

Leave of Absence

Monday, October 23, 2000

HOUSE OF REPRESENTATIVES

Monday, October 23, 2000

The House met at 1.32 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from the Member for Tobago West and the Member for Diego Martin West, who have asked to be excused from today's sitting. The leave of absence which they seek is granted.

SHIPPING (MARINE POLLUTION) (NO. 2) BILL

Bill to provide for powers and jurisdiction in relation to pollution of the seas from ships, intervention on the high seas in cases of oil pollution, dumping of wastes at sea, prevention of pollution from ships, preparedness and response for oil pollution emergencies, liability and compensation for pollution damage and matters incidental thereto, brought from the Senate [*The Minister of Works and Transport*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the House.
[*Hon. R. L. Maharaj*]

Question put and agreed to.

COMPUTER MISUSE (NO. 2) BILL

Bill to prohibit any unauthorised access, use or interference with a computer and for other related matters, brought from the Senate [*The Attorney General*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the House.
[*Hon. R. L. Maharaj*]

Question put and agreed to.

ELECTRONIC TRANSFER OF FUNDS CRIME (NO. 2) BILL

Bill to regulate the transfer of money by an electronic terminal by use of a card for the purpose of instructing or authorising a financial institution to debit or credit a cardholder's account when anything of value is purchased and for other related purposes, brought from the Senate [*The Attorney General*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the House.
[*Hon. R. L. Maharaj*]

Question put and agreed to.

PAPERS LAID

1. Report of the Auditor General on the accounts and financial statements of the Programme of Institutional Strengthening of the Women's Affairs Division of the Ministry of Culture and Gender Affairs for the year ended December 31, 1997. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the accounts and financial statements of the Environmental Protection and Rehabilitation Programme for the period of account January 01, 1998 to September 30, 1998 —IDB Loan Contract No. 857/SF-TT. [*Hon. R. L. Maharaj*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the audit of the accounts and financial statement of the Assistance to the National Drug Abuse Demand Reduction Programme for the year ended December 31, 1999 as required by Project Document AD/TRI/96/910 between the Government of the Republic of Trinidad and Tobago and the United Nations International Drug Control Programme (UNDCP). [*Hon. R. Maharaj*]
4. Proposals for the reform of the penal system of Trinidad and Tobago. [*Hon. R. L. Maharaj*]
5. Alternatives to Litigation in respect of personal injury compensation for victims of motor accidents. [*Hon. R. L. Maharaj*]
6. Working Paper—A Review of Extradition Legislation in Trinidad and Tobago. [*Hon. R. L. Maharaj*]
7. A Working Paper—The Ombudsman—Improving His Effectiveness. [*Hon. R. L. Maharaj*]

Papers 1 to 3 to be referred to the Public Accounts Committee.

**HIV VACCINE TRIALS
(TRINIDAD AND TOBAGO)**

The Minister of Health (Dr. The Hon. Hamza Rafeeq): Mr. Speaker, in December 1997, I was informed by the Executive Director of UNAIDS that Trinidad and Tobago, based on several criteria, was being considered as a possible site for HIV vaccine development and evaluation. As such, discussions were initiated between UNAIDS and this country to explore the possibilities for HIV vaccine activities.

Recognizing the complexities and ethical issues involved in such a matter, the Cabinet in anticipation appointed an HIV vaccine ethics committee in March 1998 with the following key terms of reference:

- (1) To become acquainted with the technical aspects of HIV vaccine programmes, including their methodologies;
- (2) To assess the suitability of HIV/AIDS vaccine programmes that request trials in Trinidad and Tobago;
- (3) To make recommendations to the Minister of Health with respect to proposals for HIV vaccine trials.

If it is agreed to conduct vaccine trials in Trinidad and Tobago:

- (4) To ensure that the standards of the vaccines meet well-established and acceptable world standards;
- (5) To ensure that the persons for whom these vaccines are intended are not exposed to undue health risks; and
- (6) To ensure that the technology used for conducting the trials is safe and ethical.

The committee comprised the following persons: Dr. Rawle Edwards, Chief Medical Officer, Chairman; Dr. Edward Addo, Medical Practitioner, Specialist in the treatment of HIV/AIDS patients; Father Clyde Harvey, priest of the Roman Catholic Church; Pastor Clive Dottin, of the Seventh Day Adventist Church; Mr. Paul Ellis, representative of the Pan American Health Organization/World Health Organization; Dr. Roderick Doug-Deen, retired Chief Medical Officer; Dr. Waveney Charles, Director of the National Blood Transfusion Service; Professor Rolf Richards, Emeritus Professor of Medicine, University of the West Indies;

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Professor Ramesh Deosaran, Head of the Department of Behavioural Science, University of the West Indies; Miss Eunice Gittens, representative of the Ministry of Social and Community Development; Dr. Hari Maharaj, representative of the Trinidad and Tobago Medical Association; Mr. Joe George, representative of the National Trade Union Centre, and Mrs. Agatha Carrington, representing the Tobago House of Assembly.

Dr. Edward Addo and Mr. Paul Ellis were replaced because of the death of the former and the retirement of the other as the PAHO/WHO representative in Trinidad and Tobago. They were replaced by Dr. Michele Monteil and Dr. Claudette Harvey respectively. Mrs. Lynette Seebaran-Suite, attorney-at-law, was added to the committee.

Mr. Speaker, in order to fulfil the terms of reference and being well aware of the challenges, the committee held regular meetings and workshops designed to acquaint itself with the range of ethical issues which could arise from assessing any AIDS vaccine trials in Trinidad and Tobago. I must also mention that while Trinidad and Tobago was being considered for Phase II AIDS vaccine trials, no vaccine research protocols for the trials were ready or available at the time the committee was established.

As part of the committee's request to gather all the relevant data in sight and guidance on the issue at hand, the Chairman of the committee and two other members, along with other ethicists from around the world, sought guidance at UNAIDS-sponsored workshops and conferences on ethics held in Geneva, Switzerland at various times.

The committee in its deliberations also had the services of a well-trained and respected virologist who had work experience with the Trinidad and Tobago Regional Virus Laboratory, CAREC, and the World Health Organization. Further preparation included a workshop session held on January 29, 1999 in Trinidad in order to acquaint and update members on ethical issues involved in HIV vaccine trials, and to devise a framework of approach with respect to the future submission of protocols for vaccine trials.

In August of 1999, the Minister of Health received from the Medical Research Foundation of Trinidad and Tobago a proposal for Phase II HIV vaccine trials in Brazil, Haiti and Trinidad and Tobago. I wish to state that this approval relates specifically to Phase II trial. The permission granted does not mean automatic approval for Phase III trial. In the event that there is a request for a Phase III trial, it will need to go through a similar process in order for approval or permission to be granted.

1.45 p.m.

The trial will involve the testing of 40 volunteers who will be carefully selected according to stringent criteria that satisfy both scientific and ethical considerations. Ten of these will be given a placebo. This means only 30 of the volunteers will be exposed to the vaccine itself.

Mr. Speaker, I would like to briefly outline some of the recommendations agreed to by Cabinet:

1. The Government of Trinidad and Tobago reserves the right to discontinue the vaccine trials in the event of any unforeseen circumstances, that are highly disadvantageous or inimical to the health or well-being of the volunteers or the larger society.
2. The Government of Trinidad and Tobago develops a policy and takes whatever steps necessary to protect the volunteers who become HIV positive from vaccine administration against any form of discrimination e.g. in the workplace, because of HIV positivity.
3. The Medical Research Foundation of Trinidad and Tobago provides free of cost to the patient, the best current available treatment and management in the world for the remainder of his or her life should any volunteer develop HIV infection as a result of the vaccine.
4. The Government of Trinidad and Tobago lobby the United Nations to develop an international treaty, whereby, all governments will ensure that the vaccine is made available at a reasonable price to all citizens in the event that an effective vaccine is developed, and given the universally deleterious effect of AIDS.
5. The Division of AIDS, National Institute of Allergies and Infectious Diseases, the United States National Institute of Health, have a strict requirement to assure appropriate monitoring of vaccine trial results as they emerge so that volunteers can be confident that attention is paid to their safety and other human subject projects.
6. The Government of Trinidad and Tobago seeks to get full assurance from other governments, especially the United States of America, that any person who becomes HIV positive because of the vaccination be treated with equality when applying for visas.

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Mr. Speaker, the Government was concerned about many issues on the subject of vaccine trials, most important being the safety of the volunteers. The Government sought and obtained confirmation that their safety is indeed preserved and has laid stringent conditions for the conduct of the vaccines. Together with the Medical Research Foundation of Trinidad and Tobago, the Government will be engaging in a series of communication exercises to educate members of the public on the pertinent issues.

Mr. Speaker, permit me to quote one paragraph of the report submitted by the committee:

“President Mandela indicated that AIDS was responsible for more deaths in Africa than all its previous wars. The enormity of the tragedy is economic retardation and dislocation of entire communities or orphaning of a significant part of an entire generation and massive redirection of human energy to consoling, caring of human beings who can never live for much longer. Trinidad and Tobago, like the rest of the world, will not escape the ravages of this epidemic unless a cure is found. As a matter of principle, whenever and wherever possible, every opportunity must be given to the control of this disease. It is in the context of this harsh reality, added of course to the cold calculated assessment of the vaccination protocol and assessment of the accuracy of the epidemic which can be counted not only by lives lost, but by service lost that the committee conducted its deliberations.”

As it stands, Mr. Speaker, over 34.3 million persons are living with HIV/AIDS. This figure is on the rise. Last year alone, 25 million persons died of HIV/AIDS. In Trinidad and Tobago, close to 1,200 new cases were reported last year. This figure is also on the increase. At the present time there are over 17,000 persons living with HIV/AIDS in Trinidad and Tobago.

Finally, I would like to list some of the Government supported initiatives and projects which we have implemented in order to educate our population on HIV/AIDS as well as to control the spread of the virus.

1. Cabinet has approved the creation of the following positions to strengthen the National AIDS Programme
 - Programme Officer
 - Research Officer
 - Graphic Designer

2. RAPPOR: This was re-evaluated this year and it continues to promote healthy lifestyles in youths age 13—25 years both in schools and in the community.
3. CAREC, on behalf of the Ministry of Health, is currently undertaking a situational analysis of HIV in Trinidad. A similar study has already been completed for Tobago.
4. An inventory and assessment of religious groups with the focus on sexuality and HIV/AIDS has been carried out. This inventory will also assess the attitude and position. The results of this inventory will guide the National AIDS Programme with small group meetings planned.
5. One workshop has already been completed in Trinidad and Tobago, HIV/AIDS Alliance. This workshop dealt with advocacy and policy reform.
6. A training programme for home care assistants is to be held in conjunction with CARITAS, a community-based organization which deals with caring for HIV/AIDS patients at home.
7. Mobilization of the private sector and business community to enlist their financial and other support. A breakfast meeting is to be held on Monday 30th October, 2000. This is a project of the UNAIDS Theme Group. The National Aids Programme will also enlist the support of trade unions by holding similar breakfast meetings in November.
8. Reduction of Perinatal Transmission of HIV Programme has been instituted in all major hospitals in Trinidad and Tobago. The programme started in July 1999 in Tobago. In January 2000, testing was offered in the North West Region and has since been expanded to all the regions. In this programme, HIV testing is offered to all mothers attending Antenatal Clinics at public institutions. If mothers are found positive, treatment is initiated at the 36th week of pregnancy. Research has shown that this decreases the transmission of the virus from mother to child from 30 per cent to less than 10 per cent. To date, 1,500 mothers have accepted the test.
9. Post exposure prophylaxis treatment has been instituted with regard to needle stick injury for staff at all institutions.
10. Training is on going with NIHERST for 4th year medical students at the University of the West Indies.

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11. Support for men who have sex with men. A chat room has been established.
12. Support for people living with HIV/AIDS both financial and other support to the Caribbean Regional Network.
13. Recently, \$25,000.00 was donated to the National AIDS Hotline by the Ministry of Health.

Mr. Speaker, I feel that we in Trinidad and Tobago should be pleased to be involved in an exercise which could possibly bring an end to this disease. Too many people have died already and many more will die in the future.

I would like to express my sincerest thanks to all members of the HIV Vaccine Ethics Committee. I am aware that a considerable amount of time and energy went into these deliberations. We thank them for their efforts and for the service they gave to our country by accepting this worthwhile challenge which could assist experts in finding a cure for this dreaded disease.

Mr. Speaker, I thank you.

**PAPERS LAID
(DISSEMINATION OF)**

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, the Government laid on the table today four papers about which I think I owe a duty to the Parliament to say something.

The four papers are: Proposals for the Reform of the Penal System of Trinidad and Tobago; Alternatives to litigation in respect of personal injury compensation for Victims of motor accidents; Working Paper—A Review of Extradition Legislation in Trinidad and Tobago and A Working Paper—The Ombudsman—Improving his effectiveness.

Mr. Speaker, the purpose of laying these documents on the table is for them to be disseminated and for the Government to hold consultation before final pieces of legislation are drafted to give effect to these recommendations. The recommendations contained in these papers were all done as a result of consultation with all aspects of the state and with the assistance of the Law Commission.

In respect of the Reform of the Penal System in Trinidad and Tobago, one would see from the papers themselves that the Law Commission instituted this research following a direction from the Attorney General in 1998 and all the old prison rules and Ordinance were looked at in order to find a way in which the penal system could be reformed.

Non-custodial sentencing alternatives would enhance the prospects of rehabilitating petty offenders without risking exposure to a life cycle of crime. Alternative sentences enable offenders to be punished while remaining a member of the community and it has been shown from the paper that in many countries this concept has been undertaken. One would also see from the research that the concept of punishment is a complex one since policy makers must seek to balance the interest of the victim, the offender, and society within a particular social, economic and cultural context.

In the past, much emphasis was placed on protecting the public and punishing the offender. Grappling with the challenges of penal reform is not new in this country. Previous studies such as the 1980 Abdullah Commission of Enquiry Report and the Seemungal Report both recognize the need for improvement not only of the conditions of imprisonment, but the options available to the court.

Today there is a global movement away from the purely punitive or retributive form of punishment to a more positive, restorative form of justice. Restorative justice seeks to attain some repair for the damage done by the offender to the victim and the community, and at the same time rehabilitate the offender to re-enter and contribute to society.

Mr. Speaker, the proposals contained in this paper therefore, show that there are many laws to be redrafted and one would see as an Appendix to the paper, redraft of the following laws and the actual bills and Prison (Amdt.) Rules have been attached. The Prisons (Amdt.) Bill, 2000; Prisons (Amdt.) Rules, 2000; Community Service Orders (Amdt.) Bill, 2000; Summary Courts (Amdt.) Bill, 2000; Summary Offences (Amdt.) Bill, 2000; Youthful Offenders Attendance Sentence Bill, 2000 and the Criminal Records Rehabilitation of Offenders Bill, 2000.

