that plan. I know that he had enunciated it here in the Parliament, and on that occasion I told him that it was a major task in terms of having your common area set out, and your common rights and so forth, so it is a major legal task to have the matter separated, from a legal point of view.

You will recall, Mr. Speaker, that something like that came up again when we dealt with the Dangerous Dogs Bill—the Bill to ban the pit bulls— when we had made reference to these National Housing Authority apartments. It is a complicated piece of work that would have to be done firstly, in order to afford tenants of NHA apartments the opportunity to buy the apartments. Yes, we on this

side are in agreement with that, providing, obviously, that the houses and apartments are restored and fixed to some degree of acceptability, and offered to the tenants. For those who can buy I think there is provision for soft interest loans up to about 40 years, but that is for existing stock.

What we would like to know is whether there is any policy of the Government to provide additional housing stock for those persons in our communities and our society, who really cannot afford it; in other words, people below the poverty line. We are talking in terms of rents, perhaps, in the vicinity of about $100 to $150 a month. There are many people who can just barely manage to afford that, and there is a great bunch of people outside there who are in need of that type of housing.

It is in this regard that I would like to hear something from, perhaps, the Minister of Housing and Settlements, whether his Government has any policy at all to provide low cost rental units. In terms of even the rent, I think that one can use that same $150 to $200 over a 50-year period, just as you are attempting to do with the existing stock. What I am asking is whether there is a policy to add to the stock on the same basis that you can purchase it and pay a minimal amount of $100, $150, $200. I think many people in the society will be able to manage that over a 40 or 50-year period.

Mr. Speaker, that is all I have to say on this piece of legislation. We have taken the pleading of the hon. Attorney General. He has said that governments before have come late but, perhaps, it is as I said the first time in a long time that I have heard him in such contrite terms. He said that he has been influenced by me.

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

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, if a ministry does not get adequate resources in the budget, then that ministry cannot deliver for the needs of the society. We have recently, through the Land Settlement Agency, advertised 600 lots that were identified, and these were serviced lots. These were in-fill lots, lots that were found that had not been developed and had been in a state of abandonment. We received 22,000 applications; now, that gives you an indication of the tremendous need.

In terms of the National Housing Authority's rental stock, that we have decided to sell to the occupants, we cannot sell the buildings in the state in which they are, and we are gradually upgrading them so that they will be in good condition, with the electrical, plumbing and roofs all renewed and so forth. Then they would be sold, but at very, very concessionary rates that people can afford.

The policy that has been adopted since we do not get the financial resources in the budget, is a policy that enables the National Housing Authority to joint-venture with developers, where the NHA puts in its land and a certain amount of seed capital to get the infrastructure going. The joint venture partner goes out to the market place and sells houses to the middle and lower middle income people, where there is a massive market of affordable units; but also sells lots to the very wealthy at the highest possible price, takes the profit on the sale of all the land and subsidizes a percentage of the development for the poor.

What we do in this way is that the poor are not condemned to their poverty; they get a good standard of house, a starter house with good infrastructure, and they can be upwardly mobile. Now, they get that property at very concessionary rates. In the Land Settlement Agency, the terms are so soft that there is no one in the country who cannot afford to access a piece of land. The price of the raw land is 25 cents a square foot. You need to pay the conveyance and the survey, which averages around $1,200 to $1,600, and you have 30 years in which to do that. The communities have that 30-year period in which to upgrade the infrastructure with the help of state agencies.

The problem we have is that there is not enough land to meet the need. We are doing physical planning for the entire country to enable adequate land to be identified, because the assessment is that we need about 115,000 units. This is something that did not develop overnight, it has developed over many, many years, and no government has ever had the resources to really meet the demand. We have found a formula that we can meet every target group, and in the case of the poor, there are very, very concessionary arrangements.

Cabinet decided that the poor can borrow money on very concessionary rates of interest and that the Ministry of Finance, Planning and Development will subsidize Trinidad and Tobago Mortgage Finance (TTMF) $10,000 interest free, for the 25,000 squatters on state lands who could, with $10,000, repair their home: get a decent roof, maybe add on a couple rooms. However, TTMF has not lent a single $10,000 allotment, because, unfortunately, there is a mindset: mortgage companies lend money only to those who can pay. Even though the subsidy is guaranteed by the Minister of Finance, Planning and Development, we have not, in fact, succeeded in persuading them. Talks are on right now with the Governor of the Central Bank with the hope that we can set up a new agency directed at the poor, because the funds are there for mortgage lending, but, unfortunately, the mindset does not allow it. We are working on a new mortgage agency directed strictly at the poor.

With the land provision, proper planning, infrastructural development and the soft terms, in time, we will be able to solve the problem. Until we can get close to solving the problem, we have to maintain things like rent restriction, because if we do not do this, the poor will not be sheltered. That is the position, and it is, in fact, working very well. The Inter-American Development Bank recently discussed with us a new loan. The previous loan was US $80 million over a 10-year period; they are now offering us US $100 million over a five-year period, because they are fully satisfied with the strategies that we have adopted. In fact, the Habitat conference is looking closely at the model of Trinidad and Tobago and is very satisfied with it.

Thank you, Mr. Speaker.

Miss Pamela Nicholson (*Tobago West*): Mr. Speaker, I am just intervening here briefly regarding the comments made by the Minister of Housing and Settlements. I was pleased when he articulated that attention is being paid to the poor.

I was not too clear what he meant when he spoke about coming up with programmes so they can cope; the programmes that he was dealing with are for the rich and the middle income earners, and then the funding that they will make out of that, if I understand him clearly, he is using that to subsidize programmes for the poor; putting in infrastructure and so forth. As Minister of Housing and Settlements, I want to ask you if Tobago is a part of your planning, of your programme.

If I remember very distinctly or if I am clear, I always articulate it, the Attorney General, the Minister of Legal Affairs, has stated very clearly in this House that the Cabinet of the country and the ministers have the ultimate responsibility for dealing with the various ministries in Trinidad and Tobago; not just Trinidad.

When the Minister spoke about the squatters, he talked about putting in the infrastructure and so forth, then he has the idea about the $10,000 with Trinidad and Tobago Mortgage Finance, and that they have not taken up the programme, so that people in the squatting areas can get loans, build and so forth. Mr. Speaker, I want to find out from the Minister, if he has looked into the squatting programme in Tobago, and if he remembers what the Act says, that the Tobago House of Assembly is supposed to address the squatting programme in Tobago, while a unit in his ministry will deal with the squatting programme in Trinidad.

What is happening in Trinidad right now is that you are addressing the programme, the people in the squatting programmes are coming to the ministry and getting their letters of comfort; those who can afford can pay up, get their deeds and so forth, and not a single thing is being done in Tobago to address the squatters in Tobago. [*Desk thumping*] I have to be making this point all the time, that Hochoy has nothing to do with this. You have the ultimate responsibility, and when these questions are raised the Cabinet must sit and address these problems. [*Desk thumping*]

The legislation says that the Tobago House of Assembly should address this problem. I have gone to, at least, two areas and the people were guided to write the THA about the letters of comfort and so forth. The THA totally ignores them and says that they are in charge of their business in Tobago and they "do not business" with that. What are you, the Minister of Housing and Settlements, and the Cabinet of Trinidad and Tobago doing? Is Tobago a part of the unitary state of Trinidad and Tobago? This is the question I am asking for months, for years, in this House. There is no independence!

5.45 p.m.

