

HOUSE OF REPRESENTATIVES*Wednesday, October 25, 2000*

The House met at 2.07 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LATE START OF SITTING**

Mr. Speaker: Hon. Members, I apologize for the late start but a subcommittee was meeting and we went a little over the time.

PAPERS LAID

1. The Value Added Tax (No. 2) Order, 2000. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]
2. The Felling of Trees (Permits) (Private Land) Rules, 2000. [*Hon. R. L. Maharaj*]
3. The Removal of Timber (Permits) (Amendment) Rules, 2000. [*Hon. R. L. Maharaj*]
4. Report of the Auditor General on the accounts of the Export Import Bank of Trinidad and Tobago Limited (formerly Trinidad and Tobago Export Credit Insurance Company Limited) for the year ended December 31, 1997. [*Hon. R. L. Maharaj*]
5. Report of the Auditor General on the accounts of the Export Import Bank of Trinidad and Tobago Limited for the year ended December 31, 1998. [*Hon. R. L. Maharaj*]

Papers 4 and 5 to be referred to the Public Accounts Committee.

SELECT COMMITTEE REPORT PRESENTATION**(DEFERRAL)**

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I ask for this item to be deferred until later in the proceedings?

Assent indicated.

FINANCE BILL

Bill to provide for the imposition or variation of certain taxes, for the incorporation of the amendments made by the Provisional Collection of Taxes Order, 2000, to introduce other provisions of a fiscal nature and for related matters, [*The Attorney General and Minister of Legal Affairs*]; read the first time.

Motion made, That the next stage be taken at the next sitting of the House.

Question put and agreed to.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, would it be a convenient time for us to adjourn to continue the subcommittee meeting of the Standing Orders Committee?

Mr. Speaker: Hon. Members, before the start of this sitting, some Members were in fact involved in a committee meeting and they require a little more time to try to reach agreement. In the circumstances, I propose to suspend the sitting of the House at this stage for half an hour so that we will resume at, I would say, 2.40 p.m.. It may be earlier but there will be a 20-minute suspension of the House. [*Interruption*]

Hon. Members, the House is suspended for 25 minutes.

2.14 p.m.: *Sitting suspended.*

2.38 p.m.: *Sitting resumed.*

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I wonder whether we can defer the new Motion and proceed with the Motion which was in progress when the House adjourned on the last occasion.

Mr. Speaker: Which one is that?

Hon. R. L. Maharaj: That is the Motion on the Dispute Resolution Commission, Motion No 1.

Mr. Speaker: Yes. If that is the wish of the House. Is that the one with respect to Tobago?

**DISPUTE RESOLUTION COMMISSION REPORT
(TOBAGO HOUSE OF ASSEMBLY)**

[Second Day]

Order read for resuming adjourned debate on question [October 23, 2000]:

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. [*Dr. The Hon. M. Job*]

Question again proposed.

Mr. Speaker: On the last occasion, the last person speaking was the Attorney General. I do not think that he would have completed, so I call on the Attorney General to continue.

Hon. R. L. Maharaj: Mr. Speaker, I do not have much more to add to what I said on the last occasion. Merely, I would like to put on record that when this debate started, there was a request for the Member for Tobago West to be present when this debate started and I took steps to ensure that the debate would not be completed until she could have made her contribution on the matter.

What I said on the last occasion in relation to the Motion was that I support the Motion. We believe that the Motion should be accepted. We also believe there should be changes done in order to have greater accountability of the Tobago House of Assembly.

Thank you very much, Mr. Speaker.

Miss Pamela Nicholson (*Tobago West*): Mr. Speaker, I would like to make a brief intervention on this Motion:

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 just heard the Member for Couva South stating that perhaps there might be an amendment to—

Mr. Maharaj: I know the hon. Member was not there. There was an amendment proposed for the report to be accepted.

Miss P. Nicholson:—that there should be an amendment to accept the Motion.

Mr. Speaker, I subscribe to the view that continuous inadequate submissions by Cabinet to Parliament for appropriations to capital development and recurrent expenditure to Tobago have been responsible for the under-funding of Tobago's budget, and that there is urgent need to upgrade Tobago's budgetary allocations.

One would have thought, however, that the Tobago House of Assembly would never have to make use of the Dispute Resolution Commission as it had, when the Government in power today is there because of Tobago. Two Tobago seats, going in coalition with the 17 UNC seats, are responsible for this Government today. [*Desk thumping*] Such a government, one expects, should be very concerned about Tobago and Tobago's needs.

This Government was expected to pay particular attention to the uniqueness of Tobago's case caused by the separation by water. Also, the privileges given in the Act to the Chief Secretary: the Chief Secretary having the opportunity to meet with the Prime Minister of the country. I would just like to quote section 30:

"The Chief Secretary may, if invited by the Prime Minister so to do, attend the meetings of Cabinet in order that the Chief Secretary may—

- (a) apprise Cabinet of decisions taken by the Assembly in the exercise of its powers under the Act; or
- (b) represent the interest of Tobago in any matter having or likely to have an adverse effect on Tobago,..."

That privilege is there. If Tobago is part of the Government, one expected the Prime Minister to always communicate with the Chief Secretary and *vice versa*. One also expected the Government to represent the interests of Tobago. [*Desk thumping*]

There is also section 31 which states:

"The Prime Minister and the Chief Secretary shall hold regular discussions with a view to formulating administrative and legislative mechanisms for the promotion of harmony in the affairs of Trinidad and Tobago."

I repeat that:

"The Prime Minister and the Chief Secretary shall hold regular discussions with a view to formulating administrative and legislative mechanisms for the promotion of harmony in the affairs of Trinidad and Tobago."

Mr. Speaker, when you observe those clauses in the Tobago House of Assembly Act and when you have a situation in which Tobago was responsible for the Government being in power, you expect that Tobago's problems would be looked after; you expect that there would always be communication and discussion with Tobago to resolve Tobago's problems and that you do not have to go—

Mr. Hinds: By a decent government.

Miss P. Nicholson:—to a Dispute Resolution Commission.

Thirdly, one would have expected when there is an improvement in the economy of Trinidad and Tobago, as we have today, that Tobago's developmental needs would be met. This Government would have been excited to address the developmental needs of Tobago because Tobago is responsible for you.

2.50 p.m.

What do we have? Instead our capital, Scarborough, remains a dusty, run-down, muddy town. For five years, the Scarborough Esplanade—it started even before—is being constructed and is still there muddy, and dusty. When one recognizes that tourism is the main for Tobago, one would have thought that this Government would have been so co-operative with the Tobago House of Assembly that they would have offered all kinds of assistance, but we still have a run-down, muddy town.

No projects have been completed in Tobago over this five-year period, none! Providence Road remains unfinished. Last year there were rains which caused big holes. A major part of the Windward Road is still there; if we have some serious rains there will be total cut off. The Member for Tobago East will not be able to go into his home or half of his constituency.

It is our Government that has been spending over \$1 billion on the Piarco International Airport Terminal. There is a situation where over \$10 million was supposed to be given to Tobago for the Crown Point Airport Terminal. Not a cent has been spent to refurbish and expand the Crown Point Airport Terminal, but over \$1 billion was spent on Piarco, and Tobago is responsible for these people being seated there. [*Desk thumping*]

There is a situation today where, when any of the other chartered flights come to Tobago and the local flights go to Tobago, we cannot go into the space that is left for us and our luggage to go through; because it is packed with the people who have come in with the chartered flights. We have to walk through the gates on the outside; if it rains we would be soaked. That is our Government!

Mr. Speaker, the Windward Road is in need of bridges and expansion; that is very important to Tobago. I asked some questions to the Member for Tobago East in this House already; he could not answer my questions. That is an important road to go into Mason Hall, in the Hope area. The purpose for the construction of that road is when the secondary school is constructed, all the children coming from the Windward area would be going into that area through that road. The sum of \$34 million was allocated for that contract. When I asked my questions, the junior Minister in the Ministry of Finance, Planning and Development could only account for \$8.6 million. The construction should have been completed in June. The contractors are now saying that they are going to close down the project because they are not being fed their funds for the development of the road.

This is our Government! Tobago is responsible for the UNC being seated there. [*Desk thumping*] This coalition government—although two others came afterwards—[*Interruption*]

Mr. Hinds: A mistake.

Miss P. Nicholson: I would not go into that, I am dealing with the most important area—[*Interruption*]

Mr. Hinds: A mistake.

Miss P. Nicholson: I do not know if it was a mistake then. “Doh trouble meh.” I do not want to say anything; I see you as my friends today.

Mr. Valley: PEP.

Miss P. Nicholson: But remember, you have done certain things that Tobago—

Mr. Hinds: PEP talks.

Miss P. Nicholson: PEP is speaking powerfully today. The PNM has done certain things that Tobago will never forget.

Mr. Hinds: We are sorry.

Miss P. Nicholson: You were not here, so you do not know. Leave me alone. I feel very grieved when I watch these people.

Mr. Speaker, I am going through all the projects that should have been done under this Government. With respect to education—[*Interruption*] I am being disturbed, Sir.

Mr. Speaker: Do the Members care to go behind the Speaker’s Chair.

Miss P. Nicholson: I want total quiet, Sir, thank you very much.

Mr. Speaker: Indeed.

Miss P. Nicholson: Mr. Speaker, when this Government went into power in November 1995, there was a World Bank loan there. One secondary school should have been constructed in Tobago: the Mason Hall Secondary School. The Mason Hall Secondary School was on the first batch of schools that should have been constructed.

I listened to the Minister, I think she said the Government built and are constructing more than 10 secondary schools, and she has also built approximately 30 primary schools over that five-year term. Not a single primary or secondary school has been constructed in Tobago. The Mason Hall Secondary School should have been constructed so that we would have been able to take care of the Tobago child in our secondary schools. The land has not even been acquired, and they were asked to acquire the land. The land can also be taken compulsorily to get the school going.

Last week, in Tobago, the Parent Teachers' Association closed the Scarborough Methodist School and demonstrated for the temporary repairs and the construction of the school, and a number of others, for example the Ebenezer Methodist School, and Buccoo Government Primary School; they too were to be constructed, but I am talking about the major ones. One cannot point to any single project that has been constructed and completed in Tobago by this Government. One can see why the Tobago House of Assembly had to appeal to the Dispute Resolution Commission.

There is a situation in Tobago—it is really grievous, I do not like to see these people—of an almost total collapse of air and sea transportation. [*Desk thumping*] It was in August when we had the *Panorama* running into problems. We had no ferry to take the people from Trinidad to Tobago, and from Tobago to Trinidad to carry our food and hardware. We had that problem.

3.00 p.m.

I raised that question in this House, and we were promised by the Minister of Works and Transport that by October 23, at least, a ferry would have been leased and brought into Trinidad and Tobago to complement the *Panorama*; a *Panorama* that should, at this time, have gone dry dock. They are now begging Lloyds of London to give them more time. This is what we are confronted with: a limping *Panorama*. The developmental needs of Tobago are critical. All the roads in Trinidad are constructed. All the schools in Trinidad are constructed: primary, secondary, airport—that is the most grievous one, over \$1 billion, and no concern for Tobago.

With the ferry service, Mr. Speaker, they were even trying to put the blame on the port, when the board has continuously been calling from 1997, and telling the Government, “You have to move urgently to get a new boat to complement the *Panorama*.” Every time information goes to the Minister he agrees, and in a month or two he returns and says something else to the board. Then they wanted to blame the board, when the Trinidad and Tobago Shipping Act has put all the weight on the Government of Trinidad and Tobago. The port is only the agent.

When we thought that that was the only problem that we were confronted with, on Tuesday night when we were watching the news we were confronted with the fact that Air Caribbean was in receivership. This Government must have known and been aware of what was taking place with Air Caribbean! [*Desk thumping*] They must have known, because the First Citizens Bank is government-owned. [*Desk thumping*] Over \$100 million—[*Interruption*]

Hon. Members: Where is Sadiq Baksh?

Miss P. Nicholson: They must have known! Mr. Speaker, even down to the very evening—these people are so dishonest—[*Desk thumping*] First Citizens Bank must have informed them, “We are going to be closing in on you,” because they told the Government already. Some nine months ago First Citizens Bank informed the Government of Trinidad and Tobago about the financial state of Air Caribbean. It must have been these people who instructed them to give them some more; it must have been. It must have come either from the Minister of Finance, Planning and Development or the Minister of Works and Transport and so forth; it must have; so they were informed.

The dishonesty of the Air Caribbean people—Mr. Speaker, the same day, right down into the evening in Tobago, they were taking money from people for tickets. I am appealing to this Government to give back the people their money. They are a party to the dishonesty! [*Desk thumping*] Give back the people their money! Well, I must say, somebody like me, I was one who was very happy about the competitive situation. I still feel that is the better approach that we would like for the airline service between Trinidad and Tobago. So we are back now to the monopolistic situation with BWIA.

Strange enough, even though I have to expose what took place with Air Caribbean, I am not a supporter of BWIA, but I have to travel with them now. They created the problem that we have in Tobago. I could never forget BWIA under Bertrand, when they wanted to increase the airfare between Trinidad and Tobago, the national airline—[*Interruption*] It was not under PNM, it started under

the National Alliance for Reconstruction. They were told, “No, you must not do that.” Of course, I was one who articulated for increased subsidization, because if the airline and ferry services are not subsidized by the state, the ordinary people of both Trinidad and Tobago would not be able to travel. Well, the very poor would not be able to travel with the boat, and the ordinary ones who use the airline service would not be able to travel. I am sure that in a few weeks or few months time, BWIA will be asking for an increase in the airfare, because we had a high fare rise from them.

One would expect that when you have a Government, of which you are a part, that concerns for Tobago will be addressed. So we have that situation with the Air Caribbean collapse. This is about the third time that this man’s business has collapsed. He is a very powerful man. I remember Arawak Airlines; then Trinidad and Tobago Air Services was the other one, and now Air Caribbean. This man is a very powerful man in this country. He must have governmental links, because it is from First Citizens Bank that he got over \$100 million; none of the other banks would do that. I am sure it was because First Citizens Bank was probably confronted with collapse for itself, that they had to take action, probably without telling them anything on Tuesday. He is a very, very powerful fellow. [*Crosstalk*]

I also learned that those are the people keeping the Chief Secretary alive, so, probably, we might wake up one morning and the public service and the teaching service in Tobago might be closed down too, because they might have to move in. They are doing it on behalf of somebody.

Mr. Speaker, these are the things with which we are confronted. The coalition partner is totally insensitive, uncaring and corrupt. It does not care about the role that Tobago played in the whole coalition scenario; selfish, devious governance. [*Desk thumping*]

Mr. Hinds: Well “putted”.

Miss P. Nicholson: Even though you might have a problem with a Chief Secretary, because of the quality of Prime Minister, Attorney General and so forth that you should have, they should be able to have their team to meet with the Tobago House of Assembly team and address the problems in Tobago.

One of the things that I am very, very concerned about, and I always raise it—because it is the Attorney General that informed us in this House about it—is that the Attorney General said that we do not have any devolution or any internal self-government; what we have is improved administration. He informed and guided his Government and this Parliament. He said that the Cabinet has ultimate

responsibility, so that when you have certain problems with the Tobago House of Assembly and you are not getting action, you have to think about the people of Tobago, and you should be stepping in, because they step in when they want. You should remember the Tourism Bill; they step in when they want. They should be thinking about the people of Tobago.

I understand why the Tobago House of Assembly had to go to the Dispute Resolution Commission. The Dispute Resolution Commission did their work. They met and made a number of recommendations. The major recommendation is that a percentage in the range of 4.03 per cent to 6.9 per cent of the national budget should be allocated to the THA. If it means that, I will be very happy. I will be very happy for Tobago to get more money. In reading the document I am wondering if the 4.3 per cent to 6.9 per cent funding is only for the Tobago House of Assembly, or if the funding is for Tobago inclusive of the THA. I would like that area to be answered by the other side for me here today, because if the Tobago House of Assembly will be given 4.03 to 6.9 per cent, one could see an increase in finance going to Tobago.

If that money is for Tobago, and all the projects for the areas in Tobago like national security, and state enterprises like the Water and Sewerage Authority, the Trinidad and Tobago Electricity Commission, all these institutions, immigration and so forth, are inclusive in the 4.03 per cent, I have a problem with that. I would like the other side to answer that for me. So 4.03 per cent and that there should be a yearly review. Mr. Speaker, as I said, if the 4.03 to 6.9 per cent is for the THA, I am very happy, and I think that some points have been scored there. But if it is inclusive of everything: immigration, national security, customs, ferry, air and sea transportation, and all the other works in Tobago, I have a problem with that.

Another area that concerned me, when I looked at the Dispute Resolution Commission Report, is the way in which they arrived at 4.03 per cent. When you look at the document, they articulated that they used population statistics to get the 4.03 per cent. I have a problem with that, because if it is the population that you are using—they have the population estimates on page 6 and they said:

“The above statistics indicate that between 1993 and 1997, the population of Tobago was in the range of 4.03 % to 4.07 % vis-à-vis the population of Trinidad and Tobago. The Commission considers the percentage of 4.03 to be a general starting point in determining what is fair and practicable in the allocation of financial resources to the Assembly.”

3.15 p.m.

I have a problem there because you can have a situation where other constituencies in the country, after they see Tobago is getting 4.03 per cent of the national budget, they could make noise and say that the big ones like Caroni, St. George East and St. George West want more. So I did not like the way in which they used the major areas to come up with that. I have a little problem with that as the general starting point in determining what is fair and practicable in the allocation of financial resources to Tobago.

Mr. Speaker, if it were 12,000 or 5,000 people in Tobago, but the country is Trinidad and Tobago, so if you had 12,000 people in Tobago or 5,000 people in Tobago, would the allocation be 0.93, or 0.4 per cent, and would the range be 0.93—3 per cent of the national budget? I have a little problem with the friction that an increasing allocation based on population can create.

Secondly, how did the commission arrive at 6.9 per cent ceiling? They did not tell us. When you look at the document, it just says they will go from 4.03 to 6.9, but they did not tell us how they got to 6.9 ceiling. No data was presented to us in the report. It is my view that the allocation, the major areas that one should be looking at are the developmental needs of the island, Tobago being separated from Trinidad by water; the distance from the growth centres and the opportunities available to Tobago. What happens when the economy is very buoyant, would the ceiling remain at 6.9 per cent? When there is a situation where the budget is \$13 billion and it could be \$15 billion and \$20 billion, will we only get 6.9 when we should be getting 10 and 15 per cent to deal with the developmental needs of Tobago?