Mr. Speaker, the document explains the reforms which are contained in all of these measures, but very briefly I will point out the intent of each Bill.

The Prisons (Amdt.) Bill would allow for the appointment of Inspectors of Prisons and to have more than one Inspector of Prisons.

The Prisons (Amdt.) Rules will amend the existing prison rules to improve the standard of prison conditions. Some of these rules have been in existence since the late 1800.

The Community Service Orders (Amdt.) Bill would amend the community service orders to expand its provisions to allow offenders under the age of 16 years to benefit from such orders.

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The Summary Courts (Amdt.) Bill would introduce two new sentencing alternatives, the suspended sentence and the curfew order which would require a petty offender to remain for a particular period at a specified place with a provision for requiring the electronic monitoring of such offenders where such facilities are available.

The Summary Offences (Amdt.) Bill would introduce the option of pre-trial diversion by the Director of Public Prosecutions in order to divert first-time young offenders who accept responsibility for the offence away from the formal court process and directly into community-based programmes such as community service.

The Youthful Offenders Attendance Sentence Bill seeks to introduce attendance sentence orders where first-time and other suitable offenders under the age of 21 years are required to attend a centre for a certain number of hours per day to be given appropriate, supervised training, occupation, or instruction.

The Criminal Records Rehabilitation of Offenders Bill would seek to remove the negative effects and stigma of a criminal record for petty offenders who have served their sentence and the effect of this Bill would be to wipe out those offences so that the person would not have the stigma of them.

2.00 p.m.

In respect of the other matter, the Alternatives to Litigation in Respect of Personal Injury, Compensation for Victims of Motor Accidents, this discussion paper was prepared after undertaking extensive consultation with the Ministry of Finance, the Treasury/Solicitor's Department and the Supervisor of Insurance. The paper points out that litigation seems to be the option which is presently available to a third-party victim who has suffered injury or loss as a result of a motor vehicle accident involving an uninsured driver.

The paper notes the frustration and injustice suffered by such persons as the system is both expensive and slow and has resulted in an overburdening of the courts with running-down actions. The paper examines two proposals to remedy the situation. Firstly, it proposes the establishment of a motor insurance bureau and, secondly, the introduction of a system of no-fault insurance to replace the present mandatory third-party insurance coverage system.

One would observe that at pages 9 to 12 the Commission looks at the advantages and disadvantages of the proposed new system and the problems which are inherent in the existing framework. The paper brings to the fore the unreasonable practices adopted by some insurance companies who prefer to avoid

liability on spurious grounds and force victims to seek redress through the court system rather than indemnifying them for their losses. It is to be noted that under the proposed no-fault insurance system, there would be no requirement to prove negligence and the periods of times within which claims are to be settled would be standardized.

Moreover, such a system would eliminate the need for an insurance company to pursue any subrogation, and those companies which have a reputation for bad settlement of claims, would find it increasingly difficult to exist under this new system. The paper also presents three models on which motor insurance bureau may be based and recommends the establishment of a bureau which would pay claims without the victim first having to obtain a judgment. The increasing number of vehicles on our roads, accompanied by the increased number of motor vehicle accidents, many of which result in death, makes it imperative to explore solutions to deal with the anticipated increase of claims made by persons involved in motor vehicular accidents and who have no prospect of being compensated.

Seventy-five per cent of the litigation in the High Court consists of motor claims as a result of motor vehicle accidents. According to the statistics most insurance companies deny liability. Therefore, when persons who are injured or dependents of persons who die as a result of motor vehicle accidents have to make a claim, they have to resort to litigation. It has been found that as a result of the trauma and injustice which these people have to go through, in some cases, they abandon their claims.

Under the proposed reform there can be a situation where the victim would not have to go to court; the victim would not have to go to a lawyer to file any claim; the victim would not have to wait for years in the court; the victim would make a claim and the insurance companies would then have to settle it; it would be between the insurance companies which would have to take steps to enforce whatever judgment they want to take against the insurance companies.

The motor insurance concept has been introduced in New Zealand, England and other countries, and it has been found that people were able to get greater access to justice. They found that their claims were paid and the court system was freed of 75 and in some cases 50 per cent of the litigation. It is hoped that with the discussion on this topic the Government would be able to formulate its final policy in respect of this matter, and it would give time also for the insurance companies to have their say in respect of these reforms.

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In respect of the Paper on A Review of the Extradition Legislation in Trinidad and Tobago, this was as a result of research done over the last two years in respect of this area of the law and the reforms, basically, consider having new methods of dealing with extradition which would reduce the bureaucracy and the formalities, and it would also increase the list of extraditable offences; broaden the category of offences to include any offence which would constitute an extraditable offence for the purpose of any convention to which Trinidad and Tobago is a party.

What is contained in these recommendations has been agreed at the Commonwealth Law Ministers Conference for countries to try and adopt, but extradition is a measure in which you can have the taking away of people's rights. Therefore, in order to have a proper balance, it is a matter which the Law Commission has studied, and on which the public would be able to get an opportunity of expressing their views before the Government makes its decision.

The final paper which was laid, on the instructions, again, of the Attorney General, the Law Commission has been working on this research for the last three and a half years since 1997. What has happened is that according to the paper, it shows that the recommendations of the Ombudsman are not effected at times, and that there is no machinery to make it compulsory for the recommendations to be made effective. The paper recommends that we should follow the principles as obtained in Northern Ireland and other countries that there be methods for judicial enforcement of the Ombudsman's recommendations. This is a very radical move and the paper, therefore, examines the pros and cons and in effect, gives to the public some assistance as to how they should consider the matter. The paper also makes some 31 recommendations to improve the overall effectiveness of the Ombudsman.

The Government has decided that this work which has been done in this area should be made available to the Parliament and to the population, for the Government to take whatever action it considers necessary in the reform of these areas.

I thank you very much, Mr. Speaker.

DEFINITE URGENT MATTER

Disruption of Water Supply by the Water and Sewerage Authority

Mr. Speaker: Hon. Members, we had come to this item before and we passed it, but I did, in fact, receive communication from the Member for Port of Spain South, so we will just return to this to give him an opportunity to raise it.

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Mr. Eric Williams (*Port of Spain South*): Mr. Speaker, in accordance with Standing Order No. 12, I hereby seek your leave to move the Adjournment of the House to discuss a Definite Matter of Urgent Public Importance to wit the situation at the Water and Sewerage Authority (WASA), and the alleged threats to destabilize and disrupt the nation's water supply as stated by the Prime Minister of Trinidad and Tobago. The matter is definite because it pertains to a specific situation, namely, the recent disruption of water supply to the majority of areas in Trinidad and Tobago. The matter is urgent because the Prime Minister has publicly stated that WASA has uncovered a plan to disrupt the nation's water supply as the action of insurrectionists.

2.10 p.m.

The matter is of public importance because this grave situation continues to impact negatively on the population of Trinidad and Tobago since there is a growing fear that the water supply could be tampered with by these alleged saboteurs.

Mr. Speaker: Hon. Members, I am afraid that, notwithstanding the alleged threats, this matter would not qualify under the Standing Orders as a definite matter of urgent public importance.

Mr. Manning: Just for clarification, Mr. Speaker, are you saying that the issue as raised by the hon. Prime Minister is not a definite matter of urgent public importance warranting the attention of the House?

Mr. Speaker: The Leader of the Opposition knows perfectly well that my doors are always open for any clarification he may need, and we could deal with that on another occasion but, for purposes of the Parliament, the matter as raised by the hon. Member does not qualify.

MUNICIPAL CORPORATIONS (STREET VENDING) (AMDT.) BILL

Bill to amend the Municipal Corporations Act, 1990, [*The Attorney General and Minister of Legal Affairs*]; read the first time.

DISPUTE RESOLUTION COMMISSION REPORT (TOBAGO HOUSE OF ASSEMBLY)

The Minister of Tobago Affairs (Dr. The Hon. Morgan Job): [*Desk thumping*] Mr. Speaker, I beg to move,

Be it resolved that this House take note of the Report of the Dispute Resolution Commission appointed under section 56 of the Tobago House of Assembly Act, 1996.

Mr. Speaker, before I start I would like to advise the honourable House that I intend to move an amendment to the Motion as it stands. The motion says: “Be it resolved that this House take note of the Report of the Dispute Resolution Commission appointed under section 56 of the Tobago House of Assembly Act, 1996”. I will move at a later stage in my presentation that we approve the Report.

This Motion has to do with the relationship between the geographical parts of the country called Trinidad and Tobago. Indeed, it has to do with the framework of the Constitution within which this country is governed, and all those laws and rules that derive therefrom. For example, there is the Exchequer and Audit Act, Chap. 69:01; the Financial Instructions of 1965; the Tobago House of Assembly Act of 1996; the Tobago House of Assembly Rules of 1990—pending the enactment of Rules under section 52 of the Act—and there are sundry circulars and instructions issued by the Minister of Finance under the authority given to him in the Constitution. In addition, Tobago, being part of the sovereign democratic state of Trinidad and Tobago, is subject to all statutes and laws of general application as they do apply to the country called Trinidad and Tobago.

The matter of this Dispute Resolution Commission has to do with section 56 of the Tobago House of Assembly Act which sets up the Dispute Resolution Commission. For the benefit of the House and for the general public, Part V, section 56 of the Act says:

“There is established a body to be known as the Dispute Resolution Commission which shall undertake to resolve disputes between the Assembly and the Government on budgetary allocations to the Assembly and matters in connection therewith.”

Section 57 says:

“(1) The commission shall comprise of the Ombudsman, or such other person with judicial or quasi-judicial experience as may be agreed to by the Government and the Assembly, as Chairman and four other members, two of whom shall be appointed by the Government and two by the Assembly.

(2) With the exception of the Chairman, the membership of the Commission shall be reconstituted in respect of each dispute.”

Section 58 goes on to say:

“(1) A dispute referred to in section 56 shall, before it is submitted to the Commission, be referred to the Prime Minister who shall, as soon as practicable, refer the matter to the Cabinet for its consideration.

(2) The Cabinet shall, as soon as possible after consideration of the dispute, convey its position to the Assembly in writing.”

The other sections of Part V continue to deal with the commission.

Mr. Speaker, the case of Tobago is a particular case of a general problem that exists all over the globe where states become dismembered through the lack of resolution of disputes. We have ministates and we have microstates, and people are even writing about failed states. Even here in the Caribbean we have the St. Kitts and Nevis situation where, when the colonial authority or the mother country, Britain, imposed the St. Kitts and Nevis constitution, St. Kitts and Nevis set up a federal state, so that Nevis is in a federal relationship with St. Kitts. As I speak to you, Mr. Speaker, the evidence available to me suggests that the 12,000 people living on Nevis are desirous of becoming an independent country with their own flag and their own anthem.

I would like to refer the honourable House and the nation at large to a book called *The Mechanics of Independence* written by Arthur Napoleon Raymond Robinson. In there is a section dealing with this very issue of ministates and microstates in the Caribbean and, of course, alluding to Tobago. The author of the book, Mr. Robinson, made it quite clear that his preference is for a unitary state of Trinidad and Tobago and, in extension, a Caribbean state. He said that one of the things that makes the Caribbean a mockery of the modern world is the way the modern Caribbean is led by leaders who do not seem to understand the imperative to break away from the fissiparous tendencies with which colonialism left us and come together as a united state will. We tried the Federation and that did not do very well. It did not last very long. So with relation to Trinidad and Tobago, I think there is enough background information to suggest that we have to do all that we must in order to maintain the state. I do stand here as the person representing the former Member for Tobago East, and I feel that his ideas are my mandate.

As I present this Motion, I want to keep all that in the background. We must also keep in the background the ideas that have been prevalent in Trinidad and Tobago, both in Trinidad and in Tobago, concerning the dispute about money granted by previous governments, because this issue is not something that arose with this current Government. As far back as I could remember, even in the days when Tobago was considered a county council, then they were removed from being a county council and we had the House of Assembly in 1980, this was the case. From the years when we had two governments—we had one under the NAR and we had PNM governments—the Member for San Fernando East has a very bad reputation in Tobago. They thought that he came to Tobago as a proconsul and they had to “run him out de place”. That is the folklore in Tobago.

Very often I hear people saying that—there is one famous Tobagonian extant who, at a conference recently, said that God did not write anywhere that Tobago must suffer under a Minister of Tobago Affairs, and recalled the experience under the Member for San Fernando East in his time.

Mr. Manning: Mr. Speaker, I thank the very distinguished Member for Tobago East for giving way. I wonder if, for the benefit of the record, he could make that experience clear. What were the transgressions that were committed?

Dr. The Hon. M. Job: Well, I like to be fair to the Member. I have been told on sundry occasions by one Mr. Hochoy Charles that when Mr. Manning—and I am quoting—was Minister for Tobago Affairs, “he nearly mash up de place, mash up Tobago. We had to run him out of here”; and they put Errol Mahabir and somebody else—Dr. Williams had to remove Mr. Manning and put Errol Mahabir and somebody to modify and patch up the relationship between Trinidad and Tobago. That is what Mr. Charles has told me. I guess that experience has made Mr. Charles fearful of any Minister of Tobago Affairs.

I, myself, have had to undergo a terrible time in the last three years as a consequence of that kind of legacy—people thinking that I am going to do “a Mr. Manning” on Tobago. [*Laughter*] Fortunately, I have maintained my cool and did nothing, as precedent, which would lead people to believe that I will take initiatives without the concurrence of the Tobago House of Assembly. In fact, the reason I am standing here today is as a consequence of a meeting I had with Mr. Charles on Saturday.

Mr. Manning: Too late for you.

Dr. The Hon. M. Job: I had a meeting with Mr. Charles on Saturday when he was going over all this history of Tobago with Mr. Manning and all of them, and I reminded Mr. Charles that in the relationship between himself and the Government he should negotiate a *modus vivendi* and a way to operate that will make life better for all of us.

With regard to the Motion here, I think I should also put on the record the summary of the Dispute Resolution Committee’s recommendations in order that the national community might be better guided. There is a summary here that says:

“Summary of Recommendations

1. That a percentage in the range of 4.03% to 6.9% of the national budget, 4.03% being the minimum, be allocated to the Assembly to cover both the recurrent and development allocations for each financial year, such percentage to be reviewed from year to year in the light of prevailing circumstances.

2. That releases for recurrent and development expenditure in each fiscal year to the Assembly be at the same proportion of total releases made to Government departments and authorities in Trinidad.
3. That the human resource needs of the Assembly be rationalized as early as possible since personnel expenditure forms a significant component of recurrent expenditure.
4. That the Financial Rules prescribed under Section 52 of the Act be enacted as a matter of priority since such Rules are necessary for the proper management of the finances of the Assembly.
5. That the present arrangements for the collection and deposit into the Fund of taxes and duties as indicated in paragraph 7.11 be continued.”

Perhaps I should go back to paragraph 7.11. Paragraph 7.11 says:

“The Assembly has collected many forms of revenue such as customs duties, personal income taxes and land and building taxes, which under current arrangements are paid directly into the Fund.”