Only when somebody says we want independence and that becomes an issue and it becomes a fundamental question and we go on the streets it is dealt with. Right now the Attorney General says the Cabinet is the legal adviser and he says that the Cabinet of Trinidad and Tobago, and ultimately the Ministers are responsible for running the different areas. If it is health, he is responsible for health in Trinidad and Tobago, if it is housing and settlements, he is responsible, so if there is a problem, he has to resolve it on behalf of the people of Tobago. Nobody could tell me anything about Hochoy Charles. *[Interruption]* You cannot tell me that. That is why I am on my feet, Mr. Speaker. When I recognize why these—I do not want to use my adjectives.

Mr. Sudama: Use a noun.

Miss P. Nicholson: Adjectives and nouns. Mr. Speaker, this is a serious question. The Tobago House of Assembly, based on the legislation with which we dealt last year, you are addressing the Tobago question, but remember there is a deadline in the legislation which says that by October all the squatters must respond—well those in Trinidad will respond—to the ministry to get their letters of comfort by October. To date, nothing has happened in Tobago, and I want to know what you, as the Minister have been doing and when you are going to address the question as far as the squatters are concerned.

There are two sets of squatters to deal with; those on government lands and there is a problem with the Speyside Estate. About two years ago, acquisition for that estate came to this House and there are about 50 squatters there so that will make their case a little more complicated than those who are on the Louis D'or Land Settlement, the Castara Estates, and Signal Hill where there are a few squatting areas. There is that fundamental question which you must be looking at as Minister of Housing and Settlements and you must treat Tobago equally as you are treating Trinidad. You cannot treat it in a discriminatory fashion. I am very alarmed at the approach we are getting from you. If there was one Minister that I thought would have addressed—

Mr. Humphrey: Advise me.

Miss P. Nicholson: I do not have to advise you, your adviser is the Member for Couva South. I am to raise the question and the problems that confront the people. I am to appeal to you and tell you that they must be addressed, I am to tell you whether you have to come up with an amendment to the Act so that the opening will be there that you can address the Tobago question.

We also have a second problem because I am talking about the second problem he mentioned. We still have the Signal Hill problem and this is one where there is a national programme of which Signal Hill is a part and there are a number of persons who have paid between $20,000 and $25,000 to the National Housing Authority. There is another issue emerging where the Tobago House of Assembly has charged an additional $2.00 per square foot, making it $7.00 per square foot when there is a Government policy. I think that the last Cabinet Minute in 1993 said that those lands must not be sold for more than $5.00 per square foot and the Minister answered that in this House.

Last month was the last time I came to this House and Minister Humphrey said in three weeks' time, if the Tobago House of Assembly does not address the question, he is going to take action based on Government's decision. He said that here, and it is over five weeks now and the Minister of Housing and Settlements has not done anything. The people have paid their money, and on Monday or Tuesday he will be getting a letter from me with evidence showing what is taking place. I am going to send a copy to the Attorney General and the Prime Minister of Trinidad and Tobago and call on them to address the Tobago problem. What I am saying is when a national policy decision is taken, it must be implemented in Tobago also.

Mr. Speaker, I subscribe to the view when he said that you have to come up with ways and means to address the rental situation while you are coming up with policies to deal with people on the squatting areas and for the poor. I want him to tell me how he is addressing the squatting problem in Tobago, how he is addressing the Signal Hill question and some of the other areas he quoted.

To date, this question has been raised for nearly two years now and I raised two sets of questions last year and one this year. The Minister is promising all the time that the Government will address the question. The last time was in June or late May and the Minister said after three weeks he is going to take action. I asked a supplementary question if it would be at $5.00 per square foot when he said he is going to take action. He said certainly.

Mr. Speaker, I wish to appeal to the Government of Trinidad and Tobago to address the housing and land settlement problems in Tobago, particularly because the people of Tobago are responsible for them being seated here, and secondly, the country is still a unitary state of Trinidad and Tobago and we must have equality and justice and not discriminatory practices in the country.

Thank you.

Mr. Colm Imbert *(Diego Martin East):* Mr. Speaker, in listening to the Attorney General and the Member for St. Augustine, it is obvious to me that Members on the other side are beginning to believe their own rhetoric, how ridiculous it is.

Listening to the Attorney General, one sees that this matter lapsed almost 15 months ago. It was February 1999 that this legislation lapsed and the feeble excuse he gave—that he has to wait for it to come to the attention of the Minister. What is the Minister doing that he does not know that an important legislation requiring a special majority has lapsed for more than one year? My God!

Mr. Speaker, the interesting thing is that on the last occasion when this matter lapsed and the Attorney General, the brilliant legal mind, indicated that it did not require a special majority, then he had to eat humble pie and request a special majority which we gave. We told him that over the next period—and this was in March 1996, more than four years ago—to take his time and do something about the matters that require legislation such as the Rent Restriction Act, deal with the housing situation in the country. Look at the Act itself, see whether it needs amendment, refining, updating, or upgrading. What have they done? Absolutely nothing. They have allowed four years to elapse, and the measure itself to lapse over one year. They are bringing all kinds of legislation here as my colleague, the Member for Laventille East/Morvant said, every Monday morning they want to tamper with the Constitution and bring all kinds of foolish legislation, but would not deal with something like this.

Then one listens to the Member for St. Augustine admitting that they have put measures in place that are unworkable. There are concessionary programmes in place for financing and loan programmes and not one has been accessed and he seeks to blame the mortgage institution. Always blaming somebody else. The problem is not them, it is you. You are incompetent!

There is a programme in place to allow poor people to access $10,000 to renovate their house, but he comes here and admits his monumental incompetence that not one loan for $10,000 has been accessed. What is the point? Trinidad and Tobago Mortgage Finance Company is a quasi-state organization, probably they are going to tell us it answers to nobody, it does what it wants. It is absolutely ridiculous. They have built no houses in the last four and a half years, they have done nothing and the Minister talks about no budget. When you come into this Parliament on budget day and you see that the housing ministry gets hundreds of millions of dollars in allocations every year but they cannot implement anything. They cannot use the money because they are incompetent. *[Desk thumping]*

I saw a story in the newspaper today that some houses were built in the Wallerfield area, temporary relocation of squatters and the story is that this administration built these houses and left them abandoned.

Mr. Narine: That is not true.

Mr. C. Imbert: I am sorry. My apologies, it was done by a previous administration, but this administration is allowing these houses to be vandalized, they are taking out windows, doors, roofs and so forth. That is what this administration is doing. There are houses in the country and they are allowing bush to grow, and houses to be vandalized and talking about poor people. Why do they not allocate those houses to poor people instead of allowing people to dismantle the houses?

This nonsense of upgrading National Housing Authority (NHA) apartments, where is this being done? Is it being done in South-East Port of Spain? Are you dealing with plumbing and electrical installation in Embacadere? Where is it being done? How many apartments have been upgraded, and what is the extent of the work being done? Absolutely nothing. Just talk, talk, talk because in that ministry there is an ongoing battle between the Parliamentary Secretary and the Minister about who wants to be candidate for St. Augustine, and this one "writing letter" about that one, and this one bringing his father with the pundits and so forth to support their candidacy, and that one complaining to the Prime Minister. That is what is going on in that ministry, they are "like cat and dog" at each other's throats. That is what is going on there.

600 p.m.

Mr. Speaker, it is no wonder the Government cannot get anything done. *[Laughter]* When the two of them are not fighting and trying to undermine each other about who will be the candidate for St. Augustine, in the next election, they are destroying the mangrove in the foreshore, without any environmental impact assessment; without any reference to the Environmental Management Agency—nothing. Mr. Speaker, the Government is building an arch somewhere—

Hon. Member: In France.

