

HOUSE OF REPRESENTATIVES*Friday, May 18, 2001*

The House met at 1.32 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**EQUAL OPPORTUNITY (AMDT.) BILL**

Bill to amend the Equal Opportunity Act, brought from the Senate [*The Attorney General and Minister of Legal Affairs*]; read the first time.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Eastern Regional Health Authority for the year ended December 31, 1996. [*The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj)*]
2. Report of the Auditor General on the accounts of the Eastern Regional Health Authority for the year ended December 31, 1997. [*Hon. R. L. Maharaj*]
3. Report of the Auditor General on the accounts of the Tobago House of Assembly for the year ended December 31, 1996. [*Hon. R. L. Maharaj*]
4. Report of the Auditor General on a special audit of the Public Assistance Programme of the Ministry of Social and Community Development (now Ministry of Community Empowerment, Sport and Consumer Affairs). [*Hon. R. L. Maharaj*]
5. Annual Report 1999 of the Controller, Intellectual Property Office. [*Hon. R. L. Maharaj*]
Papers 1 to 5 to be referred to the Public Accounts Committee.
6. Biodiversity Strategy and Action Plan for Trinidad and Tobago. [*The Minister of the Environment (Dr. The Hon. Adesh Nanan)*]

DEFINITE URGENT MATTER (LEAVE)**Palo Seco Velodrome/Sporting Club
(Sale of)**

Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, in accordance with the provision of Standing Order 12(1) and (2), I hereby ask leave to move the adjournment of the House at today's sitting, Friday, 18 May 2001, in order to

Definite Urgent Matter

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discuss a definite matter of urgent public importance, to wit, the stated intention of the owners of the lands upon which the Palo Seco Velodrome, the Palo Seco Sporting Club and associated grounds allocated, to sell same or to convert the property into a housing development.

The matter is definite because it refers to a specific and identifiable threat to remove from the public domain the only major sporting facility in East St. Patrick.

The matter is urgent because the advertisement for sale appeared in the business section of the *Guardian* of Sunday 13, May 2001. Unless immediate steps are taken by the State to cause its purchase by the Petroleum Company of Trinidad and Tobago or the acquisition of the property for a public purpose by the Government of Trinidad and Tobago, the children and the population of more than 100,000 persons will be deprived of sporting facilities.

The matter is of public importance because sporting facilities of East St. Patrick are few, far between and, generally, underdeveloped. Sport is recognized as one of the means whereby young people can be encouraged to lead healthy and fruitful lives and even graduate to successful professional careers.

The Government of Trinidad and Tobago has expended \$487 million to build four stadia. It is ludicrous that a sporting facility and velodrome which are already in existence and which have nurtured a number of national and international sportsmen and—women, should be unceremoniously removed from the reaches of the sportsmen and—women and children of Palo Seco, Rancho Quemado, Los Bajos and the environs, thereby depriving them of opportunities for employment and relaxation.

Thank you, Mr. Speaker.

Mr. Speaker: The hon. Member is advised that the matter raised under Standing Order 12 does not qualify.

**BIODIVERSITY STRATEGY AND ACTION PLAN FOR
TRINIDAD AND TOBAGO**

The Minister of the Environment (Dr. The Hon. Adesh Nanan): Mr. Speaker, I tabled earlier in today's proceedings the Biodiversity Strategy and Action Plan for Trinidad and Tobago.

Biodiversity is defined as the variety of life which surrounds us. It includes the animals and plants and their genetic material. Biodiversity in Trinidad and Tobago is special because of our comparative size. The islands' flora and fauna

are the most diverse in the Caribbean archipelago. This is due to the continental origin of our islands which were once connected to the South American mainland up to 11,000 years ago. We, therefore, have a rich, tropical South American natural heritage.

Other Caribbean islands have different origins and developed along different biological lines, and though they have species with a high degree of endemism they are not as biologically diverse as Trinidad and Tobago. These living resources represent a rich, vitally important, national endowment.

Unfortunately, several negative factors, including deforestation, overhunting and pollution have placed the long-term survival of many components of this country's biological diversity at risk. In response to this threat to the living resources of this country and in fulfilment of our obligations under Article 6 of the Convention on Biological Diversity, Government commissioned the development of the national Biodiversity Strategy and Action Plan. This plan was developed by the Environmental Management Authority with assistance from the United Nations Development Programme and its global environment facility.

It provides a road map for the conservation of Trinidad and Tobago's biological resources by identifying the threats to these living entities and suggesting a way forward. This national strategy and action plan represents almost three years of extensive consultation with communities throughout Trinidad and Tobago and with stakeholders in the environmental sector, as well as industry, tourism, fisheries and agriculture. Such an exhaustive process was undertaken to ensure that the priorities and concerns reflected the views of the widest possible cross-section of the society.

Mr. Speaker, the plan recognizes the significant contribution that the living resources of this country make to the economic, cultural and spiritual well-being of the people of Trinidad and Tobago. Specifically, it recognizes the importance of biodiversity to ecotourism, recreation, timber production, fisheries, hunting, the provision of water and soil erosion control, traditional medicines, handicraft, atmospheric recharge and its aesthetic value. There is no doubt that the management and conservation of this living heritage are crucial to the sustainable development of Trinidad and Tobago.

To address the challenges highlighted in the report, the plan identifies 41 strategies and over 136 specific actions in the areas of education and awareness, policy, legislation and enforcement, information and research, commitment and capacity and financial instruments. These six thematic areas were identified by the

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[HON. A. NANAN]

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communities and stakeholders as being the most important to prevent the loss of biological diversity in Trinidad and Tobago.

In the short term, the Ministry of the Environment has initiated a programme in partnership with the private sector and non-governmental organizations for community-based conservation of the country's beaches. The re-naturalization of our rivers has started, and here, I make a special appeal to the public to desist from polluting our watercourses.

In the month of June the Ministry of the Environment, through its Forestry Division, will begin a highly intense reforestation programme together with a tree-planting exercise in every school.

We have seen the wanton destruction of our forest over decades with loss of plant and animal habitats. However, through this community-driven programme of reforestation we will begin the process to return the forest to its original pristine condition. In the first instance, every tree that is felled in our forest reserve must be replaced to ensure the continued propagation of timber stock. As part of its medium-term plan, the Ministry of the Environment will pursue the expansion of this valuable resource, our forest stock.

The rules to protect environmentally sensitive areas and species became effective on April 25, 2001. This will usher in the dawn of a new era in the conservation and protection of our biodiversity. In accepting the recommendations of a national Biodiversity Strategy and Action Plan, Government has demonstrated its commitment to meet its international obligations under the Convention on Biological Diversity and to the sustainable management of these living resources.

In an effort to build on this decision, the entire report will be made available to the public on the Internet. As Minister of the Environment, I have mandated the Environmental Management Authority to expedite the implementation of the national Biodiversity Strategy and Action Plan.

Thank you.

OCCUPATIONAL SAFETY AND HEALTH (NO. 2) BILL

[Second Day]

Order read for resuming adjourned debate on question [May 14, 2001]:

That the Bill be read a second time.

Question again proposed.

The Prime Minister and Minister of National Security (Hon. Basdeo Panday): Mr. Speaker, this Bill has a history. First of all, it is a bill that seeks the interests of workers. This Bill came before this House in 1997; that is more than three years ago. The Bill was referred to a Joint Select Committee. The Joint Select Committee heard representations on the Bill, some for, some against. Even the Opposition participated in that exercise and made certain suggestions. Those suggestions were incorporated into an amended Bill and came before this Parliament again. It came back here in 1999.

Hon. Members: Not so! [*Crosstalk*]

1.45 p.m.

It came back here in November 1999. The Opposition knew that the Government could not pass this Bill unless it had Opposition support. It needed a constitutional majority. So when they speak about nobody talks to them, there were—

When a fraud calls you a fraud, you do not take him on do you? Or is that allowed. I do not know if that is allowed.

Mr. Speaker: Hon. Members, let me repeat that the House cannot and will not conduct its business with that kind of exchange. The Member is making a contribution and the least you can do is hear him. Every Member of this House would be given an opportunity to make his or her input on the Bill. So please, may I have your cooperation.

Hon. B. Panday: I will not believe that the Opposition participated in a joint select committee and did not proffer its views. The Opposition has to understand that if it proffers its views they are considered, then the Government has a responsibility to bring a bill to Parliament.

They are not in control of the Government. The Government is in control and must bring a bill; and it brought a bill after consideration, after consulting with the trade unions; after consulting with the employers. Even though an election was pending at the time, this Government was prepared to take the risk of voting against the workers of this country, in protection of their health and safety. It may very well have cost them the last election. [*Interruption*]

Hon. Member: That did not cost us the election, it was voter padding, the same padding that is going on now.

Hon. B. Panday: Thuggery is a history of the other side. That is perfectly all right.

It must be very significant, therefore, why the Opposition is resisting this Bill when they know it may cost them another political victory. I read the contribution of the Member for Diego Martin East, the person who is leading the attack on this Bill. I wondered why he, of all persons, would lead the attack on this Bill when on the other side there are people, who avowedly, are sympathizers of labour. How was he able to convince his colleagues that they should vote against the working people on a bill that protects their health and safety?