Mr. Speaker, I am of the opinion that the Dispute Resolution Commission was in dire need of a team of independent expert advisers. I think that was a weakness in the report. Expert advisers such as economists, accountants, financial managers to guide them; all you had was some senior and some old attorneys dealing with this thing. No finance people, no accountants nor economists to guide them, because if they had that, they would not have just used population as the major area, they would have been guided in that way from a socio-economic perspective.

I was reading some day this week or last week an article by Reginald Dumas and he said that he thought the commission would have taken the opportunity to carry out a searching analysis of the financial/budgetary and developmental relationship between the Central Government and the Tobago House of Assembly

and arrive at the ceiling percentage after they did all that work and give us the data. So while I am happy that we have the report, while I am also happy for the 4.3 per cent to the 6.9 per cent, I will be happy if that is just for the Tobago House of Assembly because every year you have to review, but if that is for Tobago inclusive of all the areas, I have a problem.

The commission also recommended that the human resource needs of Tobago ought to be rationalized immediately since personal expenditure forms a significant component. I agree with that, it is quite reasonable and that flaw is still present because of this uncaring, insensitive Government. The Prime Minister is totally unconcerned about Tobago, and the selfish approach by the Public Administration Minister. You have a situation that over the whole five-year period they have not addressed the top management problem in Tobago, that is, the Chief Administrator is still acting, and administrators have been assigned by the Chief Administrator, something that is illegal.

I have a letter dated July 5th 2000 where the Chief Administrator, Mr. Allan Richards, was written to. It says:

5th July 2000

“Mr. Allan Richards
Acting Chief Administrator
Tobago House of Assembly

Dear Sir,

Your letter dated 4th January, 2000 wherein you confirmed the names of the persons assigned to perform the duties of the office of Administrator, Tobago House of Assembly refers.

Public Service Commission wishes to advise you that in accordance with the Constitution of the Republic of Trinidad and Tobago the authority to appoint persons to established offices in the public service rests with the Commission. Therefore your appointment of persons to the offices of Administrator is in violation of the Constitution. The Commission therefore directs that the persons so assigned should be removed from the office of Administrator, Tobago House of Assembly with immediate effect.

The Public Service Commission has further decided that the office of Administrator, Tobago House of Assembly should be advertised within the Public Service and invites your comments on this.”

This is what is taking place in Tobago. We have put these people here. Even though the Public Service Commission is supposed to be independent, the Prime Minister could call in the Chairman of the Public Service Commission because it is a new institution with certain changes to be made.

Mr. Manning: Mr. Speaker, I thank the hon. Member for giving way. I ask the question, is the Member saying that the Prime Minister can call in the chairman of the Public Service Commission and if he does, the chairman must respond?

Miss P. Nicholson: Just as how the Minister of Finance called in the Auditor General to deal with the ADDA case to go to Tobago, investigate and audit what is taking place there and she was able to respond with the report here which was put before the Public Accounts Committee, it is against that kind of background I am raising my point. It is against that background I am talking because the Public Service Commission should have done something. Then you have the Minister of Public Administration. Why I say this, it is almost five years now and if action was taken, the Dispute Resolution Committee would not have had to make this recommendation at this particular point in time. We also have another situation where the Chief Secretary of the Tobago House of Assembly has set up his own parallel public service in Tobago, so he has politicized the public service in Tobago. So to deal with that situation, that is why I am saying that action could have been taken and the scandalous situation we have in Tobago right now, we should not have had it. Every area we have in Tobago for action, no action has been taken by the Government.

Mr. Speaker, you know I always raise the Signal Hill Land Development question here. For almost five years I have been dealing with that. The Minister of Housing and Settlements throw, his hands in the air and says he cannot do anything. I have sent copies of the letters which I sent to him to the Attorney General and the Prime Minister. I wonder if he acknowledged them, I cannot remember, but the Attorney General has responded saying that the line we are taking is correct and the Tobago House of Assembly should not be charging more than \$5.00 per square foot for the lands. You have a Cabinet with the ultimate responsibility, you have a Minister of Housing and Settlements and the Government has taken no action and all you could see is that they are not taking any action because of their devious, political thinking. No action! If that is so you should take action, communicate with the Chief Secretary. If what the Attorney General is saying is correct, right now the Chief Secretary and the Tobago House of Assembly are now giving out deeds for the lands for the people who paid

\$7.00. This Government who we put in office is seated here saying: “Yes, it should be \$5.00 per square foot, it is a national programme.” The Tobago House of Assembly is just like a holding bay for those lands, but you have the Chief Secretary asking the people to pay \$2.00 more which they did and they are now receiving deeds. Are those deeds proper? I would like the Attorney General to tell me if the deeds could stand up in the court and those kinds of things, based on the direction that he has given. I want to know why Minister Humphrey is not acting. The Prime Minister could guide, he is the Minister, we have a Cabinet and it has the ultimate responsibility, we have the Attorney General. Is the Attorney General guiding us and these people?

3.30 p.m.

Why no action? There is a situation in Tobago where the contractual staff employed by the Chief Secretary—100 of them or whatever it is—to form this parallel public service were paid before the people legally employed by the Public Service Commission—the teachers and the public servants. The parliamentary appropriation was not for those people. We did not approve any allocation for those people. It was done for the legally employed public servants and the teachers and so forth. The Member for Tobago East is seated there. The Member for Tobago East is also the Minister for Tobago Affairs. The Member for Tobago East is the Minister functioning with the Ministry of Finance. We are not hearing anything, Sir. A scandalous situation! Over \$49 million in overdraft—remember when we did the budget? In October when we thought, well, there would have been a total collapse—[*Interruption*]

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

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

Question put and agreed to.

Miss P. Nicholson: [*Desk thumping*] So there is that situation in Tobago where, if it is another \$40 or whatever million, the same First Citizens that closed in on Air Caribbean, they supplied it, so they are probably giving 200 per cent more than what they should have been giving the Tobago House of Assembly in overdraft facilities. When the Chief Secretary got the first tranche from the Ministry of Finance, he gave First Citizens \$30 million and carried the rest somewhere else, even though the agreement was to put all with First Citizens. That is what we are confronted with in Tobago. Therefore, the recommendation

by the Dispute Resolution Commission that we must look at the human resources aspect of the Tobago House of Assembly and that the problems there should be rationalized as early as possible since personnel expenditure forms a significant component of the recurrent expenditure. It is a very, very important area and I agree with what they are saying, Mr. Speaker.

There is also another area with the First Citizens Bank on page 11. They are talking about the fact that there should be no restriction—page 11, No. 7:

“That no restriction other than those imposed by the Act should be placed in the Assembly’s way to facilitate its borrowings and 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.”

They also stated somewhere in the document that the Assembly must be allowed to get grants to pay their debts. Well, I am not too concerned about this area because I am of the opinion that the Government will have to guarantee anything that the Tobago House of Assembly is doing, because they do not raise funds to repay their loans.

There is also a situation where no international body or proper financial institution would give grants to pay debts. They will give grants for infrastructural development in Tobago, for example, like the grant that we had from the European Commission for the L’Anse Fourmi/Charlotteville Ring Road, or there will be grants for productive purposes. However, one cannot give the Tobago House of Assembly loans and grants to do those things when the Auditor General is refused access to information and documentation to audit the Tobago House of Assembly in relation to the Ringbang 2000 concert and the PRDI. Mr. Deputy Speaker, the Government could never guarantee that situation.

[MR. DEPUTY SPEAKER *in the Chair*]

The whole question—it is public funds with which we are dealing and if the Tobago House of Assembly must be able to deal with public funds, get loans and so forth, the Tobago House of Assembly’s accounts must be audited by the Auditor General. Accountability and transparency must be the centrepiece of what they are doing. So I do not agree with that argument that is being raised here by the Dispute Resolution Commission and that is why I said that they needed an expert team to work with them. If they had an expert team of accountants, economists, managers and so forth with the Commission, they would have been able to advise them that this is an impossibility.

So, Mr. Deputy Speaker, this afternoon I am very disappointed to see that the relationship between Tobago and the UNC Government had to reach the level that it has, especially when there was a situation where the Prime Minister and the Chief Secretary could have held regular meetings with a view to formulating administrative and legislative mechanisms for the promotion of harmony in the affairs of Trinidad and Tobago; when there was the situation where the Chief Secretary could have been invited to Cabinet meetings by the Prime Minister to apprise Cabinet of decisions taken by the Assembly to represent the interest of Tobago in any matter having or likely to have an adverse effect on Tobago. All this was available to the Government, and since the whole relationship deteriorated to the point where the Tobago House of Assembly had to appeal to the Dispute Resolution Commission, I am very, very disappointed, especially as Tobago is responsible for them being seated there.

Mr. Deputy Speaker, when you look at Tobago as a whole, Tobago has not benefited one inch. Probably the only thing that we have in Tobago is the stadium that is being constructed at Bacolet, and I always say it is because of Sister Pam that is being constructed there. It is very, very disgraceful. Every issue that we have had—the Tech/Voc wing at Signal Hill, over nearly five years—staff it so that our young people can be trained in various skills and trades. Staff it and give it the equipment that is needed. It was only a week or two ago when we were dealing with—what was the document we were dealing with, the education document—the scientific community college situation, and I made the point then that if that Tech/Voc wing was addressed at Signal Hill, it could have been linked to the John S. Donaldson Technical Institute. One of the colleges in Tobago could have been an arm of that and the Tobago children could have done their tertiary work in Tobago being an arm of those institutions.

[MR. SPEAKER *in the Chair*]

I made that point and for nearly five years this Government has taken no action, and today we hear them talk about education and what they are doing for education. There is not even a library in Tobago. The Scarborough library—in 1997 when we had the earthquake, the Prime Minister promised he would address that. We need anything like \$10 to \$15 million to “fix up” that. The librarians had to walk out of that place. They do not have that. I also pointed out the education weaknesses with this system where English teachers have been taken from our best secondary school in Tobago—language, French. These are the people who are now principals of the education centre. Before moving these people, when they should have found teachers to fit into those spaces before they were

transferred, nothing has been done. Our best school in Tobago, Bishop's High School—so children who are in sixth form—they do not have the required teachers to deal with those people in sixth form. The children who won their places to Bishops—that is considered our number one school—for form one, when they went there—totally disappointed with what they met; and we have been raising these questions.

Mr. Speaker, I would like to know today whether the 4.3 to 6.9 per cent is for the Tobago House of Assembly or if that funding will take care of everything that will be done in Tobago. If it is just for the Tobago House of Assembly, I will be very happy. If it is inclusive of all the projects in Tobago, I have a very big problem and I would like that question to be answered this afternoon. So, Mr. Speaker, I hope that in a few weeks' time when the people of Trinidad and Tobago would dislodge—I do not want to use the word, “characters”—[*Desk thumping*] [*Interruption*]

Mr. Speaker: Please do not. Please do not.

Ms. Nicholson:—would remove these uncaring, selfish, [*Desk thumping*] insensitive [*Desk thumping*] and ungrateful [*Desk thumping*] human beings from those seats, PEP will be seated right here. I am confident about that. [*Interruption*] Pam would not be here because I have taken my position already, [*Desk thumping*] but I know that PEP will be seated in here. [*Desk thumping*]

I hope that we have had enough demonstration in this country to tell the people that they cannot return the UNC to run the government of Trinidad and Tobago. [*Desk thumping*] I hope that whoever comes in here in charge will know the role they have to play in Tobago. I cannot boast that anyone is better. It is a sad thing that I cannot say one is better because of the demonstration that we have had already. I hope that they will dream and I only hope that other things can happen to change their minds. Whoever it is, I know that we will be taking a very positive position from a Tobago perspective, and Tobago has to get justice in this Parliament of Trinidad and Tobago. Thank you, Mr. Speaker. [*Desk thumping*]

3.45 p.m.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, I have no idea what the Member for Tobago East was jumping up like that for. This is a debate. The Member cannot wind up until the rest of us have spoken. Mr. Speaker, I rise to correct certain erroneous statements made by the Attorney General in the last sitting, where he stated falsely that his Government had brought legislation to give internal self-government to Tobago and the Opposition refused to cooperate.

The fact of the matter is, the Tobago House of Assembly Act of 1996 is flawed and defective and the Member for Tobago East is well aware of that. In fact, he had said so on occasion. The reason why it is defective is because there was a Joint Select Committee of Parliament, considering the whole question of what should be done to Tobago, and the whole question of constitutional guarantees for Tobago, arising from a position adopted by the Opposition and others.

Mr. Speaker, Sen. Moore-Miggins was a member of that committee. What this UNC Government did was to abort the work of the committee, draft a defective Bill, rushed it through the Parliament for the Tobago House of Assembly elections of 1996, and this is the reason we are where we are at today. As a matter of fact, that Bill was so defective that Sen. Moore-Miggins resigned from the Parliament and went on to contest as an Independent candidate in the Tobago House of Assembly elections and won her seat. That is the correct record. [*Desk thumping*] The reason why this Tobago House of Assembly Act is no good is because that UNC Government, hustling to try and gain some points in the Tobago House of Assembly elections, aborted the work of a Joint Select Committee and destroyed the promise of constitutional guarantees for the people of Tobago. That is what happened, nothing else. So the UNC is to blame for the flaws in the Tobago House of Assembly Act.

Now, the UNC Government brought the legislation here, and the Member for Tobago East is well aware that there are all sorts of ambiguities in that legislation, especially, when it deals with financial matters. There is a big question about who has the authority to deal with unspent balances. As a matter of fact, there is a viewpoint held by the current office holders in Tobago that as long as there is money in the bank that they have not spent from their current year's allocation, they can carry it over to the next year and they do not have to account for it to anybody.

Mr. Valley: Not even the Auditor General.

Mr. C. Imbert: Not even the Auditor General and this is what this whole mess is all about. The Member for Tobago East will not say this. I do not know why he is so afraid to deal with these issues. He is so outspoken on other issues to the point of refusing to apologize to policemen for comparing them to criminals. He is so outspoken on people in Laventille: they are swine and "Jagabats" and so on but, when it comes to dealing with issues regarding the people that he was elected to represent, he is silent.

Mr. Speaker, we are certain that the Member is aware of deficiencies in the legislation. We are certain of it and I just wish, for once, the Member would have the courage to get up in this Parliament and speak plainly on his views on what is wrong with the administration of public accounts in Tobago. For once, I challenge the Member to get up and have the courage to say what he said outside of this House regarding the administration of public accounts in Tobago. The Member knows what the problem is. He knows it is a problem of accountability, but he is begging for a seat in Tobago, so you cannot go “cap in hand” before your master and beg for a seat, and in the same breath, attack those who have to select you in Parliament. That is the Member’s dilemma.

Mr. Speaker, there are other issues. The Member for Tobago West has very succinctly pointed at the ambiguity of this recommendation of 4.03 per cent. The Dispute Resolution Commission recommendations speaks about 4 per cent of the budget—4 per cent of releases for expenditure; and that could easily be interpreted by a government, as devious as the UNC, to mean 4 per cent of all expenditure including debt service; interest on debt payments; expenditure on the airport; the ferry service; on the Port Authority; on the police; on the immigration; on the customs; on the coast guard and on patrolling Tobago’s waters; and on a myriad of things. It could say fine: it accepts the recommendations of the commission and it will allocate 4.03 per cent but that must include all factors that impact upon Tobago and all expenditure by state enterprises, government agencies and so on in Tobago, which would end up with Tobago being in a worse position than they are at the present time.

Mr. Speaker, that is why they ran and accepted this thing. They saw the ambiguity. They know that the commission was comprised of lawyers who may not be sufficiently versed in public accounts and, therefore, they saw the ambiguity and that is why they ran to embrace it but they are not fooling anybody.

The other point I need to make is that this is the most shameless administration I have ever come across, in terms of air and sea transport. Never in the history of Trinidad and Tobago—before the advent of the UNC—has Tobago been without a ferry service—not under the PNM and not under the NAR—but it had to happen under the UNC. Under the last PNM administration, we refurbished both the *MV Tobago* and the *Panorama* and we had both boats in service. What did this Government do? The Government parked up the *MV Tobago* and allowed it to rust. It has been outside by the port there, rusting away for nearly three years now, deteriorating in value.

As a matter of fact, there was some attempt to sell it for \$100,000 or something like that. That is what I am told. Under the PNM, both boats were servicing Tobago and there were no problems and under the previous administration as well. No problems! But this Government comes in and because they got what they wanted—as my colleague from Diego Martin West said earlier in this debate—they got a coalition government; then they got some Members on this side to go on that side, so they had their numbers. The Government had the 19 Members they wanted so that Tobago became expendable and from then on it was just lip service.

The Government allows the ferry service to just die. The Government came into this House with all sorts of pious platitudes: how they will do the best for Tobago and a new ferry is coming on the 23rd and so on and nothing is happening. What happens if the *Panorama* breaks down today? There is no replacement ferry; there is no possibility of getting another boat here within any reasonable period of time and it will mean that Tobago will be without a ferry service once more. The people of Tobago have the UNC administration and their incompetent Minister of Works and Transport, who I saw on television laughing and giggling about the fiasco that has occurred with the air bridge, and you have the incompetent Minister of Works to blame for that—a callous complete abandonment of the vital organs of Tobago. Air and sea transport is vital to the economy and livelihood of every Tobagonian.

Mr. Speaker, one does not need an engineering degree to figure that one out. [*Desk thumping*] These are two bodies separated by water. One cannot jump in a maxi-taxi on Independence Square and drive to Tobago; you will have to go on a boat or a plane. You do not need to be an engineer to figure that one out. Yet, our incompetent Minister of Works and Transport is too busy campaigning—using public funds in San Fernando—in a vain effort to win the San Fernando West seat. He is too busy using public moneys to campaign in San Fernando West to worry about the plight of Tobagonians.

3.55 p.m.

I am sure he knew that the air bridge was in trouble.

[*Cellular telephone rings*]

Mr. Speaker: Please! It is the second time in five minutes that we have got a telephone ringing. [*Telephone rings again*]

The third time in two and a half minutes! It could not make sense. It is absolute discourtesy—forget me—to the Members of the House! Absolute discourtesy!

Mr. Imbert: Thank you, Mr. Speaker. As I said, I am certain that the Minister of Works and Transport, the most incompetent Minister who has ever held that portfolio, knew that the air bridge was in trouble. I am certain that he knew! This is a small country and there are linkages at governmental levels. I am certain that he knew there was a problem and he did nothing about it.