Paragraph 7.12 says:

“Other forms of taxes, duties, levies and other imposts not currently collected in Tobago include significant amounts of corporation/profit taxes, especially those due from branches of firms operating in Tobago with headquarters in Trinidad.”

It is important, Mr. Speaker, in saying that, for me to remind the honourable House and the national community that the Tobago House of Assembly, as the Act allows them to collect revenues and taxes, is doing so on behalf of the Government of Trinidad and Tobago and not on their own behalf. In other words, the Tobago House of Assembly does not own the revenues and taxes it collects. There is one Government here with the power to tax or to raise revenues, and that is the Government of Trinidad and Tobago. I think people need to be disabused of the idea that the taxes and the moneys belong to Tobago.

I, myself, do not have a problem if the people in Tobago and the people in Trinidad at some future date decide to do a Nevis, or decide to have devolution with a view to independence. However, the current law does not allow any other interpretation but that which says that there is one Government and one fisc in

Trinidad and Tobago, and the Exchequer and Audit Ordinance and the Constitution of Trinidad and Tobago apply in that circumstance. Recommendation No. 6 says:

- “6. With respect to revenues to be collected in Tobago, that a revenue sharing arrangement should be worked out with the Board of Inland Revenue and appropriate administrative arrangements be made to give effect thereto to as a matter of urgency.
7. That no restriction other than those imposed by the Act should be placed in the Assembly’s way to facilitate its borrowings or to raise grants for its development programme since the Assembly is a corporate body. In light of the fact that State enterprises and public bodies such as Trinidad and Tobago Electricity Commission and the Water and Sewerage Authority are allowed to borrow and raise grants, the Assembly should be treated no less favourably.”

2.25 p.m.

Mr. Speaker, I think, I need in all fairness to impose a clarification here for the benefit of the House and the national community. Since I am in the Cabinet I have had to adjudicate and be part of processes which allowed some of these state corporations—Caroni (1975) Limited included—to raise funds and in every case, the respective Minister will bring a Cabinet Note concerning the purposes and conditions and Cabinet will deliberate and give or not give approval.

From my knowledge, I know of no single instance where any Cabinet Note came requesting that the Tobago House of Assembly borrow funds, and there is a reason for this. I think the people who are advocating the idea that is contained in paragraph 7 here are advocating an idea which suggests that the Tobago House of Assembly Act gives the Tobago House of Assembly the right to borrow without Cabinet supervision or Cabinet purview or Cabinet oversight. I think therein lies the problem because much of the difficulty between the Central Government and the Tobago House of Assembly has to do with interpreting the words of the Tobago House of Assembly Act.

I have said publicly—and I will repeat what I have said—that politicians make laws in Parliament, they do not interpret the laws they make. This is an ancient principle. Mr. Speaker, you can go in any library, in any learned centre where the matter or the subject is law and there are whole sections—you will spend your life there—dealing with interpretation. There are books written on it, papers written on it all the time. So, therefore, the question of interpreting the

Tobago House of Assembly Act is not a matter for politicians because politicians will have their own view. Even if one lawyer says he interprets it this way—as we have experienced—you go to one court and the judge says one thing; you go to another court and the judge says another thing. You can go all the way to Privy Council and even between periods of time, Privy Council has been known to reverse themselves in certain important decisions. So the question of interpretation, I think, is at the kernel of a lot of the issues that we have with this Tobago House of Assembly Act.

I, myself, after the impasse with the Senators, when I had pointed out before hand when the issue broke—last year or early this year—when we had this very disgusting situation in the country drawing in the highest official in the land, the President, into the public arena concerning the firing of two Senators. I did say before the matter was resolved that I sought to uphold the Constitution and the law, by which I meant at the time that in my judgement, the Constitution of Trinidad and Tobago did not give anybody rights that were not contained in the Constitution, which is to say, the Leader of the Opposition had the right to appoint six Senators on his own accord; the President has nine Senators that he can appoint on his own accord; and the Leader of Government Business has 16 Senators which he can appoint on his own accord. That is what the Constitution says. The Constitution also clearly outlined where the President has to consult or where he does not have to consult. He appoints the Police Service Commission, the Teaching Service Commission without consulting anybody.

Mr. Speaker, with respect to the 16 Senators that the Government appoints the President does not have a choice in the matter. I did say so and I gave a press conference subsequently, where I expressed my own view that we need to look at the Tobago situation as a constitutional issue and deal with it like that.

Just one other point I want to make that, in terms of the money situation in Tobago, there is a confusion that many people have internalized which is to say that people on my side and my good self, in particular, have always been saying that money is no problem. I go to schools in Trinidad, I go to schools in Tobago and I advise children that the important thing is ideas, it is culture. I have no intention to apologize for so saying and I have every intention wherever I am to continue telling children in primary schools, secondary schools, sixth form or wherever they are, that the important thing in terms of their own life, their own development, and the development of a country is not money, otherwise Nigeria would have been a very prosperous country, the Congo would have been very prosperous and Venezuela would not have the problems it has.

What is important for them to understand is their culture, their ideas and the institutional framework that would allow them to do the best they can with those ideas and those cultures, and we must get that message to every school child. Mr. Speaker, so in its application to the situation in Tobago, I would wish to disabuse my detractors from the idea that when I say these things to school-children in Tobago or anywhere that I am talking about Mr. Hochoy Charles and his money problem.

Mr. Speaker, with those few words, I want to say that the Motion as stated should now be amended to read:

Be it resolved that this House approve the Report of the Dispute Resolution Commission appointed under Section 56 of the Tobago House of Assembly Act, 1996.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, I rise to make a very brief intervention in this debate as we debate the Report of the Dispute Resolution Commission and the recommendations that such a report has made. I would like to say that I had not intended to intervene at all but, because the very distinguished Member for Tobago East chose not to stick to the issues before us—and, indeed, to introduce extraneous matters into his contribution—it became necessary for me to rise, however briefly, to set the records straight.

Mr. Speaker, it is very regrettable that politicians have to resort to the recommendations of technocrats to be able to arrive at a solution that is acceptable to the people of Tobago. It is indeed very regrettable.

In 1995 when the dispute arose—it was a continuing dispute—and in an effort to put the relationship between Trinidad and Tobago to bed finally, the approach we took as a Government then, was to meet with the Tobago House of Assembly, the elected representatives of Tobago and with the Members of Parliament to the extent that they chose to accept our invitation. We sat down across a table and negotiated for two or three days and at the end of that period we arrived at a draft law, including constitutional amendments that were acceptable to the Tobago House of Assembly and to the Government of Trinidad and Tobago at that time.

Mr. Speaker, more than that, following this arrangement, we went to various places in Tobago inviting the people to hear what the agreement was and to let us know whether they agreed with it in principle or whether there was some difficulty that they would have experienced because of the new arrangements. It is a matter of record—and a very pleasant record for us—that in our interface with the people of Tobago in their villages—I think 10 such meetings were held—at the end of the day, the legislation and constitutional amendments received the approbation of those with whom we came into contact. We came away from the exercise feeling that not only had we consulted with the people of Tobago directly but, we had also spoken with their representatives and that there was a general consensus all around as to how Trinidad and Tobago should relate to each other by way of legislation and constitutional arrangements.

Mr. Speaker, we are proud of that because we thought that such an arrangement gave us a good opportunity to bring to an end, once and for all, the contention that has stepped into the relationship between Tobago and Trinidad in the conduct of governmental affairs. We never said that the arrangement was perfect, but we thought that the arrangement represented a major advance on what existed at that time.

Mr. Speaker, we were prepared to let it operate for a while to see how it operated and then after the effluxion of a discreet appropriate period of time, we would have been able to sit back and assess how that arrangement was functioning and to come to a conclusion as to whether we required further amendments or as the case may be, what further adjustments would have been required to ensure that there was an acceptable arrangement; an arrangement: one which was acceptable to the Government of Trinidad and Tobago; the Tobago House of Assembly, as the representatives of the people of Tobago and, of course, to the people of Tobago; and the people of Trinidad and Tobago.

Mr. Speaker, we are very proud of the approach. The approach is rooted in democracy; the approach is an approach that recognized the right of the people of Tobago to have a significant say in the way they wish Tobago to be governed. We recognize that, and we were not forced to any table. We came to the table voluntarily and that is why today, I think it is a very sad day that we have to debate in the Parliament, new arrangements involving Tobago that have not arisen as a result of a discussion between the Government of Trinidad and Tobago and the Tobago House of Assembly, but an arrangement that is now being foisted on the Government by technocrats constituted as a Dispute Resolution Commission, where the Government finds itself—effectively in the context of an election—unable to take a position that is different from that which is being adumbrated by the Dispute Resolution Commission.

2.35 p.m.

That is the fact of the matter. They had no choice, Mr. Speaker, and they have come today to the Parliament with the Member for Tobago East making a presentation that suggests that altruism was involved in all this. There was no altruism at all. They have been brought kicking and screaming to the table. We endorse the recommendation and the Parliament is going to approve it today, not because the Government wants it, but because the Government is forced into a particular position—most important.

Mr. Speaker, it would have been much better if the Government of Trinidad and Tobago had been in discussion with the House of Assembly and there was general agreement on a development programme for Tobago. It would have been much better if that had been the case. The Tobagonians have a genuine case.

To this date—this is the year 2000—there still has been no new hospital constructed in Tobago. The Member for Tobago East sits very comfortable, drawing—how much money is it he is getting?—\$12,000 a month. Now they want to up that to \$20,000 with \$5,000 a month transportation allowance and \$5,000 housing. He is very comfortable with those arrangements. He is all right. He does not care who is not all right. The people of Tobago, in whose interest it was expected that he became a Member of this Parliament, are unhappy. They cannot get any hospital. [*Desk thumping*] It is not just that. Technical school—everybody knows that a technical school has to be constructed in Tobago. How come they have not done it? With the amount of money—it cannot be money. It cannot be that the Government does not have the financial resources to do so. Because they could find \$1,300 million to build a \$400 million airport, so they cannot tell me they do not have the money.

They could find \$36 million to fix White Hall when the estimate was \$5 million. They cannot say that they do not have money. They could find \$24 million to pay for cancellation charges for a ferry that never came—just give away \$24 million. They cannot say they do not have money. They could find money to pay off \$30 million for a shipment of rice that never came. It is growing bicycles somewhere in Brazil. They cannot tell us they do not have money and I could go on. They could find the will—

Mr. Speaker: I would suggest that you go on with anything that is relevant.

Mr. P. Manning: It is very relevant, Mr. Speaker, because you see, what the Government cannot say to us is that there is no hospital in Tobago today because there is no money. That is what it cannot say. [*Desk thumping*] What the Government cannot say to us is that there is no technical school in Tobago today because there is no money and, if it was not a case of financial resources, the question that I ask is: What is it?

The distinguished Member for Tobago East sits in his comfort zone in the Cabinet, drawing significant quantities of money under the guise of representing Tobago, but agreeing to the foolishness that characterizes the actions of the Government of which he is a part, not only in respect of Tobago, but in respect of Trinidad and Tobago. They come now, finding themselves in a position where they have to come to the Parliament, brought kicking and screaming by a group of technocrats constituted as a Dispute Resolution Commission, to tell the Government of Trinidad and Tobago that the allocations to Tobago have not been equitable, that henceforth, based on population, it must be a minimum of 6.09 per cent. The Minister gets up and talks as though he is proud of it. It is a sad day for politicians, a sad day for politics and a sad day for equity in the conduct of public affairs. That is what it is. [*Desk thumping*]

The Minister comes talking nonsense. Sorry, that is not parliamentary language—with an inappropriate contribution in relation to the role that I played in Tobago as a “Minister of Tobago Affairs”, as he put it. Well, I was never Minister of Tobago Affairs. I was Minister in the Prime Minister's Office responsible for Tobago Affairs. He does not even know the portfolio. I must say that I am very proud of that portfolio.

When I was appointed to that position in 1978, I could not understand what the then Prime Minister was doing in making that appointment. Today, I am very pleased that the appointment was made because what it, in fact, achieved for me personally, was exposure to the people of Tobago, exposure to the thinking of the people of Tobago, exposure to the aspirations of the people of Tobago and, therefore, subsequently, in a different incarnation and in different circumstances, as Prime Minister of Trinidad and Tobago, I was able, firsthand, to understand the thinking of the people of Tobago and as head of a government, to move more in a direction that was able to be more consistent with the aspirations than what obtains today or what obtained before it. That is why we sat and negotiated in 1995.

The Member for Tobago East, is part of a government today. What negotiations took place? They treat Tobago as though it is a backwater of Trinidad and Tobago. The Member for Tobago East is a part of that and happily so, because he appears quite happy.

When you listen to his presentation today, Mr. Speaker, you would realize that he is an integral part of the foolishness that is going on in the Government of Trinidad and Tobago today. It matters not to him whether Tobago pays a high

price or a low price. What matters is that he gets his salary, he gets his allowances, he advertises his books in the Parliament and he can quote himself. Himself reading himself into the record of the Parliament, no doubt for himself to read sometime in the future. That is where we have come.

Mr. Speaker, do you know what upsets me about all this? What upsets me is that the politicians were not able to conduct their business in a proper manner, so technocrats have to come in and tell them how to do it. I have a major problem with that. [*Desk thumping*] If the Government understood what good governance meant, if the Government understood what equity in the conduct of public affairs meant, then such a thing could never happen.

We have always said—the PNM is saying that whoever seeks to govern Trinidad and Tobago must understand what good governance means. In the case of Trinidad, they must recognize that the country is multiethnic, the country is multicultural and the country is multireligious. They must also understand that Tobago is separated from Trinidad by water [*Desk thumping*] and, therefore, there are special circumstances that exist, applicable to the governance of Tobago.

The things that we will do in Tobago in terms of devolution, we will not do in San Fernando and we will not do in Port of Spain or Caroni. It is different. I could drive to the Jean Pierre Complex. I could drive to Queen's Hall. You cannot jump in a car in Scarborough and go to Queen's Hall, so Tobago requires its own concert hall. It is not difficult. It is easy to understand if you come to the table with a clean heart and you come with pure hands.

In 1978, appointed Minister in the Prime Minister's Office responsible for Tobago Affairs and, in fact, at that time, I was looking after the execution of a number of development projects in Tobago. I used to go to Tobago every week and we used to visit every project every week. The big projects were the construction of the bus terminus; the construction of lower Scarborough; the construction of the mall and forecourt; the construction of the NIB building; the construction of the Hall of Justice; the construction of the Claude Noel Highway.

When we were supervising the construction of the Claude Noel Highway in Tobago, the Member for Tobago East was part of a movement that was saying it should not happen.

Mr. Williams: What!