The answer is simple. They have indicated again, that they are prepared to withhold their support and, therefore, scuttle the Bill for a second time. Why would the Member for Diego Martin be so anxious to keep scuttling the Bill? Having read his speech, he has not come up with a single idea. I read what he said on the last occasion over and over; not a constructive or a single idea. He talks about if you have 15 people you must have an ambulance. That is what exposes the Member who has been able to con his colleagues, even those who are former trade unionists.

It is clear that the Member for Diego Martin East owns a few paper companies involved in the construction industry. This Bill has nothing to do with workers, it has to do with him; to protect his own company from providing occupational safety. [*Crosstalk*]

When you give, you must be prepared to take. Do so “aint” like so. When you get licks in an election, you must accept it too.

That is how this Member was able to convince people who have labour sympathy, like the Member for La Brea, the Member for Arouca North...

Mr. Bereaux: The Member for La Brea was convinced because section 10 charges workers \$10,000.

Hon. B. Panday: I cannot remember the Member for La Brea arguing against. [*Interruption*]

Mr. Speaker: Members, let me appeal to you once again. The statements coming from the Benches on the Opposition side are distracting the *Hansard* Reporter as well as distracting me from following what the Member is saying. I am appealing to you once again that we cannot continue this way.

Hon. B. Panday: This has become a personal matter, it seems. The workers are being pitted against a person who has some paper companies that cannot build a wall. Paper companies that are defrauding other Caribbean countries.

Mr. Imbert: Mr. Speaker, on a point of order. Under section 36(5), the Member is imputing improper motives. I would like it withdrawn. He is the Prime Minister. He should be ashamed of himself. It is a disgrace. He is talking about fraud. Everybody on that side is a fraud.

Mr. Speaker: What is the point of order?

Mr. Imbert: He is imputing improper motives, indicating that I am defrauding people.

Mr. Speaker: Hon. Members, I am on my feet, would you remain silent, please. The Member has moved a point of order under Standing Order 36(5). Member for Laventille East/Morvant, would you keep your silence. Hon. Members, I am calling the attention of this House that this is the third time that I am cautioning the Member for Laventille East/Morvant not to interrupt this session.

Standing order 36(5):

“No member shall impute improper motives to any other Member of either Chamber.”

I do not interpret what the Member was saying as imputing improper motives—

Hon. Members: What!

Mr. Speaker. The Prime Minister would continue. [*Loud speaking*] Order, order please. [*Loud speaking continues*] Hon. Members! Hon. Members! Hon. Members!

The House is suspended for 10 minutes to allow the Members to cool themselves.

1.55 p.m.: *Sitting suspended.*

2.30 p.m.: *Sitting resumed.*

Mr. Speaker: Hon. Members, I suspended this sitting and it took a little longer than I had anticipated. I took time out to listen to the tape recording of the proceedings and also to examine the unconfirmed verbatim report. Having carefully done that, it could be interpreted that the statements of the hon. Prime Minister could have come very close to the violation of Standing Order 36(5). I am therefore cautioning him to refrain from going in that direction and I want to appeal to hon. Members to, please, let us maintain the dignity and decorum of this honourable House. I want to appeal to you, please. We cannot conduct our

[MR. SPEAKER]

business like this. We have a lot of visitors in our gallery looking on at us and we need to show that, as a people, we could conduct our business in a better frame.

I ask the hon. Prime Minister to continue but you are cautioned to refrain from going in that direction.

Hon. B. Panday: Thank you, Mr. Speaker, and I abide by your ruling, but I have in my possession the transcript of the speech made by the Member for Diego Martin West. In that, he referred to the machiavellian intent of this Government. He talked about the Member of Parliament not being honest with this House. He called him dishonest. So the rule must apply to all in this House, because this Government is not going to stand in this House anymore—we did it for five years and we are not going to do it anymore. We are not going to stand in this House—

Dr. Rowley: Mr. Speaker, a point of order; 36(5). I said no such thing in my contribution.

Mr. Speaker: Member for Diego Martin West, the Prime Minister is quoting the verbatim report of *Hansard*—

Dr. Rowley: He is quoting the Member for Diego Martin West in this House. I said no such thing.

Mr. Speaker: I think he meant the Member for Diego Martin East.

Please proceed.

Hon. B. Panday: I apologize to the Member for Diego Martin West. Nobody should do him such discourtesy as to refer to him as the Member for Diego Martin East. Nobody should be so insulting! I have insulted you by saying, Diego Martin West instead of Diego Martin East, and my humblest apologies. Nobody should do that to anybody!

So, Mr. Speaker, he referred to us as being dishonest. As I was saying, nobody is going to do what they did in the last five years, that is, insult this Government without this Government retaliating. I quote from the Member for Diego Martin East.

“I sincerely hope that now that there is no general election around and the Government does not have to ‘gallery’.”

Accusing us of ill-intent. We were “gallerying”; we were not serious in what we were doing. They have 110 objections—his own speech! Is that not an indication that they never intended to support this Bill? They had 110 objections. Their object was, from the beginning, they do not want this Bill because this Bill deals

with workers and it is against their interests! Their personal interests! [*Desk thumping*] That is clear. They have personal interests here and it is to protect their personal interests.

Let me read again from what he said:

“You were misleading them about the dishonesty, the treachery that emanates from that side.”

Mr. Speaker, was that close? Let me read that again.

“You are misleading them about the dishonesty, the treachery that emanates from that side.”

Talking about us, and we must sit here and let them do that! Not anymore, Mr. Speaker, not anymore! It goes on.

“He is just a puppet, so he just does what his master tells him to do.”

That is how they refer to Members on this side, and nobody must say anything about them in retaliation. Not anymore, Mr. Speaker, not anymore.

After this Bill being here since 1997, twice in this House, what does the Member for Diego Martin—I will not make any mistake this time—East—I will not insult you twice—

“We will send out amendments to the trade union movement, both the Government boys...”

We are boys, yes, that is all right—

“...and the other side.

...we are going to have dialogue with the OWTU; we are going to talk to the PSA; we are going to talk to the NUGFW; we are going to talk to the Bank and General Workers’ Trade Union; then we would come up with amendments which we would send to them and then we would arrive at consensus.”

Since 1997, they are now going to consult. Mr. Speaker, it is clear beyond a shadow of a doubt, the Member for Diego Martin East does not want this Bill to be passed. It affects the personal interests of people on the other side. They do not care what happens to the workers. Workers are dying; workers are being injured from day to day in this country, and a bill is being presented to this Parliament in order to safeguard the welfare of the workers, and what happens? Because of the personal interests of Members on the other side, they go against it—hundreds of thousands of workers in this country!

Occupational Safety and Health Bill
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They ridicule the Bill, but they intend to go and have consultation. I do not know what they were doing since 1997. I do not know what happened when we had the joint select committee of Parliament. They are now going to consult! This is a ruse. What they want is, they want to scuttle this Bill again; they want to deny the workers their right to protection under the law, protection of their health and safety, and they want to find spurious excuses to justify their irrational action inspired by self-interest. Listen to what the Member says:

“We are going to submit detailed written memoranda to the trade union movement; we are going to have discussion with the Safety Council; we are going to talk to the Employers’ Consultative Association; we are going to talk to everybody.”

So what have they been doing since this Bill was here since 1997? Have they not been talking to anybody? They wait until this Bill comes here for the second time, when they know that we need a constitutional majority to pass it, to make spurious excuses for delaying this Bill again.

Mr. Speaker, and they know, because the Member mentioned it, that if this Bill does not pass in this House on this occasion it would be six months—as a matter of fact, you cannot bring it in the same session. No matter how many months it is, you cannot bring it in the same session again. So we will have to wait until the next session before the workers are afforded the kind of protection that this Bill seeks to give them.

It is the third time this Bill is coming before Parliament, and it is time that they are exposed to the country! Expose them! But we would not let them get away with that. We always have what is called a plan B. We know that they do not want the workers to have the rights that this Bill provides. We know that they want an excuse. The excuse that they have been giving is that since 1997 they did not have time to consult; they did not have an opportunity to consult. We intend to expose them for what they really are, anti-worker!

I see the Member for San Fernando East shook his head. Thank you very much.

2.40 p.m.

Mr. Manning: Mr. Speaker, I was merely shaking my own head. It had nothing to do with either the hon. Prime Minister or anything that he said. I disagree totally with the nonsense that is being spoken by the Prime Minister.

Hon. B. Panday: Mr. Speaker, I did not accuse him of shaking my head. I knew it was his own head he was shaking.

I intend to invite this House at the appropriate stage to indicate that the Government intends to move that this Bill be referred to a special select committee of the House of Representatives for consideration and report within three weeks. At that committee, they will have ample opportunity to listen to the voices of the trade union movement. I will tell you why I say that.

This speech by the hon. Member was made on Monday. Today is Friday. Within that time I have spoken to the National Trade Union Centre and they have indicated support for this Bill. They have said that there was one provision that is of concern to them. That is the provision relating to whether the worker can determine that the working conditions are dangerous enough for him to leave or whether the employer decides that. I have spoken to the Trinidad and Tobago Manufacturers' Association that has also indicated its support for this Bill.

This is why I respectfully submit that we adopt this procedure. It is not because there is need for consultation. Consultation has taken place. The purpose of this is to expose them for what they are. They can sit and listen to the trade union movement and the employers say in front of them, that they support the Bill. Only a few of them on the other side do not.

Mr. Speaker, I thank you for the opportunity you have given me to respond in defence of my Government and colleagues. I propose to do this as often as the occasion requires. I also thank you for the opportunity to make this statement that will tend to resolve this matter.