He allowed a crisis to develop, the air bridge to collapse, and now we have a situation where we are back to square one, as we were years ago, where we have to rely on one carrier to service the link between Trinidad and Tobago. That is the legacy of the UNC. That is administration and effective government, UNC style. *[Desk thumping]* Let it mash up. Let the boat shut down until they jump and try to do something! No forward planning, no preventative maintenance. Nothing! That is their style. Let everything mash up and then they try to scramble some public relations gimmick to deal with it.

As I said, I saw him grinning and giggling on the television last night. He cannot say when the new ferry will come. He does not know what to do about the air bridge. Imagine that! In less than two months, the collapse of the air and sea bridges, Mr. Speaker. A vital link to Tobago. That is the legacy of the UNC.

It is so simple. They could spend \$1,300 million on an airport, \$100 million on the Miss Universe pageant, another \$300 million paving dead dogs and dirt in the road, paving on top of WASA leaks and so forth. They could do all of that, but they cannot spend a small amount of money to deal with the needs of the people of Tobago. They talk about national unity? They want to come here and talk about that? *[Desk thumping]*

I get the feeling that national unity applies only to them! It has nothing to do with the rest of the people in this country who might have the temerity to hold a different view. Just because Tobagonians might be of the view that the UNC is callous and incompetent, they have to spite them with this kind of behaviour? It appears to me that it is utter spite! That is the only way I could see the *laissez-faire*, lackadaisical attitude of this Government. To spite!

As I said, the Member for Tobago East has a particular problem. He cannot make noise in the Cabinet because they will throw him out of the Cabinet. He cannot criticize the Chief Secretary because he will not get selected as a candidate. He is not just between a rock and a hard place. He is squeezed from all sides. I sympathize with him. He is getting jammed all how. He does not know how to move. He is in a box. He reminds me of Houdini in chains in a box under water. The only thing is, he is not like Houdini because he cannot escape!

As my political leader said, it is unfortunate that we got to this point. I heard the Attorney General give an explanation of how great this report of the Dispute Resolution Commission is. I have never heard such convoluted logic. He said his Government enacted the Dispute Resolution Commission so there would be a mechanism to deal with disputes and, previous to that, there was no mechanism. That is like a man saying, "We have put a criminal justice system in place so that when we break the law, you could lock us up".

That is the convoluted logic of the Attorney General. He is saying that we have put a system to deal with transgressors so that when we transgress, they could deal with us. Why did they have to transgress in the first place? Why did it have to get to the point where the people in Tobago felt the need to invoke the Dispute Resolution Commission? There is no need for that. One set of grandstanding and *bravé danger*.

I have seen the Minister of Finance come in this Parliament and let go blows on the House of Assembly on how they have no accountability, and he deals with that by not releasing money to Tobago. That is how he deals with it. "No money for you!" So the people of Tobago must suffer because of the misconduct of one or two officials. It does not make any sense. It is an unprofessional approach to dealing with matters. Rather than deal with the errant officials who are misbehaving, they decide that the people of Tobago must suffer as a whole. That is what the effect of all of this has been.

The effect of the Government's actions is to make the people of Tobago suffer. They already have enough problems as it is, dealing with the misconduct of officials over there. You do not think, Mr. Speaker, Tobagonians have a problem with it too? They are people too. They see what is going on. They cannot be pleased with it. They cannot be pleased with things like ADDA and Ring Bang. It must bother them. They are human beings just like us. Intelligent, rational people. These things must bother them also.

Mr. Speaker, instead of dealing with the problem, instead of dealing with the misbehaviour of officials, the Government decides they would spite the whole population of Tobago by withholding moneys. So, moneys for infrastructure, for health care, for education and so forth, are withheld in order to punish one or two officials who really do not care. They go about their merry way doing their business as usual, while teachers in Tobago do not get their salaries and all sorts of problems occur in Tobago. It is an unprofessional and delinquent approach to government.

I endorse what the Member for Tobago West said. There needs to be clarification on exactly what is the intent of the allocation of 4.03 per cent. What does it mean? Does it mean that excluding interest payments on debt, excluding immigration costs, excluding customs, excluding state enterprises and excluding all of the other expenditures of the nation as a whole, take that out and then 4.03 per cent, or is it 4.03 per cent of the total? In which case, I am not certain that Tobago is getting a better situation—that they are going to be better off than they were before. This needs to be clarified, because it is not clear in the document.

The Dispute Resolution Commission did not clarify it at all. They made an ambiguous statement which needs to be addressed, and it needs to be explained, justified and rationalized, otherwise there is going to be tremendous argument here and tremendous scope for mischief.

I just want to tell the people of Tobago that when the People's National Movement takes office within the next month, two months or three—whenever it is going to be—when we take back the reigns of government, they can be assured of proper air and sea transportation, as they have always got from the PNM.

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

The Minister of Tobago Affairs (Dr. The Hon. Morgan Job): Mr. Speaker, when I was in primary school, they taught me to say: “He that steals my purse, steals trash, ‘tis something, ‘tis nothing, ‘tis mine, ‘tis his and has been slave to thousands. But he that filches from me my good name, robs me of that which enriches him not, makes me poor, indeed”. I have sat here and listened to a litany of incredulous statements coming from the three speakers on that side—I exclude the Member for Tobago West—

Mr. Bereaux: You cannot count now?

Dr. The Hon. M. Job: —doing much to assassinate and pillory my character. That is not fair, Mr. Speaker, and I will deal with them. Before I do that, I should make comment on a few of the matters they raised concerning Tobago.

There was much mischief afoot in the sense that they wanted the media to go and print as fact that Tobago does not have electricity. The truth is that Tobago has a surplus of electricity and will have a surplus of electricity, by any projection, for the next 10 or 15 years. At peak periods now, they consume 19 megawatts of electricity in Tobago and the capacity or the supply that is available to Tobago is 60 megawatts; more than enough for the foreseeable future.

It is indeed the case that estimates were made by the Tobago House of Assembly to spend \$630 million to solve their water problems. It would appear from the use of high-tech satellite imaging and bore hole drilling in certain kinds of geological structures that we have solved the water problem for an expenditure of \$22 million, and even Mr. Hochoy Charles is planning to export water from Tobago under the title, “Ring Bang Water”. [*Laughter*] I did not say it. Hochoy Charles said it. Not me. They have more water in Tobago than they could drink and they are going to export some as “Ring Bang Water”. As I say, merry fellow, go ahead. I am glad for that.

With respect to the question of education, Mr. Speaker, many people are not understanding when I am speaking. Long before I came into this Parliament, I did not think that I would have been inside here because that was not part of my ambition and plan. I had kept seminars and have written articles and a book of essays, and the whole theme, the whole life motive of the thing, is that this country—and the Caribbean region by extension—will go nowhere until they understand the critical importance of education to all aspects of life.

I heard one of my colleagues saying that he overheard a pundit saying in some lecture on Divali in this season that we are getting an improved standard of living, but the standard of life is not increasing. A statement pregnant with a lot of meaning and importance. If one wants to improve the standard of life, what we call the welfare, well-being, aesthetic sensibility and aesthetic infrastructure, those things that give meaning to life, that nourish a sense of feeling, of bonding, of connection to people and place and circumstance—a certain quality of life, if you want to call it—has to do with education.

Indeed, Mr. Speaker, I have been at pains to explain to people that spending money behind education is one of the fatal ways of undermining the quality of life and undermining the quality of education that one gives children if, by spending money, one is thereby believing vainly that the problem is a problem of materials and money. It is true.

I did say here in the Parliament long before Cabinet had agreed to form an agreement with the teachers that, indeed, we need to pay teachers more. I said—and I repeat what I said then—that I do not want to be part of any process to pay teachers to do what has been done in the past decades, which is to use the education system to destroy a lot of children.

I am not going to apologize for the fact that I said, and I repeat, that Dr. Williams had done a good job in tickling the mind of the population and motivating people to want to follow him to expand the secondary education. That was good and that is fact, but I have it on record to confirm what I have always said, that by doing so, we put in jeopardy a whole lot of children who came from certain specified and defined income classes in the country.

4.10 p.m.

When I went to primary school, many of my peers did not go on to high school. I remember one of the bright fellows, when we left primary school—some of my peers are very outstanding citizens of this country. I. T. Mc Cloud was a classmate of mine. Retired Superintendent Hubert Williams. Everybody would know that name. He was one of the brightest fellows in the class. Hubert Williams and all of us started going to a private secondary school together and he used to beat everybody in Latin and Greek. But his father died or some family misfortune took place and he had to stop going to high school so he did not end up like me, I.T., Horace Broomes and Purcell Lewis. All of us went on to get First Grade and Second Grade. Some came out quantity surveyors; others economists; others actuaries; others lawyers and all sorts of things. He went into the police and did well because of the primary school system from which we came. When they expanded the secondary school system, they neglected the primary school system and a whole lot of children suffered. The reason the primary school system was neglected was very deliberate and everybody understood it.

The Member for San Fernando East brought a Dr. Michael Alleyne down here last month or two months ago, to hold a seminar, after the Prime Minister of this country said that we were going to put every child into high school. We were going to revolutionize the educational system. We are expanding technical training in terms of the National Energy Skills Centre. We are building up COSTAATT to give people tertiary education outside of the University of the West Indies. We are doing all these things. We are getting a technology institute. All these things are happening and Morgan Job is up and about telling people we need also to think about the philosophy of education. We need to think in terms of the subsistence that links parents and teachers of primary schools where the foundations are being built. All that, we need to do in order to make this thing work.

In computer technology, many years ago when I was studying those things, they said there is a GIGO system—garbage in garbage out. If you put in rubbish into a computer system, you will get rubbish coming out. What we have done is simulated that system, in the sense that by neglecting the primary school system,

the quality of primary school teachers and the pre-school or prep school as we like to call it, because that subsystem was abandoned and neglected for the lower classes, the lower income groups, they went into the subsystem which we call the non-traditional system and suffered.

I am saying that when they are accusing me of making certain statements, they are not understanding what I am saying. Before I get into that, because we do not have all evening, in Tobago they say that this Government does nothing for Tobago. As I speak to you here, Sen. Dr. Eastlyn Mc Kenzie is chairing a committee that I demanded the Cabinet set up, in order, consistent with our need, to revolutionize the education system in the country. The specific terms of reference of that committee were not to go and investigate how the system is bad because the people in Tobago know how bad it is.

They sent up 80 children to do CXC last year or the year before, I think it was. Eighty children from the same area where I was born and grew up, where I.T. Mc Cloud and Lewis and all of us were born, where we came from, went to high school and did GCE O'levels and got distinctions in mathematics. Those same children took CXC and only one child passed, 79 failed.

In those days, up to now, under the PNM regime they were sending 600 of Tobago's children into Bishop's High School, Scarborough Secondary, Roxborough Secondary and some into Harmon and fanning them out but 600 were not going anywhere. Of the 600 who went into those secondary schools you were sure that five years after, no more than 20 per cent of them would have gotten their five passes and above. That was the PNM system.

When Sen. Dr. Mc Kenzie was given this assignment, the assignment was very specific. Tell us what must be done to improve the primary system, to improve the foundation so that when we expand the secondary school system, we are not going in with a "garbage in garbage out" system and the committee was to so formulate itself and it was so structured that the information from that analysis would be put into the whole system for the national body.

They are standing up saying that the Government did nothing for Tobago; the Government did nothing for education and all that kind of thing. In addition to that, I am sure in my mind that everybody in Tobago and everybody in Trinidad knows that as I speak here, one-third of all the primary schools in Tobago have a music programme going where children from five years old are doing music until they are 10 years old when they go into high school and before the end of the next curriculum year, we expect all the primary schools in Tobago to be in the programme. Negotiations are going on with one of the secondary schools to start an orchestra for that secondary school—Bishop's High School in Tobago. That is happening.

The Government is going to build a skills development centre at Roxborough and there have been some hiccups why we did not start a month ago, because we are at the point of evaluating tenders and all that, so that there are things being done that these people over there ought to recognize. It is getting on and there are so many things to talk about what is going on in Tobago.

I have here the *Hansard* record of the Member for San Fernando East and I do have the *Hansard* record also of the Member for Diego Martin West. They all pilloried me and said I did not know what I was doing. I do not know anything about giving people warrants—trivial. They spent a lot of time accusing me of being part of corruption and I am here sitting watching corruption. It is all in the *Hansard* record here.

When I was Minister of National Security—because the Constitution does not talk about Acting Minister of National Security—the Constitution talks about Minister of National Security. When I was Minister of National Security, as indeed has been the case for the past three years when I was in that position, people send things to me. People make allegations. I would hand them to the police. Some of them come to me because they were accustomed to the way things were done. They say, "Look. I want my son to be in the police or the army." Something like that and I would give them a certain kind of answer and help them in a certain kind of way, not the way that they probably traditionally expect.

The PNM had a system in place, but I have a letter here which I want to put on the record. I have a copy of a cheque which I want to put. I lay it on the table. I lay the letter on the table; I lay a copy of the Cabinet Note I have here on the table. I lay a private and confidential letter from some people, whom I shall name on the table. I shall read from these documents because I think it is in the interest of clearing my own name, my own character.

I remember I came into this House and I said that with respect to Tobago, the Member for Diego Martin East was accusing me of conniving with Mr. Charles because I want to beg Mr. Charles for a seat. Everybody in this country who knows me, knows the *modus operandi* of Morgan Job. I am not bluffing when I say I am not going to apologize for statements I did not make. The Attorney General is a lawyer. There are lawyers over there. There is a thing called malice aforethought. One of the things that every judicial system, every justice system from ancient times until now accounts very highly in judging innocence or guilt, is malice aforethought. Is that not so?

When I hear them speaking and saying all these things, that I am afraid of Mr. Charles and I am between a rock and a hard place, or as the Greeks would have said, between Scylla and Charybdis, I wonder who they are talking about. They cannot be talking about me. I am quite clear in my mind that in the Tobago case—and I have said it publicly—even Mr. Charles himself has tried to admonish me seeking to presume that I have been part of the reason why there is a public perception that I am telling the Government not to give him money. I never did any such thing.

I go to primary and secondary schools in Tobago and when I am in a primary or secondary school, I cannot be going in there discussing with school children whether or not Mr. Charles deserves money or does not deserve it, or whether the Government has a right to withhold money. I cannot do that.

I am doing what I was doing years before I was ever in politics or ever thought. I tell children they must read Nehemiah and Ezra, the books in the Bible, because they have a moral view. People who are telling you that development is about money are making a serious mistake. The Hebrew people who marched a thousand miles from the Kingdom of Judah to Babylon, walked on foot. They did not ride a bull cart. They had nothing. Generations after, when Arthur Zercise was the Emperor of Persia, the Babylonian empire having been overthrown, some of the highest men in the Persian empire, succeeding the Babylonian empire, were the descendants of those same Hebrew people.

Nehemiah himself—if you read the Book of Nehemiah, chapters one to five, he said I was forebearer to the King. He was the man who was the kind of chief executive, or chief of staff, to the Persian emperor. That is the point I am making to these children, to understand that culture, character and ideas—these are the things that are important in development—not money. Otherwise, Nigeria would have been a flourishing megalopolis; otherwise, Indonesia would have been; otherwise, we would not have half the problems in Venezuela. When I am talking about these things, I say them. I tell Mr. Charles and I tell everybody that, I am not talking about who is to get money or who is not to get money.

I have a mission to share my understanding, my insights and my knowledge and when people come in here to impugn my character, I feel very disturbed. I would not say hurt, because I do not take on these kinds of trivia.

Mr. Speaker, as I said, I have laid these documents on the table so everybody will have a chance to read them. The first one is a cheque—

“THE ROYAL BANK OF TRINIDAD AND TOBAGO LIMITED
Park Street Branch
18, Park Street
Port of Spain, Trinidad”

The date of the cheque is October 11, 1995, a cheque in the amount of \$2.5 million. The teller number is Teller No. 20. Signatures on the cheque are L. S. Duprey and it looks like Monteil—I cannot make it out, but it looks like that. The cheque was made out "Pay to the order of the People's National Movement". That has been laid on the table already.

The letter I shall read.

"As an ex-employee of CLICO I send you photocopies of documents to pass to the appropriate authorities for investigation.

I regret that I do not have the courage to come forward myself because I am a small man with a family and liabilities so it is impossible to stand up to these powerful men. My late boss Cyril Duprey would never have been involved in something like this.

CLICO and its German partners paid a bribe of 2,500,000 TT dollars to the Peoples National Movement so that the Government would accept US\$ 18,000,000 instead of US\$21,000,000 offered to the Government for its shares in the Trinidad and Tobago Methanol Company.

I was able to get a copy of the cheque (attached) and documents (enclosed) just before leaving CLICO. This cheque was paid without the approval of the Board and was signed by Mr. Lawrence Duprey and Mr. Andre Monteil. You will see that the cheque was handwritten by Mr. Monteil. From the documents I enclose you will see that the offer for the purchase of the TTMC shares included an upfront cash payment of US\$ 21,000,000 but the Government only received US\$18,000,000 in the Memorandum of Understanding signed on 3rd June 1993 by Mr. Patrick Manning. The Shareholders agreement was signed on 31st January 1994 and the construction of the new plant by one of the German partners started that year. The bribe was paid on October 11th, 1995 and the plant was finished early in 1996. So far of the missing \$US 3,000,000 only the TT\$ 2,500,000 bribe payment to the P.N.M. has been uncovered.”

This is the letter sent to me and I see under here, copies sent to the President of the Republic, the Attorney General, Minister of Finance. I received this letter while I was acting last Thursday.

The other thing that was sent. The Cabinet Note was dated 20 May, 1993 and it said—it is Cabinet Note, No. 1320 F(93)—

Mr. Manning: Mr. Speaker, I wonder if the hon. Member would be kind enough to give way?

Dr. The Hon. M. Job: Not yet. [*Crosstalk*] MPF—I cannot make out what is there—2/116 and [*Crosstalk*] it says:

"Trinidad and Tobago Methanol Company Limited - Memorandum of Understanding

Cabinet, having noted

- (1) its decisions recorded in Minute No 930 of April 7, 1993...with respect to the partial divestment and expansion of Trinidad and Tobago Methanol Company Limited (TTMC) and the participation therein of the Ferrostaal/Helm A.G. Consortium of Germany;..."

It goes on like that and it ended by saying that Cabinet:

"agreed

- (a) to accept modified Option C as outlined in Annex I to the draft Memorandum of Understanding attached at Appendix I to the Note as the preferred Option in the divestment of Trinidad and Tobago Methanol Company Limited, subject to the amendment indicated in paragraph 8 of the Note;"

The Minute Sheet stated:

"The enclosed Note for Cabinet..."