Mr. C. Imbert: —by the Churchill Roosevelt Highway. It is no wonder nothing could be done in that Ministry of Housing and Settlements. *[Interruption]* Well, of course, she has been exported. She is a problem and she has been exported. *[Laughter]*

I remember, when the hon. Member for St. Augustine was appointed Minister of Housing and Settlements, he complained bitterly. I looked in my *Hansard* of March 1996 where the Member said there should not be a Ministry of Housing and Settlements.

Mr. Hart: The Member said that?

Mr. C. Imbert: The Member was so vexed; he was so upset because they put him there. The Member also said that he was going to relocate Lands and Surveys Department which was then under the Ministry of Agriculture, Land and Marine Resources; Town and Country Planning Division, which was under the Ministry of Planning and Development; and that all these things would soon be under his control. This is what the Member said in the *Hansard* of March 1996 and the Member fought bitterly. When the Member was not fighting with his Parliamentary Secretary, he fought long and hard and eventually got what he wanted. The Member took away physical planning and so on. *[Desk thumping]*

Mr. Narine: Kuei Tung took it.

Mr. C. Imbert: Mr. Speaker, "Yuh think it easy." I remember there was another adventure by the Member for St. Augustine, which had to do with some Chinese corporation to build a highway from San Fernando to Princes Town. What has happened to that? Where is the highway from San Fernando to Princes Town? *[Interruption]* Then the Member spent a long time bringing in labourers to build schools in Trinidad and Tobago and calling them non governmental organizations. *[Interruption]* Yes, we are coming to that. This is why nothing is going on in that Ministry because the Member has no real interest in the portfolio.

Mr. Narine: The John John Towers.

Mr. C. Imbert: Look at the John John Towers. Up to now the Government cannot distribute those houses. I am talking about all of them. There are still fire victims who cannot access those apartments because they are PNM people. *[Interruption]*

Hon. Member: Ramdeo Mahabir Lands.

Mr. C. Imbert: I know, Ramdeo Mahabir Lands. So, it is no wonder to me that the Member comes back now in 2000, four years after March 1996, and the Government has nothing to tell us. The Attorney General cannot tell us that he has reviewed the Rent Restriction Act. He cannot tell us anything. He cannot tell us that he has looked at it in the context of updating legislation. The Attorney General did not bring any working paper on the Rent Restriction Act, but he is bringing a working paper on this though. He has not asked the Law Commission to look at the Rent Restriction Act. *[Desk thumping] [Laughter]* That is not important. It is not important to him that there are all sorts of dichotomies taking place in the housing sector, where people are paying $5.00 rent for apartments and, therefore, people do not wish to maintain these apartments, which leads to squalor and very unsanitary living conditions. He has not dealt with that situation. You know, when someone is paying $5.00 a month rent for an apartment that does not even cover the water rates, and this is a large contributor to a lot of the squalor within our urban communities because of this lacuna in the law.

Mr. Speaker, that was one of the problems that was caught in the Rent Restriction Act that otherwise it was a very laudable and admirable measure and this is why we on this side will give the Government the special majority today. We will give it to the Government because we also believe the reason is that, the Government has done nothing, absolutely nothing. *[Laughter]* You know it is the lesser of two evils. We must support the legislation even though at the same time, we must put on record the monumental incompetence and abysmal failure of the Government. *[Desk thumping]*

Mr. Hinds: Sweet.

Mr. C. Imbert: There is this lacuna in the law where the Rent Restriction Board caught a situation where people were paying $5.00 and $10.00 a month for apartments. I am aware of people paying $12.00 a month for three-bedroom apartments and so on. How does one deal with a situation like that? There are private and state landlords. Someone is paying $10.00 a month and, as I said, it does not even cover the water rates for the property; it does not cover routine

maintenance; it does not cover any sort of renovation whatsoever. How does someone deal with that situation? They will have to go into the Magistrates' or High Courts as the case may be or whatever it is, and spend years through the court system trying to deal with that situation. The Attorney General knows what I am talking about. He knows that someone has to go there and apply for an increase in rent and it takes 10 years in the court system; the person stops paying the $10.00 because the matter is in court; the building runs down to the point where it is condemned and determined to be unsanitary and unfit for human habitation; and this is one of the problems in the law. Mr. Speaker, through you, why is the Government not dealing with that?

Mr. Speaker, there is no modernization of the problems, nothing; no solution; and no effort on the part of the administration to deal with the legislation itself. The Government has brought no amendments for us today; no proposals for us to study; there has been no discussion; and no consultation, absolutely nothing. The Government just comes back four years later and says it is sorry; the Bill lapsed; the Minister did not know; we want your support; and vote for the Bill. That is the sum total of the contribution, and then the Minister himself made a pathetic contribution saying he cannot do anything. He has 600 lots and 22,000 applications; he does not know what to do; his Ministry gets no money; nobody is taking him on and what do we recommend.

Mr. Humphrey: What do you recommend?

Mr. C. Imbert: You are in government! It is your responsibility! You were asked to govern this country and you have executive responsibility. It is not for us to tell you what to do. *[Desk thumping]*

Miss Nicholson: At all!

Mr. C. Imbert: It is for you to make proposals after four and a half years—

Mr. Hinds: Or pack up your bag and go.

Mr. C. Imbert: —or pack up your bags and go! *[Desk thumping]* I just cannot believe it. So, this Minister develops this fantastic programme to give loans to poor people but poor people are not getting the loans. The Minister says it is a mindset. What mindset! Who appointed the members and board of that institution? Who! The Government will want to say it was a PNM administration. Mr. Speaker, it is absurdity of the highest. I am tired. Every year, you hear the Minister of Housing and Settlements saying the same thing—we are doing this, and we are doing that; we cannot do this, and we cannot do that.

6.10 p.m.

He does not like the Ministry. He does not want the Ministry. He cannot do this and that. It is an absurdity. The only relief in this whole matter—I mean, I have to support my colleague from Tobago West, because the important and relevant issues she brings into this Parliament are treated with trivial and frivolous contempt. She raises legitimate issues about irregularities regarding the sale of state lands where people are jacking up the price, I believe, and forcing people to pay prices that are not approved, and the Minister laughs. That is all that happens inside here. Eventually, when he is forced to say something, he says that within the next two or three weeks, he will solve that problem. Then three months, three years and ten years pass.

Thank goodness that when we pass this legislation today it will last until February 2002. *[Desk thumping]* Certainly, Mr. Speaker, on that date the Member for St. Augustine will not be the Minister of Housing and Settlements, and the Member for Couva South will not be the Attorney General. *[Desk thumping] [Laughter]* Hopefully, the housing programme in this country will get back on track if they have not utterly destroyed all the systems, because one of the problems that faces the next PNM administration is to repair the tremendous damage that has been done to the institutions and systems in this country. That is one of the biggest problems that faces us: the destruction of systems and institutions in this country. *[Desk thumping]*

Mr. Speaker, I know we are capable of doing this, and I am just waiting. I understand they are having some big function on Sunday where a set of them will find out to their horror that that is it for them! *[Laughter]* There is a famous story about 49 steps; the number of steps they take from the room to go to the hangman. They count the steps. Dead man walking!

Mr. Speaker: Could we get back to the legislation? *[Laughter]*

Mr. C. Imbert: Mr. Speaker, it would be like dead man walking on Sunday! *[Laughter]* They will know their fate and they will start to count the steps as they go towards the hangman's noose.

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

Mr. Jarette Narine *(Arouca North)***:** Mr. Speaker, I am pleased today to note that the Attorney General came to Parliament and gave an apology, in that at that time when we debated this Bill in 1996—*[Interruption]* He asked for us to give him an apology.