Thank you.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I indicated to the Opposition Chief Whip, that because of certain commitments that the Members for Couva North and Tunapuna have, we will suspend this part of the debate. We will continue it. There is a short Bill, the Immigration (Caribbean Community Skilled Nationals) Bill which we want to do, as I indicated on the last occasion.

I beg to move that the debate on this Bill be stood down until later in the proceedings.

Mr. Manning: Mr. Speaker, with your kind indulgence. Under normal circumstances, we would have been inclined to go along with the Government on this matter. Having regard to what has transpired here this afternoon, surely, it will not be proper to deny the Opposition a brief intervention at this stage on this matter.

Mr. Speaker: I thought the Leader of Government Business and the Chief Whip would have had agreement behind the Chair.

Mr. Valley: There is no agreement.

Mr. Speaker: If there is no agreement, then, the next option available is to put it for the resolve of the House.

Mr. Manning: Mr. Speaker.

Mr. Speaker: I will allow you to further raise your point.

Mr. Manning: Mr. Speaker, you know very well that the Government has the majority in this Parliament. If it is put to the House—in fact what you are saying is that you are accepting the view of the Government on the matter. That is one of the frustrations of the parliamentary system of democracy. All that we are saying is that we are not trying to frustrate what the Government is doing. We just want to make a brief intervention having regard to the way this thing has gone this afternoon, if only to place our position on the record, and then, we proceed. There ought to be no problem with that, unless of course, the Government has something to hide.

Hon. R. L. Maharaj: The Government is at liberty. This is an important measure. It is needed for the Caricom Heads. We want to ensure that we do that. We will come back to this Bill in a short time.

Mr. Speaker: Apparently, there is no agreement and the fact that the Government has the responsibility to maintain the order of the Order Paper of this House, if there is no agreement, the Speaker must put the question for resolve to the House. If you need more time to consult and come back, then do that. Attorney General, would you do that?

Hon. R. L. Maharaj: Mr. Speaker, we are coming back to it. The hon. Member for San Fernando East will have his time. It is a motion to do this Bill and we will come back to it. It is not that we are adjourning.

Mr. Manning: Mr. Speaker, with your kind indulgence. It is as broad as it is wide. There will be no problem if we make our contribution for five or ten minutes at this stage, and then the Government will have its way in having the Immigration (Caribbean Community Skilled Nationals) Bill passed. What difference does it make then?

Mr. Speaker, since you were kind enough to allow me a brief intervention, I am asking if the Leader of Government Business and the Chief Whip can have a brief consultation behind the Speaker's Chair on this matter, please?

Mr. Speaker: Is this the wish of both parties? For the last time, is this the wish? If not, I will put the question because that is in accordance with the Standing Order. [*Parties agree*]

Mr. Valley: He is acting under directives.

Hon. R. L. Maharaj: The Government is of the view that it has to go ahead with this debate because of its urgency. We will come back today with this measure. Therefore, I ask you to put the question.

Question put.

House divided. Ayes 19 Noes 15

AYES

Maharaj, Hon. R. L.

Panday, Hon. B.

Assam, Hon. M.

Persad-Bissessar, Hon. K.

Humphrey, Hon. J.

John, Hon. C.

Sudama, Hon. T.

Maraj, Hon. R.

Rafeeq, Dr. The Hon. H.

Baksh, Hon. S.

Panday, S.

Singh, Hon. G.

Peters, Hon. W.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Ramsaran, Hon. M.

Khan, Dr. The Hon. F.

Chaitan, Hon. W.

Sharma, Hon. C.

NOES

Valley, K.

Manning, P.

Rowley, Dr. K.

Imbert, C.

Narine, J.

Bereaux, H.

James, Mrs. E.

Joseph, M.

Hinds, F.

Williams, E.

Callendar, S.

Rahael, J.

Beckles, Miss P.

Achong, L.

Moore, N.

Question agreed to.

**IMMIGRATION (CARIBBEAN COMMUNITY
SKILLED NATIONALS) BILL**

Order for second reading read.

The Minister of Enterprise Development, Foreign Affairs and Tourism (Hon. Mervyn Assam): I beg to move,

That a Bill to amend the Immigration (Caribbean Community Skilled Nationals) Act, be now read a second time.

Mr. Speaker, you would recall that at the Caribbean Heads of Government conference in 1989, there was a declaration called the Grand Anse Declaration which mandated a comprehensive review of the Treaty of Chaguaramas which was the treaty subsisting at the time in respect of the Caribbean Common Market.

The review which was mandated envisioned a complete overhaul of the relationships within the community and the way the community conducted its business, so that a common market could be eventually transformed into a single economic space which is now called the Caribbean single market and economy.

2.50 p.m.

In order to undertake this exercise, Mr. Speaker, a number of committees were formed under the legal direction of the Caricom Secretariat and, from 1989 until two years ago, they worked on what is now called the nine protocols. These nine protocols have all been agreed to by heads of government in the last two years and are now awaiting ratification by member states to bring them into legal force.

One of the most important of these protocols—although each of the nine is extremely important—is Protocol II because Protocol II requires States to enter into the movement of goods, services, capital, people and, more importantly, the right of establishment.

As a consequence, it became necessary to have each Parliament introduce legislation or, alternatively, administrative arrangements to ensure that the spirit of Protocol II and the mandate of the Gran' Anse Declaration be brought into force. Hence, in 1996, this Government undertook to conform with Protocol II and introduced a bill, which was eventually enacted in this Parliament as Act No. 26 of 1996 and assented to by His Excellency The President, on September 05, 1996.

But, Mr. Speaker, after this Act was assented to, it was found that there were certain difficulties in its implementation. It was brought to the attention of the Government by the Immigration Division of the Ministry of National Security that certain aspects of that law could not be put into force and would have challenged some of the existing immigration laws. This particular law was, therefore, to some extent, inconsistent with existing immigration law. As a consequence, the piece of legislation was never proclaimed, hence Trinidad and Tobago did not live up to its treaty obligations.

The matter was sent back to Cabinet and an inter-ministerial committee was established to go into all of the ramifications, inconsistencies and inapplicabilities of certain clauses as contained in Act 26 of 1996.

We have had some embarrassment as a consequence of not proclaiming the law because a number of Caribbean countries have already done so either through legislation and, as in the case of Barbados, I believe, through legislative arrangements.

Immigration (Skilled Nationals) Bill
[HON. M. ASSAM]

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When I went to the Twelfth Intercessional Heads of Government Meeting in February this year, I gave a solemn commitment to that meeting, which was approved by the hon. Prime Minister, that Trinidad and Tobago will have the amended legislation passed and proclaimed before the next Heads of Government Meeting, which is scheduled to take place in the Bahamas on July 02, 2001. We do not have much of a time frame, hence the urgency of having this Bill debated and passed today.

I crave the indulgence and seek the generosity of my friends opposite in making this possible because of the importance of the Bill and also because of the urgency in terms of having this Bill passed as soon as possible. After it leaves this honourable House, it has to go elsewhere to be completely debated and agreed upon before assent and proclamation.

It is not an attempt by this Government to use its numerical superiority to foist upon the Opposition a suspension of the debate that was taking place. It was merely to accommodate this urgency and I trust that the Opposition will so understand this explanation.

Additionally, when the amendment was done, there were again certain objections made by the Immigration Division of the Ministry of National Security and we had to revisit it. Hence, I have circulated some further amendments to this amended Bill to tidy it up and make it more consistent and workable and to ensure that the spirit of protocol two is not only observed, but the letter of the law is complied with. [*Interruption*]

I had requested—and I am not blaming anybody—that the amendments be circulated in advance of today. I had my officer send the amendments to the Parliament. If there has been a lapse in not having the amendments circulated earlier, I apologize. They are not very long or even technical and, as a consequence, I ask again, for the co-operation of Members opposite and apologize for any lateness or inconvenience that I may have caused. [*Interruption*] I think you would be suspicious for any reason. If Jesus Christ came and whispered in your ear, in my view, you would be suspicious about it.

3.00 p.m.

Mr. Speaker, neither myself nor anyone on this side considers himself or herself to be Jesus Christ. It is only the Member for San Fernando East who says that he has a divine right to rule, and that a halo was over his head on the night of December 16, 1986, when God came down and anointed him as the future leader of the People's National Movement.

Mr. Speaker, let me go into the Bill so that we could have the matter debated with dispatch. The intent of the Bill is to amend the Immigration (Caribbean Community Skilled Nationals) Act, 1996, which was passed in September of that year. The Bill is introduced to define the terms, “dependent member of the family” and “infectious or dangerous infectious disease” as used in the Act. It is also intended to clarify the role of the Minister with responsibility for immigration within the context of Act No. 26 of 1996. Also, Mr. Speaker, it is intended to authorize an immigration officer to deny entry to a person who is the subject of a deportation order issued against him or is afflicted with any infectious or dangerous infectious disease.

In order to make Act No. 26 of 1996 internally consistent by deleting the words, “and has gained employment in accordance with his training or experience” which were added in this honourable House, in order to impose an additional condition for the grant of the Certificate of Recognition of Caribbean Community Skills qualification—you would notice that in section 3(2) of Act No. 26 of 1996, this particular clause was included: “and has gained employment in accordance with his training or experience”. This flies in the face of Protocol II, because Protocol II does make provisions for self-employment and, therefore, this would negate that possibility of someone entering, if that person wants today to come into Trinidad and Tobago for the purpose of self-employment and hence, although it crept in by some surreptitious means when it was debated in 1996, it has to be excised in order for it to be consistent with Protocol II.