Well, I am laying this on the table so I should not read anything. [*Laughter*]

Mr. Speaker, I did not tell anybody to appoint me Minister of National Security. The Prime Minister has been doing that and people send all these things to me, but I thought, you know—this one says in part:

"in connection with the Shareholders' Agreement referred to at (a)[(i) above, to the arrangements proposed by Ferrostaal AG in paragraph 6 of Note F(94)34(Revised) to make the advance payment of US\$18-Mn. in respect of the transfer..."

4.25 p.m.

Mr. Speaker, all these things are here. The letter from Ferrostaal said—I laid it on the table, and I am going to read it. It says:

“14.04.93

Dear Sirs,

We refer to our letter of the 16th March 1993, and a draft Memorandum of Understanding, which was attached to that letter. We understand that our proposal has met with favourable consideration by the Government of the Republic of Trinidad and Tobago, but following with our Meetings with the Prime Minister, Minister of Finance and the Minister of Energy, we have concluded that one particular condition in our proposal may create some difficulties for the Government and we have been addressing possible solutions.

We refer in particular to the condition...”

Mr. Speaker: Just a second please. I must appeal to the Members for Diego Martin West, East, and others, please take it easy. There are others who might be interested in hearing what is being said, and it is not right for you to try to prevent that.

Mr. Imbert: I was not trying to prevent—

Mr. Speaker: Well, this is the effect that it is having. You should not perform while a Member is on his legs, particularly on a matter which appears to be serious.

Dr. The Hon. M. Job: Mr. Speaker, I laid the documents on the table. All Members would get copies of them.

“Option C

- (1) Upon the signing of the Memorandum of Understanding (MOU), and the approval of the US\$191M loan, Ferrostaal would advance to the Government of Trinidad and Tobago, a sum of US\$21M in cash and provide TTMC with US\$44M fresh equity;”

Ferrostaal was, apparently, offering a sum of US\$21 million. In the Cabinet Note, we are seeing a decision to accept US\$18 million; so there is a US\$3 million difference between what was offered and what was—*[Interruption]* no not yet.

Mr. Valley: Mr. Speaker, I just want to ask one question please?

Dr. The Hon. M. Job: No, not yet. What the letter is saying is that Ferrostaal offered US\$21 million, but the government, eventually, only accepted US\$18 million, and there is a cheque in the sum of \$2.5 million.

Mr. Valley: Would you give way now please?

Dr. The Hon. M. Job: No, I am not giving way.

Mr. Valley: Mr. Speaker, on a point of order, 36(5).

Mr. Speaker: One second please. [*Interruption*] Order please! Now, with the greatest deference, 36(5) will not apply; certain things are being put on the record, let them be put on the record, it does not infringe 36(5). Please proceed.

Dr. The Hon. M. Job: Mr. Speaker, I would not have done this. I spent three years here, and suffered terribly at the hands of those people just picking on me unfairly. I do not think it is right. These matters would be, as indeed they have already been, sent to the appropriate authorities to look into them.

The Government set up a committee and I spoke to Assistant Commissioner Grant whilst I was the Minister of National Security. With respect to the matters dealing with ADDA in Tobago—notwithstanding what the Member for Diego Martin East has said—I stood in this Parliament and have been on record as saying when I had taken an oath, I took an oath to support the Constitution and obey the law. When I take decisions or act in public, I act consistent with what I believe is the right thing to do.

I do not believe it is the right thing to be in the Cabinet and act as if I am in the Tobago House of Assembly; which is why I said when I am in the Cabinet, all these people here can attest to that, I argue with the Prime Minister, I confute things that he or anyone of them says. I have played my role as I think I ought to play it, but having walked out the Cabinet door, I have as much power as the Prime Minister's puppy dog, to confute or subvert anything that he lawfully says or does. That is my understanding of it. To be pillorying me and sending this kind of *mauvais langue* in public concerning my role as some Prime Minister's puppy dog, it is not fair, it is not right.

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

4.30 p.m.: *Sitting suspended.*

5.04 p.m.: *Sitting resumed.*

Dr. The Hon. M. Job: Mr. Speaker, I want to continue my contribution. As I did, indeed, say, we live in a country that has some severe limitations which are consequent on the way the education has functioned, the way we use language, and the way we use words. The Opposition grandmasters have exploited these weaknesses, which they have a lot to do with in terms of their abandoning the orders of people that had formed their major constituencies, which is why they are trying to foment hysteria in the police against me.

Mr. Speaker, I was very amazed when I was listening to the Member for Diego Martin West literally inciting people to attack me. This is what he said. I am quoting the Member for Diego Martin West:

“I thought he would have come in here today in sackcloth and ashes apologizing to all the people of Tobago whom he has insulted. When he talks about people who are not Syrians...”

He goes on like that and ends up by saying:

“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.”

These are the words of the Member over there, that I would be inciting people to accost me in the streets. All I was doing is trying to help all of us, including him, to deal with the massive, negative consequences that flow from the abandonment of the people who had formed the PNM core constituency over decades.

They did that primarily because they engendered an education system, which, according to Michael Alleyne, was devoted to exploiting the profit of politics. This is what Michael Alleyne says:

“As a political strategy, the Junior Secondary School program was calculated to reap a greater number of votes for the People’s National Movement Party than any other single item in the Party’s manifesto. For the people of a society that was just emerging from colonialism, the expansion of secondary education through the creation of Junior Secondary Schools promoted the social and economic upward mobility that they were denied during the colonial era. For each child that gained admission into a secondary school, the PNM could count on at least one vote from each parent, in addition to the other adults interested in the child’s education.”

Alleyne continued on page 114 to say:

“A general election was scheduled for 1986. Dr. Eric Williams, who was Prime Minister throughout the whole independent period of the country until his death in 1981, had always used education, especially at the secondary school level, as the major vote catcher in election campaigning.”

“A major vote catcher”, so that they knew full well, and Alleyne says that here, and other people who have studied the problem have said so. All along they knew; they had the *Bruce Report*, the *St. Clair King Report*, the *Gocking Report*; all these people were pleading that we were doing a great harm to poor people, because the Syrians, Chinese, Lebanese and the upper class so-called Africans and Indo-Trinidadians were paying in a different system. They were in a private system.

Even when you had state-assisted schools, they operated as if they were private schools. Curepe Presbyterian, Newtown Boys’, Holy Name Preparatory, you have a waiting list going back years to get into those places, so that the people who were getting PNM education were those at Glosterlodge Moravian, Manzanilla A. C. and Morvant R. C.

They were getting the bottom of the barrel, which is why in 1989 I wrote this article in the *Trinidad Guardian*. Clive Nunez is still alive, he is not dead, you can go and ask Clive Nunez. I wrote a letter to the then National Joint Action Committee, gave it to Clive Nunez, and this is a quote from the letter:

“Compared to most countries of the world, the Trinidad and Tobago Police have been very tolerant. They have shown great restraint during these eventful days.

‘It is quite true that the Police have on occasions overacted. But, tell me, where else could one have taunted, mocked, assaulted and calumnised policemen to the extent that has been indulged in, without bloodshed and loss of life being an inevitable consequence of this confrontation?’”

Basil Davis’s death occurred when the mob attempted to free an arrested man (Davis) from the custody of Corporal Gordon. If they had tried that action in Venezuela, in Kenya, Nigeria, or some other countries that we know of, they would have had to bury many more than Davis in the weeks which followed. But our Police generally remained calm and civil.

Then, as now, the Police Service was a haven for failures and rejects. Those who failed O'levels, received third grades, or did not go to secondary schools became policemen or checkers or migrated or remained unemployed. Eric Williams did not have to do much to win the loyalty of such an insecure collection of marginal people threatened with death by an alliance of leaders of the ignorant mob and ignorant soldiers."

What the people were saying—and I quoted that before—the National Joint Action Committee people were calling the police pigs, and saying that they must kill them. I told them, I told Clive Nunez and I wrote it down. I said, "You are making a mistake, because many of these young men in police uniform are there, not because they hate anybody; they are there because of their circumstance." After I said that, I was on record and on the radio when Morris Marshall was inciting people against the police and saying the police killed Yellows, and I wrote it, saying "That is unfair to the police, because many of these policemen have put their lives on the line; some of them have been killed in the line of duty, and it is not fair that Marshall or any other politician should use an incident, which should be left to due process of law, to mobilize people against the police." I am on record as saying that.

Before this incident, again, I said that we should refurbish the police headquarters and make it a monument to Corporal Sankar, who was killed in the distress that happened after 1970, and the young policeman who was blown up on duty there and there was also a sergeant or inspector; many of them died in that place. I said that we should refurbish the place as a monument to all these people who, since 1876, had used that building to do their duty: to protect law, order, life and limb in this country.

My record is, without doubt, one of the best public records of anybody who ever sat in this House, in terms of public declarations in favour of respect for policemen who, through no fault of their own, might have gone into the police service with certain kinds of social circumstances driving them there. I have no doubt in my own mind that they are making mischief.

I want to get back to some aspects of the problem I was dealing with. I was talking about a music programme for Tobago and the things we need to do. I am not yet done with the issue that I started talking about before the tea break, but I just want to make sure I get on the record what I was saying. In the Tobago case, it is not true that the Government has done nothing for Tobago. The public in Trinidad and Tobago must understand that there were certain constraints that still exist, in terms of the interpretation of the THA Act.

It is not my fault that the Tobago House of Assembly Act is a problem. I came and met that. I am substituting for the former Minister of Tobago Affairs who was there and was part of the making of that Act. Concerning the school at Mason Hall that the Member for Tobago West talked about, the Government, indeed, had a loan to build that school at the same time that it agreed to build the Cunupia Government Secondary School. The Cunupia Government Secondary School has been built.

The reason why the Mason Hall school has not been built is because of the THA Act, because Mr. Charles and the Tobago House of Assembly spent more than a year trying to figure out—as the former Minister of Education advised me—who should sign the memorandum of understanding. In the crosstalk between the THA and the Minister at the time—getting some sound bytes from that discussion—the same thing applied to the hospital. They are unfairly saying that the Government did not want to build a hospital in Tobago. As far as I understand—and the Minister of Health can confirm it—I am sure that the hospital is due to begin in February of next year. Again, the reason why nothing has been done is because of this same memorandum of understanding problem; so those two issues ought not to detain us.

The question of the education system and the hospital, all these issues that they are talking about, roads in Tobago East, things are happening. In this election season we should be really talking about the issues that are going to lead this country forward: an innovative education system that deals with how you modernize curriculum at the same pace that technology is changing. You cannot have a curriculum for information technology courses in a secondary school that does not modernize itself every year, year and a half or every two years, because the generation of equipment or programmes that you have now, six months from now they will be obsolete.

There are schools in the world today where they no longer call it “software”, they call it “courseware”; all these things are modernized every year. There is process innovation, in the sense that the way you teach and the way you learn, you keep reducing the cost of doing that in terms of teacher time, equipment and all that. You need to think in terms of the new products of the system in the sense of new courses you want to bring on. You want to think in terms of how you link the pedagogical system to the technological trends that are going on. All these things you have to do, modernize the classroom.

5.15 p.m.

I have never heard anybody on that side talk about what we need to do to modernize classrooms to make them interactive in terms of video conferencing, information technology, getting children hooked up to CD-ROM, the Internet, teacher smart boards, all at the same time. There are classrooms on this planet where children have those facilities from primary school and not one of them is talking about that. They are talking about an obsolete system which they designed which I am claiming that the evidence tells you it has destroyed tens of thousands of our people because of their negligence and abuse of the political system, because they know that the parents whose children were in the shift system were not in a situation to buy out or drop out of it and they would not ask questions because they do not have the information that you have to bring to bear to ask the right questions. All these issues are what we need to be dealing with today. So we cannot come in here and just accuse Job of doing nothing for Tobago, when, in fact, I am part of a Cabinet that is doing all these things, not only for Tobago, but for Trinidad and Tobago.

Mr. Speaker, I said that one of the most important issues going on in Trinidad and Tobago today is the debate about education because we are at the point where we can start doing the assessment of what had gone on in the past and why it has led us to this sorry start. Why a lot of our young people cannot be employed in anything lawful because they have not been trained. They are talking about this Signal Hill Technical Vocational School. The evidence we have available to us is that the education plan that built up—all these junior secondary and comprehensive and all the different types of schools you have were very well equipped in the 1970s. Some of the equipment have become obsolete, but even so, the internal efficiency of the system—by which I mean how well were the subjects taught—was very low, almost zero. The external efficiency—by which I mean—when you train people in plumbing, welding, electricity and whatever was done in one of these schools, how well were they trained so that they could get a job? Almost none of them got any jobs as a result of that. So the external efficiency was zero. We needed to do and we must do now—this is what I am engendering—all those analyses so we must understand what this Government is doing when we are saying; by setting up these national energy skills centres where we are giving people training is a more effective and efficient system in terms of preparing children for the job market. All these kinds of things are what we need to be discussing.

How do we invest in prep school education? Because all the research papers in the Economics Journals that you can read, *American Journal of Economics*, *Journal of Political Economy*. All these journals I read, I had to study them as part of my preparation for my profession and I still read them. They are all going to tell you that a dollar invested in pre-primary or prep school has a fantastically higher rate of return to any dollar you invest at university or secondary level. It is easy for you to understand that. Who is going to go to university? It must be the child who went to secondary school, and who is going to secondary school? It must be the child who went to primary school and did well. Who is the child who is going to do well in primary school? The child who went to prep school and was properly prepared. It is so simple to understand that. So when the econometricians do statistical analyses and regression and tell you that the best thing a country can do is spend more money on primary and prep school—this is not something that you have to be a rocket scientist to understand, but it was the thing the PNM neglected to do for their own constituency and left them behind lagging, and when I am trying to explain that to people, they are on my case trying to pillory me, vilify me, trying to make it out that I am some sort of monster let loose in this country of Trinidad and Tobago. Totally mischievous, and the mischief has no end, that is why I am forced to adopt the position I am adopting.

I know full well that the Government that I am happy to be a part of until now has acted in good faith in many of the areas that are distressing the people of Tobago, but for the fact that they wanted the Tobago House of Assembly Act to work. I myself, as they say have been in an ambiguous position. The Act has to respect the Constitution, but there have been people in Tobago and it has been my experience—I have been insulted, humiliated, treated with contempt merely because I am a Member of the Cabinet and merely because I apparently did not behave as the mouthpiece of certain people in Tobago when all I was doing was my duty according to my oath.

The Act as it is now written, is ambiguous. We are in a federal relationship with Trinidad in Tobago. We are not in a relationship as Nevis is to St. Kitts. I think it is the Member for Tobago West who talked about how they acted in respect to the Tourism Development Bill. What she was alluding to, and I take liberty to try to interpret that statement. She was saying the Government accepts that the Constitution of this country says that the Cabinet of this country in section 75(1) must be constituted in a certain way and it shall manage this country and be accountable to Parliament. It does not say that the Tobago House of Assembly can pre-empt in any way the prerogatives, duties, or responsibilities of the Cabinet, and she is quite right when she says that. I agree with that, but a lot of the

interpretations of the Tobago House of Assembly Act and, therefore, my role and relation had to do with that understanding that the Tobago House of Assembly shares the power of Cabinet. I think it is section 31 of the Tobago House of Assembly Act which says that the Prime Minister may invite the Chief Secretary to Cabinet, and some people interpret that to mean that the Chief Secretary is to be the person to speak in Cabinet for matters having to do with Tobago which again, puts my situation in a kind of doubt.

Why do you have a Minister of Tobago Affairs, when, in fact, the Prime Minister must talk to the Chief Secretary according to section 31 of the Act? That is one interpretation, and it has created no end of mischief for me. I try my best to stay away from the controversy, but I am not to be blamed if I try with the utmost courage and fortitude at my command to make sure that there is a smooth relationship according to law. I cannot do more than that. So when the Member for San Fernando East, the Member for Diego Martin West and the Member for Diego Martin East said that I am drawing a salary under false pretences they do not understand the situation I have been in and I think I have done a great job over the last three years managing through a difficult set of circumstances. [*Desk thumping*] So they are being very unfair and they know that they are being unfair. They understand my situation quite well. Therefore, when they say that I am begging Hochoy Charles for a seat, I do not know that I am doing that. I am doing what I am supposed to do. I am begging no one for anything and if it is the will of the people of Tobago East that I shall represent them, I shall represent them.

Mr. Speaker, what we have to do is to put everything in perspective and do not manipulate the unawareness—I do not want to say the ignorance because people are not entirely ignorant—of political issues. Some of them are unaware of some of these things, therefore, it is easy to mislead them into believing that maybe Job is here having a good time and doing nothing. If you want to get back to the question of where they spend a lot of time accusing me, as indeed they all have done, and did in this Motion of being a conspirator to corruption or something like that. I have done no such thing, Mr. Speaker. I have said that people have always written me things and I want to state again I do not think I have said it quite clearly with respect to the documents that I laid on the table that the facts are as follows:

“Early in 1993, the Government of Trinidad and Tobago received an offer from the German partners of CLICO for the purchase of 55% of the Trinidad and Tobago Methanol Company. This Company is now owned by CLICO, Ferrostaal and Helm. The offer for the Government’s shares, and I quote from Ferrostaal’s letter of 14th April 1993 addressed to Professor K. S. Julien, was ‘a sum of US\$21 million in cash’.”

That is what Ferrostaal offered.

“The then Prime Minister, Mr. Patrick Manning, travelled to Germany, after visiting Severn Trent in London with the water deal and on 3rd June 1993 signed a Memorandum of Understanding in which the Government and by extension the people of Trinidad and Tobago were paid only US\$18 million. ”

So Ferrostaal offered \$21 million, but the then Prime Minister signed an agreement which said, that we, as a country should receive \$18 million.

“This Memorandum of Understanding was ratified by the Cabinet on 3rd February 1994. The agreement required that the Company with its new owners build an additional Methanol plant. The plant was completed early in 1996 and commenced production shortly thereafter.

Mr. Speaker while the purchasers, CLICO’s partners in the Company, had offered the sum of US \$21 million for the shares Mr. Patrick Manning decided to accept only US \$18 million on behalf of the People of Trinidad and Tobago.”

One is left to ask: “Where did the US \$3 million go?”

“On 11th October 1995 part of this US \$3 million was uncovered in the form of a cheque for the sum of TT \$2,500,000 payable to the People’s National Movement, written by CLICO.”

The date of the cheque as I said, was October 11, 1995. *[Interruption]* It was paid to the order of the People’s National Movement, \$2.5 million. The cheque was written by CLICO, the same person who is a partner to Ferrostaal; Andre Monteil and Lawrence Duprey are the signatures I see here.