Mr. P. Manning: They are driving today on the Claude Noel Highway as though it emanated from his distinguished person and that it was the best thing that ever happened to Tobago. Of course, it is one of the better things to have happened in Tobago, but we did it, notwithstanding what they would want to say. What does he mean when he says that the Member for San Fernando East was responsible for doing—I cannot even remember the words—foolishness in Tobago? That is what he was saying really.

He knows that in 1981 when the discussions were taking place between the then Chairman of the Assembly and the Minister in the Prime Minister's Office responsible for Tobago, what in fact happened was that the Chairman of the House of Assembly pursued a strategy designed to achieve a particular result. Long before that meeting was called, the press conference was set up in the Hilton Hotel. If he does not know it, I wish to advise him of that. When the hon. gentleman walked out of the meeting, it was not as a result of what happened in the meeting; it was in pursuance of a policy and a strategy that had been articulated well before the press was waiting in the Hilton. He walked out of the meeting and, of course, one of the things that had to be said was, "Manning was the villain of the piece."

The Member for Tobago East comes here today and instead of sticking to the facts, wants to get involved in matters of which he has absolutely no knowledge and he wants to use that to talk about the model of the Minister of Tobago Affairs. What does he know about the model of the Minister for Tobago Affairs? What does he know about it? Have you ever allocated any portfolio in your life? You do not; you have not. Those who allocate portfolios have a slightly different perspective from the one that you have adumbrated. [*Desk thumping*]

It was necessary for me to set that record straight. The PNM is going to support the resolution before the House but we want to say this, that it is a sad day that we have to support it, and that the PNM's commitment to Tobago is that we are going to govern Trinidad and Tobago without fear or favour, affection or ill will and that the people of Tobago have nothing to fear from PNM governance. We assure the people of Tobago that they will get a fair share of the resource allocation of Trinidad and Tobago [*Desk thumping*] and that we do not have to depend on any Dispute Resolution Commission to tell us what is right and what is wrong. We have a proper concept of right and wrong. We went to certain schools. I do not know what school "dem fellas" went to—I really do not know. We have a proper concept of right and wrong. We know what equity means in the conduct of public affairs and the people of Tobago could be assured of equity as the PNM takes office in the next administration and as we seek to govern this country equitably and in the interest of all the citizens of Trinidad and Tobago.

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

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, being one of only two Tobagonians in the Parliament this afternoon, I do not know if you would have got my request for an excuse this afternoon because I did call to make an excuse. I did not intend to be here. I had other matters I would have preferred to attend to, but given the shoddy way that the Government runs the Parliament, my understanding was that this matter was not to be before us today. Only an hour ago, I discovered that the matter was coming up, so I had to change my plans and break my self-imposed silence in this record Sixth Session of the Parliament because, Mr. Speaker, I want to not pass up the opportunity to go on record here on the *Hansard* demonstrating how we have come to the sorry pass that the Opposition Leader has just outlined.

2.50 p.m.

Mr. Speaker, this document represents a paper and ink version of a condemnation that should fall squarely at the feet of the United National Congress. [*Desk thumping*] Mr. Speaker, you must remember, there would have been no UNC or NAR government in this country. What we have exercising authority on the people's affairs in Trinidad and Tobago is a coalition government; made up of two seats from Tobago, 17 seats from the UNC, and... [*Words Expunged*] ,in the East-West Corridor.

Mr. Speaker: If what I heard you say... [*Words Expunged*]

Hon. Member: They bought them with love.

Mr. Speaker: No. with the greatest deference, we need to keep the rhetoric for the standpipe by the standpipe. In the House, there are certain things that are not said. I wish that you would withdraw that unreservedly, so that it could be expunged from the record.

Dr. K. Rowley: Thank you, very much, Mr. Speaker, I did not mean to offend you or the House, but that point being so salient to my contribution I have to use a different word—two acquired PNM seats. [*Desk thumping*]

Mr. Speaker: The Standing Orders talks about imputations. Something could be direct or implied. What I was politely suggesting that you do is not sully the record so that it would appear on the record.

Dr. K. Rowley: What about the word “acquired”?

Mr. Speaker: With respect to the word “acquired”, it is made quite clear that the context in which it is said does not impute impropriety.

Dr. K. Rowley: Mr. Speaker, once again I bow to your ruling. I would do nothing to offend the House or the record. Let me spell out what I am trying to say, because I must make the point over. We have a coalition government made up of two NAR seats from Tobago, 17 UNC seats, and two seats, elected to the PNM, who crossed the floor to join the Government on the other side. [*Desk thumping*] I hope that does not offend the record.

Mr. Speaker: Accepted.

Dr. K. Rowley: Thank you, very much, Mr. Speaker.

I go through this pain to make the point, because I want to demonstrate how we end up with public servants and others, telling the Government of Trinidad and Tobago how to treat the people of Tobago.

Mr. Speaker, let me demonstrate to you what happened. If one looks at the *Development Programme*—I use the *Development Programme* just to demonstrate what I am going to say—for 1995, one would see that the estimate—in those days the budget was much smaller than it is now—the Parliament approved \$45 million for the development programme for Tobago. There was no dispute resolution request at that time but, more importantly—the circumstances were not as they are today; where we have had some significant increase in government revenues, nothing to do with them in office, but having to do with the country’s progress along a path placed by others—the Parliament approved \$45 million for the development programme in 1995. The PNM was able to provide the people of Tobago with \$43 million of that \$45 million. There was no “bacchanal” in Tobago over that; there was an understanding that reasonable governance was brought to bear.

Then the government changed, as I described, and other individuals came into office. In a period of economic growth, the warning was on the wall, the estimate for Tobago was \$42 million. In fact, the Government simply equated what it met. They approved \$42 million and actually spent \$51 million, no problem. At that time, the Government was made up of the 17 UNC seats and the two Tobagonians. Tobago got \$10 million more than the Parliament approved; there was no problem, no protest, everybody was happy. The following carnival season, PNM MPs began to cross the floor to meet those on the other side, because they observed the trough and the feeding that was to come.

Mr. Speaker, interestingly enough, in 1997, when it became clear to the Government that we were on good economic times, they approved \$81 million for the development programme for Tobago, a substantial increase over the \$51 million. Lo and behold—do you know what happened in Tobago? Not only did

they spend the \$81, which was \$30 million more than the \$51 million they got the year before, but playing the politics as they have played it, the Government allowed the Tobago House of Assembly, in that year, to spend \$155 million.

I distinctly recall in this Parliament, my voice and the voice of the MP for Tobago West, asking the Government why it was allowing politicians in Tobago to disregard the Parliament and the rules and regulations. It mattered not to them, because it suited their political purpose then to allow the THA to do as they pleased. Parliament approves \$81 million; they spend \$155 million. We did not see any dispute resolution, we did not see any allocation by per capita; what we saw was naked politics at play. Lo and behold, at the end of that financial year, there were two PNM MPs who were no longer wearing the balisier, they were on the other side asking what PNM had done for 30 years—shamelessly asking that question. Do you know what happened? Having spent \$155 million, as against \$81 million that was approved, the following year, the Government can now flex its muscle and treat Tobago the way it intends to treat Tobago, so it approves \$80 million. It fell from \$155 million expenditure to \$80 million.

As if that was not enough, the Government gave Tobago only 50 per cent of the \$80 million; because Arima and Point Fortin were on their side, they did not need Tobago. Tobago could no longer spend as they pleased, as they did in the previous year and overspent by \$75 million. Do you know what the Government did? We on this side supported an approval for Tobago for \$80 million; it was never a question of not enough money. This is 1998, that is when the airport was being funded at the ridiculous level. That is when the Government was scheming to spend all kinds of moneys in tens and hundreds of millions. That is when Caroni (1975) Limited's increase went from \$45 million to \$300 million. It was never a question of money; it was a question of "I do not need your vote anymore."

Having approved \$80 million in the Parliament, they got 50 per cent of that. Immediately Tobago's expectation was dealt a severe blow in the stomach, because a number of development projects which were embarked upon in Tobago, under the understanding that they would get this kind of expenditure that they were led to believe they would have—\$155 million. If you go to Tobago now you will meet all kinds of half-picked projects because the coalition partner has failed to provide the revenue. It got worse as the two PNM MPs dug deeper into the UNC and went from independent to UNC. In 1998/1999, the development programme allocation for Tobago fell from \$81 million to \$63 million.

3.00 p.m.

This is the coalition partner. That is how they are treating the coalition partner. They allowed them to spend \$155 million in 1997 without parliamentary approval, but now, by 1998, Tobago's approval fell to \$63 million, and it got worse than that. Of the \$63 million that they approved for Tobago, they gave them only \$31 million. Bacchanal in Tobago! It got worse. Last year, 1999/2000, they approved \$92 million, because we spoke about it in this Parliament. Do you know what they got? They got \$36 million.

In the interim, what has happened is that the people of Tobago had been led to believe that they could do as they pleased: they could spend money as they pleased; they could hire as they pleased; they could start projects as they pleased, and that resulted in a significant overdraft in the bank. So when the Government sat here quietly and watched what was going on in Tobago, oblivious to all the pleas on this side to ensure that public officials and public servants in Tobago follow the rules and regulations, what they were doing was creating the conditions for this dispute resolution.

By the time the Tobago House of Assembly received only \$36 million, and projects "hung up" all over Tobago, what they were doing was forcing the people of Tobago to see where else they could turn. Fortunately for them—or should I say unfortunately for the country—in the law, there is this thing called a "Dispute Resolution Commission", and that was invoked. It did not have to be like this. The Government knew that there was a problem in Tobago. It did absolutely nothing to head it off! It did absolutely nothing to ameliorate it. In fact, if the people of Tobago were not a peace-loving, law-abiding group, we might have had worse than the Dispute Resolution Commission Report. There are places in the world where people riot for less than that.

You see, Mr. Speaker, this Government is not about governance. It is about contracts, money and self-preservation. They talk about national unity. Like a mantra they talk about it. If you ask any child in this country about national unity, you are likely to get an answer that the best way of demonstrating that, starting with the foundation of the country, is to demonstrate a unity of purpose between Trinidad and Tobago. If we want to talk about national unity—we are an archipelagic state: we have Trinidad and we have Tobago. The skeleton, the frame, the foundation, has to be unity between Trinidad and Tobago. With this kind of naked, nasty, political treatment, spite and vindictiveness, what kind of unity are you fostering? What you are fostering is bad blood; and the blood between Trinidad and Tobago today, between the Central Government part and the Tobago House of Assembly part, those who form the coalition, could not be worse.

It is so bad that the Member of Parliament, my colleague from Tobago East, who moved this Motion, came into Parliament as a National Alliance for Reconstruction candidate, elected by the people of Tobago, and today, parties are screening candidates, and he is left in the humiliating position of begging the party to put him up. If they do not put him up, he would have to consider going independent. That sums up how they have performed: a so-called NAR candidate begging his party, which has gone public telling the people in Tobago that he is not to speak for the party.

That is the naked political gain that has brought the people of Tobago to where they are today, and it did not end there. It ended with the naked deception and deceitfulness of this Government. I was in Tobago in August for vacation. I booked a ticket on the ferry to send my vehicle to Tobago. I got to Tobago and discovered that there would be no boat, not for one day, but for many days. Up to this day, the contract I have with the port could not have been executed. They could not take my jeep from here to Tobago, nor from Tobago back to Trinidad. I have since had to ask for a refund, and I am waiting for my refund.

That situation was played out in front the national community to the embarrassment of the Government—if they can be embarrassed. The Minister of Works and Transport and all his lackeys came to this Parliament and told the country that on October 23rd there would be a new ferry in this country to replace the *Panorama*. I want to ask them: Where is the ferry? Today is October 23rd, where is the Tobago ferry?

We asked questions. We alerted the Government, the whole country, editorials in the newspaper. Now, if the *Panorama* breaks down again, we are back to where we were in August! This is the same Government that had to pay millions of dollars in taxpayers' money for a ferry that did not come. Then the Minister, "true to form", gave a worthless assurance. I hope by now that this country understands that anything the Minister of Works and Transport says is not worth the air that he breathes out. [*Desk thumping*]

"A ferry will be in Trinidad to service the Tobago/Port of Spain route on October 23." Not a word from the Government that it has found a ferry, that it has not found one; it is coming next week, it is coming next month; not a word! The people of Tobago are very nervous now, because they are facing the same situation. The *Panorama* is due to go on dry dock. I want to know if the *Panorama* has an extension from Lloyds.

My information is that Lloyds had told them that they were going to get an extension, probably the last one, and then the *Panorama* would have to be pulled out of service. What are we doing now? Are we operating the ferry without Lloyds' clearance? Or are we begging Lloyds for a further clearance? Or are we going to pull the ferry out to comply with Lloyds' recommendation and have no service, or is there a ferry to come within the next—how many hours left in the day? Do you understand what passes for Government, Mr. Speaker? They do not care.

They sit right there. As long as they do what they have to do, and have their friends happy and make themselves happy, they do not care what happens to the business of the people of Trinidad and Tobago, and I call that bad government. I want to ask them this afternoon, any one of you, get up and tell the people of Tobago: Where is the ferry that your Government said, in the form of an assurance, would be here on October 23 today? Where is the ferry?

They went further. They had a lot to say in here about the buying of a new boat: "Oh, we are going to buy a new boat." We have a budget of almost \$14 billion allocating money for all kinds of things, allocating money to subsidize the Public Transport Service Corporation losses, to subsidize the Water and Sewerage Authority excesses, to subsidize the airport's excesses, not a cent in the budget for any new ferry! Even before the budget debate was closed, we asked them: Where is the allocation for this new ferry? If you know you are going to purchase a ferry, how come you have made no allocation in the budget for it? They said, "When we buy the ferry, we will bring a variation to the Parliament." So what about all the other things they budgeted for, how come they did not leave it until they were ready to buy those things and then budget for them? What is peculiar about budgeting for an item like a ferry? Not a cent!

If you look in the budget document under "Central Administrative Services" for Tobago, no money! Under the port, no money! Under the Prime Minister's office, no money! Maybe I missed it. I want to ask the Government: Show me in the budget allocations any money for any ferry. So the people of Tobago, who have been told that a new ferry is to be purchased, understand that it is all about political gains where Tobago needs are concerned. So there was no ferry, Mr. Speaker.

The Government is about to enter into the fight of its political life—which it will lose. Having got the tarnished jewel of the airport in its crown, and it cannot pull it out; having not been able to cash in on its expectations elsewhere, the Government has decided, on the advice of Americans, that it must use education

as its election campaign. The Government said, “What! We cannot do that; we are the ones who had Nanan as education minister; our Member of Parliament for Tabaquite was the Minister of Education, so no person will take us seriously.” The advisors said, “You have to do it.” So they swallowed their pride, and decided to use education as their spearhead for the election.

Mr. Speaker, what aspect of education? The placing of children in schools, so that all children who are 11-plus can go straight to secondary school. The whole question of provision of school places has now become the crown jewel in the tarnished crown of the UNC.

Mr. Speaker: We are still on dispute resolution in Tobago?