Mr. Maharaj: I apologize.

Mr. J. Narine: We accept your apology, but may I remind you that the same problem happened in 1996. When we came here in 1996, it took about two months to get this Bill passed. We came on a Friday to Parliament, it was adjourned and two weeks after, it did not come up and all these things happened before we passed this Bill.

It was the Member for Arouca South who stood here and said that it needed a majority in the House of Representatives to make this law. As a matter of fact, the Member for Diego Martin East alluded to that fact, that the PNM at that time in 1996 was right and the Attorney General was wrong. We accept your apology today, because you are wrong again for staying away for 18 months to come here today to bring back this Rent Restriction Bill.

It does not matter to him because this concerns the underprivileged people in Trinidad and Tobago. If it was for the hierarchy, the oligarchy, this would have been here on time. *[Desk thumping]* What is happening today is that this is for the underprivileged people. When the Minister of Housing and Settlements spoke about putting housing in place, he spoke about that in 1996! The same thing he said this afternoon, he said four years ago, and the only thing he added today is that he is not able to go to Cabinet and get additional funding for housing. This is what he said today.

In the meantime, while they are trying to make haphazard arrangements to put people in before election time, other persons who have had housing are suffering in this country. The Member for Laventille East/Morvant will tell you that the water up at Morvant was cut off because the National Housing Authority (NHA) did not pay its bills. Paradise Heights! There are instances—*[Interruption]* Not too long for you! Stay quiet!

Dr. Mohammed: Ask him if he paid his bill!

Mr. J. Narine: The Member for St. Augustine will remember that even in Bon Air Gardens in Arouca, a sewer system was disconnected by the Trinidad and Tobago Electricity Commission (T&TEC) because NHA did not pay the bill for the sewer system. It was T&TEC at the time. They disconnected a sewer system. They did not know. As a matter of fact, I had to go to Mr. Ronald Gaspard at the time when he was working there to get it reconnected. Filth was flowing in the streets. He would not care about that.

Mr. Speaker, what the Member for Diego Martin East was speaking about, that is taking place in Wallerfield is because of Demerara Road. There was disposal of lead from the Arima area which they were going to dump in Aripo, and the people begged them to put it down there. They were squatting and they wanted to build some roadway to get inside with their vehicles. They did not know the dangers of lead poisoning at the time.

As a matter of fact, the Member of Parliament for Arima, who was then in a good political party, fought tooth and nail for the people there. The Member for Couva South told them do not move! Why do you think the Member for Point Fortin is not here? It is because the Member for Point Fortin who was then a PNM Minister started that area in Wallerfield to relocate the people from Demerara Road. That was always there. The Environmental Management Agency at the time did a survey and we decided on a procedure as to how to go. The present Attorney General went up there for a meeting and he had the Member of Parliament for Arima at that time really—*[Interruption]*

Dr. Mohammed: Would the Member please give way?

Mr. J. Narine: You cannot even stop an oil spill. Sit down! Mr. Speaker, I would not like to be interrupted because I am saying something this afternoon that is very important. The Soodeen boy died because of lead poisoning at Demerara Road, and that housing project—

Dr. Mohammed: Thank you very much, Sir. I just want to point out something in connection with what the hon. Member is saying and to inform this honourable House that the lead remediation exercise in Demerara Road has been completed by this Government. I would like to draw attention to the media present that the lead remediation exercise in the Demerara Road area has been completed by this Government.

Thank you, Mr. Speaker.

Mr. J. Narine: Thank you, very much. Did the Clerk ask today if anybody had a statement to make? This is why he is incompetent, and this is why he is not going to face the polls after Sunday. He should have come here today and made a statement. We had that housing planned and everything was executed.

Dr. Griffith: You did not build it. Do you want to give way?

Mr. J. Narine: Who did not give way? *[Words expunged]*

Mr. Speaker: No. The Member for Arouca North knows that that is unacceptable in this august House. You do not do that. Whatever the relationship between the both of you, I think you owe an apology, but it will be expunged from the record for the time being.

Mr. J. Narine: Mr. Speaker, thank you very much. Although it will be expunged from the record, I apologize to the Member. The Land Settlement Agency sent out a letter on July 2, last year. I would like to remind you, Mr. Speaker, that local government elections was on July 12. I would like to remind this House that the Member of Parliament for Arima said he was going to win seven seats. I did not know which side he was going to win it for. Certainly, we won seven seats and he, as a UNC in Arima, won no seats. He is not going to win another seat in Arima. *[Desk thumping]* I am saying that clearly.

Let me say, Mr. Speaker, the people from Demerara asked to be relocated to those very lands we are speaking about here in Wallerfield because of the lead poisoning, and that the Member for Couva South went to a meeting before the 1995 elections and told the people do not move, is a fact. I am simply saying what went on at that time. Nobody from Arima is going to come and tell me what takes place in Wallerfield, especially who is not au courant with what is taking place in Arima.

I would like to put this letter into the record. I have taken out the name of the person, but let me indicate to you, Mr. Speaker, that the Land Settlement Agency sent out this letter, and I read:

> "Dear Sir,
>
> I am pleased to inform you that you have been selected among others from your community to receive a Certificate of Comfort from the Honourable Basdeo Panday, Prime Minister of the Republic of Trinidad and Tobago, on Thursday 8th, July, 1999 at 6 p.m. at Pinto Road Community Center, Arima.
>
> The event is indeed an historic occasion…"

It was illegal at that time to give out any letter of comfort because Parliament had not passed the Land Settlement Agency Bill in a proper manner. This letter of comfort was supposed to have been laid in Parliament. I am indicating to you that four days before the election, this was the con game; the con game that is taking place today started last year, four days before the local government elections.

I will continue, Mr. Speaker:

> "The event is indeed an historic occasion, since it is the first time any citizen of Trinidad and Tobago will be receiving this document which allows for some measure of security of tenure.
>
> In an effort to ensure that you arrive at the ceremony on time, the Land Settlement Agency would be assisting in the provision of transport. A member of the field staff of the LSA will liaise with you in this regard."

It was signed by the Chairman of the Land Settlement Agency.

That did not help, four days before the elections. What we are doing here today is supporting a Bill which was supposed to have been here 18 months ago to make a regularization. Further to that, I have another documentation from the Ministry of Housing and Settlements which is stating that when one had paid the $20 to Republic Bank of Trinidad and Tobago and had to go to the Land Settlement Agency to collect the forms which one had to take to a commissioner of affidavits for signature and to take either to a Justice of the Peace or someone else to have them affix their stamp and so forth, and return it to the Ministry to be considered for one's letter of comfort. This list of Justices of the Peace, and so forth, was attached to the copy for the National Housing Authority. I indicated this to the Minister at the time.

6.25 p.m.

I tell you, Mr. Speaker, I only saw that and realized, if not the Minister, but somebody in his Ministry was trying to make all the squatters who had to go to pay for affidavits put money into certain people's pockets. Out of that, there was Leslie Paul of 33 Toco Road, Sangre Grande—he was the only person named in Sangre Grande and he is a known supporter of the Government. Salan Denalli from Maurice Avenue, Arima, who was a past teacher of mine and who is known to be an active UNC person.

What is very interesting here is that those were the names that were attached to the forms that had to be filled out and if these names were attached, obviously, people thought that these were the only people to whom they could go, and those persons were charging $40 and $45 for the signature and stamps. I indicated this to the Minister, but I got my people to go to the Justice of the Peace in Arima and have it done free and there was another Commissioner of Affidavits in the Arouca area who did it for a sum of $5.00. I think that was in keeping with the cost that should have been.