“The cheque was deposited to the PNM’s bank account at Teller number 20 at the Bank of Nova Scotia Port of Spain branch on October 13th 1995. The cheque was cleared by CLICO’s bankers the Royal Bank Park Street Port of Spain on October 16th 1995 on CLICO’s bank account #08915 003 107 906 0. The cheque was signed by Mr. Lawrence Duprey and Mr. Andre Monteil, both of CLICO.”

I read the cheque into the record, I read the letter that was written to me into the record and portions of the letter which was written by Ferrostaal to the Government. All those things I put on the table so they are in the record.

“Ferrostaal Aktiengesellschaft. Gesellschaft in German means something to do with business, a company. So it is Ferrostaal Company. I know German a little, but I do not know what Aktien means, so I cannot tell you, but I know Gesellschaft has to do with business.

Mr. Valley: Mr. Speaker, I wonder whether the Member would—

Dr. The Hon. M. Job: I am not giving way.

“In these circumstances I have referred the letter and the documentation to the Attorney General, the police and the Director of Public Prosecutions and will ask them to deal with it.”

Mr. Speaker, I have no doubt in my own mind. There is also—

Mr. Bereaux: Mr. Speaker, he is reading a letter. We do not know the date, and it is not signed.

Dr. The Hon. M. Job: It is laid, you will get a copy of it.

Mr. speaker, I remember well that these people were always accusing me and I have to make this point very clearly and slowly. Corruption is not about a particular political party in any country and when I say that, I am not saying that to absolve anybody on this side of corruption. I cannot do that. The kind of person I am, I would not do that, but I have said before and I repeat again. What is the record of the People’s National Movement in terms of creating the institutions?

This Government has passed several pieces of legislation. This afternoon we did something to deal with the parliamentary committee that will have powers to ask questions and call in people to talk to them. That was not done by the PNM. We have four other pieces of legislation: the Freedom of Information and the Integrity Bill which were passed last week, all these things have to do with setting up a kind of institutional framework that will allow the public, the Executive, the Opposition, all the institutions and partners in the state to do the best they can according to law to deal with the matter of corruption. What did the PNM do? They did nothing. I quoted from Eric Williams’ book here, he was the former Prime Minister, a man who I respect greatly, and he was on record as saying—they can buy the book; if they do not have one I can loan my copy to read.

5.30 p.m.

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

Motion made, That the hon. Member’s speaking time be extended by 30 minutes. [*Hon. R. L. Maharaj*]

Question put and agreed to.

Dr. The Hon. Morgan Job: Mr. Speaker, I was saying, let us be fair. All of us in this country—those on this side and those on the Opposition side—must have a vested interest in reducing the cost of corruption to this country. However, if we have a vested interest in it as responsible people, we need to be immobilizing public opinion in a dispassionate manner. When public opinion is mobilized in a partisan manner, they are not going to focus on the culture and the institutional equipment that we need. They would never do that. It would be us and them and that kind of environment. That kind of ambience blinds one. That kind of passionate intensity of emotions canalized to a destructive purpose—and in the sense of Opposition politics into an instrument to win victory and to win power—can do nothing good in terms of what we need to do to the minds of children and to the media to help them spread the message—all those substrata that we need to be looking at to build a foundation of an anticorruption struggle.

I am pleading with the people from the other side: it is not the UNC Government that created all those past incidents that we know so well, associated with the DC-9 scandal and all these kinds of things. You understand what I am saying? So that when I talk about the bribe cheque that I spoke of here this afternoon, I am not saying this to pillory the PNM or anything like that. That is not what I am doing at all. I am really trying to put on record the fact that there is a situation in this country where we all need to mobilize our feelings and our ideas to the best that we can bring it to bear on the issues.

With respect to the particular problem that brought us here, this afternoon, Mr. Speaker, this question of the Motion:

“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 did serve notice, when I started to speak, that indeed the Government had resolved to amend the Motion to say that we accept. So we need to take out, “take note of the Report” and it should now read:

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

I think I should attend to the one point that the Member for Tobago West made concerning the interpretation of some of the recommendations and advise her that in fact I did, when I was Minister of Finance—so I should not say when I was, because in law the Minister of Finance advises—I did advise the technical

people in the Ministry of Finance to do an evaluation of the report on which Cabinet will then decide. This Cabinet or the next Cabinet, whoever forms the government, will then act in terms of the issues that she is raising. So that matter is being attended to. Mr. Speaker, I do beg to move the Motion as amended. Thank you. [*Desk thumping*]

Question on original motion, as amended, put and agreed to.

Resolved:

That this House approve the Report of the Dispute Resolution Commission appointed under section 56 of the Tobago House of Assembly Act, 1996.

Dr. The Hon. M. Job: Does it matter whether it is “accept” or “approve”?

Mr. Speaker: It is part of the problem when one does not put something in writing. What I had was “approve”. I just checked that it was “approve”, but if you feel that it is “accept” for the sake—you see, nowhere was that put in writing before the House, which should have been done.

Dr. The Hon. M. Job: I prefer “accept”. Sorry, Sir. I prefer “accept”. But I apologize.

Mr. Speaker: You know, I am made to look like an idiot.

Dr. The Hon. M. Job: Sorry, no, no, no; it is not your fault, Sir.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, we had interrupted the proceedings because we had reached “Presentation of Reports from Select Committees”, so I wonder whether we can go back to that—[*Interruption*]

Mr. Speaker: Indeed.

Hon. R. L. Maharaj:—and I could present the Report and then we can do Motion No. 2 which has to do with the Senate amendments, then we could do the two Bills. [*Interruption*]

Mr. Speaker: He is just laying the Report.

Agreed to.

**STANDING ORDERS COMMITTEE REPORT
(PRESENTATION)**

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I wish to present the following report:

Report of the Standing Orders Committee of the House of Representatives which considered the proposed amendments to the Standing Orders to give effect to section 66A of the Constitution.

**OFFENCES AGAINST THE PERSON (AMDT.) BILL
Senate Amendments**

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

That the Senate amendments to the Offences Against the Person (Amdt.) Bill, 2000 listed in the appendix be now considered.

Mr. Speaker, these amendments mainly had to do with putting in a proclamation clause in the Bill, and, two, making it quite clear that the existing law on the death penalty remained. So it says that, notwithstanding the fact that the existing law remained, the new clause 4A was added in order to deal with something with which we omitted to deal at the House stage—although we had debated it—which had to do with the compliance of a convention relating to children and to put the law on equal footing with respect to males and females. I beg to move.

Question proposed.

Question put and agreed to.

Clause 1

Senate amendment read as follows:

“Re-number clause 1 as clause 1(1) and insert after clause 1(1) as renumbered the following new subclause:

‘(2) This Act shall come into operation on such date as the President may appoint by Proclamation.’”

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

Question proposed.

Question put and agreed to.

Clause 2(2)

Senate amendment read as follows:

“Delete the words ‘may not be convicted of capital murder unless his act or acts amount to or constitute murder 1’ and substitute the words ‘shall suffer death if he is convicted of murder 1’.”

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

Question proposed.

Question put and agreed to.

Clause 3

Senate amendment read as follows:

“A. Delete the marginal notes and the first four lines and substitute the following:

Sections 4D 4E, 4F, 4G, 4H, 4I and 4J inserted	3. The Act is amended by inserting after section 4C the following new sections:’
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B. Delete the words ‘4A, 4B, 4C, 4D, 4E and 4F wherever they occur and substitute the words ‘4D, 4E, 4G, 4H, 4I and 4J respectively’;

C. Insert after proposed section 4E as amended, the following new proposed section:

‘Non-applicability	4F. Notwithstanding section 4—
	(a) a person convicted of murder 2 shall suffer death only in the circumstances referred to in section 4G;
	(b) a person convicted of murder 3 shall not suffer death.’

D. In proposed Section 4D, delete the word ‘includes’ and substitute the words ‘consists of.’

E. In proposed Section 4E(2), delete the words ‘capital murder’ and substitute the words ‘murder 1’.”

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

Question proposed.

Question put and agreed to.

New Clause 4A.

Senate amendment read as follows:

“Section 54
amended

4A. The Act is amended in section 54 by—

- (a) deleting the words ‘under the age of ten’ and substituting the words ‘under the age of sixteen’; and
- (c) deleting all the words commencing with the words ‘but no person who claims to be the father.’”

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

Question proposed.

Question put and agreed to.

Preamble.

Senate amendment read as follows:

“Delete the Preamble.”

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

Question proposed.

Question put and agreed to.

ARRANGEMENT OF BUSINESS

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, we can proceed to Bills Second Reading and we had indicated that we will do Bills Nos. 1 and 2. We will do Bill No. 1.

Agreed to.

COMPUTER MISUSE (NO. 2) BILL

Order for second reading read.

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

That a Bill to prohibit any unauthorised access, use or interference with a computer and for other related matters, be now read a second time.

I am also asking at the same time, Mr. Speaker, for the House to agree that Bill No. 2 be debated conjointly, and when it reaches the committee stage they will be considered separately. So I would like to get the concurrence of the House on this matter. Is that okay? [*Interruption*]

Mr. Speaker: There was no discussion on it?

Mr. Valley: There has been no discussion on that, Mr. Speaker. It appears to me that they are two separate Bills—unless the Minister shows that they are intertwined, that they are related.

Hon. M. Assam: That is what I am saying, that they are related, and when I presented these Bills in the other place we took them conjointly because they are related, the Computer Misuse and the Electronic Transfer of Funds Crime (No. 2) Bill. So I am seeking the permission of the House, through the Speaker, to get permission.

Mr. Speaker: If there is any dissenting voice—but if there is not. Okay, in the circumstances, in the absence of a dissenting voice, both Bills will be—one would feel free to debate them together, although they would be voted on separately.

Agreed to.

Hon. M. Assam: Thank you very much, Mr. Speaker, and I want to thank the Members opposite for agreeing to discuss the two Bills conjointly. So, Mr. Speaker, I beg to move,

That a Bill to prohibit any unauthorised access, use or interference with a computer and for other related matters, be now read a second time.

Mr. Speaker, it is well known that computerization is taking place all over the world—not all over the world but even developing countries such as Trinidad and Tobago are pursuing the computerization of almost every aspect of our lives, not only in business but we are introducing it into education, people are introducing it into their homes, hence the reason this Government introduced a measure

two years ago to offer public servants an interest-free loan to purchase a computer. This is why this Government has been introducing computers in elementary schools and this is why in the recent budget statement, the Minister of Finance, Planning and Development indicated that we would be providing Internet access, even at the primary school level.

5.45 p.m.

Mr. Speaker, in order to ensure that there is proper use of the computer, because as you know, a computer is used for so many different activities, whether it is in banking, entertainment, downloading of information in all kinds of areas such as Internet, e-commerce and so forth. So in order to ensure that the computer is used properly, it is important for us to put into legislation, some of the parameters surrounding the use of a computer.

Mr. Speaker, as you know, this Government, through the Minister of Trade & Industry and Consumer Affairs appointed a committee sometime ago, which was approved by Cabinet called the National Electronic Commerce Committee. This committee did an interim report in December last year and a final report in June of this year. Some of the recommendations of this committee are contained on page 64 of this report.

Mr. Speaker, there are basically 18 recommendations but one of the most important is, that Trinidad and Tobago enact new legislation that neutralises technology related constraints in existing laws which restrict the legal acceptance of electronic documents and transactions. It speaks about all the areas with respect to the World Intellectual Property Organization (WIPO) conventions, performance and phonograms treaty, the copyright treaty and all the duties of Internet service providers and so on. I would not go through the entire thing, but suffice it to say that this document serves as a background to what is taking place in Trinidad and Tobago today, with respect to e-government, e-commerce—all kinds of electronic transactions and e-business.

Mr. Speaker, there was also a very interesting article reported in the *Sunday Guardian* dated October 15, 2000, written by one Geisha Kowlessar. This article's headline reads: "Phone-tapping, computer hacking grip T&T." Mr. Speaker, you are quite aware, in the other place, it was raised sometime ago that hacking was taking place and that certain bank accounts were accessed through this means, which at that time in Trinidad and Tobago was not illegal—although I deemed it to be immoral—but we are going to be putting the laws on the books today, if we agree that hacking is an illegal activity.

Mr. Speaker, the background to this Bill is that individual privacy is a constitutional right of every citizen and we must continue to ensure that safeguards are put in place to protect this right. Consumers are not likely to participate in the global marketplace without assurances that their personal data would be protected. We, therefore, need to adopt a flexible and responsive approach to the protection of personal data, including the acceptance of self-regulatory solutions and enact laws that forbid the disclosure of personal data to other persons, unless so authorized by the data exporter. Current international initiatives to enhance privacy protection on a global basis should be taken into consideration.

Mr. Speaker, of paramount importance in this whole debate, is the question of consumer's rights and obligations. In setting standards for consumer protection, the rights of the consumer should not be diminished as the result of the use of Internet technology. The protection of consumer's rights is essential to the building of trust in the e-commerce environment because confidence in any environment is very important for the sustenance and the continued development of society, both in the political and social areas. The right to information is a key element of consumer protection. In fact, it is that very ingredient that provides consumer sovereignty and gives one the ability to make informed choices. The consumer should be informed of the type of information which is required, whether it would be stored, and if distributed, to whom. That is the kind of authorization that is important. A consumer whose personal information is to be stored and distributed should have the right to give prior consent. In other words, you cannot allow people to just access information without proper authorization because the whole question of privacy would be undermined.

So the object of the Act is to prohibit the unauthorized access to, use of, interference with any programme or data held in a computer. The Bill, therefore, seeks to enhance computer security. The object is achieved through giving protection to the integrity of computer systems; providing stringent penalties for specified computer related offences; and providing enhanced penalties in cases where the offence results in damage, which includes financial loss, injury or harm and providing a distinct jurisdictional framework for prosecution of offenders under the Bill.

Mr. Speaker, what amounts to unauthorized access? Unauthorized access means that someone is not entitled to access the kind of programme or data and one does not have consent to access the kind of programme or data in question, from the person who is entitled to control access. This means, if I am in charge of

a department and I am in charge of storing and distributing data, I will be able to give access to people at different levels in that organization, depending on the sensitivity of the information or how classified is the information.

Now, there are specified computer related offences and penalties such as unauthorized access to computer programmes and data: someone who knowingly and without authority causes a computer to perform any function for the purpose of securing access to any programme or data held in that computer or in any other computer. Access with intent to commit or facilitate commission of an offence, that is, knowingly causing a computer to perform any function with intent to commit an offence. Another one is involving property, fraud, dishonesty, or which causes bodily harm and, finally, one which is punishable on conviction with imprisonment for more than one year.

Mr. Speaker, there is another category about how you can have unauthorized modification of a computer programme or data doing a direct or indirect act without authority, which the perpetrator knows would cause an unauthorized modification of any programme or data held in any computer. When such an act results in a damage, an increased penalty would be imposed.

There is also the case of unauthorized use or interception of computer service. Anyone knowingly and without authority securing access to a computer for the purpose of obtaining directly or indirectly any computer service; intercepting or causing to be intercepted directly or indirectly any function of any computer, by means of an electromagnetic acoustic, mechanical, or any other device; using or causing to be used directly or indirectly, a computer or any other device, for the purpose of committing an offence which I have described above.

There is also the other case of the unauthorized obstruction of use of a computer. Anyone knowingly and without authority interfering with, interrupting or obstructing the lawful use of a computer or impeding, preventing access to, or imparting the usefulness or effectiveness of any programme or data held in a computer.

5.55 p.m.

The other area is unauthorized disclosure of access codes. As you know, Mr. Speaker, in many computer environments, there are passwords or access codes. Therefore, anyone attempting to interfere with these passwords or access codes, who knowingly and without authority, disclose any password, access code for any other means of gaining access to any programme or data held in a computer, for any unlawful gain, whether to himself or to another person, for any unlawful purpose, or knowing that it is likely to cause unlawful damage.

The other area, Mr. Speaker, is an enhanced punishment for offences involving protected computers. There are certain computers that are protected, and the protected computers are those areas where national security, defence, or any other kind of area of a confidential source related to the enforcement of criminal law, or the provision of services directly related to communications or infrastructure of a state or banking and financial services; all of these—or maybe key safety and public health institutions and facilities—are considered to be protected computers. Therefore, all of these will come under the question of the commission of an offence under sections 3, 5, 6, and 7 of the Act.

Unauthorized receiving or giving access to computer programmes or data. Mr. Speaker, receiving or giving access to any programme or data held in a computer, or not getting authorization to receive or have access to that programme or data from another person, whether or not he knows that that person obtains that programme or data through unauthorized or authorized means.

In the case of a person authorized to receive or have access to any programme or data held in a computer, receiving that programme or data or from another person, knowing that that person has obtained that programme or data through unauthorized means.

Obtaining any programme or data held in a computer through authorized means, and giving that programme or data to any person who the perpetrator of the offence knows is not authorized to receive or have access to that programme or data.

Obtaining any programme or data held in a computer through unauthorized means and giving that programme or data to another person, whether or not the perpetrator knows that that other person is authorized to receive or have access to that programme or data.

There is another area that has to be addressed. If one causes a computer to cease to function. Engaging in conduct which causes a computer to cease to function permanently or temporarily where, at the time of the engagement of such conduct, the perpetrator has knowledge that the conduct is unauthorized, that the requisite knowledge has been accessed and there is a requisite intent.

The penalties for all of these things, Mr. Speaker, a fine on one's first conviction, of \$15,000 and imprisonment for two years. For the second conviction, a fine of \$20,000—\$30,000 or imprisonment for three to four years, except where unauthorized disclosure of access codes causes unlawful damage and there is a second conviction which can result in a fine of \$50,000 or imprisonment for six years. For offences involving protected computers which I enumerated earlier with respect to national security and safety, infrastructure and health systems, one is liable to a fine of \$150,000 and imprisonment for 10 years.

In all instances where damage is caused as a result of the offence, the person convicted of the offence shall be liable to additional fines. If the offence is committed or not in question, as directed at any particular programme or data, a programme or data of any kind or a programme or data held in any particular computer.

There are some jurisdictional issues, Mr. Speaker. Therefore, the Act has a certain scope. It will have effect in relation to any person, whatsoever his nationality or citizenship outside as well as within the state. Or, where the offence is committed outside of the state, the perpetrator may be dealt with as if the offence is committed within the state.

As you know, Mr. Speaker, we are now living in the world of cyberspace and one can have cyberspace crimes. A crime could be committed in a foreign jurisdiction or foreign territory and affect, directly, a computer or any kind of information technology system in Trinidad and Tobago.