I have also accepted alterations made to the Bill since it was laid in the House in an effort to improve the legislation and, again, I apologize for its late laying on the table to the various Members opposite. Those changes, Mr. Speaker, have been circulated by the list of amendments and Members will note that amendments being introduced involve clauses 2A, 2B and 2C and clause 5, so that notwithstanding what the Member for San Fernando East said that there are only two clauses in the Bill, there are more than two clauses.

Mr. Manning: Two pages. What is wrong with your ears?

Hon. M. Assam: Well, I see the Bill is more than two pages also, but it is all right, I have no difficulty.

However, clause 2A deals with two definitions: “dependent member of the family” and “infectious or dangerous infectious disease” that I believe would improve the implementation of the Act in terms of the processing of persons coming into our country by the immigration officials. Clause 2B and 2C give the

immigration officer the power to deny entry to someone who is the subject of a deportation order, or who is afflicted with an infectious or dangerous infectious disease. Additionally, Mr. Speaker, clause 2B provides for the deletion of the words, “and has gained employment in accordance with his training or experience” from section 3(2) of the Act which I just read to you and which is inconsistent with the provisions of Protocol II.

Clause 5 clarifies the drafting in section 10 of the Act. Section 10, Mr. Speaker, if I were to bring it to your attention says:

“The spouse and dependent members of the family of the holder of a certificate under Schedule II shall, notwithstanding the provisions of any other law but subject to sections 12 and 15, not be subject to any restriction on freedom of movement, including the freedom to leave and re-enter Trinidad and Tobago without further permission, which would not apply if that spouse or dependent family member were a citizen of Trinidad and Tobago.”

Clause 5 seeks to clarify the drafting in this section and therefore it is very important in terms of the implementation of the law.

Mr. Speaker, as I said in my opening statement that Act No. 26 is really giving form to the decision that was taken by the Conference of Heads of Government and the Caribbean Community. The Act serves to remove the restrictions on entry into Trinidad and Tobago of university graduates of Caribbean Community states who are seeking employment in the Caribbean single market and economy. The effect of the Act is to accord to a citizen of a qualifying Caricom country, issued with the appropriate certificate, the right to enter and stay in Trinidad and Tobago for an indefinite length of time and also to enter and leave Trinidad and Tobago without restrictions as often as he or she wishes for the duration of that stay. Therefore it clarifies section 10 and therefore the law, as amended, would be more easily implemented.

3.10 p.m.

Mr. Valley: Has the original Bill been proclaimed as yet?

Hon. M. Assam: I thought I had said that at the very beginning. [*Interruption*] Well, when I speak loudly, you say I am shouting. When I speak softly, you are not listening or you are not hearing. It is very difficult to please the Opposition. It is impossible to please the Opposition. I am trying to be as measured as possible.

I said in my very opening remarks—and I shall repeat them for the benefit of the hon. Member for Diego Martin Central—that Trinidad and Tobago found

itself in an embarrassing position, because several Caricom states had enacted legislation or put in place administrative arrangements to give effect to the provisions of Protocol II, which requires each state to enact legislation in its Parliament to allow the free movement of skilled persons.

However, Act 26 of 1996, which was passed in this honourable House on September 05, 1996 and assented to by His Excellency the President, was not proclaimed because, before proclamation took place, the Immigration Division of the Ministry of National Security brought to the attention of the Government certain inconsistencies of the Act with the existing immigration law. I thought I had said that. I do not know how the Member for Diego Martin Central did not hear or understand it. [*Interruption*] I am very glad to repeat it for you.

Mr. Valley: I am very happy that you did that. I am sorry that I really missed it on the first occasion. Hon. Member, one does not want to take up time by way of responding, but why has it taken the Government from 1996 to 2001—to have the embarrassing situation of Julian Rogers—to have the Act proclaimed?

Hon. M. Assam: I thought that I had explained—I will do it for a third time or maybe a fourth time—that when the Act was about to be proclaimed and, therefore, to be operationalized and become the law of the land, the Immigration Division of the Ministry of National Security brought to the attention of the Government certain inconsistencies of this Act with existing immigration law.

The Cabinet appointed an inter-ministerial committee. The committee sat and there were several meetings backward and forward, toing and froing, with the Immigration Division. As a matter of fact, these amendments which, unfortunately, we have brought late before you, are also as a result of certain parts of the amended Bill that were not satisfactory to the Immigration Division of the Ministry of National Security. Up to the very last moment that I was about to pilot this Bill there were certain objections raised once more.

We have got to take account of the objections of the Immigration Division, because they are the people who will, in the final analysis, be responsible for implementing the law and admitting citizens from Caricom countries, and we do not wish immigration officers to be put into a position where they could either embarrass themselves or citizens coming in from other countries and, by extension, embarrass Trinidad and Tobago. So the law had to be pellucidly clear and also capable of being properly implemented, without bias, without any judgmental application on the part of the immigration officer, but on the strict application of the law which has been clearly spelt out. It took a lot of time to do so.

Mr. Valley: Just one last question, hon. Member. I think you are known for a high level of efficiency. I wonder whether you consider that this five-year period to deal with this matter, is an efficient way of dealing with what is an important issue for the single market and economy in Caricom?

Hon. M. Assam: I am prepared to admit, without assigning blame to any ministry or any official, that four years is a bit too long to have completed this amendment. It is too long; I admit that; but the point is, it is better to do things properly and take some time, rather than to do them in a hurry and then regret thereafter.

Mr. Manning: Let me write that down.

Hon. M. Assam: As the lawyers will say, *festina lente*, hasten slowly. Sometimes when you hasten slowly you produce a better product, because you cannot bake a cake too quickly; you will suddenly find that the inside is not cooked, Member for Diego Martin Central. We intend, this time, to have the cake properly baked and cooked so that it could be edible and consumed by all who have to eat that cake. So I admit that it has been a bit long in coming, but we wanted to have it done correctly so that the Immigration Department, which is responsible for administering the law, will have no difficulty. There would be no ambiguity, no equivocation in terms of the intent, interpretation and application of the various clauses of this law as mandated by Protocol II and as required of every country that forms the single market and economy. I hope my explanation has satisfied the Member for Diego Martin Central. [*Crosstalk*]

We were saying, Mr. Speaker, that subsequent to the passage of Act No. 26, during a review for the purposes of proclamation, concerns were raised regarding the relationship of the Act to the Immigration Act and the general workability of the former in relation to the latter. That is why I was at pains to explain to the hon. Member for Diego Martin Central why we had to come back, why it took some time—although, perhaps, it could have taken a shorter time—and the urgency for having this Bill debated and passed in order to fulfil, once and for all, our obligation, in the first instance, but a promise that we made at the Twelfth Intercessional meeting in February this year in Barbados, that the Bill will not only be amended and passed but proclaimed and operational by the time we got to the Caribbean Heads of Government Conference in the Bahamas in early July 2001.

As I said earlier, in explaining to the Member, the matter of implementation was then considered by an inter-ministerial committee. That took some time,

because there are so many other things that Ministers have to be attending to. I am not suggesting that this is unimportant and that it should not be a priority, but there are so many things that are important and are priorities on the table of a Minister, so each one has to be in the queue in order for it to be done, but, above all, done properly. *[Interruption]*

I am not campaigning for anything. I have no interests whatsoever. *[Crosstalk]* Apparently he does not know that nomination day has gone. *[Laughter]* He wants to mind UNC business so much, that he does not even know that nomination day has gone, and it is impossible, at this stage, to put in your name. It is not like the American system you know. You cannot write in somebody's name on a ballot.

Mr. Manning: You watch and see.

Mr. Valley: I see “yuh” partner taking the bait. *[Laughter]*

Hon. M. Assam: I am so happy the business of the UNC excites you, whereas the business of the PNM pains you; so I am happy about that. *[Laughter]* You know, Mr. Speaker, I see his good friend, the Chairman of the Tunapuna/Piarco Regional Corporation, has been very unkind and very unfair to my distinguished friend, the Hon. Member for Diego Martin Central. I was rather surprised that the leader did not come to his rescue, but I understand that there is an uncanny relationship between the leader and the Chairman of the Tunapuna/Piarco Regional Corporation, existing or subsistent between them, but that is for another time.

Mr. Speaker, the committee identified—*[Interruption]*

Mr. Valley: I just want to inform the hon. Member that I had bigger fries, as I was dealing with the Member for Couva North. He has to take his place in line, if I can ever find the time to get to him. *[Laughter]*

Hon. M. Assam: I think the Opposition Chief Whip has some kind of romance with the Member for Couva North. He always likes to tackle you, so it is a kind of love/hate relationship.

Mr. Valley: We love each other dearly man. *[Laughter]*

Hon. M. Assam: Without a doubt; I am convinced. Why do you think he wants to take him behind the Speaker's Chair so often? *[Laughter]* *[Desk thumping]*

Mr. Speaker, the committee identified—*[Laughter]* I am so happy that after the heat that was generated during the first part of the sitting of this House that

Immigration (Skilled Nationals) Bill
[HON. M. ASSAM]

Friday, May 18, 2001

created a suspension, I am able to bring some laughter, joy and a certain amount of levity, although we are debating a very serious piece of legislation.