Dr. K. Rowley: Yes, I am a Tobagonian.

Mr. Speaker: If you give me that assurance, I would accept it.

Dr. K. Rowley: I am a Tobagonian, I cannot go far from Tobago.

Mr. Speaker, the point I am making is that here we have a Government that is about to enter into an election, with the spearhead of its campaign being education, but it cannot say to the people of Tobago why, when it came into office, it met a World Bank loan—so once again there was no money problem—but it did not build the secondary school at Mason Hall. The PNM had negotiated a World Bank loan in 1995 to build a secondary school at Mason Hall in Tobago, using the World Bank system for acquiring a project manager and to go out and have tenders invited, and transparent award of contracts and so forth. This new Government was duty-bound—if it was concerned about putting Tobago’s children in school—to proceed to have the contract awarded in 1996, and by September of 1998 the children of Tobago should have been going into a new secondary school in Mason Hall.

Mr. Speaker, in 1996, no school; 1997, no school; 1998, no school; 1999, no school; 2000, no school; 2000, a visit by the Prime Minister to the site where the school should have been, to see if a site was really there. That is the kind of thing that caused the people of Tobago to say that this Government cannot be trusted to think about our welfare and our well-being, and to treat with our requirements, so we have to invoke the Dispute Resolution Commission, to have people force the Government to give us a pot of money with which we can see about our needs.

The Government must say to the people of Tobago why for five years they had the World Bank money to build a secondary school in Tobago, and it was not built. But in the year 2000, when they want to use the people's children for their election campaign, they ended up putting Tobago’s children in the post-primary

centre—so they abandoned that policy of post-primary centres. The vocation wing at Signal Hill which this Government kept empty for almost three years, while they had been calling out for the wing to be staffed and equipped and for children to go in there, it was empty for all those years. Instead of going forward with the vocation training, they used the vocation wing to put children in secondary schools, because they did not build the school places, because they did not go through with the World Bank project. They must tell us why.

They would not tell us, but the people of Tobago know why. They know that the Government sat quietly for three wicked years, waiting for the term of the project manager to expire. When the project manager's term expired, this worthless Government then moved in and decided by Cabinet Note to have MTS build the school. The reason for that is that through their friends in MTS they will determine who gets the contract to build the school. So they sat there for three years, denying the people's children a school place in Tobago, because they wanted to control who gets the contract to build the school.

When the Cabinet approved that and they went to the World Bank, thinking that it would rubber-stamp it, the World Bank replied on April 5, 2000, saying, "We are not going to support that; if you do not follow the regulations of transparency and tendering, you will not get the World Bank's money."

3.15 p.m.

So on April 27, 2000 Cabinet had to reverse itself and remove the project from MTS to the same project managers that the Government waited for three years to have their contract expire and that is how the people of Tobago did not get a secondary school before this Government came out of office, and that is why the people of Tobago believe they have to go to some dispute resolution committee to argue that they were not getting a fair share of the pie and the Government was being vindictive, wicked, spiteful and uncaring. That is how we got here. The people of Tobago are aware that in this Parliament we approved for them the construction of a new hospital. A sign stands there at Signal Hill, nothing more than the sign, and we raise it in Parliament year after year. No hospital, but we are getting an overpass designed by the Minister of Housing and Settlements who has no qualification to design anything, and contracts are being awarded, we do not know how. We see work taking place, we do not know how, but that is more important than a hospital for the people of Tobago.

I was in Tobago recently and I was told that when the Speaker of the Tobago House of Assembly got ill and was rushed to Trinidad, they said: "Thank God, he was Speaker of the Assembly." If it was any other Tobagonian, any other man, or woman in the street they would have died right there because what is good for them is not good for the man-in-the-street. Right now, Tobago virtually has no health system. You go to Tobago and you get ill, you better get to Trinidad fast, and nobody seems to care. They talk all kinds of foolishness, spend all kinds of money, but the basic needs of the people are not being met because they have the two PNM seats so Tobago could go take a flying leap. That is what they are saying and the people of Tobago have to swallow the bile because they elected my friend the Member for Tobago East and he becomes persecutor No. 1 of any idea for Tobago.

Why are we surprised? I did not expect him to be here today talking about Dispute Resolution Commission, I thought he would have come here today in sackcloth and ashes apologizing to all the people of Tobago whom he has insulted. He talks about people who are not Syrians, Whites and Chinese entering the police service or going to jail. He owes this country an apology and ought to be dealt with in the roughest manner. *[Desk thumping]* He makes the point very clearly that the people of this country have to be very careful whom they elect to office, because if you elect bad people, you get bad government and bad behaviour. *[Desk thumping]* We of the PNM in Tobago gave the people an option, they chose the Member for Tobago East and he has been a disgrace to their cause and purpose and a disgrace to the people of Trinidad and Tobago in general. *[Desk thumping]* I take serious umbrage at any Member of Parliament making the comment because I am not white, I am not Syrian, I am not Chinese, I am not Indian and to say that anybody else besides those groups belong in jail or the police service, I take serious umbrage at that and I warn him again that this racial insult of which he is making a habit, one of these days he is going to be accosted in the streets. Let him go ahead. Insult people in this country and see what is going to happen to him.

Mr. Speaker, you cannot legislate behaviour. Let me ask you a question. Suppose we adopt and accept this recommendation to give Tobago a certain percentage of the national budget, how does that solve the problem we have in Trinidad and Tobago? The real problem in Tobago is not only about not enough money, it is really about accountability for the moneys it has been getting. That is the real problem in Tobago. The Tobago House of Assembly has decided to interpret the laws of this country to suit the officers and officials who are in office today.

I am a Tobagonian, I have family and friends in Tobago. I grew up in Tobago, I cannot but support the best for Tobago, but what I cannot support is people taking me to make a fool. Those who are in the Tobago House of Assembly today and who triggered this Dispute Resolution Commission arrangement would want us to believe that Tobago's problems are only about not enough money, but I was in the Parliament when it asked of the Tobago House of Assembly by way of the Minister of Tobago Affairs to explain to us a number of things. One was to explain to us what happened with ADDA. To this day we have not had an explanation. What we do know is that officers and officials in Tobago saw it fit to allow \$15 million of Tobago's money to leave with no benefit for Tobagonians. What I can tell you though is that that money is as good as lost, because while the Government does not know and the Member for Tobago East does not know, and the Minister of Tobago Affairs does not know, it seems as if they do not want to know because we on this side know.

We know that affidavits have been put in the court in Florida where there is an arbitration taking place, and in that arbitration, people who have been sued by the Tobago House of Assembly have made some very damning statements about who were to benefit and by how much from the ADDA arrangement. So while we are here talking about the fellas being dotish and stupid, the people involved are not saying that because nobody could have been that stupid. They are saying to the arbitrator appointed by the court that "X" was to get "Y" and "A" was to get "B", but the Government does not know, Tobago House of Assembly does not know and there is a motion before the arbitrator where all the parties are to agree to have the outcome sealed so the country of Trinidad and Tobago will never know what those affidavits contained.

I spoke to the Attorney General and alerted him to what was happening, he pointed out to me that he was advised and he has been following the advice. I want to speak to him again. The same way I could find out what went on in the arbitration, and the same way I could know what was said about the ADDA deal, you as the Attorney General of this country can, you should, and you must find out. This is public money. [*Desk thumping*] You have a duty to find out what goes on there because the Tobago House of Assembly has filed a suit in Florida and \$15 million of our money has jumped up in the steelband. At last report, the account at Liberty where the money was, fell from \$12 million to US \$500,000, that is where it has reached and it is falling every day. We want to know what happened to our money. The people in Tobago believe that somebody is afraid of them so you must not ask any questions. What they are asking us to do is give them a portion of the national pie and having handed it over, just turn your backs and get out.

Mr. Speaker, I cannot support that. I support that yes, they must have their money, but they must account for every cent of public money that is spent in Tobago. [*Desk thumping*] I was elected by the people of this country in larger numbers than any person in the Tobago House of Assembly and I cannot claim that right to want to spend Government's money and say do not ask me anything. And to add insult to injury, the nastiness has pervaded the elected officials and has now seeped down to public servants. To my horror, I saw in the information provided here where a public servant who was instrumental in having public moneys run out of the Government's coffers writing to the authority saying that they are not bound to respond to queries from the Auditor General and they got legal advice stating so. So over and above the wrongdoing, they are taking public money and paying lawyers to advise them that they ought not to report on the money they spent and we are to say okay, forget that, give us twice as much money. So instead of giving Eddy Grant \$44 million in Ringbang, he gets \$88 million and I am supposed to support that. I cannot support that.

I have people in Diego Martin who want water, roads and medical attention. They have the same needs as the people in Tobago and the same way I have to account, the same way they must account, and while I support fully increased allocations for Tobago, I will support at the same time reporting and accountability. No person or persons must assume that because they happen to hold some little office somewhere in the country that they can thumb their nose at the rest of the country and spend money by the millions. I have never seen a million dollars. I have held office in this country as a Minister of Government for four years and I have never authorized a million-dollar expenditure. There are people in Tobago who without proper authority, have purported to authorize millions of dollars, not once, but twice, and to add insult to the injury even after everybody else has said that was a mistake, it should not happen, only two days ago I read in the newspapers a statement from the Chief Secretary of Tobago saying that Ringbang was a great thing and it will bring all this benefit for Tobago. When are we going to learn?

You are not acknowledging that something very wrong has happened, and the Government appears powerless because it has no moral authority to talk to anybody in Tobago because the Government squanders in Trinidad. [*Desk thumping*] They know that. They have no moral authority to talk to anybody in Tobago about small potatoes because they gave away the potato field in Trinidad. Ringbang was \$40 million, the rice alone was \$30 million, ADDA was \$15 million, the payment to the airport contractor for a null and void contract was \$21 million. That is what the people of Tobago are saying. And it does not augur well

for this country. So the people of Trinidad and the people of Tobago will have to be made to understand that you cannot legislate behaviour, what you can do is to elect decent people to office and you will get decent government. [*Desk thumping*] People who will observe the laws of the country. This Government that is bringing this here and trying to talk tongue in cheek that something is wrong in Tobago, is now crying crocodile tears because one woolly sheep has left the flock, he has gone to New York. I did not know since when high blood pressure requires New York treatment.

Mr. Speaker, let me show you how they have no moral authority to speak to the people of Tobago who feel wronged and who were forced to go to a Dispute Resolution Commission. The people of Tobago would have observed me bringing a document to this Parliament showing the Prime Minister and this Government where the Member for Pointe-a-Pierre—it was written in the document. Public servants beseeching one another to please sign the documents because the Minister wants the contractor paid and the documents were showing that the contractor did not do the work, but the same Minister about whom they all of a sudden discovered there was something wrong, is the same Minister in this Parliament.

I demonstrated more than once that the Minister was breaking the law and undermining the local government elected body in my own constituency. He came in and initiated contracts for hundreds of thousands of dollars unbeknown to the Diego Martin Corporation. A fertile field for corruption. I stood in this Parliament and saw a Minister of Government putting his hand in his pocket, on a weekly basis, doling out hundreds of dollars to hangers-on inside the Parliament Chamber and I said I wonder if he had the same job I had. I had that job and I could hardly buy my wife's groceries, but he was doling out dollops of \$100 bills and then got Laquis to present nonsense in the newspaper about his bankruptcy as if he is allowed to have one bank account. I tell you the people of Tobago saw all that. They are saying if the Prime Minister could allow the Minister of Local Government to operate the Unemployment Relief Programme (URP) as a \$150 million slush fund where he rules supreme and no law controls, and if he is allowed to use the Road Improvement Programme of \$50 million, \$200 million-dollar slush fund—a Minister of Government boasting about being the sheriff, spending taxpayers' money as if it is going out of style—if that is how you are spending money in Trinidad, we have to go to a Dispute Resolution Commission who will secure for us a percentage of the national budget.

3.30 p.m.

That is how we reached this position. It never happened before. Interestingly enough, they are supposed to be part of the very said Government that has caused them to come to that conclusion. We have had PNM Government's and we have had differences in Tobago. The PNM has not won a contested election in Tobago since 1966. I will tell you one thing, while they may not have voted for us, they know and they respect us that whenever we are in Government the needs of Tobago are being met in an ethical manner. They know that. *[Desk thumping]*

My colleague from San Fernando East spoke about how we had to fight resistance in Tobago to build the Claude Noel Highway. They know that. They know how we had to fight resistance to build the Signal Hill Senior Comprehensive School where it is there today. They know how we had to fight resistance to build the Bon Accord Housing Estate and the Buccoo Housing Estate. There was political resistance to that. The same way these people put their political well-being above the needs of the people of Tobago there were those who had other ideas before.

Mr. Speaker, I want to ask the question: If we do not treat with the real problem of accountability when we give Tobago whatever percentage of money, how is that going to change the pattern of behaviour which has led to the impasse that now faces us? If we do not change or we do not clarify the interpretation of what the Assembly can or cannot do, or what the Central Government is or is not responsible for, how is a larger amount of money going to solve the problem? Is it not possible that all we would get is more mismanagement, more profligacy and more scandal in Tobago instead of Ringbang and ADDA, we may get "Bang Bang" and "Ad Bang." We do not know! Because what has happened is that the people in Tobago who have been managing Tobago's money have misbehaved and you cannot then come and say that the reason is, that we were not getting enough money.

Because I would have to ask you, as we did before and have got no answer, where did the money come from to pay Eddy Grant \$40 million for Ringbang? We got no answer. What we do know is that it came from moneys allocated to the people of Tobago. What we do know is that even as the bank was advising the Tobago House of Assembly not to proceed with the ADDA thing, they took that money out of the account and gave it to foreigners. How do we know that you will change your behaviour when the Parliament allocates more money for you? This brings me to the point.

As it stands today, the law requires that the Tobago House of Assembly present to the Minister of Finance a certain development programme, a certain budget and so on for his approval. Does this dispute resolution position negate all of that? Somebody must tell me and I am asking my Friend from Tobago East to clarify that. Because if you accept this as what is to happen it means then that all the other things that are in the law which requires that the Tobago House of Assembly must come to the Minister of Finance by a certain date, with a budget passed in the THA, is the Minister of Finance now only going to be a rubber stamp on whatever they present to you to the tune of six per cent of the budget? Is that what it is? Does the Minister of Finance still have any discretion to approve or not approve? Suppose they decide to go ahead.

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

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

Question put and agreed to.

Dr. K. Rowley: Mr. Speaker, I want to reiterate again, because I do not want it to be misunderstood. I am a supporter of increased allocation for Tobago but there has to be some control over the expenditure. Take, for example, the question of scholarships. This Parliament has been told that the Tobago House of Assembly is funding millions of dollars of scholarships which Tobagonians accessed, in a manner which did not engender transparency; there were no applications invited. People were given scholarships willy nilly, left, right and centre. Some are studying in a college of medicine in Grenada, which the country's Minister of Health does not approve of. He has not said if he will approve it, so that when they graduate they can come into our health system. If he does not do that then the scholarship winners would be forced to go and work for other people in other countries funded by our money, notwithstanding the good intentions in the beginning. And that happens because there is no control in Tobago, and there is no control in Trinidad. In the absence of control the thing is just an open personality performance.