Mr. Manning: Or a local bank.

Hon. M. Assam: Yes, or a local bank or any institution, for that matter. If they want to access one's health records, for that matter—which they did from the blood bank of the late President of Syria, where they were able to access information from a computer in order to determine the disease that he was suffering from, from which he subsequently died. All these things are possible because of cyberspace crime.

Notwithstanding the above, the Act shall apply if, for a particular offence, the accused was in the state at the material time, the computer programme or data was in the state at the material time, or the damage occurred within the state, whether it applies to either (a) or (b), which is being in the state at the material time or the computer or the programme data were in the state at the material time.

There is also the jurisdiction of the court. A court shall have jurisdiction to hear and determine all offences under this Act. A summary court shall have jurisdiction to hear and determine any offence if the accused was within the magisterial district at the time when he committed the offence, or any computer containing any programme or data which the accused used was within the magisterial district at the time he committed the offence, or the damage occurred within the magisterial district, whether or not it applies to (a) and (b) above.

There is also a compensatory factor. A court can order against the convicted for a payment of a sum fixed by the court by way of compensation to any person for any damage caused to that person's computer, programme or data, as a result of the offence for which a sentence has been passed.

There are certain police powers attached to this Act. The Act shall not prohibit a police officer or person authorized in writing by the Commissioner of Police from lawfully conducting investigations pursuant to any powers conferred by any written law.

Mr. Speaker, Part I of the Bill provides for the preliminary matters in which there are two clauses. Clause 1 in the Bill provides the short title, which is the Computer Misuse Bill. Clause 2 provides for the interpretation provisions.

In Part II, there is clause 3 which makes it a summary offence for a person knowingly to have unauthorized access to any programme. Clause 4 would make it a summary offence for a person with or without authority to access a computer programme. Clause 5 would make it a summary offence if a person does an act, whether temporary or permanent, which he knows shall cause an unauthorized modification of any programme or data held in a computer.

Clause 6 would make it a summary offence for a person knowingly to use any computer service or intercept a computer function without authority, and where the use or interception results in damage. Clause 7 would make it a summary offence for a person knowingly to interfere with, impede or obstruct the use of a computer, or impede access to any programme or data held in a computer where such obstruction results in damage.

Clause 8 would make it a summary offence for a person knowingly and without authority to disclose any access code of a computer, if the disclosure results in any wrongful gain or damage. Clause 9 would make it an indictable offence if an offence committed under sections 3, 5, 6 and 7 involves access to a protective computer, which I attempted to describe and enumerate in my preface to this presentation.

Clause 10 would make it a summary offence for a person to receive or give access to any programme or data held in a computer without authority. Clause 11 would make it a summary offence for a person to cause a computer to cease to function permanently or temporarily.

Part III has the rest of the clauses, Mr. Speaker—clauses 12 to 18. Clause 12 would provide for the territorial scope of offences under the Act. Clause 13 would provide the court its jurisdiction to try any offence committed under this Act, but would restrict the jurisdiction of a summary court to offences committed by a person within the magisterial district.

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Clause 14 would allow the court to make an order for payment of compensation to any offender. Clause 15 would preserve the power of police to conduct investigations and clause 16 would allow a magistrate to issue a search warrant to a police officer in order to seize any article, data, document or information where he believes there is evidence that an offence has been committed. Clause 18 would provide that a person can be prosecuted for an offence, except an offence under section 9 within one year from the date that the offence was committed.

Mr. Speaker, I would now like to go on to the next Bill on the Order Paper, which is a Bill to regulate the transfer of money by electronic terminal, by use of a card, for the purpose of instructing or authorizing a financial institution to debit or credit a cardholder's account, when anything of value is purchased, and for other related purposes.

Mr. Speaker, the background to this Bill is very simple. The Government of Trinidad and Tobago recognizes that a major impediment to the proliferation of global e-commerce is the low level of confidence in the medium by all users. The growth of e-commerce in Trinidad and Tobago would be slowed considerably, unless the marketplace rules in certain key areas are not seen to be at least as clear as the existing rules. I hope my friend from Diego Martin Central sees the link now between the Computer Misuse (No. 2) Bill and the Electronic Transfer of Funds Crime Bill, because one has to use the computer as the medium for so doing.

Marketplace rules, Mr. Speaker, refer to those that govern the code of conduct of parties involved in business, including government transactions. That is why I said earlier that we are moving into the area of e-government, when one can download all kinds of forms and do all sorts of transactions via the computer without having physically to visit an office, and one can pay the user fees for such a service online with one's credit card.

These rules may be included in legislation agreed by contract or accepted on moral grounds. They have developed over time and govern transactions that take place within sovereign jurisdictions and between parties from different sovereign territories.

Our efforts to build marketplace confidence, Mr. Speaker, are therefore guided by the following considerations: the guarantee of individual privacy, very similar to the concept I attempted to articulate in the first Bill. It should be recognized that individual privacy is a constitutional right of every citizen, and safeguards must be put in place to protect these rights.

Obviously, when one speaks about cyberspace and information technology, and one speaks about e-commerce, Internet and all these things, increasingly, the individual's privacy is being undermined and circumscribed to the point where, if one does not have certain laws in place, even though it is very difficult to catch the perpetrators of these crimes, there must be the legal infrastructure in place in order to ensure confidence in the system.

In the current electronic environment, the free flow of information and transactions should not be restricted, except it is done to preserve the sanctity of those rights while, at the same time, leaving room for choice. This is where consumer choice and consumer sovereignty play a very pivotal role in the whole electronic commerce environment and the whole information technology development.

6.10 p.m.

An appropriate balance must be established between the interests of the private sector and that of the individual in securing his or her right to privacy. That is very critical, because if people cannot have confidence when they enter into transactions with insurance companies, mortgage companies, financial institutions and other such institutions, that you have to relate to and interact with on a daily basis, then business will come to a halt and you will go back to the days where people hid all their documents and put all their money under the mattresses.

Consumers' rights and obligations, Mr. Speaker. In certain standards for consumer protection, the rights of the consumer should not be diminished as a result of the use of Internet technology. The protection of consumers' rights is essential to the building of trust in the entire electronic commerce environment. The right to information is a key element of consumer protection.

Indeed, we all know that we passed very recently in this Parliament the Freedom of Information Bill, except of course, in those areas that are classified but, by and large, a consumer, a citizen of this country is entitled to information, hence the Freedom of Information Act. It is noted that different legal and private sector rules may apply to business, to consumer transactions. The global nature of electronic commerce poses questions about what requirements are necessary for writing, carrying out and, ultimately, enforcing contracts.

The same types of consumer fraud that exist in the real marketplace are surfacing online. This is happening on a daily basis. In fact, it is frightening sometimes, the amount of fraud that is taking place online throughout the whole electronic commerce scenario. The problem is complicated by the transitory

nature of the electronic marketplace and the ability to maintain anonymity, so that you can have transfers across the globe within hours or minutes, without being able to trace these transactions, simply because of the speed of the transaction but, more importantly, because of the anonymity involved in it, because there are a lot of codes and passwords involved in these kinds of things.

The growth of electronic commerce and rapid development of networking technologies have revolutionized the way in which data can be stored, accessed and processed. Consumers are not likely to participate in the global marketplace without assurances that their personal data exchanged during a transaction will be secure and will be fully protected. Security and authentication mechanisms can provide the means to ensure and maintain the integrity of information being exchanged. These technological advances will help promote trust and confidence in the electronic transaction world.

The object of the Bill is to regulate the transfer of money through an electronic terminal by use of a card for the purpose of instructing or authorizing a financial institution to debit or credit a cardholder's account when anything of value is purchased. It sounds very simple but, indeed, it is fraught with a number of risks.

The application of the Bill is limited to bank cards, credit cards, smart cards or other similar types of cards needed for purchasing anything of value. The Bill seeks to achieve this objective prescribing various offences and penalties as identified in the Bill.

Some of the offences are making of a false statement—making or causing to be made, either directly or indirectly, any base statement as to a material fact in writing, knowing it to be false and with intent that it be relied upon in respect of the perpetrator's identity or that of another person, the perpetrator's financial condition or that of another person, for the purpose of procuring the issuance of a card to the perpetrator or another person.

Another area is theft by taking or retaining possession of a card. Taking a card without consent includes obtaining it by any conduct defined or known as larceny and common law theft, or by obtaining property by false pretence, or by extortion from the possession, custody or control of the cardholder, or a person holding or having possession of the card with the consent of the cardholder. Without the cardholder's or the person's consent or with knowledge that it has been so taken, receiving the card with intent to use, sell or transfer it to a person other than the issuer or the cardholder.

Card theft—receiving a card which the perpetrator knows or ought to reasonably know to have been lost, mislaid or delivered under a mistake as to identity or address of cardholder and who, retaining possession with intent to use, sell or traffic it to persons other than the issuer or the cardholder.

Another one is dealing in the card of another. In the case of a person other than the issuer receiving and retaining possession of two or more cards issued in name or names of different cardholders, which cards they had knowledge were taken or retained under circumstances which constitute a card theft. Also, the purchase or sale of the card of another. In case of a person who other than the issuer, selling a card or buying a card from a person other than an issuer.

Also, obtaining control of a card as security for debt with intent to defraud an issuer, a creditor or any other person obtaining control over a card as a security for debt—D-E-B-T.

You also have the case of the card forger—with intent to defraud persons other than authorized manufacturer or issuer who possesses counterfeit card is presumed to have the intent to defraud an issuer, creditor or any other person falsely making, engaging or altering in any manner a card, or altering such a card, or with intent to defraud having a counterfeit card or any invoice, voucher, sales draft or other representation or manifestation of a counterfeit card in the perpetrator's possession, custody or control.

Another one is signing of a card of another person. In the case of a person other than the cardholder or person authorized by him with intent to defraud the issuer or the creditor.

Then, there is the fraudulent use of a card with intent to defraud the issuer or the creditor, using for the purpose of obtaining money, goods, services or anything else of value, a card obtained or retained fraudulently or a card which perpetrator knows is forged, or obtaining money, goods, services or anything else of value by representing without consent or authorization of the cardholder, that perpetrator is the holder of a specified card, or by representing that he is holder of a card or that such card has not been validly issued.

There is another area—fraud by persons authorized to provide goods or services. In the case of a creditor, with intent to defraud the issuer or the cardholder furnishing goods, services or anything else of value upon presentation of a card which the perpetrator knows is obtained or retained fraudulently or illegally, or a card which he knows is forged, expired or revoked.

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In the case of a creditor with intent to defraud the issuer or cardholder, failing to furnish goods, services or anything else of value which he represents in writing to the issuer or cardholder that has been furnished. A person commits an offence who, authorized by a creditor to furnish goods, services or anything else of value, upon presentation of a card or a card account number by a cardholder or any agent or employee of such person who, with intent to defraud issuer or cardholder, presents to issuer or cardholder for payment, a card transaction record of sale, which sale was not made by such person, his agent or employee.

A person commits an offence, Mr. Speaker, who, without the creditor's authorization employs, solicits or otherwise causes a person who is authorized by the creditor to furnish goods, services or anything else of value, upon presentation of a card account number by a cardholder, or employs, solicits or otherwise causes an agent or employee of such authorized person to remit to the creditor a card transaction record of sale that was not made by such authorized person, his agent or employee.

Another area is the receipt of money obtained by fraudulent use of cards. If you receive money, goods, services or anything of value, knowing or believing that it was so obtained by fraudulent means.

Obtaining goods by use of false, expired or revoked cards. A person commits an offence who, with knowledge, and lawfully obtains credit or purchases any goods, services or anything else of value, by use of false, fictitious, counterfeit or expired cards, card, card number or other credit device, or by use of any card, card number or other credit device of another person without authority of that other person to whom such card, number or device was issued, or by use of any card, card number or other credit device in case where such card, number or device has been revoked and notice of revocation has been given.

The penalties, Mr. Speaker, for these offences carry, on summary conviction, a fine of between \$20,000—\$30,000 and imprisonment for two years, or, on indictment, a fine of \$50,000 or imprisonment for three to five years.

The Electronic Transfer of Funds Crime Bill—the first clause provides the short title. The second clause defines certain important words used in the Bill.

“Clause 3 would make it a summary offence for a person to knowingly give false information to a financial institution...

Clause 4 would make it an offence for a person to take possession of a card from another without consent...

Clause 5 would make it an offence for a person to receive and retain a card knowing that it was lost, mislaid or mistakenly delivered to him.

Clause 6 would make it an offence for a person to receive and retain possession of two or more cards belonging to other persons which he knew were taken or retained...

Clause 7 would make it an offence for a person, who is not an issuer, to sell a card to or buy a card from another person other than an issuer. Clause 8 would make it an offence for a person to obtain control of a card as security for a debt with intent to commit fraud.

Clause 9 would make it an offence for a person to make or alter in any manner a card, and he is presumed to have an intent to defraud...

Clause 10 would make it an offence for a person..."

—knowingly, to sign the card of another person.

"Clause 11 would make it an offence for a person to obtain anything of value by use of a forged card...

Clause 12 would make it an offence for a creditor to furnish goods and services on a card he knew was obtained or retained fraudulently or illegally.

Clause 13 would make it an offence for a person who knowingly received goods and service obtained in breach of clause 12.

Clause 14 would provide that certain defences are not available for a prosecution under this Act, for which this is the Bill.

Clause 15 would make it an offence for a person knowingly to obtain anything of value by use of a false, fictitious, counterfeit, revoked or expired card, card number or other credit device.

Clause 16 would make it an offence to traffic three or more counterfeit cards, invoices, etc.,...of another person.

Clause 17 would make it an offence to receive, possess, buy or sell card-making equipment with intent to use it to make counterfeit cards.

Clause 18 would make it an offence to alter in any manner a card invoice after the cardholder has signed that invoice.

Clause 19 would restrict the liability of a cardholder..."

which is a very important innovation, Mr. Speaker, because sometimes you lose, misplace or mislay your card and someone who has found that card uses it very unscrupulously and indiscriminately and can run up thousands of dollars within a

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short space of time and you are liable. The cardholder has now a restricted liability and it would be the financial institution of the issue of the card that would have the liability, provided you carry out certain procedures in terms of reporting.

6.25 p.m.

Clause 20 seeks to prevent a financial institution from disclosing the names of cardholders, their address and card numbers to any other person without the written consent of the cardholder. Essentially, these are the clauses that govern the Electronic Transfer of Funds Crime (No.2) Bill.

Mr. Speaker, I think these two Bills are very timely. I do not believe that they are coming soon enough to address the very important areas of computer misuse and electronic transfers in this era of cyberspace, the Internet, electronic-commerce, globalization, and liberalization; where both business persons and ordinary individuals have to take advantage of the galloping technology that is available to them.

Therefore, it is important, incumbent and imperative for the Government to put in protective measures to ensure that that level of confidence that we are attempting to generate, to create that sustained development in Trinidad and Tobago, is maintained. It is only through legislation and putting the legal infrastructure in place, can we create and maintain this confidence. As a consequence, Mr. Speaker, I hope both sides of the House recognize the importance of this Bill.

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

Question proposed.

Mr. Speaker: I just want to remind Members that, at the same time, you are also free to talk on the other Bill; the Electronic Transfer of Funds Crime (No.2) Bill.

Mr. Eric Williams (*Port of Spain South*): Thank you, Mr. Speaker, for recognizing me. I propose to make what I imagine would be a very brief intervention on these two pieces of legislation. They have certainly received our side's attention in the other place. We generally agree with the purport and intent. However, when we look at several of the clauses in these proposed pieces of legislation, there are some technical details, which we feel ought to receive the attention of this honourable House. We want to discuss some of those issues.

With regard to the draft Computer Misuse (No.2) Bill, first and foremost, we feel that in certain cases, the definitions in that Bill unnecessarily limit the interpretation of some of the words. In our view, only those expressions which should be defined under clause 2 of the interpretation, which are not usual terms in the industry or in the legal terminology, should be used. I want to refer to a couple of those examples for consideration by those on the other side and by this honourable House. In clause 2(1), “damage” in essence is defined as:

“...any impairment to a computer or the integrity or availability of any program or data held in a computer...”

It goes on to define a number of other circumstances which would result in damage. It is not clear whether this definition includes consequential loss. The definition of “damage” speaks about:

“(a) causes loss aggregating at least ten thousand dollars in value, or such other larger amount as the Minister may prescribe by Order,

For those of us who use computers for a livelihood, these Bills are meant to give a certain confidence to investors and traders of all types. We use the computer—I have to say “we” because I have to count myself among those—as a tool to achieve an end. If it is that my computer is damaged, or the programmes in it are damaged, there is a value to that. But, because I use the computer in obtaining my livelihood, the fact that my computer may have been maliciously damaged by someone, causes me to lose profit and loss of opportunity which would otherwise have come to me if my computer, as a tool of my trade, was in good, working order. As a result, the definition of “damage” speaks specifically of loss, as opposed to the additional damage which is known as consequential loss.

Mr. Speaker, we ask that this be considered. Further, a programme or computer programme, in that same section, is defined as:

“...data representing instructions or statements that, when executed in a computer, causes the computer to perform a function.”

Mr. Speaker, there are some programmes in a computer which may be of value and may not be executables. This is what this definition is referring to—an executable. But, there are programmes which are equally important, either in a positive sense or a negative sense, which are not themselves executable. This definition unnecessarily excludes, for example, those programmes which do not cause the computer to execute a specific function, but which could be of value. I understand some viruses are, indeed, not executables, but they cause damage in the computer. This definition of “program or computer program” may exclude some of those items which are not executables.

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The definition of “program” as currently worded already, however, covers data. In other words, it may be superfluous. However, the Bill uses programme and data together, throughout the whole text. When one reads it, there is a certain amount of superfluous language in the document. I want to point those out in clause 2(1). The issue, which I feel is of very grave importance, is one of consequential damage, which does not appear to be covered under the definition of “damage”, and certainly the one about programmes which may not themselves be executable; which is what this appears to define.

Clause 2(2)(a) and (b) states:

“For the purposes of this Act, access of any kind by any person to any program or data held in a computer is unauthorised or done without authority if—

- (a) he is not himself entitled to control access of the kind in question to the program or data; and”

“program or data”, it is superfluous. In the definition it was program and data all in one

“(b) he does not have consent to access the kind of program or data...”

This, again, appears to be superfluous; because “entitled” which is used in (a), is the same as someone who is not entitled, and seems to be the same in (b) as someone who does not have consent. It is possible that you may be saying the same thing twice.