The committee, therefore, identified certain areas in which the Act could be improved by amendments, or in which its implementation could benefit from the promulgation of regulations dealing with specific points. I am trying to tell them why the whole process took so long. Advice was received that the following area would require an amendment to the Act, while the other matters could be dealt with in regulations. *[Interruption]*

It is all right; let them leave; it is their right. This is a democracy. It is only you who suspend Speakers, lock “dem” up and “ting”. We do not do that you know. We do not do any of those things. *[Crosstalk]* Freedom of movement is a hallmark of this Government.

Mr. Valley: Mr. Speaker, we want to pass the Bill. We want to get back to important things. Could we have a guillotine on this matter?

Hon. M. Assam: I know how you want guillotine very well. I know you want to take some people's head in the PNM. I know you love the guillotine. *[Laughter]* It is all right; you love the guillotine.

Therefore, Mr. Speaker, clarification and amplification of the “for cause” provision in section 5 of the Act which deals with circumstances under which the permission to enter sections 3(1) and 4(1) may be revoked.

I do not want the Member for Diego Martin Central to say that the Member for Tunapuna did not present a proper Bill to the House. He often accuses people of doing that. I do not want him to accuse me. I want to do justice. *[Interruption]*

Mr. Valley: Not everything you write you have to read. You read enough.

Hon. M. Assam: You know that I do not have to depend on anybody to write anything for me.

Hon. Member: No, we do not know that.

Hon. M. Assam: I possess a certain facility in the English language—*[Desk thumping]*—which I am not too sure I can confer on you, hon. Member for Diego Martin Central.

Mr. Valley: Why are you reading the whole thing?

Hon. M. Assam: The Bill addresses the matter of circumstances under which permission to enter under sections 3(1) and 4(1) of Act 26 of 1996 may be denied;

the residual power of the Minister of National Security to deny entry and to revoke permission of certain categories of persons.

Mr. Speaker, I now come to the main provisions of the amended Bill. The main provisions are that new clause 2A amends section 2(1) so as to define “dependent members of the family” and “infections or dangerous infectious disease”. New clause 2B amends section 3 of the Act to permit the immigration officer to bar a person who is the subject of a deportation order issued against him or who is afflicted with an infectious or dangerous infectious disease, and in (2) by deleting the words “and has gained employment in accordance with his training or experience”.

3.25 p.m.

New clause 2C amends section 4 of the Act also to permit the immigration officer to bar a person who is the subject of a deportation order, issued against him, or is afflicted with an infectious and/or dangerous disease.

Clause 3 of the Bill introduces a new section 4A into Act No. 26 of 1996, which invests the Minister with responsibility for immigration, with the power to prohibit the entry into Trinidad and Tobago, under section 4 of the Act, any person whose presence would be prejudicial to national security. This is a particularly important provision that was left out in the original Act.

Clause 4 of the Bill clarifies the power of the Minister of National Security to revoke permission already granted, if a person is the subject of an order made against him for his extradition, deportation or other form of surrender; or who commits an offence that is punishable with imprisonment for one or more years. Again, a very important clarification which does not exist in the parent Act.

New clause 5 of the Bill amends section 10 of the Act in subsection (1) to make it clear that section 10(1) applies to the spouse and dependent members of the family of a person to whom section 3 applies. In the same way that section 10(2) makes it clear that that subsection applies to the spouse and dependent members of the family to whom section 3 applies. It is very vague and unclear in the parent Act and this particular clause would make it abundantly clear, with little or no chance for misapplication or misinterpretation.

What is the rationale for deleting the words: "and has gained employment in accordance with his training and experience" in section 3(2) of the Act? I am trying to educate you because one day in 2016 you may become the Minister of Trade and you would need to know about these matters.

Mr. Valley: That is my Bill.

Hon. M. Assam: It is his Bill, he was the Minister of Foreign Affairs.

The words "and has gained employment in accordance with his training and experience" were added during the debate in the House; and I believe it was the Member for Diego Martin Central who caused this confusion when the Bill was being debated. He wanted to add these words to that clause. Similarly, it was the Member for Diego Martin East who caused the confusion when we were debating the Integrity Bill that is causing judges to revolt against us. These new flavours that they like to introduce into bills; and they are not drafters of legislation; but because of the democracy that prevails on this side, we sometimes allow a certain amount of liberty to Members opposite to make certain kinds of modifications to the legislation. Eventually we find ourselves in great difficulty by accepting some of these suggestions.*[Interruption]*.

Mr. Valley: Mr. Speaker, I do not know whether the hon. Member for Tunapuna would recall that he was the chairman of the committee that looked at the integrity legislation—of which I was a Member—and that he held the very strong view that judges should also be governed by the integrity legislation. I think the *Hansard* would demonstrate that quite clearly. So as chairman of that committee, it was clearly his view. I remember.

Hon. M. Assam: You must not rely on your memory because you do not have a good one. You have demonstrated that so many times in the past. You resign tonight, forget you resign and reinstate yourself tomorrow. Even the Chairman of the Tunapuna/Piarco Regional Corporation indicated that to you recently.

Notwithstanding that intervention, the effect of these words is to impose an additional condition for the grant of a certificate allowing entry for a period of indefinite duration. The certificate is supposed merely to recognize that the holder possesses qualifications that entitle him to the grant of a certificate of recognition of Caribbean community skills qualification. That is very important. Hence, the need to delete those words from the Act.

The words added mean that in addition to possessing such skills, the person must have gained employment and that, obviously, was not the intention of Protocol II. The effect of these words is to exclude from the grant of a certificate anyone who possesses Caricom skills but intends to be self-employed. That is the critical point that we are trying to amend today; to remove that inequity, that inconsistency, with Protocol II.

The stipulation regarding prior employment before the grant of a certificate lacks merit on three grounds. It imposes an additional condition on the grant of a certificate of recognition of skills when that grant should be based only on whether the person possesses the skills.

It conflicts with section 3(d) of the Act that clearly envisages that the certificate holder may establish his own business.

It is also inconsistent with Protocol II of the Treaty of Chaguaramas which is being provisionally applied and which permits persons establishing businesses in the single market to live and work in Trinidad and Tobago, or indeed in any territory, as part of the Caricom single market and economy; even if they do not possess a certificate of recognition of Caribbean community skills qualification. It is a very important amendment.

Retention of the words: "and has gained employment in accordance with his training and experience" would mean that the person with Caribbean community skills qualification would be denied a certificate of recognition because he is not someone's employee; but a person without Caribbean community skills qualification would be allowed—and this is the complete contradiction in the parent legislation—to live and work in Trinidad and Tobago, in accordance with the provisions of Protocol II of the Treaty of Chaguaramas, without the need of a certificate.

So, these are some of the reasons for the amendments: to clear up and remove these inconsistencies and contradictions; and, of course, to deny legitimately, the entry of persons with such skills.

The words that are recommended for deletion in subsection (2) of section 3 are inconsistent with the spirit and intent of the Caricom agreement on the freedom of movement of skilled persons. The Caricom citizen whose qualifications are recognized by the receiving member state is entitled to indefinite permission to enter. The right is limited to those who are citizens by birth of a Caricom state. The basic rights to work or engage in a trade or profession and to acquire property for residence or business purposes are also conferred by Protocol II. It is surely better that the skilled persons of the region be allowed to employ their skills in the region for the improvement of the region, rather than be lost to the region, possibly forever, through emigration to other parts of the world.

To underscore the importance of this Act that is being amended by this Bill, the Heads of Governments of the Caricom Community at their Sixteenth Meeting

of Conference in Guyana in July 1995 agreed, as a first step, towards facilitating the free movement of skilled persons among member states, to implement with effect from January 01, 1996, the free movement of Caricom nationals who are university graduates.

3.35 p.m.

Heads of Government subsequently agreed in July 1996 to extend this facility to include artistes, sportspersons, musicians and media workers. To date, all Caricom states, with the exception of Suriname and Montserrat—Montserrat, because of its problems with the eruptions of the volcano and the continuous dislocation of that country; and of course, Suriname, because Suriname is a new member and because of the need to have their laws which are very different from our laws. Because their laws, I believe, are based on the Napoleonic code—whereas our laws are based on the British common law—they need to be able to do certain things in order to harmonize them before they can proceed with this piece of legislation. In the case of Barbados, which I mentioned earlier: administrative arrangements to give effect to the decision to permit the free movement of university graduates. In addition, Belize, Guyana and Jamaica have enacted legislation to give effect to the free movement of artistes, sportspersons, musicians and media workers.

The rationale for the decision on the free movement of skilled persons lay in the acceptance of the fact that in order to achieve the objectives of the Caribbean single market and economy—that is, closer integration of the markets of member states of the community and the eventual fashioning of a single market in the region—those factors of production susceptible of movement must be allowed to move within the community in order to achieve an optimal allocation of scarce resources within the single market. This requirement applies equally as well to labour, as it does to capital.