But, can you imagine a Commissioner of Affidavits in Arima getting something like 5,000 squatters from that area to sign that form at $45 per person? That is very unfair and that is the type of thing that is taking place.

I came to Parliament, subsequent to that, and indicated to the Minister of Housing and Settlements that there was one Camille Gibbs who had a lot at Rice Mill Road in Arima and they had broken down her home. She had a letter and had paid the National Housing Authority to occupy that lot. The Minister said he would take care of it and, subsequent to that, on August 10, 1998, she got a letter from the National Housing Authority stating that Lot No. 3 of Rice Mill Road, Arouca was allotted to her. Up to this date, she cannot occupy the lot because someone from the National Housing Authority sent someone else to occupy that very spot and up to this point in time, the person is not there.

In the Squatters Regularization Programme, there were 15 homes up at Bon Air Northeast that were broken down—persons who had numbers at the National Housing Authority—and because of the politicking in that area, they came to me after the 15 houses were broken down. I was of the opinion and I am always a person like this, that I was not going on any street to demonstrate. I called the Ministry. We had three meetings with staff at the Ministry and that stopped. I would like to thank the Minister of Housing and Settlements and his staff for sitting, discussing the matter with us and coming to an amicable conclusion.

We went outside there and did the work for the National Housing Authority. We did Bon Air North community registration list—those without house numbers. We have the names here. We also had a list with those who had house numbers. What is happening at the Ministry is, it is who you know at the Ministry will put you on one list or the other. There are some old workers at the Ministry who know how to go about this thing.

Dr. Mohammed: PNM did that.

Mr. J. Narine: I thank the Minister because the Chairman of the Land Settlement Agency wrote me a letter subsequent to that with respect to the receipt of applicants for the certificate of comfort. In the last paragraph of the letter that was sent, it said:

> "The Land Settlement Agency wishes to convey its sincere thanks to you for the contribution which you have made in assisting the Agency and for your continued assistance in the future."

I thank you for that because the point is, we did not demonstrate; we did not come out on the main road and try to disrupt the flow of traffic or anything. We went to the Ministry; we sat; we discussed with them and there are still areas on which we need to sit and talk.

On the infrastructure, Mr. Speaker, I wrote to the Minister of National Security before last year's budget indicating to the Minister of National Security that because of the housing stock in Arouca, which has gone up in the last ten years or so, Arouca was now in need of a fire station. The Minister of National Security wrote to me saying that the lands which I had indicated to him, opposite the prison in Arouca were being acquired and that the station would be built.

But you see, Mr. Speaker, in these housing areas—and I am going to close very shortly because there are so many things about which I would like to speak, but the Minister has indicated to me that time is running out on us this afternoon. What I am saying is, in 1995, the Public Sector Investment Programme had $1 million to build a police station in Arouca and the only reason that the police station—and we are talking about servicing the housing in Arouca. Because of the increased housing, we needed that station, but the present police station in Arouca was the home of Count de Lopinot. He lived there first. Baron Constantine grew up on that very compound. The Historical Society told us that we could not break down the place. We had to renovate it and put back everything as it was.

We adhered to that and located lands, either up at the end of Bon Air on the Bus Route or down at Five Rivers Junction, and the Minister alluded to the fact that yes, we had $1 million in 1995 and we were going to start a police station. Five years have passed. Waiting to open a police station for election would not help. Open the Arouca police station now. [*Desk thumping*]

Mr. Hart: That is right.

Mr. J. Narine: It is five years now—five years to build a police station in Arouca. They are talking about performance—five years to build a police station.

I am also saying, of all the secondary schools being built all over the country, one would feel that where you have housing—like Paradise Gardens has how many houses? Five hundred houses. That is in Tacarigua. The Home Construction Company from Castleton placed 200 houses on the north. They now have a further 500 houses. Henry Street has another 500 houses. They are still building houses in that area. Bon Air West is now 900 lots and at this time, about 800 families have moved in already. Bon Air West was started long before now. It started in the NAR time; we continued and the housing people were given lots even when the PNM was there. So, do not take any credit for it. But they have problems and I will tell you about it.

What has happened is that you are putting a school in the back of Cumuto; [*Crosstalk*] in Biche on lands which the civil engineers have been saying there is emission coming out of the ground—carbon dioxide or something like that—and that they are building a school in Cumuto near the Caroni River [*Crosstalk*] where it is like a swamp.

If you look at the East-West Corridor, Mr. Speaker, and we are talking about housing and population, it is a fact that no new school has been built in the area, not even a secondary school. What policy are you using to put schools in the housing areas?

Mr. Speaker: Could you please return, when you have some time, to the Rent Restriction Act? The things you are talking about, I am sure are very important, but slip in a bit of the Rent Restriction Act.

Mr. J. Narine: Mr. Speaker, we are speaking about housing; we are speaking about rent restriction; we are speaking about infrastructure.

Mr. Speaker: I am simply trying, very gently, to suggest to the hon. Member that it is the considered opinion of the Chair that you are veering too far off. I do not mind you veering, but you must not go too far and I honestly think you have gone too far. So, return to it now and then, please.

Dr. Griffith: Close what you have not started yet.

Mr. J. Narine: Mr. Speaker, this Rent Restriction Act—

Mr. Speaker: No. You seem to be questioning what I am saying. I say I am doing it gently. I am suggesting gently that you return to it because it is my considered opinion that you have gone too far, that I have been too lenient and I ask you, please, return to it. I suggest you do not question my ruling on it. Please.

Dr. Griffith: Close what you have not started yet.

Mr. J. Narine: Mr. Speaker, I had no intention of questioning your ruling. What I am saying is that the Rent Restriction Act [*Laughter*] and these matters were raised before. The Minister spoke. The Minister did not say what was the policy. We asked: What is the Government's policy? This afternoon the Minister spoke of joint ventures, so if I am to talk about joint ventures, the National Union of Government and Federated Workers Trade Union is building houses—450 houses—on Lopinot Road and people are having problems with the roadways, water and all that.

If you are not going to put in infrastructure, you are not going to have housing there and no infrastructure; regularize squatters and no infrastructure and no schools for those children to go to so they have to go far off to Carapichaima. They have been placed in Carapichaima. They do not even know where Carapichaima is. So that we are in a situation here, Mr. Speaker, that when you are a Member of Parliament and you are very much concerned about rent for the underprivileged people, then we must be also concerned about the middle and upper classes because when you put the upper class into one area, then there is no integration in the society there. Because there is housing that cost $250,000 per unit, it is only a certain section of people who will be able to live there.

Dr. Griffith: I beg to move.

Mr. J. Narine: We must be concerned about that. I, as a person who have represented people for the past 17 years—elected; won four elections—I am here to represent people. [*Desk thumping*] I did not do like the Minister and build houses. I went and sat with the Ministry staff and spoke to them. We got our dues because we were able to put a proper case out to the people at the National Housing Authority and the Land Settlement Agency of the National Housing Agency, but we have problems.

In Bon Air West, they have written endless letters to the Minister without any reply. They have written to the Chairman of the Tunapuna/Piarco Regional Corporation and the reply from the Chief Executive Officer was to write to the Ministry of Housing and Settlements. That was since 1997. They have been able to sit with Mr. Anderson of the Ministry and indicate the problems they are having. The problems are listed here—endless problems—because there is also in that housing development, a spring in the centre of a roadway and the developer, in 1988, had identified that and was supposed to put a lake area there to collect that water and run it off.

Hon. Member: Water for all.

Mr. J. Narine: I hope you do not go and shake the footballers' hands this weekend. Every time you shake hands, we lose four/nil. I hope you do not shake any hands this weekend.