Now, we are talking about increased moneys for Tobago. There are two projects which are being pushed by Tobagonians who are influential with those who hold political office in Tobago. One project is something to do with bringing foreign waste to Tobago to generate energy from other people's rubbish. Something that all countries in the world eschew, despise, and want no part of;

American rubbish that cannot go into American ports. There are people in Tobago who have drawn up plans for having a project in Tobago to treat with that waste under the guise of generating electricity. This is a country which has about the greatest availability of electricity and a sea of natural gas, but we are the ones who are generating energy from other people's potentially dangerous waste. Am I to understand that in an environment where there is absolutely no control over expenditure in Tobago that the people in the offices in Tobago can use these moneys from the new allocation to fund or get involved in that arrangement, to create in Tobago this so-called business venture?

For five years the Government has shown that it is powerless to stop anything in Tobago because we knew of the Ringbang scandal before it happened and the Government was powerless or appeared to be powerless to do anything about it. So what if they take this money now and go and decide to fund that waste project which is detrimental to the people of Trinidad and Tobago and possibly the Caribbean. What are we going to do?

There is another project being pushed by Tobagonians, people who are influential with those in the office of the Tobago House of Assembly today. It is a project about deep-sea fishing to invite longliners which have been pulled up in developed countries where they are protecting their fisheries, by preventing those longliners from fishing in all the fishing banks from Dugga to Georgia all the way down. Tobagonians have found these people. There is this US \$200 million project in Phase I to come and operate out of Tobago to catch every scale of fish anywhere within Trinidad and Tobago. Everybody who knows anything about our fisheries or about international fisheries would object to that project. There are Tobagonians who are pushing that project with the support of elected officials in Tobago.

3.40 p.m.

Are we to understand that, when they get this slice of the national budget and they account to no one, they can proceed to invest money in that project to clean out our fisheries, to support other people's longliners and to support carpetbaggers who see a way to make millions, like friends of this Government have done in the short five years? How are we to prevent that from happening? The Minister must tell us this afternoon if the strictures, weak as they are now but legal as they are, which require the Assembly to identify to the Minister of Finance and the Parliament its development programme for funding by the Parliament, will still apply so the Cabinet of this country can have oversight of what goes on in Tobago.

Tobago is not an independent country. Tobago is part of Trinidad and Tobago, a unitary state. Notwithstanding the fulminations of anybody in Tobago, the law has to be observed. But when the Minister for Tobago affairs tells the Parliament, “I can do nothing. They tell me nothing. I do not know”—his famous statement is, “I do not know”—how is the country to be satisfied that they will provide these moneys for Tobago and they will not be spent on those detrimental, mad projects like energy from waste and 200 longliners operating out of Crown Point? How do we know that these things would not come to pass? I do not know what the Tobago people’s views are on the matter. What I do know is that the elected officials in Tobago have, for quite some time now, been operating at variance with the interests of the people of Tobago.

If one looks at the question of public servants’ salaries, the only public servants in this country who, at the end of the month, do not know whether they are going to be paid or not are the ones who work in Tobago, and the Government knows that. Because there was no provision in the allocation to leak \$40 million to Ringbang and \$50 million to ADDA, and the Government has not made it up. So the Tobago House of Assembly has been running a significant overdraft, almost \$100 million, and every so often the cheques from the Assembly that go to the banks are not honoured. What does the Government do? Nothing!

There was a meeting between the Prime Minister and the Chief Secretary a few months ago to resolve the Tobago hardships. There can be no resolution to the Tobago hardships if that overdraft is left on the books of the Tobago House of Assembly because all it means is that, as soon as they get money, they dig a hole to fill a hole. So if there was any genuine attempt to remove the aggravation in Tobago, when the budget was prepared and presented here, provision should have been made to treat with the Tobago House of Assembly overdraft. I told the Government that here in this Parliament. They took no action. The overdraft is still there.

Public servants are still living expecting either to be or not to be paid at the end of the month. There are people in the THA in Tobago whose daily job is to rewrite cheques that have expired or that have become stale-dated because they were written six months ago and they cannot be presented to the bank—so they write a new cheque. That is the job of their staff, writing cheques—new cheques for old cheques—and the Government knows that and the Government does nothing about it. So how then can we expect that simply by coming here and saying the Dispute Resolution Committee has a formula—okay, we have a formula. Assuming that we agree with the formula, and the formula now allocates to Tobago a certain amount of money, what if the Central Government does not provide that money, as it has shown it can do?

I told Members earlier about how the allocations were of a certain level and the Government, flush with money, provided far less. What assurance do we have that, because the Dispute Resolution Committee says that Tobago must get a certain amount of money, this kind of Government will provide them with that money? Is this Commission's report more binding and powerful than the Parliament? The Parliament in the appropriations for the various years said what Tobago was supposed to have, not by percentage but however the Government wanted to see it. They did not get that.

I have no guarantee that the Government, if this Government is there, will provide what the Commission says because the formula raises another question. If we adopt that formula, what happens if there is a difficulty in the country and everybody in the country is required to take a little less than what was appropriated? Does that mean that the original stands, or will there be a review of the situation and Tobago will get a percentage of the final outcome of the budget? My understanding is, that is what it was going to be because we are one body of citizens. Then, when they get the money, the Government must tell us it was not able to manage and account for the moneys in an earlier time. We know there are problems.

The Government must tell us how it proposes to move forward to create an environment where all the moneys allocated to Tobago can be properly accounted for by the Parliament. I would like to hear somebody from the Government side say that. It is not enough for a Government Minister, who has a portfolio responsibility, to come to the Parliament and say, "I do not know. They did not tell me". That is no way to run a country. That is no way to serve a people. That is, in fact, dereliction of duty. I can say so, Mr. Deputy Speaker, because I belong to the PNM and we have tried to deal with this Tobago issue in a variety of ways, but when it comes to the point of having—when the law is being challenged, we are a party that observes the rule of law.

There was a time in Tobago when the PNM government had to take the Tobago House of Assembly to court because they made an interpretation of the law that was unacceptable to the PNM. There is a question mark over it and the place to find out about that was in the court. The PNM took the matter to court because the Tobago House of Assembly had broken down a structure that was built by the Central Government under the guise that the Central Government had no authority to build it. The court ruled and that ruling is still there for all public officials to follow. The ruling is that the Tobago House of Assembly cannot be a runaway horse. Those are the words of the judge—a judgment that was sought and obtained by a government of Trinidad and Tobago that saw it fit to go to the court to find out if public officials were following the law.

What did this Government do? Play politics; play seat games; ignore Tobago's problems; allow them to go from bad to worse; ignore their needs—no boat, no hospital, no school, no money, “no nutten”—just “Do as you please because I no longer need your seat”. It cannot be like that. That is dereliction of duty, and it is only one facet of the Government's performance, because if the trade unions had a law under which they could have brought the Government before some committee, they would have brought them there. If the Chief Justice had one, he would have brought them there. If the President had a law by which he could have brought the Government before some resolution committee, he would have brought them there, because this Government has created disputes in every aspect of national life. [*Desk thumping*] [*Interruption*]

Mr. Partap: Good government.

Dr. K. Rowley: Yes, that is his “dotish” idea of good government. In every facet of national life there have been disputes largely funnelled and fueled by poor governance, and it only happens that the Tobago House of Assembly Act provides for dispute resolution. When this thing was passed in this House, Mr. Deputy Speaker, I never in my wildest dreams thought that I would have seen this thing being invoked. In fact, I was opposed to the clause because I felt that there would never have been a need for this clause—a need for public servants to intervene to tell the elected government how to treat Tobago. It has come to pass in the short time of five years where the coalition partner, those who have benefited and prospered from Tobago's generosity, have treated the people of Tobago with absolute contempt. [*Desk thumping*]

Hon. Member: Not true.

Dr. K. Rowley: Not true? If it is not true, let them wait for the ultimate contempt as they seek to extend their mandate to a second term. Go to Tobago and put up two candidates and ask the people of Tobago for their support or, better still, let their friend, the Member of Parliament for Tobago East—send him up as a UNC candidate. [*Desk thumping*] Save him the embarrassment of looking for a hole like a “zandolie”. Tell him, “We will give you our emblem. We will give you our symbol. Go to Tobago and use it there”. He knows “who is thief and who is police and who is criminal and who is swine and who is who”, yet he cannot know which seat to run for?

Mr. Deputy Speaker, I tell you, the people of Tobago do not deserve this kind of treatment. They have been brought to this position kicking and screaming. They have been treated with absolute neglect by those who should owe them a debt of gratitude. However, Mr. Deputy Speaker, I will close by telling the people

of Tobago that they must learn from their experience. If they had chosen carefully, and if they had not chosen the current Member for Tobago East, who abandoned the party that elected him and sided with the Trinidad UNC exploiters, they might have had a voice which would have said to the Government that Tobago's needs are not being met. Instead of that voice, what they had was a voice of support for all that has happened.

We empathize with the situation; we cannot support free-for-all in Tobago; we cannot support Government neglect; and we cannot support political game playing, and that is why. If this is what the commission has said on behalf of the people of Tobago, I would reluctantly support it. It is not the best arrangement, but if this is what they say, I will reluctantly support it. However, I serve notice that I will demand accountability at every level in Tobago, whether it is from the public service or at the level of the executive of the Tobago House of Assembly. I will demand accountability and for those who cannot account I will support any move to have the full force of the law brought to bear on their indiscretions. I thank you, Mr. Deputy Speaker. [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Deputy Speaker, I did not intend to make any contribution in this debate, but in light of certain matters which have been raised, I think it is my duty to put the record straight. I think that the contributions of the hon. Member for Diego Martin West and of the hon. Leader of the Opposition—the hon. Member for San Fernando East—show in no uncertain way that this problem of the relationship between Trinidad and Tobago has not been an easy one for governments to resolve. As a matter of fact, even with the two different positions taken by the Member for Diego Martin West and the Member for San Fernando East—the Member for Diego Martin West has reluctance in supporting the Motion and the Member for San Fernando East had no reluctance—one would see that this is not an easy problem. The Member for Diego Martin West has admitted that the people in Tobago have not voted two PNM members since 1966, and that is an indication of the feelings of the people of Tobago about PNM administrations.

3.55 p.m.

Mr. Deputy Speaker, what has happened is that some of the problems which have arisen in these matters, arose in the past. Over the last five years, it is not the first time that we have had situations where the people in Tobago have been complaining about the budgetary allocations and matters connected therewith.

As a matter of fact, the political history would show that over the years, under the PNM administration, the people of Tobago have complained and complained and the Government of the day took a certain position, rightly or wrongly, but that was the position. The people of Tobago had no redress because they were complaining; they were saying that they were not getting sufficient funds and they should get more; and there should be more resources allocated and the Government took a certain position and the people of Tobago had to accept that.

What we have done here, we have shown that the Government—when it was passing this law—was concerned with the people of Tobago and their plight because the Government needed an independent body—away from the Tobago House of Assembly, away from the Government—to look at these matters in order to see what is fair and just. Mr. Deputy Speaker, what has happened is that under this law, it was this Government that took the initiative—*[Interruption]*—yes, and that initiative as you said was opposed by the Opposition—that we should have a Dispute Resolution Commission where there are those differences.

Mr. Deputy Speaker, the section says there is established a body to be known as the Dispute Resolution Commission which shall undertake “to resolve disputes between the Assembly and the Government on budgetary allocations to the Assembly and matters in connection therewith.” Then it goes on to say how the commission was appointed and when the commission gives its report it goes to the Cabinet and the matter is laid in the Parliament.

What we have come here with is a Motion to agree with the report, for us to adopt the report, so that this independent commission which has looked at this matter impartially—without the emotions of politicians; without the emotions of whether people in Tobago should get more or less.

Mr. Deputy Speaker, the people who have sat on this commission—and they are saying “technocrats”; they are saying “how is it that we should accept this thing.” We have reached a situation where we have to have these people decide these matters. Bearing in mind that if it did not have this commission, if it did not have this machinery, the Government would have adopted another posture, the Tobago House of Assembly would have adopted one posture, and as in the past under the PNM administration, what would have happened would be that the feelings of injustice would have been nurtured because the people of Tobago would have felt that they did not have some independent body to access it.

Mr. Deputy Speaker, we decided that the people of Tobago should not have to go to court. The PNM wanted them to go to court and for them to get up here today and boast about how they took them to court—this administration decided, no, there must be no court in this matter, there must be some mediation so that you could have the matter resolved. Mediation and dispute resolution in resolving conflicts are now internationally recognized where you have these kinds of difficulties.

As a matter of fact, when there were problems in South Africa with the new Government there was a “Truth Reconciliation Commission” and throughout the Commonwealth you use that in order to determine whether Government has acted highhandedly or whether the people who are complaining are acting reasonably.

Mr. Deputy Speaker, this Dispute Resolution Commission which decided these matters—and yes, the Government could have said that it was not prepared to accept it, the Parliament could have said no, it did not want to accept that—but the procedure was for the matter to come in the open glare of the representatives of the people so that it could be scrutinized and Government would be accountable for their actions.

The commission was chaired by the Ombudsman, Mr. Justice G. A. Edoe, Chairman of the commission; another person on the commission was Mr. Justice Gerard des Iles, a person who served as a Judge of Appeal—Mr. Justice Edoe also served as a Judge of Appeal; Mr. Justice Bissoondath Ramlogan, a person who served as a Judge; Mr. Russell Martineau, a Senior Counsel, a previous Attorney General, a very distinguished lawyer; and Dr. Vanus James, a Member. Are we saying that these persons are not persons whom we could rely upon to look at all the facts in the matter in order to give an independent assessment?

Mr. Deputy Speaker, what did this commission decide? What are the recommendations?

- “1. That a percentage in the range 4.03% to 6.9% of the national budget, 4.03% being the minimum, be allocated to the Assembly to cover both the recurrent and development allocations for each financial year, such percentage to be reviewed from year to year in the light of prevailing circumstances.
2. That the releases for recurrent and development expenditure in each fiscal year to the Assembly bear the same proportion of total releases made to Government departments and authorities in Trinidad.”

Mr. Deputy Speaker, and it goes on. There are other recommendations and that is why we had this Dispute Resolution Commission because the history of the relationship between Trinidad and Tobago was dominated by the fact that the Tobago part of the population felt that they were getting an injustice from the Central Government, and the Central Government over the years felt that it was giving sufficient justice to the people of Tobago. It is because of those two conflicting views over the years—and I do not want to go into the history, the history is well documented even in the report—that we had a situation in which it was thought that where you are going to have this problem you should have the matter resolved by having a Dispute Resolution Commission looking at the issue.