The decision regarding the free movement of skilled persons represents a balancing, on the one hand, of the economic imperatives flowing from the creation of the Caricom single market and economy, and on the other, a recognition that economic and social dislocations could arise from unrestricted movement at this stage of development of the economies of the region, and certainly, Trinidad and Tobago will be a case in point. Because of the perceived buoyancy and the perceived employment opportunities that exist in Trinidad and Tobago, it is possible that we could have a flood of persons coming to work in Trinidad and Tobago, which will further exacerbate not only the unemployment levels in the country, but put great pressure on the social and physical

infrastructure of our country. Therefore, it is imperative that we look at all of these implications, notwithstanding that we intend to abide by both the spirit and the law of this piece of legislation as mandated in Protocol II.

As you know, Trinidad and Tobago is a leading proponent of the formation and establishment of the single market and economy, because Trinidad and Tobago, notwithstanding what I just said, stands to benefit and has benefited immensely from our relationship with Caricom countries. We need to manage our relations with Caricom countries in a very delicate and a very sensible way, because it must not be seen that we are in any way engaging in the theory of beggar-my-neighbour. On the other hand, we must always be seen as stretching out our hands to our Caricom brothers and sisters in order to ensure that there is a certain amount of balance of growth and development in these countries, so that Trinidad and Tobago can have outlets for our goods and services and, therefore, retain that kind of economic growth and development that we have been experiencing for some time. Although it is my view that notwithstanding we have very good markets in Caricom, we need to continue to diversify our markets, as we have been doing, by creating economic space and market access through the negotiation of free trade agreements and getting involved in the Free Trade Area of the Americas (FTAA) and the relationship with Europe, which has just been signed as a preliminary follow-up to Lomé IV, the Cotonou Agreement.

Therefore, freedom of movement, as has been seen in the European Union, which has almost complete freedom of movement at this stage—but, of course, they are a much more mature and older association of states and as they embrace countries of the former Eastern Europe, they are going to have certain kinds of difficulties, as Germany has experienced with the flood of Turkish, Czech and Romanian immigrants, creating a certain amount of economic instability in that country. But I would be the first to admit that freedom of movement of skilled persons is an essential building block in the creation of any single market and economy and therefore we have to bite the bullet and proceed accordingly.

Of course, there must be some benefits, notwithstanding. Everything has an upside and a downside and, therefore, we must always analyze what the benefits are, vis-à-vis what the possible disadvantages could be. I think we are aware that a sizeable number of our nationals of Trinidad and Tobago are already benefiting from the Caricom agreement on free movement of skilled persons, through their employment in other Caricom countries. I had been made to understand that the Member for Diego Martin East is taking advantage of that; I understand the Member for Diego Martin Central is taking advantage of that, and I have also

been told that from time to time the Member for Diego Martin West has benefited. And that is a good thing, that we can export our skills, our professions, our services, to these countries. I hope we will go further. I hope we will begin to explore some of the emerging economies in Latin America and the developing economies of Africa and Asia, so that people like the Member for Diego Martin Central will one day no longer have to depend on being a Member of Parliament; he will have a full-time job as a consultant in some of these emerging economies.

Approval of this Bill, followed by proclamation of the 1996 Act, will allow Trinidad and Tobago, as an important member of the community, to reciprocate to other citizens of the community, the treatment now being extended to our nationals in the region, in the manner of the free movement of skilled persons. *[Interruption]* Do you want to ask a question? *[Interruption]* I am not an immigration officer; I am a Minister and that is what I am doing here. I am making it possible for the freedom of movement of skilled persons. That is what I am doing as a Minister. The immigration officer will implement and administer the law when this House passes it, and the other place, and it is assented to and proclaimed.

Mr. Valley: It is not the immigration officer; it is the Prime Minister.

Hon. M. Assam: Policies and programmes that strengthen the Caricom single market and economy will redound to the benefit of Trinidad and Tobago and the community as a whole. Caricom is now second only to the United States of America, as the preferred destination for all of our country's domestic exports. Obviously, this would increase as services become increasingly important in the economic development of our country, and with the Telecommunications Bill that was passed in the other place and which will soon be in this House, we would see enormous opportunities that would redound to this country when the whole telecommunications industry begins to burgeon and begins to be opened up and demonopolized and competition is allowed to take place and rates are reduced and we have connectivity and people can access the Internet and open up the whole world of the knowledge-based industries for our people, and the job potential that could be created by this revolution.

During the period January to May 2000, 24 per cent of our total domestic exports were consigned to Caricom markets, while 41 per cent went to the United States of America. The reason that is so high is because we export a lot of petroleum products to the United States which are high-value products and that is why the percentage is so high.

The next most important extra-regional domestic export markets, for the period January to May 2000, were Italy and Puerto Rico, accounting for 3.5 per cent and 3.4 per cent, respectively, of domestic exports. So you see, we have been diversifying our export markets and I hope the Member for Diego Martin Central is taking note so that when he becomes the Minister of Trade in 2016 he will be able to expand further on what this Minister has been doing and what this Government has been achieving during its term of office.

3.45 p.m.

Jamaica alone with a market of 2.6 million consumers and a gross domestic product of \$US 6.7 billion accounted for 36 per cent of the total domestic exports to Caricom countries, or approximately one-fifth of all domestic exports to the United States of America. Jamaica is a very important country for us. Barbados accounted for 21 per cent of total domestic exports to Caricom countries, or approximately 12 per cent of the domestic exports to the United States of America.

Economic development in the region is of vital importance to the continued health, vitality and sustainability of this country's manufacturing export sector. The community has agreed that the Caricom single market and economy is the vehicle by which enhanced development in the region would be achieved and sustained. The Caricom single market economy is not only concerned with trade, but impinges on economic, financial, legal and administrative issues in the member states and within the community as a whole. All these issues have a bearing on Trinidad and Tobago's political relations with other member states in the community. In addition to that dimension, there are several others.

The Heads of Government of the community took a decision at their last intercessional held in Barbados, in February 2001, that in addition to a lead Prime Minister with *quasi* Cabinet, responsible for the Caribbean single market and economy, there would be a Prime Ministerial sub-committee for the Caribbean single market and economy, modelled along the lines of the Prime Ministerial sub-committee on external negotiations. It is the importance that the Heads place on this that would enable them to make the decision and set up this mechanism.

At the same intercessional the Heads also signed the Agreement establishing the Caribbean Court of Justice. We need to pay tribute to our Attorney General and the other Attorneys General of the region for producing this very important

landmark in the evolution of the legal system of Caricom. The Caribbean Court of Justice would be responsible for being the arbitrator in settling disputes. I am supporting the Government and the people of Trinidad and Tobago, as I have always done.

Mr. Valley: That is Ramesh then.

Hon. M. Assam: If he is, then I am supporting the Government and people of Trinidad and Tobago. As I said, we must pay tribute to them because I think that this is a landmark development in the history. I hope that one day in Caribbean jurisprudence we will have our own final court, not only in terms of starting with dispute resolution with respect to the implementation of the nine protocols, but also the final Court of Appeal, eventually.

As you are aware, that court would be headquartered in Trinidad and Tobago. I believe that the Attorney General is proceeding to have the headquarters ready for September this year and it is expected to come into operation within two years, as has been suggested. Of course, the court would be invested with an original jurisdiction in respect of the interpretation and application of the Treaty of Chaguaramas, as revised by the recently completed nine protocols that would create the single market.

Work continues in Trinidad and Tobago and the rest of the region on removing restrictions within member states, so as to give effect to Protocol II. As I said in my early remarks, Protocol II is one of the most important of the nine protocols because it deals with the rights of establishment, movement of capital and the provision of services. It is the very core, the very kernel of a single market and economy.

Act No. 26 of 1996, represents a significant change in the law governing the entry into Trinidad and Tobago of persons who are neither citizens nor residents of our country. By enacting a special regime providing for reciprocal rights and privileges for nationals of qualifying Caricom countries, Trinidad and Tobago, in the context of the regional efforts to establish the Caricom single market and economy, has signified its intention to discharge fully its obligations to the Caribbean community in this important matter of the movement of skilled persons within the community.

Members on the other side would no doubt agree that ensuring that the Minister of National Security retains a residual power under the Act to prohibit

entry of persons who are the subject of deportation orders, or who are security risks, or afflicted with communicable diseases, is sound public policy. It is in no way inconsistent with the commitment that Trinidad and Tobago made to permit free movement of university graduates in the Caricom single market and economy. The passage of this amendment and the subsequent proclamation of Act No. 26 of 1996 are consistent with the ongoing efforts to establish the Caribbean single market and economy.

This measure, although it has been said is a bit overdue, is really the culmination of a lot of thinking and hard work to produce a piece of legislation that will eventually allow the right type of persons to enter Trinidad and Tobago, but at the same time, it will give the immigration officer no discretion as to who he should allow or disallow. The Bill before us this afternoon makes it abundantly clear, clarifies and removes the inconsistencies, contradictions and lack of precision that now exist in the parent Bill, Act No. 26 of 1996.

I hope that all Members opposite will give their total support to this measure, because it will make Trinidad and Tobago the last country to meet its obligations under Protocol II and could be put into force in order to make a reality the Caribbean single market and economy.

Question proposed.

The Minister of Enterprise Development, Foreign Affairs and Tourism (Hon. Mervyn Assam): Mr. Speaker, I thank Members opposite for their abundant generosity by their silence, accepting the presentation I just made.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

3.55 p.m.

House in Committee.

Clause 1 ordered to stand part of the Bill.

New clause 2.