The situation is that we have real problems in Arouca North constituency because we have housing problems.

6.40 p.m.

Mr. Speaker, when you write the Minister of Housing and Settlements telling him that the infrastructure of roads in the constituency is in a deplorable condition—they have done no repairs to roads for the last four and a half years. The Minister of Works and Transport wrote a letter—not this new Minister—the junior Minister. I had written every year, religiously, indicating the types of roads we have in the constituency, and there was no reply. This time I intended not to write, but I spoke to Mr. Carlos John and I wrote to him. I am not talking about patching two potholes on a road and then say that you repaired the whole roadway; that would not do.

Mr. Speaker: May I ask the hon. Member whether he honestly believes that that is relevant to this Bill before us? You may think it is, but I honestly do not. I ask you please to return to the issues of the Bill, please.

Mr. J. Narine: Mr. Speaker, this Bill is an extension of the *Hansard* of Friday March 8, 1996, it is just trying to put it back into place for another three years. [*Crosstalk*] In this Bill the Minister said that we were going to have to go back to "potty days". I remember my colleague's nickname at that time when he was small; they used to call him Potty.

Mr. Speaker, while it is I am indicating to the Minister of Housing and Settlements that we are accepting this Rent Restriction (Amdt.) Bill today—and yes, he has an extension for three years—but there are issues that need to be dealt with within his ministry. We heard on Friday that tenders came in for $178, that the Contractors Association sat with the ministry and that the ministry asked them to put in a tender for $381 per metric ton. Part of the letter states, however, that the Minister had stated that the ministry would deal with that issue. We are talking about tenders sent from the Central Tenders Board. It was suggested that whatever method is agreed upon, the ministry should have it ratified with Central Tenders Board. This is in the minutes of the meeting.

You are talking about ratifying; whatsoever the ministry does you just ratify it with Central Tenders Board. Then you have a whole list of the roads, and they are talking about infrastructure for housing; nothing here for Arouca North. [*Interruption*] [*Laughter*]

Mr. Speaker, I want to thank you for giving me this opportunity to deal with some of these issues, and let me say that I wish some of my colleagues, on the other side, luck on Sunday. [*Interruption*] I know that you are not one. Mr. Bindra Maharaj is going to take the seat in Arima.

Thank you.

Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, I wish to make a very short intervention on the Rent Restriction (Amdt.) Bill. [*Interruption*]

Mr. Speaker: Order please!

Mr. H. Bereaux: The hon. Attorney General, in a rare occasion of contriteness, has come here and asked forgiveness for the infraction of not having brought this Bill on time. In fact, his infraction is by more than one year old; he has failed to do what he had to. I admire his forthrightness in coming here and saying that he did not do his job, and he knows that other persons and so forth—typical of this Government. The minute you tell them that they have done something wrong, they say, "The People's National Movement did that before!" They use the same complaint that the PNM was doing something wrong, when they said to the country, "Give us a chance." "Yuh get yuh chance" and what have you done with it? [*Crosstalk*]

Mr. Speaker, what have they done with it? They have made error after error after error; so they should not come here now and say, "The PNM did it." The people, in recognition that we may have done some things that are not totally correct, gave you the same number of votes that we got, in terms of seats that we won, and then you used your ingenuity and got some more, okay; they will now judge you in short order.

This is not just one instance, this Government has made mistake after mistake, infraction after infraction, and it is now coming here to say, "Give us a chance; vote with us." Yes, we have to vote with you, and I will tell you why. This is a Bill about poor people. As incomplete as it may be, it is something to assist the poor, and we have to do it, because unlike you and unlike this Government, we think about the poor. I will tell you, and if you doubt me, I will start from your leader. I have always said about this Government that one thing it does not discriminate against is whether the poor is from Caroni or Point Fortin, it treats them all badly.

Take for instance, as you know I lived in Chaguanas for a long time and I know the place. When Chaguanas was flooding, and the Chaguanas Main Road was like a river—I had lived there for many years and never saw it like that before—your political leader went to play golf in Tobago, and said that it was an act of God. [*Interruption*]

Mr. Speaker, the hon. Member for Nariva has reminded me that I should come back to the Bill, but I know why he wants me to come back to the Bill, because he is concerned about what I am saying. This delay in bringing this Bill here is an indication of something worse. It is an indication of the attitude which they have to things pertaining to the poor in this country, and an indication of the incompetence of the Government.

When I say incompetence, I start from the very top. I am not the person who says that this Government is incompetent alone, it starts with the leader of that party, the hon. Prime Minister himself; he is a self-confessed incompetent. He is the man who said it, "I cannot run the party and run the Government at the same time," so he is an incompetent. He said that! Self-confessed! [*Desk thumping*] The behaviour here tells me a lot about them.

Furthermore, you have a man who acted for the Prime Minister; he does not act for the Prime Minister anymore. At one time he acted for the Prime Minister, in better times, until the Prime Minister adopted, completely, the parasitic oligarchy—a gentleman in the person of the Member for St. Augustine, or should I say " St. August-teen". [*Laughter*] In his contribution he said—and I believed him—"We would like to do a number of things for housing, but there are not adequate resources in the budget."

We know what is commonly called "the budget", it is an Act to provide for the service of Trinidad and Tobago; so if a government when they meet in Cabinet—or however they do it, I was never in Cabinet before, so I do not know—but I would assume that a properly run Cabinet would sit and work out the appropriations among themselves and determine what they would like to do, put some numbers to it and say that this is what we are going to do and these are the funds we will use; we may not get all these funds so we will prioritize, as the case may be.

Therefore, you would expect that a senior Member of the Cabinet, in the person of the Member for St. Augustine—if the Cabinet thought about the poor—would be able to get funding for housing, at least, appropriate in some measure to what their aspirations and policies would be. Mr. Speaker, I have to assume—because I am assuming that this is a rational Government—that they have a policy which would focus on certain things, and then they would try to carry out their policy, in terms of the resources available.

Do not come here and tell me that you do not have the resources in the budget. Then you are telling me also that the people who came in, who are brought in, who did not face the polls and who did not travel the beaten path, those people who are now moving in positions of Ministers of Finance, troubleshooters and acting for the Government, that they are calling the shots. [*Desk thumping*] If that is the case, when they tell me that they have won, well, they have won and lost, because you are not running this country, you are betraying the people who voted for you. [*Desk thumping*]

Do not come here and look for sympathy from me.

Dr. Griffith: "Yuh quarreling or what?"

Mr. H. Bereaux: Whatever I am doing, as I made the point in this country and Parliament before, you are the Member for Arima, I am doing it in my capacity as a Member of Parliament, and I am dealing with it as I feel it needs to be dealt with, and you instead—Well, I am not going to interfere with you. *De mortuis nihil nisi bonum*. Do you know what that means? If you did not learn any Latin in school, "of the dead, speak nothing but good," so it is only good I will speak. [*Desk thumping*]

The reason I am making this point, Mr. Speaker, is because a senior member of the Government came here and told me about resources. He did not say the resources are not available to the Government, I would understand if I hear that coming from him, because I know he is a man who has his heart in housing; I would not attack him. His policy may not be the way I would want to see it, but I know he has his heart in housing and settlements for people; he has had it for a long time.

He is an articulate gentleman, so when the Member for St. Augustine says to me that the resources are not in the budget—he did not say the resources are not available to the Government—he has spoken volumes in that statement. I am saying to all of you who have been elected by constituents—and you come here and betray their trust by allowing yourselves to be misused and abused by people who have come in through the back door—and maybe because of their financial standing or their ability to move in certain circles, they are now coming here and talking [*Desk thumping*]—that if I were in your position I would gladly run out of office, because you have betrayed the people who voted for you by behaving the way you have behaved.