Mr. Deputy Speaker, the hon. Member for Diego Martin West did admit the problem, really, may not be the sufficiency of resources; the problem may be accountability for moneys which are to be spent. So that the hon. Member for Diego Martin West is in effect saying that it may be that there are no problems with respect to sufficiency of resources.

Dr. Rowley: I did not say that.

Hon. R. L. Maharaj: I have it recorded where you said the problem is really not the sufficiency but accountability.

Dr. Rowley: Not solely.

Hon. R. L. Maharaj: Not solely sufficiency—all right—but accountability. Mr. Deputy Speaker, here it is that even in this Parliament, the issue arose therefore, in his mind, as to whether Tobago was getting sufficient resources. And if, for example, the Opposition holds one view and the Government holds another view—because obviously the Government thought that the resources were sufficient—and the Government, like the hon. Member for Diego Martin West was thinking alike, probably, the resources were sufficient. Here it is that the Commission is taking the view that no, it was not sufficient and, therefore, this is the formula which should be used.

Mr. Deputy Speaker, this condemnation of the Government for using a machinery like this in order to resolve the problem is really baseless, because whether it is a court, whether it is a commission of inquiry or whether it is a tribunal, it is often for governments to resort to judicial tribunals, quasi-judicial tribunals or administrative tribunals in order to get advice but also in order to give both parties the perception that there is some independent body to look at these matters.

4.05 p.m.

Mr. Deputy Speaker, looking at this relationship with Tobago, I think it is very unfair for the Opposition to say that the Government does not have the heart of the people of Tobago, or does not have in its heart the people of Tobago and it is not concerned with the people of Tobago.

Mr. Deputy Speaker, a very important way in demonstrating whether a government really loves people, or really considers the plight of people, or really have their grouses at heart, is to effect reform of the legal structure which governs the relationship between those people and the Government.

When this Government came into office, the Government met a legal structure about which the people of Tobago were very unhappy. They protested. In effect, they said it was inadequate. They said they wanted greater autonomy; that they were, in effect, being treated as second class citizens. They had been clamouring for change and they got it. As a matter of fact, the Tobago House of Assembly legislation, which was passed in 1996, was a great improvement in relation to what they had before. As a matter of fact, the Opposition did not support the reforms which the Government had advanced and whatever the reasons are, the fact of the matter is that the Opposition was of the view that we were going too far, there was too much autonomy for the people of Tobago.

[MR. SPEAKER *in the Chair*]

Mr. Manning: Do not say that!

Dr. Rowley: That is not true!

Mr. Speaker: Order please.

Hon. R. L. Maharaj: Mr. Speaker, as a matter of fact, the United National Congress is on record as saying that it was prepared to give full internal self-government to the people of Tobago.

Dr. Rowley: What does that mean?

Mr. Speaker: Order please.

Hon. R. L. Maharaj: The United National Congress Government brought a Bill to give effect to most of that and the Opposition said it was not going to support it. For the 1996 Act, we had a Joint Select Committee with all sorts of discussion and this 1996 Act was amended in order for it to be passed with a simple majority, so that more autonomy could not have been given to the people of Tobago. It may be that if the Government had gotten the support of the Opposition, we would have been able to give to Tobago full internal self-government.

Dr. Rowley: What does that mean?

Hon. R. L. Maharaj: We would have been able to give to them full internal self-government, therefore, we would not have had this problem here today. I say again that the commitment of this Government is to give full internal self-government to the people of Tobago.

Dr. Rowley: Meaning what?

Hon. R. L. Maharaj: Any day the Opposition supports that, the Government will introduce a Bill to give full internal self-government to the people of Tobago.

As a matter of fact, in one of the discussions we had—when I say "we", there has been a committee talking to the Tobago House of Assembly in relation to some of these matters—the Tobago House of Assembly called for it and we took the position that we were prepared to go along that route if the Parliament would support it. I do not think that the Opposition should really come here to give the impression that—

Dr. Rowley: Mr. Speaker, I am sincerely grateful to the Attorney General for giving way. I simply want to ask him to assist us on this side. What exactly does he mean by, they are prepared to give full internal self-government? Tell us what that means.

Hon. R. L. Maharaj: Mr. Speaker, I am very surprised that a very experienced Member like the Member for Diego Martin West does not know that. When we had this debate, the hon. Member for Tobago East as he then was, went at length to show the Motion he had filed for full internal self-government, what it meant and what we adopted. I do not think that the Member for Diego Martin West wants me to go into that discussion today in responding to him. Obviously, full internal self-government means that they would be able, by a legal structure, to have greater autonomy for the affairs they have now, and would be able to manage their affairs more independently of the Central Government.

Dr. Rowley: Nonsense!

Hon. R. L. Maharaj: Mr. Speaker, the record of this Parliament would show—and I do not know if they want to deny the record because we were all here—that when we came, in order to give full internal self-government, the hon. Member for Tobago East as he then was, stood here and they were not prepared to support it. This law had to be amended. To come here today and give the impression to this Parliament and, indirectly, to the people of Tobago, that they have the people of Tobago at heart, I cannot agree with that, because we actually begged the Opposition to give us a different legal structure so that we would be able to emancipate the people of Tobago from the yoke of Central Government that they had been experiencing over the years. [*Desk thumping*]

Mr. Manning: Mr. Speaker, I thank the hon. Attorney General for giving way. I just want to reiterate that we had before us legislation—including constitutional amendments—that was negotiated between a duly elected Government of Trinidad and Tobago and the House of Assembly. The issue was not in question. We had an agreement which was discussed with the people of Tobago. I do not understand.

Hon. R. L. Maharaj: Mr. Speaker, yes and then the election was called, but some negotiation was not negotiation in which there was consensus with the people of Tobago.

Mr. Manning: There was.

Hon. R. L. Maharaj: I do not want to call names. There was a particular individual who agreed, but the people of Tobago did not agree. [*Desk thumping*] There was no consensus. After the election, when this Government took office, it considered what the arrangement should be, talked to the people of Tobago and found that is what they wanted. But, Mr. Speaker, I would ask the hon. Leader of the Opposition, when he goes to Tobago on the next occasion, to tell the people of Tobago why he did not support the Government's proposal to give greater autonomy and internal self-government to the people of Tobago. He must tell them that.

Mr. Speaker, I think we can all agree that this relationship between Trinidad and Tobago over the years has been such that it has been the concern of all governments that have occupied office and they have tried, in several ways, to solve the problem. Some governments decided they would adopt a certain approach and other governments, as this Government, decided that it would adopt a more liberal approach. What has happened is that there have been differences of views and the Parliament has not been able to agree on a course in which the people of Tobago could get greater internal self-government. Having done that, one would anticipate that there would be problems.

As a matter of fact, when this piece of legislation was being debated, I remember in some of the contributions which were made, they said that this legislation would not work and we said, "Yes. It may not work. It may not work 100 per cent, but what is going to happen is that the people of Tobago would have an improved legal structure and it would only work where the intention and the spirit of the people on both sides would make it work."

What has happened in this matter is, there have been problems. There have been problems with accountability; there have been problems with interpretation; there have been problems with respect to the Financial Rules and the Government has looked at it. As a matter of fact, new Financial Rules have been drafted; they are before the Cabinet. Amendments to the Act have been drafted; they are before the Cabinet. Those amendments to the Financial Rules and amendments to the Act have been drafted after discussion with the Tobago House of Assembly, with the relevant state agencies and there has not been agreement, *ad idem*, if I may say so, in all respects with what has been drafted, but amendments have been drafted in order to try to clarify what should be made clear, and in order to give effect to the spirit of what was considered to have been passed by the Parliament.

We recognize that this has been a difficult task. It has not been easy, but the fact of the matter is that we have put law in place—we have drafted amendments—hoping that this thing would work but, in the meantime, whatever you pass and whatever law is put, we need to have some mechanism, if there are differences in situations like this, for government to get the view of an independent body, for government to consider it, and for the Parliament to consider it to see whether the Parliament should go with it. That is all we are doing here.

I do not want to go into the question of ferry, boat or school—all those matters could be dealt with and answered in a different way. I want to deal with some of the points which have been raised, which are pertinent to this debate.

The point has been raised about accountability. Yes, the Government agrees with that. The Government agrees that public funds should not be spent without proper accountability and if moneys are being advanced to the Tobago House of Assembly, there must be proper accountability. In that setting, Mr. Speaker, I have said that the Financial Rules have been redrafted and the amendments to the Act have been drafted, and the Government can decide whether it is going to have them passed in the Parliament.

Secondly, the Constitution (Amdt.) Bill, which was passed in this House, which would have parliamentary committees scrutinizing every state agency, means that the Opposition, the Government, Independent Senators and other Members of Parliament would be able to scrutinize the expenditure of the Tobago House of Assembly. Here it is, Mr. Speaker, the hon. Member for Diego Martin West queried: How is Parliament going to scrutinize how the Tobago House of Assembly is going to account to the Parliament? Apart from the Minister of Tobago Affairs, that is another way and a most effective way, because the parliamentary committee would have the powers to send for papers and would have the powers to summon witnesses in order to look at what is happening at the Tobago House of Assembly.

Dr. Rowley: Mr. Speaker, I thank the Attorney General once again. In light of the fact that even under the current arrangement where the Tobago House of Assembly is refusing to make its documents available to the Auditor General, how is what he is saying there different to what is happening now? What if the Tobago House of Assembly does not provide those papers to the committees in the same way that it is not now co-operating with the Auditor General?

Hon. R. L. Maharaj: Mr. Speaker, those are two different issues. One is that the Tobago House of Assembly has refused to make the documents available to the Auditor General. Based on that, I made a statement in the Parliament that the Solicitor General gave advice that that was wrong and, therefore, steps could be taken: one, to refer the matter to the police, which was done and, secondly, to take steps—well, whatever steps the police take. I do not know what steps the police would want to take. I am not going to get into the functions and duties of the police.

What I am saying is that based on the advice of the Solicitor General, the matter has gone to the police, has gone to the Director of Public Prosecutions and if there is any wrongdoing on a civil basis, steps could be taken by Minister of Finance, Planning and Development to surcharge persons of the moneys they would have spent.

Mr. Speaker, as is known, Ministers do not go and do these things. Under the kind of structure of government that we have, we take advice from people and we pass it to the different bodies that see about it. Sometimes when they say, "What is the Attorney General doing about this?", I wonder whether they recognize that the office holder of Attorney General does not have the power of an Attorney General under the United States government.

Mr. Manning: We are coming before you.

Hon. R. L. Maharaj: Then why do you ask that? You asked the question but here it is that the hon. Member for Diego Martin West has asked the question. What I am saying is, if it is that you have a Parliament, a Parliament has to scrutinize action and the Parliament has the power to send for the books and that order can be enforced; there are rules in Parliament on how that order can be enforced. Therefore, the person would be accountable to the population; the Parliament would have the power to send for the books to call the people to come to be able to give the evidence.

4.20 p.m.

When the evidence is given, the Joint Select Committee would also have the power, if a criminal offence is closed, to pass it to the appropriate quarters. Mr. Speaker, I do not think that we have the machinery yet, whereby if the person disobeys, we can form the view and take the law into our own hands; it will have to go through certain processes. The only processes that the parliamentary system knows in making people accountable, is to give to committees and bodies the powers in order to send for them and send for the records, and be able to publish the report. If the report discloses wrongdoings, it would be passed to the appropriate authority.

Mr. Speaker, it may be that some persons who occupy public office do not recognize that misconduct in public office is a criminal offence. Where a person, whether he or she is in the Tobago House of Assembly, the Parliament, or is a public servant, if one misconducts oneself in public office, it is a criminal offence and the person can be jailed. In some other parts of the Caribbean, prosecutions have been laid against public officials, including Members of Parliament, who have misconducted themselves in public office.

I think, without expressing any view on any particular facts, I should say that perhaps the time has come in Trinidad and Tobago, whereby some of these facts, when they are known, should be made available—when proper investigations are done and the facts and evidence are had—to the appropriate person; whether it is the Director of Public Prosecutions or the Commissioner of Police who can take the necessary action. I support the Member for Diego Martin West, when he said that there should be no excuse for people. In effect what he is saying is one cannot disobey the law. There must be machinery, but the machinery must be in accordance with due process of law. Mr. Speaker, in respect of the accountability, I wish to say that there would be some form of accountability.

With respect to other accountability—public officials, when they hold office, are not immune from the law or prosecution. It is sometimes thought that when people occupy public office, they are immune from the law and prosecution. Under the Constitution of Trinidad and Tobago, there is only one person and I think that is His Excellency, the President; whilst he holds office. I do not think anybody else is immune from prosecution and the law.

Mr. Valley: May I ask a question please? That prosecution, does it include encouraging persons to transfer voters from one constituency to the other?

Hon. R. L. Maharaj: Mr. Speaker, I would have thought that the Member for Diego Martin Central is well aware of the law. I am not to give him advice, but I think that it is well known that persons who do not live in one constituency, but register in that constituency, that is a criminal offence. If people have conspired to do that, that is also a criminal offence. [*Desk thumping*]

Mr. Speaker, I make no apologies for this, because as Attorney General—whether it is on either side of the fence; anyone who conspires to break the law, that is a conspiracy in criminal law, and the Director of Public Prosecutions and the police can prosecute. [*Desk thumping*]

With respect to the points made on ADDA, I made a statement to this House. An Attorney General must get his advice from the Solicitor General; he has the power to accept it or reject it, but then he faces the political and even legal consequences. On this matter, the ADDA affair, and the other matters raised by the Member for Diego Martin West, I mentioned to this House that I sought and obtained the advice of the Solicitor General. She gave certain advice and, in respect of the proceedings in the United States of America, there was certain advice given. Based on her advice, it was not necessary for the Government to waste taxpayers' money to retain a lawyer because, based on the advice got from the United States of America, it would not have been worthwhile. A decision had to be made if, as the Member for Diego Martin West says, there are documents in the court, one does not have to retain a lawyer to get those documents; an application can be made in order to get copies of those documents. [*Interruption*] The Solicitor General gave instructions to get copies of the documents. When the documents are obtained, I will look at them and take whatever—[*Interruption*]

[*Cellular phone rings in Chamber*]

Mr. Speaker: I have difficulty in not accepting—some person or persons are trying to be provocative coming towards the end of the session. Why must I have to get up and reprimand anybody for that noise which I do not know—maybe it is coming from a cellular—why?

Hon. R. L. Maharaj: Mr. Speaker, as I was saying, when the documents are received, I will look at them and, if I have to report to the Parliament, I will do that.

There was another point raised by the Member for Diego Martin West, that point had to do with scholarships by the Tobago House of Assembly. I just want to put on record that those matters were drawn to the attention of the Central Government. Members would recall that the policies with respect to the award of

scholarships, which the Tobago House of Assembly would have to follow, were laid in this Parliament. Those rules are in conformity with the policy of the national government. There was also the question, in Tobago, of contract employees who were being made accounting officers for the purposes of the Exchequer and Audit Act. The Government took a decision that that was not possible. It was published in the *Gazette* and was laid in this Parliament, and it has been directed that the Tobago House of Assembly must comply with those regulations. I must confess that since that has been done, there has been no matter brought to my attention in which this is not being done.