Mr. Assam: Mr. Chairman, I propose a new clause 2, which reads as follows:
2A. The Act is amended in section 2(1) by inserting in the appropriate alphabetical positions, the following definitions:

“dependent member of the family” in relation to a person means—

- (a) a child or step-child under the age of eighteen years;
- (b) a child over the age of eighteen years and wholly dependent on that person for his subsistence;
- (c) a parent and a grandparent wholly dependent on that person for their subsistence;

“infectious or dangerous infectious disease” has the meaning assigned to it in the Immigration Act.

2B. The Act is amended in section 3—

- (a) by repealing subsection (1) and substituting the following subsection:
 - “(1) Notwithstanding any other written law, an immigration officer shall, subject to sections 4A, 7, 12 and 15(5), permit a person to whom this section applies to enter Trinidad and Tobago for a period of indefinite duration except where he is—
 - (a) the subject of a deportation order issued against him under any written law;
 - (b) afflicted with any infectious or dangerous infectious disease.”
- (b) in subsection (2), by deleting the words “and has gained employment in accordance with his training or experience”.

2C. The Act is amended in section 4 by repealing subsection (1) and substituting the following subsection:

- “(1) Notwithstanding any other written law, an immigration officer shall, subject to sections 4A, 12 and 15(5), permit a person to whom this section applies, to enter Trinidad and Tobago for a period of six months except where he is—
 - (a) the subject of a deportation order issued against him under any written law;
 - (b) afflicted with any infectious or dangerous infectious disease.”

New clause 2 read the first time.

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

Question put and agreed to.

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

Question put and agreed to.

New clause 2 added to the Bill.

Clause 3.

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

Mr. Assam: Mr. Chairman, I beg to move that clause 3 be amended as follows:

Delete and substitute the following clause:

3. The Act is amended by inserting after section 4, the following section:

<p>“Residual power of the Minister responsible for immigration</p>	<p>4A. Notwithstanding sections 3 and 4, the Minister with responsibility for immigration may, on the basis of information received by him, prohibit the entry into Trinidad Tobago under this Act, or any person whose presence, in his opinion, would be prejudicial to national security.”</p>
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Question put and agreed to.

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

Clause 4.

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

Mr. Assam: Mr. Chairman, I beg to move that clause 4 be amended as follows:

Delete and substitute the following clause:

4. The Act is amended by repealing section 5 and substituting the following section:

<p>“Irrevocability of permission</p>	<p>5(1). Subject to subsections (2) and (3) and sections 4A, 12 and 15, permission to enter Trinidad and Tobago and the rights granted and privileges conferred under this Act shall, notwithstanding any other written law, be irrevocable.</p> <p>(2) The Minister to whom responsibility for immigration is assigned may revoke any permission granted to a person under this Act, where that person is the subject</p>
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of an order made against him for his extradition, deportation or other form of surrender.

- (3) Where a person to whom section 3 or 4 applies commits an offence which if committed in Trinidad and Tobago would be punishable with imprisonment for one or more years, the Minister to whom responsibility for immigration is assigned may revoke any permission granted to the person under this Act and make a deportation order against that person under the Immigration Act.”

Question put and agreed to.

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

New clause 5.

Mr. Assam: Mr. Chairman, I propose a new clause 5, which reads as follows:

5. Section 10 of the Act is amended in subsection (1) by deleting the words “The spouse and dependent members of the family of the holder of a certificate under Schedule II” and substituting the following words:
- “For the period of the duration of a permission under section 3(1), the spouse and dependent members of the family of a person to whom section 3 applies”.

New clause 5 read the first time.

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

Question put and agreed to.

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

Question put and agreed to.

New clause 5 added to the Bill.

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

House resumed.

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

Mr. R. L. Maharaj: Mr. Speaker, as we had indicated to the House, we go back to the Occupational Safety and Health Bill.

OCCUPATIONAL SAFETY AND HEALTH (NO. 2) BILL

Mr. Speaker: Hon. Members, the debate that was suspended earlier in the sitting, “an Act respecting the safety, health and welfare of persons at work”, will now continue.

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, I think it is now clear to you, as I am sure it is clear to other Members of this House—certainly to us on this side—what the Government’s strategy was. It was to pelt their stones at the Occupational Safety and Health Bill, suspend deliberations on that Bill so that the Opposition could not reply at that time, deal with this immigration matter and carry that debate on until tea time, so that when we resume from tea and the matter comes back up for deliberation, the coverage that is normally associated with the conduct of the affairs of this Parliament before tea would have been denied us. In other words, critical elements of the media would not have been here. That is why I have asked myself the question on many occasions whether this Government is really committed to democracy or whether it is merely committed to having its own way.

Yesterday evening, there was a church service at the Holy Trinity Cathedral on the commencement of the synod of the Anglican Church, a synod over which a new bishop is presiding for the first time. In his sermon, he drew reference to that well-known biblical story where a man, crippled for 38 years, was sitting by the pool at Siloam when he was approached by Jesus Christ and asked whether he wished to be healed. His answer was: “Well, I am crippled and whenever I make an attempt to get into the pool somebody does before me and I do not have anybody to take me and put me in the pool.” In other words, Mr. Speaker, as the bishop pointed out yesterday, he did not answer the question.

4.05 p.m.

Then the Bishop, in his speech added this, "He reminds me of Trinidadian politicians." That was the comment of the Bishop.

Hon. Member: Which Bishop?

Mr. P. Manning: This is Bishop Best of the Anglican Church. Mr. Speaker, perhaps it was that he foresaw what was likely to happen in this Parliament this afternoon. I want to begin my brief intervention, therefore, by complimenting you on the ruling that you made a few minutes ago in relation to the obvious transgression of the Member for Couva North and the Hon. Prime Minister of Trinidad and Tobago. It is not that we were completely satisfied with the ruling. It

is not that at all. We understand your position, you know. We understand it very well indeed. [*Laughter*] We understand it and we want to compliment you—and I am being very sincere.

Mr. Valley: On a very difficult situation.

Mr. P. Manning: And I want to compliment you on the way you handled the situation, which for you was personally very difficult.

Mr. Valley: Just remember how they dealt with Hector.

Mr. Speaker: I appreciate your concern and your kind comments on whatever you may perceive to be the position of the Speaker. Let me caution you, however, that I do not think the ruling of the Speaker, or the Speaker himself, should be brought up again after a matter has been resolved in this honourable House. Let me ask you to proceed with the Bill at hand, hon. Member for San Fernando East.

Mr. P. Manning: I am, Mr. Speaker, but what I have to say is relevant to our deliberations and the way we conduct business in this Parliament, because, Mr. Speaker, I respect the Chair.

Mr. Speaker: Hon. Member, please, if you wish to do that there are provisions for you to move a substantive motion and you could debate it in the honourable House. Please press on with the Bill.

Mr. P. Manning: Mr. Speaker, this is what the Prime Minister had to say, "The Member for Diego Martin East owned paper construction companies that he was using to defraud other Caribbean countries." That was the statement made by the hon. Prime Minister! Mr. Speaker, if I had transgressed like that—and we all transgress from time to time, we are all human beings—I would have been the first to acknowledge my transgression and to apologize or do something else about it and that, Mr. Speaker, you are aware of. It would have been enough if it had come from one of the johnnies-come-lately on that side, like the Member for St. Joseph. [*Laughter*] or one of the sleeping johnnies, the Member for Oropouche. When it comes from the Prime Minister of Trinidad and Tobago, however, it is unacceptable to us. Mr. Speaker, I could well understand why I have never heard in my life any lady with any child walking down Frederick Street, or anywhere else saying, when you grow up I want you to be like that fellow, the Prime Minister. You do not hear that! You do not hear that at all!

Mr. Speaker, the Prime Minister knows that he transgressed. He knows it because he has been here longer than you have—and I mean no offence in saying that. He has been here for a very long time. He is, in fact, in about his 29th year as

a Member of Parliament, so he knows. He is the Prime Minister and he is the man who must set the example. We are not saying that he cannot err, you know, we are saying that if he errs there is an honourable way of dealing with it. He says, “The Member for Diego Martin East owns paper construction companies...” and then he turns around and says that we do not want to approve the legislation because it would affect the workers of the companies of the Member for Diego Martin East. A paper company! You understand the point?

Mr. Speaker, I have said it before and I am going to say it again. When people in this society have no respect for politicians, it is the politicians who are responsible for that because of the attitude they adopt and the things they do. The Prime Minister knows better than that and what is worse—and he is now developing a habit that I want to draw to your attention, Mr. Speaker—he pelts his stones and then he runs. He cannot take licks but he could share! Not only that, Mr. Speaker, if he does not run he directs the Member for Couva South to adjourn the House or something and the Member for Couva South, the puppet that he is—

Mr. Valley: Especially now. After June 03, we are going to hear him.

Mr. Speaker: I think the Member could make his contribution without insulting another Member across the floor. Please hon. Member for San Fernando East, you speak about so many years’ experience in the Parliament and I am sure you know that is not proper. So please, let us get back to the Bill.

Mr. P. Manning: Mr. Speaker, if you rule that it is improper, I humbly apologize and withdraw the statement. [*Interruption*] That is the point I am making, Mr. Speaker, I am calling on the Prime Minister of Trinidad and Tobago to withdraw the incorrect statement that he made in violation of the Standing Orders [*Desk thumping*] and if he does not wish to do that, Mr. Speaker, the least that we can do, as a House, is to have the statement expunged from the record. It is just not correct! I will say one more thing in that regard.