Mr. Speaker, I am now going to get back to the Bill. I was dealing with the nuances of the statements which were made, but now I am going to deal with certain elements of it. I would really have liked for us to look at this Rent Restriction (Amdt.) Bill a little, because we have dealt a lot with persons who are involved in low rentals and so forth, there are some corrections needed to be done, and we should have been able to look at it.

6.55 p.m.

My learned colleague from Diego Martin East also mentioned some elements. I am not going to repeat what he said, but I am going to deal with one. The Act only deals, in a minute way, with commercial tenancies, because the impression was that commercial people can take care of themselves. But where today we are trying to encourage small businesses, I think we may have—based on inflation and other things like that—in some future time to look at the terms of commercial tenancies and bring them under some control.

For a while I lived in a cloistered area with respect to the law but when you practise outside you notice that landlords keep raising rents to get rid of commercial tenants whom they do not want in their premises. Therefore, we need to look at it in a manner in which we would be able to do something for certain kinds of small commercial tenants.

Additionally, we were talking about the Land Settlement Agency, and I am one of those persons who actively supported and encouraged the Act which brought the Land Settlement Agency into being. As the hon. Minister will tell you, I supported it actively. But, you see, it is one thing to pass legislation and it is another thing to implement it properly. I am most upset by some of the actions of the Land Settlement Agency and the way it went about doing what it had to do. First, it took them one year before they informed people, other than in certain areas, about the certificates of comfort. Now, recently—and I must say to some extent; I do not know if he was responsible or if he was misused—the Member for Fyzabad and the Land Settlement Agency—–there were some squatters in Oropouche who were about to be displaced by the private owner of the land, and I support what they tried to do, that is to get land for those persons who were displaced. But do you know what this Government did? This Land Settlement Agency went ahead and tried to place some of these squatters on the playing field in Sobo, La Brea.

More important than that, the part of the playing field where they marked off for a lot, was a place where work had already been done under the Unemployment Relief Programme to build a basketball court. All the materials were there, but right after the PNM left office, the hon. Member for Pointe-a-Pierre and the Minister of Works and Transport, the man who can work at nothing properly—and I will deal with him in due course—and thereafter, the Minister of Local Government, they did not, in four and a half or how many years, see it possible at all to complete that basketball court.

I am ashamed of the Member for Chaguanas. I am dealing with the Rent Restriction Act and the Land Settlement Agency and I am being disturbed by the Member for Princes Town. I am dealing with the problems in the Land Settlement Agency because these were brought up by the other side. If it was not, I would not deal with it. All that has happened is that the Land Settlement Agency brought people and tried to settle them on the playing field, and, in fact, on a basketball court in the making, which this Government tried its best—well they spent four and a half years and they did not complete the basketball court, but they had the effrontery and the audacity to try to put people on it.

I will tell them something, and they could "put this in their pipe and smoke it", they are not coming in Sobo and putting anybody there if they do not deal with the people who are there. Nobody is putting anyone on that field. That is the field that produced Anthony Rougier and Philbert Jones and the same Logey they were trying to run for elections, but he is not going because he is coming up against Hedwige Stephen Kensington Bereaux, the first. *[Desk thumping]*

I am saying that they tried to put houses on the field. They brought people in from elsewhere, after the time had passed for people to apply to the Land Settlement Agency and tried to give them lands in Sobo, La Brea—194 acres available. The people of Sobo have said to them, "you could bring in who you want, but you have to give us too."

I am just pointing out the behaviour of the agency. I want everybody in this House to understand, I was making a little joke about how powerful I am, but it is not that. I have had two terms as a Member of Parliament and I am proud of them. If it comes that I do not have to go back, whether I am not chosen or whether I am unable to win, I will say I have lived a glorious life and this has been a lovely time in this honourable and august Chamber. So do not worry about me. I have no great ambitions like some of you. Whatever finance I have, I worked hard for it, and I do not expect to get any money from anybody, so it is all right. I do not have a problem. So do not worry about whether I am going back or not. If I am, I am going and if I am not, I am not.

We must support this Bill, because notwithstanding the incompetence of the other side, we have a higher responsibility and the responsibility has to be for the people of Trinidad and Tobago. Therefore we would support this legislation, the Reenactment of the Rent Restriction Act, Chap. 59:50, and to validate things done thereunder. But in the meantime, before I leave, just to show how the PNM does and arranges to do what this Government cannot do—and I see the smiling Member for Point Fortin; he must have felt beautiful to see that the road would be fixed.

I thank you, Mr. Speaker.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, when this Bill went to the other place, it got the support of the Opposition and in 15 minutes, debate on the Bill was finished. It must be that this is election time and people have to talk about road, bridge, drain, everything.

There were many allegations made which were not really correct and I must thank the *Express*, this distinguished reporter, Mr. Jeff Hacket, because I think he gives inspiration sometimes to the Members of the Opposition. I think when they saw him and they knew that he was there, they looked forward to the Sunday column. That is a fact of life; the press is entitled to write what it wants to write and the Opposition Members can use their time as they see fit. But let me put the record straight, it is not correct to say that this measure—Mr. Speaker, what we are doing here is extending the life of the Rent Restriction Act which sets up rent restriction tribunals in order to assess rent, and the whole purpose of this is that there was a shortage of housing and the governments of the day did not want poor people to be put on the road because landlords would have been able to put the rent up very high.

What has happened is that over the period of years, from 1941 to now, some governments have extended this by an ordinary resolution and some by an Act. As a matter of fact, in 1941 a resolution was passed. So it is not correct to give the impression that a year has not passed before a government returned to the Parliament. That does not mean to say that it should be done that way. This Act expired on February 23, 1984 and it was not until April 1985, over a year later, that the PNM administration came to the Parliament in order to extend the Act.

As I understand ministerial government and parliamentary government, ministers take responsibility for whatever happens in government and it is not right for any minister to get up here and say exactly what the faults were in order to put any public servant in jeopardy. The fact of the matter is that ministers depend upon the public service and there are times, and history will show that sometimes these things do happen. Fortunately, the law provides the machinery where we sit as legislators and we can, in effect, correct some of these matters.

That is exactly what we have come here to do. I think we should put this in a little perspective. In Trinidad and Tobago, the principal legislative response to housing shortage, historically, has been by restricting and controlling rent. As a matter of fact, this kind of measure started, to some extent, even before 1941. It started as far as 1920, when the then Attorney General of the country, moved an extension, and I will quote him. Speaking at that time in the Legislative Council on behalf of the Government, the Attorney General acknowledged that the legislation interfered with property rights and the liberty of contract. And I quote:

> "…and that such interference is only justifiable where it is really necessary in order to enable the people to get houses or places in which to lay their heads."

7.10 p.m.

Mr. Speaker, what has happened is that the PNM administration has been in this country since 1956 and for 44 years, a PNM administration has not been able to solve this problem, that is to say, what to do with the Rent Restriction Act. Here it is the hon. Member for Diego Martin East made his contribution and left, and inspired by the media, the Member said that this Government is incompetent because for three or four years it did nothing. Mr. Speaker, for 44 years the PNM has not been able to solve this problem which is not an easy one.

Mr. Speaker, on one hand, there is the duty of the Government to protect poor people who cannot afford housing and who have to rent to ensure that landlords—the people who own property—do not take advantage of tenants by putting rents high. On the other hand, there is a situation where the business community and people who own houses are saying they want to have the liberty to be able to develop their property. What does the Opposition expect a government to do after three, four or five years in office with a problem which the PNM government was not able to solve for 44 years? This Opposition has the brazen face to come here and say that this Government is incompetent.