Mr. Speaker, I want to skip forward to clause 4(1) which states:

“A person who knowingly causes a computer to perform any function for the purpose of securing access to any program or data held in that computer or in any other computer with intent to commit an offence...”

It goes on to list a number of things.

6.35 p.m.

First of all, what we are saying here, Mr. Speaker, is that we are only going after people who use computers with the intent to commit an offence. Quite often, there are persons who facilitate others in the use of computers, to commit an offence. By this wording here, it is possible that the Minister has left a loophole. In other words, somebody is committing an offence, but I somehow would have facilitated that, and I am equally culpable, but I was only the facilitator, not the person who actually committed the offence. I believe in other legislation that is known as “aiding and abetting”; that is excluded.

Beyond that there is the issue of the penalty for engaging in this activity. Clause 4(1) states:

"...a person who knowingly causes a computer to perform any function for the purposes of..."

Here are the offences:

- "(a) involving property, fraud, dishonesty or which causes bodily harm; and
- (b) which is punishable on conviction with imprisonment for more than one year,

commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and to imprisonment for two years."

First of all, there are two things about this: it appears to me that this prescription in this clause impinges upon the discretion which ordinarily is placed in the hands of a judge. I want to go on in the second vein to say that there are some instances where fraud, dishonesty or bodily harm might attract a longer jail term or a larger fine.

The reference was made by the hon. Minister to someone obtaining the medical records of a head of state elsewhere. Let us take that illustration to another extent: let us say, for instance, that some doctors were about to perform surgery on someone's right leg which was to be amputated, and someone gained access to that individual's medical records and changed it from right leg to left leg. When they go into surgery and amputate the left leg instead of the right, that occasions grievous bodily harm.

In addition to which, let us say there is an elevator which operates based on computer programmes. Let us say that someone gains access to the programmes which control that elevator, its movements up and down, and somehow causes it to malfunction. Let us say a full elevator fell at an alarming rate causing either serious injury or death to persons who are on board the elevator—this legislation as it is here says that a crime:

- "(a) involving property, fraud, dishonesty or which causes bodily harm; and
- (b) which is punishable on conviction with imprisonment for more than one year..."

this will now only attract a \$15,000 penalty and imprisonment for two years. If that elevator, in my hypothetical case, were to involve the death of several

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persons in there, a person could say that that was perpetrated simply by the access of a computer programme, and I do not know, maybe the crime of their being charged with murder may not arise.

In the instance of surgery where the wrong leg is amputated, again, such a crime, even if it were done other than with a computer, could attract a jail sentence of maybe 10 years; I do not know. Apart from the fact that this particular clause limits the discretion of the Judiciary in this matter, it leaves a significant loophole open to persons, who ordinarily would attract much heavier penalties, to only attract a penalty of two years and/or \$15,000, merely because the same grievous bodily harm, fraud or whatever, was caused because they misused a computer. I believe that that is a loophole to which Members opposite might want to pay attention. You can understand the room for error.

Let us say that somebody were to access records of anybody, a bank or anywhere; in universities people have been known, in other jurisdictions, to access people's academic records and change them either in a positive or negative sense, which is a fraudulent thing to do. But it could create significant damage to an individual's career if, for instance, somebody went in and changed their entire grades or even deleted their record at that particular university. Mr. Speaker, I think you understand where that could go.

Mr. Speaker, I think clause 5(3) should also attract some attention. I believe there ought to be a fourth part in subclause (3) where it speaks about:

“For purposes of this section—

- (a) it is not material that the act in question is not directed at—
 - (i) any particular program or data;...

This speaks, of course, to unauthorized modification of a computer programme or data. So this section is covering modification of any particular programme or data. Again, you see the superfluous language:

- “(ii) a program or data of any kind; or
- (iii) a program or data held in any particular computer;”

A variation on that known to computer technical persons is that you could modify, so you may want to consider putting in: “or any particular modification or modification of any particular kind to that computer and the programmes and data”. Clause 5(4) looks as though it could be combined. Again, you seem to be saying the same thing.

I think clause 10 is another one of those clauses that give us on this side some concern:

“Unauthorised receiving or giving access to computer program or data”

Of course, the Minister fixed the typographical error. I realized that it was a typographical error in the first line. But what this particular clause speaks to—I want to read it:

“A person who receives or is given access to any program or data held in a computer, or who is not authorised to receive or have access to that program data, from another person whether or not he knows that that person has obtained that program or data through authorised or unauthorised means commits an offence...”

But what if I did not know that something was illegally obtained, in this case, a programme? On the Internet there are many programmes that are known as “shareware”. What would happen if, for instance, someone were to put a programme into a legitimate shareware bulletin board that a citizen may access, and citizen “X” seeing this programme, puts it into his computer, begins to use it, and suddenly acquires some information, which he may not ordinarily have acquired?

What we are saying in this legislation is that whether the person received the programme knowingly or not, that it was an unauthorized programme, they are now liable to summary conviction and a fine of \$15,000 and to imprisonment for two years. Mr. Speaker, that does not seem to me to be right. That cannot be correct, because if a citizen is innocently accessing programmes from a source which they believe to be a trusted source, and all of a sudden it turns out that that was not so, how could that individual be liable to conviction for something which they were neither a party to nor had knowledge of? It seems to me that this clause 10 needs to be looked at again.

In fact, this legislation is seeking to make our technical persons more entrepreneurial. It is seeking to attract a certain level of what we call “high technology” to the country. Many of these persons operate on what is called the “cutting edge of technology”. Many of them share programmes all over the place in the pursuit of improving their profession and the general state of technology. What we are saying here may curtail that, and have an adverse effect on the very thing that we are trying to promote with this legislation. I believe that those learned legal folks on the other side may want to take another look at this, because that is what they are doing.

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If a colleague sends me some programme to use that phenomenally helps me solve this, that, the other and the next, there is no copyright on it, there is no ascription to anybody on it, and a citizen is using it in the ordinary pursuit of his or her business, and all of a sudden up comes somebody who says, “No, that programme is such and such,” that person is now liable to summary conviction. Mr. Speaker, that cannot be right. I do not think that that is what this Bill intends for us to do.

If we look then at clause 11:

“Causing a computer
to cease to function

11.(1) A person who engages in conduct which causes a computer to cease to function permanently or temporarily and at the time he engages in that conduct he has—

- (a) knowledge that the conduct is unauthorised;
- (b) the requisite knowledge; and
- (c) the requisite intent,

commits an offence and is liable on summary conviction to a fine...”

The whole definition of “requisite knowledge” and “requisite intent” seem to be a little cloudy. In a technical sense, we would want to propose that “requisite knowledge” should mean “the knowledge that the conduct is unauthorized”, rather than leaving it hanging as “requisite knowledge”. Then accordingly you might want to combine subclauses (a) and (b).

You know, Mr. Speaker, let us look at another hypothetical situation: I do not want to personalize it, but let us say a citizen is aware that water and computers do not mix. Let us say that there is a rule at one of those schools in which we are putting computers, and a student goes into the computer room with a glass of water. They have had the requisite knowledge to know that water and computers do not mix. They have been told, “Do not carry water into the computer room.” Let us say that they happen to be walking past the computer, and as may happen in a prank, or maybe somebody is clumsy, he trips and the water falls into the computer—

What we have said here is:

“A person who engages in conduct which causes a computer to cease to function permanently or temporarily and at the time he engages in that conduct he has—

- (a) knowledge that the conduct is unauthorised;
- (b) the requisite knowledge; and
- (c) the requisite intent...”

6.50 p.m.

How are you going to prove that? Or how is a person going to disprove that, or show their innocence in such a matter? Let us say someone is repairing a computer; that person has the requisite knowledge of repairing a computer, and for some reason while repairing it something goes wrong; a board is burnt, or something like that, that is irreparable, and rather than replace the board the owner of the computer decides to make a formal complaint, it appears to me that this clause 11 is as broad as it is wide. It seems, to my mind, that what this may be going after is somebody, for instance, who intentionally puts a virus into a computer, or causes a virus to be downloaded into a computer, or maliciously goes into somebody’s office and smashes the computer with an ax ,or something like that.

This opens us up to a whole slew of additional forms of activity which may not be criminal in intent but which may open citizens of this nation to criminal prosecution. Again, I believe the language is a bit loose and it has left this clause broad and wide. I think this may not be what the hon. Minister is seeking to achieve by bringing this legislation to this honourable Chamber.

Mr. Speaker, clause 14, “Order for payment of compensation” is limited again to “damage caused to that person’s computer program or data.” It says in clause 14(1):

“The court before which a person is convicted of any offence under this Act may make an order against him for the payment of a sum to be fixed by the court by way of compensation to any person for any damage caused to that person’s computer, program or data...”

Again, we have left out consequential damages. The reason the person is using the computer is not to have a pretty box on the desk with nice pictures; it is to earn a living. Therefore what you are doing, it is like if you go to a piano player and you break his fingers. It is occasioning bodily harm on him, but you are also taking away his livelihood and that is not covered in your compensatory mechanism in any event.

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I have been involved in multinational companies, in local companies which heavily use computers. The entire petroleum industry, both the upstream and the downstream, all of the processing plants that exist now in Point Lisas, be they electricity, methanol, urea, steel, whatever they are; the refineries—the refinery upgrade at Pointe-a-Pierre, what we do in the upstream part in the geological and physical part of it—the majority of it is now done on a computer.

Computer software allows us to do all kinds of three-dimensional imagery and a lot of analysis and “what if” situations. So if you damage the computers of those persons in those industries, you damage their livelihood; like a simple secretary, for instance. I know that one of the things we are talking about is the out-sourcing of labour. Suppose someone sets up as an entrepreneur to work at home, providing a secretarial service and that person receives documents over the internet; maybe does some translation, does some typing and so on; sends it back out; somebody typing—as happens at the university—theses for some of the students, the person has a computer there, but that computer has to do with the person’s livelihood, and therefore if somebody were to break into the house and damage the computer, steal the computer, whatever, download a virus into it, yes, you damage the physical box, but you damage that person's profitability and as a consequence, there is loss of earnings, and so on.

I think that some of the language in the Bill needs to be looked at. Clause 16 (1) applies to the “Power of police officer to access computer program and data.” In the first line it talks about “applies to a computer which a police officer (or an authorised person)” may go into and search and so on, but it leaves out the computer programme and the data, which is what you want to have happen.

That is the first one. The second Bill, the Electronic Transfer of Funds, Crime (No. 2) Bill, in clause 2 of that Bill the definition of “issuer” under the current wording of a card for the purpose of the electronic transfer of funds, and I quote from the Bill:

“ ‘issuer’ includes a financial institution which, or any other person who, issues a card;”

It might be simpler to change that definition to say that an issuer includes, yes, any financial institution, but you could say, “who is lawfully authorized to issue a card.” We are trying to get away from fraud, and so on, here. But if it is that somebody unlawfully issues a card [*Interruption*] I know. But again, you have left it out of your definition. All I am saying is, tighten up the “issuer” to be somebody who is lawfully authorized to issue a card.

“False statement” in clause 3 says:

“A person who makes or causes to be made, either directly or indirectly, any false statement as to a material fact in writing, knowing it to be false and with intent that it be relied on respecting his identity...”

The Minister might want to consider that there are some people or some circumstances where a verbal statement from some individuals carries the same weight as the written statement. And the Minister or somebody who has been involved in financial institutions may have more of an idea of how that could happen. But I am aware that in some cases people act on the “say so” of someone, the verbal statement. What this clause is saying is that only somebody who causes that statement to be put in writing is then liable to conviction. But a lot of transfer goes on in this business by word of mouth. An investor calls someone, somebody calls another one, issues an instruction; it may never be put in writing, but the transaction, all the same, would have gone through, verbally. So this clause here of a “False statement” in writing, maybe you might want to consider expanding it to “verbal”.

Clause 4 : “Theft by taking or retaining possession of card.” Clause 4(1) (b) of this clause says:

“without the cardholder’s or the person's consent...”

The language there leaves something open. The definition of “person” is superfluous, because in the first line you talk about “A person who takes a card” and then in (b) you talk about “a person holding or having possession of the card”, and then you go down in the next paragraph and talk about a “person's consent”. You might want to tighten that up to say: “ a person who holds or has possession of the card with the consent of cardholder.” In other words, you are clarifying who this other person is. Because it leaves it open. It is as wide as it is large.

At the same time, too, in the same paragraph, instead of using “transfer” you might want to use “traffic”. Of course, we normally identify trafficking with drugs and a number of other things, but in your definition of the Bill “traffic” means:

“to sell, transfer, distribute, dispense, or otherwise dispose of property...”

In other words, “transfer” is included in your definition of “traffic”, but you have not defined “transfer.” So what I am suggesting to you is that you might want to simply just use the word “traffic” rather than “transfer” in clause 4(1).

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You see, Mr. Speaker, these Bills have had a fair amount of comment in the other place, but there are some areas that, really, while we may think they are trivial, they may actually defeat the purpose of the legislation. I think we really need to be careful about this. Because in clause 12 (2), “Fraud” under the current wording of this clause, this offence can only be committed with the written representation of the creditor. And again, as we discussed before, you could also have situations where verbal statements could cause a fraud to occur.

Clause 12 (3) is the one which I think, of all of them, really needs some attention. In the current wording, this offence of fraud by a person authorised to provide goods and services, *et cetera*, can only be committed by a person who is authorized by a creditor. Should we not consider extending this to the commission of a fraud by the creditor himself? Because we are saying here, in clause 12 (1) (3):

“A person who is authorised by a creditor to furnish goods, services, or anything else of value upon presentation of a card or a card account number by a cardholder, or any agent or employee of such person, who, with intent to defraud the issuer, or the cardholder, presents to the issuer or the cardholder, for payment, a card transaction...”

7.05 p.m.

Well, again, while subclause (2) speaks to the creditor who intended to defraud in another circumstance, this additional clause here, 12(3), could also be extended to the creditor as well.

Finally, Mr. Speaker, clause 16 gives me some difficulty. Clause 16(1) says:

“A person who is found in possession of three or more counterfeit cards, invoices, vouchers, sales drafts or other representations or manifestations of counterfeit cards, or card account numbers of another person is deemed to have the same for the purpose of trafficking, unless the contrary is proved, the burden of proof being on the accused.”

In other words, we are going away from the presumption of innocence before being proven guilty and we are presuming guilt and then a person has to prove innocence. I am not certain, Mr. Speaker, that in our civil society we intentionally want to go away from the presumption of innocence of our citizens before they are proven guilty. Indeed, we may have suspicions of guilt but due process of law, to my understanding, ordinarily assumes innocence until a person is proven guilty. Even in murder cases, Mr. Speaker, the accused is presumed innocent until

proven guilty by a jury of their peers. What we are saying in this clause is that simply because someone is found to be in possession of suspicious items which may or may not be used in the perpetration of a crime, we are deeming that person to be guilty and they will have to prove their innocence.

Now, I understand the gravity, at least to some degree, of the magnitude of crimes that are perpetrated by the electronic transfer of funds. In fact, we have seen in the press—we have seen even Hollywood has sort of glamorized to some extent this sort of crime. Still, as I understand it, due process of law causes us to presume innocence before guilt and we seem to be moving away from what I believe to be a cardinal rule in civil society. We seem in this clause to be moving away from that presumption of innocence until proven guilty. I think that, Mr. Speaker, may not be something we would want to consciously contemplate in our civil society.

So, Mr. Speaker, with those few words I would say that we generally agree with the purport and the intent of these pieces of legislation. They definitely are taking us into this millennium. Certainly as somebody who uses computers as a tool in my trade, and sees the potential for e-commerce and some of these other ways to go, these are needed. But, Mr. Speaker, I believe that there are some clauses here that require attention of the learned legal minds. Let us have a second look because we may actually be defeating the purpose for which the legislation is brought before us. I thank you, Mr. Speaker. [*Desk thumping*]

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, I want really to make a very small contribution, especially having regard to the time, on the legislation before us. I consider it to be extremely important legislation. It is a pity that the legislation is brought as the last act of the Member for St. Joseph, the Minister of Trade & Industry and Minister of Consumer Affairs. I think that when he leaves these hallowed Chambers he can say that, “I have done my bit. I have brought legislation to position Trinidad and Tobago for the e-commerce age”. I think he can honestly say that because this is what this is, Mr. Speaker.

Banks in Trinidad and Tobago have been crying for this legislation. For some time, while the whole world has gone e-commerce, meaning that one can use their credit cards with their computers and so forth, banks in Trinidad and Tobago have been reluctant to do so, because there was not that legal environment which offered the protection that this legislation is offering. Of course, this fits into the overall plan to position Trinidad and Tobago as the manufacturing, business and financial centre of this part of the world. However, we have to be extremely careful that, as we put the edifice in place, we do not have persons who perhaps unwittingly would undermine that edifice.

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Mr. Speaker, there was an occurrence here earlier today where the Member for Tobago East really slandered two of this country's important investors, the head of Clico and a foreign investor, the company Ferrostaal/Helm. In spite of the fact that we on this side attempted to put the Member for Tobago East on course, he persisted in the slander, knowing full well that he can claim parliamentary privilege. I say that it goes further than that, because, if he is allowed to get away with that type of behaviour, it may very well undermine the very edifice that the Member for St. Joseph, the hon. Minister of Trade & Industry and Minister of Consumer Affairs, has been putting in place by bringing this legislation to the House, Mr. Speaker, [*Desk thumping*] and that is my concern.

On more than one occasion, as the Minister responsible for investment in the period 1991 to 1994, I attempted to put the Minister on course so that he would avoid the slander, but he persisted. Mr. Speaker, let me say first of all that I received from the library a statement made in the House of Representatives on Friday April 11, 1997. You would know that by 1997 the Government was in place and the statement is entitled, "Trinidad and Tobago Methanol Company Limited (Purchase of Shares)". What this statement is saying is that in 1997 Clico bought the shares in the methanol company as part of the consortium Ferrostaal and Clico—point number one. Now, I do not want to go through the whole statement made by the Hon. Finbar Gangar. It is written here, "The Minister of Energy and Energy Industries (Hon. Finbar Gangar)". But while the Minister was speaking about some \$18 million, he had this thing all confused.

Mr. Speaker, in 1997 the government had 69 per cent equity in the methanol company. They sold it for \$150 million. Now, you see, when people are confused, if they do not know what they are talking about they have to be careful. In 1993, when we started negotiations with Ferrostaal on the divestment of the methanol shares—and I am sorry. I have to go through this because I think it is extremely important for this Bill, because we need really to have the public confidence in what we do and to deal with the aspersions cast on those two important investors in Trinidad and Tobago, the head of the Clico group and the head of the methanol company.