Mr. Speaker, I think it would be correct to say that the people of Tobago must feel, to some extent, that they are not being treated, at times, as they ought to be treated. But, that feeling is not new; it has been there for years under previous administrations and also this administration. It may be that it was worse then. Be that as it may, the fact of the matter is, I think this should be a challenge to all of us. All of us in this House, whatever differences we may have, must recognize that where there is geographical distance in respect of the people of Tobago, we would want to have some relationship in which the people of Tobago would feel that that distance would not prevent them from getting what is due to them.

It is very significant to see that in the commission's report, some recommendations were made. The third recommendation that the commission made is:

- “3. That the human resource needs of the Assembly be rationalized as early as possible since personnel expenditure forms a significant component of recurrent expenditure.
4. That the Financial Rules prescribed under section 52 of the Act be enacted as a matter of priority since such Rules are necessary for the proper management of the finances of the Assembly.”

As I said before, we have taken the step to approve that.

- “5. That the present arrangements for the collection and deposit into the Fund of taxes and duties as indicated in paragraph 7.11 be continued.
6. With respect to revenues to be collected in Tobago, a revenue sharing arrangement should be worked out with the Board of Inland Revenue and appropriate administrative arrangements be made to give effect thereto as a matter of urgency.”

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

4.31 p.m.: *Sitting suspended.*

5.03 p.m.: *Sitting resumed.*

Hon. R. L. Maharaj: Mr. Speaker, I will complete my contribution on the next occasion.

Before we do the adjournment of the House, I had spoken to Mr. Imbert. There is a motion which did not qualify for today; it has to do with the Standing Orders. He had said that he would have had no objection for the matter to be referred to the Standing Orders Committee. I am not seeing anybody from the Opposition Benches. [*Interruption*]

Mr. Speaker: Under the relevant Standing Orders, if there is agreement on it, I would have no difficulty with that.

Hon. R. L. Maharaj: Mr. Speaker, I beg to move the Motion standing in my name—do I submit it instead of reading it, or do I put it on the record? [*Crosstalk*]

Mr. Speaker: Just put it on the record.

CONSTITUTION (AMDT.) ACT

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

Whereas the Constitution (Amdt.) Act, No. 29 of 1999, *inter alia*, amended the Constitution to provide for the establishment of Joint Select Committees to investigate and report to Parliament on the powers and functioning and criteria adopted by Government Ministries, Municipal Corporations, Statutory Authorities, Service Commissions and by enterprises owned and controlled by or on behalf of the State or funded by the State to the extent of two-thirds of their annual income:

And Whereas section 4 of the said Constitution (Amdt.) Act, 1999 provides for the Act to come into force when Standing Orders are made to give effect to section 66A:

Be it resolved that the draft of the proposed amendments to the Standing Orders of the House of Representatives listed in the Appendix be referred to the Standing Orders Committee for consideration. [*Interruption*]

Mr. Speaker: What has just been done, Leader of the Opposition, is that there was discussion between both sides on the question of the amendments to the Standing Orders. The Attorney General has just moved that the draft of the proposed amendments to the Standing Orders, as listed in the Appendix, be referred to the Standing Orders Committee for consideration.

I am satisfied, hon. Members, that where both sides are in agreement on an issue like this, I will be prepared to refer the matter to the Standing Orders Committee, and it so stands.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move the adjournment of the House to Wednesday October 25, 2000, at 2.00 p.m.

I did indicate to the Opposition Chief Whip that we would complete this matter. There are three Bills which were passed in the Senate and two Bills which were passed in this House and went to the Senate that we will try to complete if there are any amendments from the Senate. We are hoping to do all that on Wednesday.

Mr. Speaker: Hon. Members, before I put the question on the adjournment of the House, there were three matters in respect of which the Member for Toco/Manzanilla had gotten leave to—[*Interruption*] Are you proceeding with them? I call upon him to raise the first matter, which is the crisis situation occurring at the Toco Road landfill site.

Toco Road Landfill Site

Mr. Roger Boynes (Toco/Manzanilla): Mr. Speaker, I thank you for giving me this opportunity to raise this matter. I know that the Minister of Works and Transport is supposed to respond.

Hon. Member: There are other people here, do not worry about that.

Mr. R. Boynes: I saw him earlier today, but I do not know if he is here to respond to this matter.

In any case, the Motion on the adjournment states as follows: the crisis situation that is presently occurring at the Toco Road landfill site, which is called the Toco Dump—and I see that the Minister of Works and Transport will reply.

This dump, the Toco landfill site, falls under the jurisdiction of the Sangre Grande Regional Corporation, for which the Minister of Local Government holds the portfolio. I am not seeing the Minister of Local Government here today either.

Mr. Manning: Dhanraj? “He gone” New York. [*Crosstalk*]

Mr. R. Boynes: I do not know where he is.

Mr. Hinds: “He gone to meet Jagdeosingh.”

Mr. R. Boynes: I hear the Member for Princes Town saying that the hon. Member for Pointe-a-Pierre is in Toco, but I do not think he is there either. [*Crosstalk*]

Nevertheless, the problem and the crisis at that Toco landfill site still obtains. For the past three years we have seen that situation deteriorate in such a manner that the media: the print media, the newspapers, have carried the problem to the national community, have exposed that problem. The television stations have also carried that crisis and, again, the newspapers have carried that crisis. The crisis is this: the garbage at the dump extends into the roadway. The stench is so unbearable at that site that residents around for miles cannot hold their breath.

The dump is situated at the entrance to the Toco area. As you leave Sangre Grande, journeying approximately two to three miles, and are about to enter Matura, you have this filthy sight that takes one into the region of the Toco area. As we try to develop the area of Toco and environs for eco-tourism, as we invite persons from abroad, and also locals, to that beautiful, scenic part of the country, do you know what is their first vision of that area? That Toco landfill site. That is a disgrace to the people of the area and to the national community.

I have written to the Environmental Management Agency for them to serve notice on the Sangre Grande Regional Corporation, so that they will manage that dump and that crisis situation in a better manner. I have brought the Environmental Management Agency police to the dump for them to have a first-hand observation of what is taking place, but yet we have had no response whatsoever—the garbage is still in the road.

We have written to the Sangre Grande Regional Corporation time and time again, telling them what would solve the problem. We have told them that the road on the western side of the dump needs to be prepared so that the trucks would not dump their garbage on the side of the road, but they would actually take the garbage to the back of the dump. That has not happened to date.

We have told them to repair the fence that borders the road, so that the contractors would not dump the garbage on the side of the road, and employ a watchman so that the watchman would indicate to the contractors that they cannot dump their garbage on the side of the road. We have indicated also that they

should employ a proper working D4 or D6, so that as the garbage is dumped the D4 or D6 can move the garbage and ensure they cover the garbage with the landfill, so that there will be no stench and the garbage is not exposed on the main road. All this has not been done.

We have also asked them to look at another site for the relocation of the dump. Opposite the present site that exists now, where the dump is, in fact, located, there is a place called Tractor Road where you can drive in for a mile and a half. You can use that road and that whole area inside Tractor Road and put the dump inside, which would be away from the sight of the public. It would be so far away that you would not get any stench and, secondly, you would not have any smelling, in fact. [Laughter] Thank you, Member for St. Joseph. The stench would not obtain.

Thirdly, there are places inside Tractor Road where persons used to mine quarries, so you find that there would be the necessary site and dirt that can cover the garbage. It is one of the most perfect sites for the relocation of the dump and we have actually put alternatives to the Sangre Grande Regional Corporation, but to date, nothing has been done as far as I understand.

5.15 p.m.

So I call upon the other side to immediately deal with that situation. I remember quite recently the members of the council indicating that they were going to close the dump, but I wish to say two things on that: Even if that dump is closed, the fact of the matter is the garbage is still in the road so they need to immediately remove the garbage from the road and secondly, I do not think that solving the problem is closing the dump and telling the contractor they have to go to Arima. I do not think that is the answer, that may be a short-term fix. I think proper management of that situation, one or two of the alternatives that I mentioned earlier would solve that problem; either you repair the road on the western side of the dump and ensure that the contractors dump the garbage to the back of the dump, or you relocate the dump to Tractor Road and that would solve the problem. It is a situation that is in fact causing the residents of Sangre Grande and Toco much stress, so much so that quite recently I observed on television people in the area blocking the road and that caused persons not to be in a position to go to Toco or *vice versa*. The people are totally fed up and they need this situation to be redressed so I am kindly asking whoever would respond to this, would ensure that this situation is dealt with in a way the people want it to be dealt with.

Thank you, Mr. Speaker.

The Parliamentary Secretary in the Ministry of Works and Transport (Mr. Chandresh Sharma): Mr. Speaker, this is an excellent description of PNM's double standards. The Member for Toco/Manzanilla was the previous chairman of the Sangre Grande Regional Corporation and they caused this matter to exist. *[Crosstalk]* More than that, while the Member was the chairman they caused the regional corporation to have the dump there. I must express that the UNC does not have the expertise in dump management as the PNM does. They are very good in this area. *[Crosstalk]* What I must indicate—

Mr. Speaker: Order please! You have to allow an answer. If even you may not agree with the answer, you have to listen *audi alteram partem*—hear the other side. Provocation or not, you have to allow him to say his piece.

Mr. C. Sharma: Thank you, Mr. Speaker, I was about to say that smelling the garbage has some effect on some Members, but we will deal with that in another place.

Mr. Speaker, the Environmental Management Authority and the Sangre Grande Regional Corporation have been communicated with and Tractor Road is being explored as one avenue to correct the situation but, more than that, there is a tractor on site as is required almost on a daily basis, pushing the garbage aside. In addition to that, there is regular policing of the area so there is much less garbage dumped at the side of the road.

The other area that is being considered is further down from Tractor Road which is another site where the former gravel pit was, so very soon those things would be put in place. In the meantime, every avenue is explored to correct the situation.

Thank you, Mr. Speaker.

MTS Security Officers (System of Training)

Mr. Roger Boynes (Toco/Manzanilla): Thank you very much, Sir, and I know the Member would again respond to this, but I hope the dump does not go the way of the ferry. *[Desk thumping]* I rise to deal with another matter and it states as follows: “The system of training MTS Security Officers at Matura and Valencia without any commitment of placement.”

Mr. Speaker, the Member for Arima is saying that I am working hard and I agree with him. Yes, I am in fact working in my constituency, and as a result of which I am going to be ensured a position in this Parliament on the next occasion on that side.

With respect to this Motion on the Adjournment, this problem came about as a result of the building of the schools in the two areas and I wish to correct the Motion when it says without any commitment of placement to indicate that since this Member of Parliament started agitating and complaining whether it is on the media or whether communicating with MTS, MTS has in fact taken one or two persons from the respective areas to work in the schools, so I wish to correct that because it states here “without any commitment of placement.” So there were in fact, situations based on my recommendations, which were accepted but I wish to address the situation that in the Matura area, about 38 persons were in fact trained and they came to me and indicated that they were not hired and persons from outside Matura were hired and they were given the assurance that they would be the ones who will be employed in the particular school and I told them that I would bring it to the attention of Parliament and also liaise with persons at MTS to ensure that they are in fact considered bearing in mind that they went through all the procedure and training.

I spoke with MTS and immediately they hired a few persons and I am also asking the hon. Minister to utilize his good office to ensure that other members who have actually gone through the training and live in the areas of Matura and Valencia get the opportunity to be employed in that particular school as well.

With respect to the area of Valencia, I ask him kindly to use his good office to look at the persons who were hired in the other schools before and were retrenched and have not been paid so far. I think he is well aware of the names of the persons to whom I refer and these persons are in fact some of whom I am asking him to use his good office to consider as well. They have already gone through the training, they have been working in other schools in the area and they have the experience, they are from the area and I am asking him to use his good office to ensure that the persons living there who have the experience, as well as persons who have actually taken the training and live near the school do in fact get an opportunity to work in the schools rather than persons from the outside.

I also ask the hon. Minister to look at the situation of the persons living next to the schools who have actually given up their lands so the schools could be built in Valencia. They gave up their lands to ensure that the school become a reality. They are saying they are no longer in a position where they can actually do any kind of work so I am asking him if he could use his good office to have these two farmers employed at the Valencia School as well.

Thank you, Mr. Speaker.

The Parliamentary Secretary in the Ministry of Works and Transport (Mr. Chandresh Sharma): Mr. Speaker, the Member answered part of the Motion himself by indicating that persons were, in fact obtaining employment.

Mr. Speaker, the Government's policy is to encourage corporate citizens and state agencies to lend support and part of the MTS programme is to encourage training in many disciplines throughout Trinidad and Tobago. What has happened in the Valencia and Matura areas is that in keeping with the vision of employment for persons in the area, MTS ran some training programmes. In the Valencia area 21 persons were trained and of that number 14 were employed by MTS, the others perhaps obtained employment elsewhere.

In the Matura area 25 persons were trained, some were employed at MTS and others sought employment elsewhere. The policy is to employ persons from the area as much as possible. In addition to that, some of these persons were advised that they could be employed by schools outside the Matura/Valencia area and for reasons best known to them they were unable to do so.

In the area of the lands, more than 12 farmers were affected and they are going to be compensated very soon. So this is a good time to thank MTS for being a corporate citizen and they will continue in that light.

Thank you very much.

**Boardmill Operators—St. David County
(Non-granting of Licences)**

Mr. Speaker: Member for Toco/Manzanilla, matter No. 3.

Mr. Roger Boynes (Toco/Manzanilla): Mr. Speaker, I spoke with the Member for Oropouche and we are kindly asking that this matter be deferred to another occasion.

Mr. Speaker: Not dropped, deferred?

Mr. Breaux: Because he believes in democracy.

Mr. R. Boynes: Deferred. This may be the last sitting, I am not so sure, Sir, but deferred.

Mr. Speaker: Hon. Members, the Member for Toco/Manzanilla has apparently come to some understanding with the Minister of Agriculture, Land and Marine Resources with respect to deferring this third matter. So with your leave, with nobody objecting I guess it could be deferred to the next occasion. I hope that I am not—

The Minister of Agriculture, Land and Marine Resources (Hon. Trevor Sudama): Mr. Speaker, I discussed the matter with the Member for Toco/Manzanilla and if we are having another sitting on Wednesday, it might be a little inconvenient then, and he has agreed to go for a later date.

Mr. Speaker: Hon. Members, it is agreed that this third matter which I gave leave for the Member for Toco/Manzanilla to raise will be dealt with on the sitting after the next of the House.

Motion made and question proposed, That the House do now adjourn to Wednesday, October 25, 2000 at 2.00 p.m.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.30 p.m.