Mr. Speaker, if the hon. Member for Diego Martin East—who has hit and run—is tired, he is tired because he is getting pressure from his political leader. *[Desk thumping]* Mr. Speaker, have you ever seen the Member for Diego Martin East so quiet here? *[Laughter]* The only person who "gave him a right" is that distinguished journalist, Mr. Jeff Hackett. The Member did not talk on anything. The Member was the acting Opposition Chief Whip, the Member sat down and then he left. The Member came back, fell asleep and suddenly awoke as soon as he saw the media, because what does the Member want? The Member wants what he said, such as distortions and inaccurate information, to be printed in the media.

Mr. Speaker, yes, it is correct that in 1996 when this Government came here it came late—just as the PNM administration came before—and the Government came with a resolution but the Opposition said no; they would support it but they wanted a Bill. The Government took the position that it did not think that a resolution was needed because it was filed within the time. The Government said, "Well, alright, yuh want a Bill, we will pass this resolution but we will come back and bring a Bill." What is wrong with that? Here it is again, the Government comes with the Bill and what did I say? I said listen, the Government is late with this; I read the history and chronology; and I said, yes, this is not the first time this is happening and if the Opposition wants to blame anybody blame me. That is what I said.

Mr. Speaker, I think that is the problem in this country that people are not prepared to say that they are sorry. If it is that the Opposition has to make so much "gallery" because I came here and said that I am sorry to cause any inconvenience, I will say it again, I am very sorry. If they want to crucify me for that then crucify me! If they want to take advantage, take advantage! If they do not want to vote for the Bill, do not vote for the Bill!

Mr. Speaker, I must thank the Opposition. As a matter of fact, what the Opposition has done is made it quite clear that although they knew they did the same thing in the past, they are doing their job and "gallerying" as far as they are concerned. The Opposition knows that this is something unusual and this is not an easy problem to resolve.

The hon. Member for Diego Martin East—I could now understand—took the liberty to decide who is going to be the Minister of Housing in the next government; and who is going to be the Attorney General in the next government. That is the problem the Member has with his leader. The Member wants to be the leader. *[Laughter]* Mr. Speaker, I do not want to bring you into this, but in which Parliament would there be such important measures being debated and the Leader of the Opposition is not present, and on the same day, the Opposition Chief Whip is not present and the Member for Diego Martin West, Dr. Rowley, a deputy political leader of vintage quality—

Mr. Sudama: Former.

Hon. R. L. Maharaj:—is not present? It seems as though something is happening. Mr. Speaker, after last week, where these hon. gentlemen are getting political "gi-gi-ree", here it is the Government comes with an important measure like this which could have been dealt with so quickly. We heard all kinds of things about steps; how many steps to get to the hangman and so on. The hon. Member for Diego Martin East has been walking up steps a long time now. The Member is going to the hangman a long time now. The Member is politically hanged already and he wants to come here and talk about people on this other side.

Mr. Speaker, the only thing I regret, however, is that the Opposition said it wants to support the Bill but the Members have left. The Opposition knows that the Government cannot pass this Bill if they are absent, because the Government needs, at least, 22 Members. So I do not know what kind of support that is. Mr. Speaker, what I will do is go through—with the consent of the other side obviously—the Bill to the committee stage, and the Government will adjourn the third reading. I know that next week is Private Member's Day but the Government can take the vote next week Friday.

Mr. Bereaux: There are 22 Members.

Hon. R. L. Maharaj: Do we have 22 Members?

Hon. Members: Yes.

Hon. R. L. Maharaj: Well, if there are 22 Members we can do it. I thought we did not have 22 Members. What do you prefer? Do you prefer to take the vote with everybody and get the full support of the Parliament?

Hon. Member: No. No.

Hon. R. L. Maharaj: Mr. Speaker, okay, we will deal with that. *[Interruption [Laughter]* In spite of all that I have said in response, in addition, however, I would like to put on record that the Government thanks the Opposition for its support in this measure, because the Opposition understands the position of the Government and the difficulties in resolving this issue, in such a short space of time. The Ministry of Housing and Settlements has been looking at this matter. As a matter of fact that was started under the last administration. It is not an easy matter and work has been done. It is not to say that work has not been done, but it is a matter that is not easy to resolve. The Government would like to say again, it appreciates the support of the Opposition in this respect.

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 to 4 ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

House resumed.

Bill reported, without amendment.

Question put, That the Bill be now read the third time.

The House voted: Ayes 22

AYES

Maharaj, Hon. R.L.

Persad-Bissessar, Hon. K.

Lasse, Dr. The Hon. V.

Griffith, Dr. The Hon. R.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Rafeeq, Dr. The Hon. H.

Job, Dr. The Hon. M.

Khan, Dr. F.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, R.

Narine, J.

Hart, E.

James, E.

Bereaux, H.

Joseph, M.

Question agreed to.

Bill accordingly read the third time and passed.

7.20 p.m.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, with the consent of the other side, there is a Motion which is very short; it is Motion No. 5 which is under Private Business. I had also offered to do the Bills Second Reading, Bill No. 1. We wanted to do it if that is possible. It would not be very long. I do not know if you agree to that.

Agreed to.

ASHTANG YOGA ASSOCIATION (INC'N) BILL
SELECT COMMITTEE REPORT
(Presentation)

Mr. Razack Ali *(Ortoire/Mayaro)***:** Mr. Speaker, I beg to move the following Motion standing in my name:

> *Be it resolved* that this House adopt the report of the Special Select Committee of the House of Representatives appointed to consider and report on a private Bill entitled "an Act for the Incorporation of the Ashtang Yoga Association of Trinidad and Tobago and for matters incidental thereto".

The committee interviewed representatives of the Ashtang Yoga Association of Trinidad and Tobago and it now recommends that the said association is qualified to become an incorporated body of Parliament.

Mr. Speaker, I beg to move.

Seconded by Mr. C. Sharma.

Question proposed.

(Adoption)

Mr. R. Ali: Mr. Speaker, before I move, I wish to thank the members of the committee for their co-operation and hard work.

I now beg to move.

Question put and agreed to.

Report adopted.

Question put and agreed to, That the Bill be now read the third time and passed.

Bill accordingly read the third time and passed.

ARRANGEMENT OF BUSINESS

Hon. R. L. Maharaj: Mr. Speaker, there was one other matter, but I spoke to the hon. Member for St. Ann's East; the acting Opposition Chief Whip is on his legs. We had reached the committee stage of the Bill to provide for the assessment, care and rehabilitation of socially displaced persons and for related matters. I wanted to suggest that the Opposition would agree that next week, although it is Private Member's Day, we do this after the Private Member's Motion. It is just the committee stage. The amendments were circulated and it would not have been fair for them to do it today.

Assent indicated.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now stand adjourned to Friday, July 28, 2000 at 1.30 p.m. Friday is Private Member's Day. I suppose the Opposition will communicate with us and tell us what they will do.

Mr. Speaker: Hon. Members, before we put the question of the Motion for the Adjournment, there was one matter in respect of which a Member had got leave to raise; the Member for Diego Martin Central.

Mr. J. Narine: Mr. Speaker, I beg your indulgence in adjourning this matter for one week.

Mr. Speaker: It will be done this time, but under normal circumstances where a Member does not even ask to be excused, one does not normally accommodate that. It will be done on this occasion and we will allow that matter to stand over for next week.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.28 p.m.