Mr. Speaker, we are one of the major producers of methanol in the world right here in Trinidad—[*Interruption*]—one of the largest producers. So he quoted from the document dated April 1993 written by Ferrostaal and what this document is saying is, "Listen, fine, we are in negotiations. We understand your problem. We have made you one offer. We understand it. We are making another offer—option C". Let me just provide the scenario.

Ferrostaal/Helm was interested in the methanol company. To get the long-term loan from the German bank—because we were expanding the methanol facility and they were buying into it, they were getting debt financing from a German export credit organization—they could not get that export credit unless they showed that they had majority control. So their proposal was, “Listen, okay, fine, we are going to buy outright 31 per cent between the both of them—26 per cent Ferrostaal, 5 per cent Helm—but in addition we would take 24 per cent of your shares, so that in total we will have 55 per cent to show them we have majority control. We are going to give you an advance payment, based on the valuation at that time, of \$18 million. You can sell those shares at any time, if you could get more for them”, because they were arguing that was fair market value, and we said, “No. If you feel you could get more for them over a four-year period, any time within four years, you can buy them back from us and sell them”.

Basically that was the transaction. So they came with this option C. We discussed this. We held energy subcommittee meetings and so forth. Among the documents that he laid here was a Cabinet Note dated May 20, 1993. If you look at this, Mr. Speaker, you would see the Cabinet decision agreed to accept modified option C. So while the option C that they proposed spoke about \$21 million, it spoke also of interest accruing on that \$21 million, the modified option C. I do not have—he did not lay a copy of the modified option C, but if you take it from the Minister’s statement, Mr. Speaker, the modified option C got rid of that interest element because it said, “Listen, you are getting dividends on the shares. You have the 24 per cent. How come you are going to ask us to pay interest payment?” So we got rid of the interest payment, there was negotiation and the advance made was \$18 million as a fact.

But it does not matter whether it is \$21 or \$18, because, remember, we were selling the shares, we were buying back the shares from them. If we took \$18 from them we have to repay them \$18. If we took \$21 we have to repay them \$21. So this thing about the cheque for \$2.5, it has no connection whatsoever. Clico was not in the picture. They had no part of the methanol transaction at that time—none at all. [*Desk thumping*] You understand that? Clico was not there! You see. So that here the modified option C spoke about the advance of \$18 million. So when the shares were divested, all the shares, this is what happened.

We had entered into an agreement to sell our 24—well, we went up to 25.1, because according—he would know this, that if one holds 24 per cent of a company, one has very little say in the company. If one holds 25.1 per cent, however, one has some say because, as you know, Mr. Speaker, the companies legislation says that with 75 per cent control, one could really do anything, but less than 75 percent—so that we went up to 25.1 and we negotiated. We went out.

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It is all here. I am sorry I cannot lay things on the table, Mr. Speaker, but I am sure it would benefit Members if they would read this, the statement of the Hon. Finbar Gangar of 1997.

7.20 p.m.

Let us see what the Minister says here and it says:

“Mr. Speaker, it may be recalled that subsequent to the restructuring of Government’s 100 per cent ownership...”

In the Methanol Plant.

“and the decision by Ferrostaal AG and Helm AG to become shareholders in the expanded TTMC facilities, the shareholders’ agreement dated January 31, 1994 among Ferrostaal AG, Helm AG, the National Gas Company of Trinidad and Tobago and the Government of the Republic of Trinidad and Tobago envisaged a share ownership structure as follows:

Government of Trinidad and Tobago	-	45 per cent
FERROSTAAL AG	-	40 per cent
HELM AG	-	15 per cent

Included in Ferrostaal/Helm’s shareholding was a 24 per cent equity stake which was transferred from the Government’s original shareholding, in consideration for an advance of US \$18 million on which interest accrued at a rate of 8 per cent per annum. However, the interest costs would be extinguished to the extent that dividends on the 24 per cent equity exceeded such costs.”

Mr. Speaker, this was in 1997. This is not Ken Valley saying that, this is Finbar Gangar saying this. [*Desk thumping*]. Do you understand? CLICO was not there; they were not in the game at that time. Mr. Speaker, when you turn the page and it continues:

“As of March 31, 1997, the interest costs amounted...”

I am going to put the whole thing in the record.

“As of March 31, 1997, the interest costs amounted to US \$4.56 million. However, in respect of 1994, US \$5.28 million in dividends accrued to the 24 per cent equity, thereby extinguishing the accumulated interest costs. In respect of the income year 1996, in January 1997, the Government received US \$6.6 million in dividends on its 45 per cent shareholding in TTMC. The particular form of the restructuring of TTMC was a specific condition of the German Development Bank, KfW.”

Mr. Manning: Not Manning.

Mr. K. Valley: The German Development Bank provided the debt financing for the transaction for the expanded TTMC. Do you understand?

“While the restructuring ensured that the facilities were majority private sector owned...”

Understand that! The German Development Bank said that if we are putting our money it must be “majority private sector owned.”

“...the Shareholders’ Agreement also allowed for the sale by the Government of the 24 per cent within a period of four years, or by June 3, 1997.”

No CLICO was in the picture up to that time. Understand that!

“In 1994 the 24 per cent shareholding, subsequently revised to 25.1 per cent to accommodate the participation of a new shareholder in key decisions in TTMC, was offered for sale through an international competitive bidding process.”

Understand who is saying that! It is Minister Finbar Gangar. [*Laughter*]

“Mitsui of Japan and BASF AG of Germany were short-listed for the final round of bids. BASF AG subsequently withdrew as did Mitsui in August 1995.”

Mr. Speaker, now, I put a question mark on that because up to the time we left government, as far as I knew, Mitsui was still in the game. Okay? I know Ferrostaal was attempting to play some games to get Mitsui out because they did not want Mitsui as a big methanol producer, to be involved also. They wanted CLICO in, and other games were attempted to be played but up to the time we left, Mitsui was still in. As a matter of fact, the Minister of Finance, Planning and Development went to Japan to assure Mitsui that the Government was fully behind them and their proposal. They had bid \$51 million—not \$18 million—for the 24 per cent. It says here \$51 million.

“The Mitsui bid was for US \$51 million...” [*Interruption*]

“Wey you get \$18 million from?” You are confusing things.

“...which represented US \$2.03 million for every one per cent shareholding. In other words, based upon the Mitsui bid, the value of the company was US \$ 203.2 million.”

And it continues. I want to come back to this matter on Friday. I do not want to take up too much time tonight but it continued stating what went on and, in effect, the Government decided that it was not only selling the 24 per cent. The Government decided that it was selling its 45 per cent plus the 24 per cent—69 per cent holding and that is how CLICO ‘got a play’ in 1997.

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Mr. Speaker, I want to make one other point please, Sir, because the Member is confusing things. At the same time, I remember, Ferrostaal got into bed with CLICO on the fourth methanol plant—another methanol plant—this is confusing things. When the Member speaks here—the last sentence talks about a letter from somebody—whenever you see people who cannot identify themselves—you have to be on guard, Minister. You cannot just take every crap people give you and come to the Parliament with it. *[Laughter]* Mr. Speaker, I am sorry.

Mr. Speaker: That word is unparliamentary and it continues to be.

Mr. K. Valley: I am sorry, I apologize. One cannot take all statements or any piece of paper that one receives from Tom, Dick and Harry on the streets and come to the Parliament with it. The Member would get himself in trouble like some of his friends, because some of us are not making joke. I think is the Member who said: “He who steals my purse steals trash, ’Tis mine, ’tis yours, being slave to thousands.” But he who attempts to interfere with my good name robs me of what I have—my integrity.

Hon. Member: Which cannot benefit him.

Mr. K. Valley: Do you understand? Friend I do not play by that. *[Laughter]* Mr. Speaker, the Member talks here—where is the document from Noel Taitt? It talks about the shareholders’ agreement was signed on January 31, 1994. The construction of the new plant by one of the German partners started that year. The bribe was paid on October 11, and the plant was finished early in 1996. The plant that was finished in early 1996, as far as I know, that is the Ferrostaal and CLICO plant which is a different transaction altogether.

Mr. Manning: That is CMC methanol. *[Laughter]*

Mr. K. Valley: The Member is just confusing everything. He throws everything in one nice big “callaloo”. Do you understand? *[Interruption]*

Mr. Speaker: Order please.

Mr. K. Valley: Mr. Speaker, I am making the fundamental point that, yes, as a country, we have a golden opportunity to be positioned in a particular way. *[Interruption]* I am learning these things. Mr. Speaker, we have an excellent opportunity to position Trinidad and Tobago in a particular way.

Mr. Speaker, I have heard all types of comments about a particular visit to Hong Kong in 1995. I was on that visit. *[Interruption]* Mr. Speaker, I am talking about the country but the Member does not understand! The Member is talking about a little thing but I am talking about the big picture. The Member will never understand.

Mr. Manning: It has no teak in this. [*Laughter*]

Mr. K. Valley: Mr. Speaker, I was on that visit to Hong Kong and I saw— [*Interruption*—the good that would come out from Hong Kong is still to be gained.

Hon. Member: Leave them.

Mr. K. Valley: Mr. Speaker, Hong Kong is a little country sitting on the doorstep of that continent, China. It is rich because it is the entry point in and out of China. The same way Trinidad and Tobago sits at the doorstep of that continent that is South America. Do you understand! The whole positioning—given our favourable trade agreements with Colombia, Venezuela and the Lomé and CARIBCAN with our agreement with the United States of America and the whole concept of attracting investors here to get into those markets. The fact that we have a strong English custom that the rest of the world respects—that is important.

7.30 p.m.

We have to be careful that we do not undermine that, as the Minister for Tobago Affairs has done this afternoon, perhaps unwittingly. One has to be extremely careful. Have it all confused, Mr. Speaker, so that I simply—and I really attempted to put him on the correct path without luck. My point is simple. I support wholeheartedly the legislation before us this evening.

I want to make one other point. In the minister's statement, he made the point that as a result of international competitive bidding, these two firms were shortlisted. Mr. Speaker— [*Interruption*]

Hon. M. Assam: Who is that?

Mr. K. Valley: Finbar Gangar.

Mr. Valley: Mr. Speaker, after going through that process, that is where Clico came into the picture. Ferrostaal had this agreement with Clico to build their CMC methanol plant—the fourth methanol plant—and because Ferrostaal, really in my opinion, feared Mitsui, which is another big player in methanol—they did not want to go to bed with Mitsui—they started courting Clico and Clico came running to the Government and said, “Oh gosh. We are locals, get us in.” We told them there was no way!

Mr. Manning: After the bidding process was over!

Mr. K. Valley: We had completed, it was out there, they had a fair chance to bid and they did not bid. “We cannot. We like you and so forth, but we cannot get you in”. That is how the PNM operates. Mr. Speaker, they got in, in 1997.

Mr. Manning: You understand what happened? Who paid a bribe to whom?
[Desk thumping]

Mr. Speaker: Order, please.

Mr. K. Valley: Obviously, you see what has happened. I can tell you that the person who heads the divestment secretariat is a person in whom I have the highest confidence. He worked with me, he worked well, and honestly, I feel I can vouch for his integrity. He is Mr. Jerry Hospedales. Obviously, what has happened here is that when Mitsui was forced out, his position was, “Fine, if you want it, take all! I am not only selling my 24 per cent; take the whole 69 per cent. That is what has happened here. “If all of you want CLICO in”—because I knew how Hospedales felt. He felt that we went through a fair and transparent process, Mitsui had won fairly and squarely and they should get the shares. *[Desk thumping]*

Obviously, whoever it is through the back door brought that company in, the note says it where he says: “Listen, there were certain conditions, because another firm, Methanex, had a big bid in”, it is said here. It says:

“Accordingly, on February 6, 1997 the Government advised both Ferrostaal AG and Helm AG of its decision to accept the terms and conditions of Methanex’s offer, as well as the requirement for Ferrostaal AG and Helm AG to exercise, within 21 days, one of the following options as required by the Shareholders’ Agreement:

- (i) waive pre-emptive rights to TTMC shares or in the event that such a waiver is not granted; then either:
- (ii) exercise the option to purchase the 69 per cent of Government’s shares...”

You see, as the preferred “pardner”, Ferrostaal had a first right of refusal, so he is saying, “Listen, you are either going to waive your right and we are going to bring Methanex in, or other than that, if you want to exercise your right, do not only exercise your right for the 24 per cent. Buy us out, or identify a third party to purchase the 69 per cent of the Government's shares in TTMC”. That is what he told them. That fellow does not play games. “You want to play games, I am not in that”. That is his position.

Mr. Speaker, I make the point simply that transparency and accountability must be the way of a government if it wants to attract foreign investors. *[Desk thumping]* It is extremely regrettable that the Minister used the privilege of

Parliament this evening to slander two of our upright investors here in Trinidad and Tobago. *[Desk thumping]* I would hope that there would be no recurrence of such behaviour by this Minister, even in the short period he still has in this Parliament.

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

Mr. Manning: How did Clico get into that at \$51 million after the bidding process? That is what I want to know.

The Minister of Trade and Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, it is very clear that I have nothing to respond to from the Member for Diego Martin Central, in that he has supported the Bills before the House, he has written my obituary, albeit in very brief language, and he has attempted to defend some situation which arose here this afternoon which he says he will continue on Friday. I suspect when he continues it on Friday, the distinguished Minister from Tobago East will respond to him. *[Laughter]*

Mr. Manning: They say you are on your own!

Mr. Speaker: Order, please! Order!

Hon. M. Assam: I want to thank the Member for Diego Martin Central for supporting the two measures. *[Desk thumping]* With respect to the Member for Port of Spain South, I appreciate some of the points he raised during his contribution, and it is very clear that he did make a very thorough study of the two Bills. *[Desk thumping]* He obviously has some knowledge of computers.

Mr. Hinds: A product of the PNM education system!

Mr. Maharaj: I will put Minister Job to talk about that for you. *[Laughter]*

Hon. M. Assam: Mr. Speaker, these two Bills were considered very comprehensively and for a very long period of time—over six hours in the other place—and I noticed that notwithstanding the fact that the Member for Port of Spain South has his knowledge of computers, and I think he is a geophysicist, from what I understand, he attempted to give one the impression that he understood the law and that he has a capacity for drafting legislation.

Mr. Manning: Indeed he does. *[Laughter]*

Hon. M. Assam: Notwithstanding that, Mr. Speaker, I am prepared to say that because of where we have reached in the parliamentary term, I think it would be imprudent to undertake any kind of modification to the legislation before us this evening. I would hope that we can pass this legislation as is, and when we come

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back in the next session, whoever is in government can proceed to look at the legislation once more and perhaps, by that time, we may have had some kind of experience in the way the legislation has been applied and the kinds of occurrences that may have, in fact, taken place with respect to the areas that the Member raised, which I am sure are not of urgency at this point in time.

I appreciate his concern about burden of proof. Like himself, I am not a lawyer, but I know we have passed legislation in this House where the burden of proof is on the person who is accused, and that the presumption of innocence has been, in fact, removed in certain pieces of legislation. I am not too sure that putting the burden of proof on the accused is a derogation from civil society. In fact, I remember when I studied law in my early days and I looked at the Napoleonic code, the burden of proof was on the accused in the Napoleonic code. I do not believe that they lived in an uncivil society. In fact, the French society is a very civil one.

From time to time, one has to deviate from practice in order to demonstrate to the national community and, indeed, to the international community, that Trinidad and Tobago looks at certain crimes with great gravity and we are prepared to remove ourselves from the traditional burden of proof concept and to have that burden of proof on the accused. As a consequence of which, I would prefer if we can keep that particular provision in this piece of legislation.

I hope the Member for Port of Spain South will co-operate with us at this very late stage in the legislative life of this Parliament and pass the Bill in its present form, because it went through several changes and modifications in the other place with distinguished Senior Counsel and others giving their inputs at that time.

With these few words, Mr. Speaker, I want to thank the entire House, particularly the Members Opposite for the support, and I beg to move. [*Desk thumping*]

PROCEDURAL MOTION

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, can I move the Procedural Motion? Mr. Speaker, I beg to move that notwithstanding the hour, the House continue to sit until the completion of these two matters.

Question put and agreed to.

COMPUTER MISUSE BILL

Order for second reading read.

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

That a Bill to prohibit any unauthorized access, use or interference with a computer and for other related matters, be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 17 ordered to stand part of the Bill.

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

House resumed.

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

7.45 p.m.

ELECTRONIC TRANSFER OF FUNDS CRIME (NO. 2) BILL

Order for second reading read.

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

That a Bill to regulate the transfer of money through an electronic terminal by means 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, be now read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 20 ordered to stand part of the Bill.

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[HON. M. ASSAM]

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

House resumed.

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

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now stand adjourned to Friday, October 27, 2000 at 1.30 p.m. On Friday, we hope to complete the Motion dealing with the Standing Orders, Motion No. 3 on today's Order Paper, which is:

Be it resolved that the House adopt the Report of the Standing Orders Committee of the House of Representatives which considered the proposed amendments to the Standing Orders to give effect to Section 66A of the Constitution.

We will also debate the Bill to provide for the imposition of variation of certain taxes for the incorporation of the amendments made by the Provisional Collection of Taxes Order, 2000, to introduce other provisions of a fiscal nature and for related matters.

Mr. Speaker, may I give notice that in the event we do not finish these two matters on Friday afternoon, we propose to sit on Monday, October 30, 2000, at 10.30 a.m.

Question put.

Mr. Manning: No.

Mr. Valley: No. We want election.

Mr. Speaker: I interpret the noises I heard on the other side as the ayes having it.

Mr. Valley: No.

Mr. Manning: We want election.

Mr. Speaker: Division.

The House divided: Ayes 15 Noes 9

AYES

Maharaj, Hon. R. L.

Persad-Bissessar, Hon. K.

Adjournment

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Lasse, Dr. The Hon. V.
Griffith, Dr. The Hon. R.
Humphrey, Hon. J.
Maraj, Hon. R.
Rafeeq, Dr. The Hon. H.
Khan, Dr. F.
Assam, Hon. M.
Job, Dr. The Hon. M.
Nanan, Dr. The Hon. A.
Partap, Hon. H.
Mohammed, Dr. The Hon. R.
Sharma, C.
Ali, R.

NOES

Valley, K.
Manning, P.
Robinson-Regis, Mrs. C.
Narine, J.
James, Mrs. E.
Joseph, M.
Sinanan, B.
Hinds, F.
Williams, E.

Question agreed to.

House adjourned accordingly.

Adjourned at 7.55 p.m.