Mr. Valley: I think he should really go before the Privileges Committee, I want company.

Mr. P. Manning: If I were the Member for Diego Martin East, Mr. Speaker, I would come to the Parliament at its next sitting and under Personal Explanations, I would make a statement. The Member for Diego Martin East can be assured that if he chooses to take one step further than that, and that is the step of now moving a motion that the Member for Couva North be taken before the Privileges Committee, he will have the support of all the Members on this side of the House—all! [*Desk thumping*]

Mr. Speaker, when the behaviour deteriorates in this House, you should not look at the Opposition, you know. What are we expected to do? Look at their attitude! Do you know what I do not like about their attitude, Mr. Speaker? The Prime Minister feels that he could bully his way through this Parliament. That is what he does, he bullies his way! He says that Ministers are not allowed to hold office in the party. Do you know why? They cannot say anything about it. He bullies his way in the party and they cannot do anything about it. Mr. Speaker, power corrupts and absolute power corrupts absolutely.

Dr. Rowley: And they are corrupt.

Mr. P. Manning: That is what is happening to all of them. The Prime Minister does it deliberately, as if to say to all of them, like it or do not like it, you could do nothing about it, take it or leave it. That is what he is doing them.

Dr. Rowley: They must know their place.

Mr. P. Manning: Mr. Speaker, I would not be surprised if the next thing we hear is the very Prime Minister saying—they are talking about after nomination day but it was the Member for Tunapuna who spoke about nomination day being past you know. I did not introduce that but I must respond to it. He introduced it! I would not be surprised if next we hear the hon. Prime Minister saying that this fight is bringing the party to disrepute and, therefore, even though nomination day is past there would be no more fights, I am going to appoint three deputies. The Member for Couva South, the Member for Siparia and the Member for St. Joseph. That is what you are going to hear next.

4.15 p.m.

Mr. Speaker, unilaterally, power corrupts and absolute power corrupts absolutely. When he does that, I want to hear what the Member for Couva South will say, because he would understand that such a move would be directed against one man and one man only. Notice I did not say woman; it would be directed against one man only. It would be directed against the Member for Couva South. [Crosstalk] All I would say is that it could not happen to a nicer fellow—[Laughter]—because, you see it is he—[Interruption] I apologize, Mr. Speaker.

Mr. Speaker: Hon. Member, clearly—[Crosstalk]—I know that you know you are straying from the subject under debate. I allowed a little latitude. What the Member for St. Joseph said with respect to the nomination date was an aside responding to the Member for Diego Martin Central; it was not a substantive part of the Bill. So let me caution you Member for San Fernando East to, please, let us

get back to the matter at hand. I think you have strayed enough. [*Crosstalk*] [*Laughter*]

Mr. Manning: Mr. Speaker, you know I always adhere to your ruling. I was merely trying to respond, but, fair enough. [*Crosstalk*] But you would forgive me if I make one last comment, I am sure. [*Laughter*] It is relevant, because when that action is taken there is one man who may very well have his resignation in his pocket again, the very distinguished Member for Oropouche, left out in the rain again. [*Laughter*] [*Crosstalk*]

Dr. Rowley: Three deputies appointed and he not there.

Mr. Sudama: Wait till September and see.

Mr. Manning: Mr. Speaker, the Occupational Safety and Health Bill is really the matter that is before us. If it were a simple matter it would not have had this history. It would not have been in the making for 28 years. When the Member for Nariva moved the Motion in presenting that Bill for second reading before this Parliament, whatever his shortcomings are—and there are many—he got that one right. What he said was that it was 28 years in the making.

If the legislation was 28 years in the making, it is not that those who went before were fools, it was because the issue is not as simple and as straightforward as the Government is trying to make it. Therefore, prudence dictates that, in dealing with a matter like that, there is extreme caution exercised. That is the point.

Long before the Member for Nariva became a Member of Parliament, I was part of a government that considered that Bill. I was a member of a committee that met in 1985. [*Crosstalk*] We met in 1985 and considered that matter. [*Interruption*] Please, please, you had your chance.

Mr. Assam: What did you achieve when you were heckling me—you see that?

Mr. Speaker: Order please! Please proceed, hon. Member.

Mr. P. Manning: Mr. Speaker, please tell the Member for Tunapuna that empty vessels make the most noise. He can go on and bray. [*Crosstalk*] [*Desk thumping*]

Mr. Assam: You so empty to make such an empty statement.

Mr. Manning: I was a member of a committee in 1985 that looked into this question of an Occupational Safety and Health Bill. I well remember the

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contention that surrounded it, so much so that we never were able to bring that Bill to the Parliament before the Government changed in 1986. So it was not that the Opposition here is trying to be difficult. I raise another question surrounding that.

What is our role really? Is our role merely to allow ourselves to be bullied by the Government? Is our role to allow ourselves to be intimidated by the Government? Why does such a Bill require a special majority? Because certain fundamental rights are being encroached upon and it is the Opposition, the custodian of the country's democracy, that has a responsibility to ensure that the rights of the people are not trampled upon. [*Desk thumping*] That is why it requires a special majority.

When people elect us to sit in this Parliament, they do not expect us to capitulate to the Government merely because of how loud the Prime Minister may speak, or because he may or may not like something. Whether he likes it or not, that has nothing to do with us. We have a responsibility to the people. Therefore, when legislation comes and we examine the legislation, we have to be satisfied that the legislation not only does what we would like the legislation to do, but that the legislation meets the aspirations of the people of Trinidad and Tobago. Particularly when it encroaches on the fundamental rights and freedoms that are deeply entrenched in the Constitution. [*Desk thumping*] So we are not about to capitulate.

Just before the election they brought the Bill. [*Interruption*] [*Laughter*] Mr. Speaker, they brought the Bill. The qualification for deputy political leader is not dancing on a table, all right—[*Laughter*] [*Desk thumping*]—in a rum shop. [*Laughter*] [*Crosstalk*]

Hon. Member: By Jenny's Wok!

Mr. P. Manning: Where was it, by Jenny's Wok?

Mr. Bereaux: He and Balroop dancing on a table.

Mr. Sudama: What about making bogus party groups, is that a qualification?

Mr. P. Manning: Mr. Speaker, when they came with this Bill—[*Interruption*]—all that is designed to break my concentration, but he would not succeed. When this Bill came before the Parliament before the last election, the intention of the Government was clear. [*Crosstalk*] Look at what they did. [*Crosstalk*]

Mr. Speaker: Members on the Government Benches, please. Member for Diego Martin Central, you are disrupting your own Member next to you. Can we not conduct the debate in a proper manner in this House and allow the Member to make his presentation? Please, let us proceed, Member for San Fernando East.

Mr. P. Manning: Thank you, Mr. Speaker. I just want to assure you that I was not being disrupted by the Member for Diego Martin West at all. [*Laughter*] Diego Martin Central. It is the accent of the Member for Tunapuna that I cannot take. [*Laughter*] [*Crosstalk*]

Hon. Member: The mid-Atlantic brogue.

Mr. Bereaux: "That come like the caraili and bodi Minister."

Mr. P. Manning: Mr. Speaker, it is hard on the ears. When the Government brought this Bill prior to the last general election, their attitude was clear, "We bring an Occupational Safety and Health Bill, you like it or you do not like it, look it there." We met in Joint Select Committee and in accordance with our responsibilities to the people of Trinidad and Tobago, we outlined what our objections to the Bill were. We discussed it; we argued our case before the Joint Select Committee and we confidently expected that a Government that considers itself responsible—certainly we would expect certain actions from a responsible Government—would have taken those arguments into account and would have made modifications to the Bill where considered appropriate, if only to ensure that the support of the Opposition which is required for the passage of the Bill, is obtained. That never took place. [*Desk thumping*] Indeed, what they did— [*Interruption*]

Mr. Partap: I just want to tell the Member for San Fernando East that the objections and all the recommendations made by the Joint Select Committee were included in the revised Bill.

Hon. Members: That is not true!

Mr. Bereaux: Sit down! [*Crosstalk*]

Mr. P. Manning: If I knew that the Member for Nariva would have gotten up here to continue his falsehoods in this House, I would not have given way. That is just not true! That is what I am afraid of with this Government! It is just not true! When they say these things authoritatively as though there is some truth in it, people who are unsuspecting and people who are not familiar with their ways would tend to believe them. It is just not true.

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Mr. Speaker, we sat in the Joint Select Committee and made our position clear. [*Crosstalk*] Do you know what they did? They deliberately acted in the way they did so that they could say to the labour movement—which they did—and the national community, that we do not have an Occupational Safety and Health Bill on the statute books of Trinidad and Tobago because the PNM did not want it. [*Crosstalk*] Because the PNM is opposed—that is what they say—to proper health and safety legislation for the workers of Trinidad and Tobago. That is what they say.

Mr. Speaker, nothing could be further from the truth. Let me make it absolutely clear that the People's National Movement supports, in principle, proper occupational health and safety legislation being placed on the statute books of this country. [*Desk thumping*] It would be irresponsible of us—[*Interruption*—if we accepted whatever this Government dished out to us merely because we wanted to prevent them from saying that we are against proper occupational health and safety legislation for this country. [*Crosstalk*] We are not doing that.

We have looked at this Bill very closely. We have looked at the draft of the Occupational Safety and Health Bill very closely and it appears to us that the Attorney General, in his customary way, has looked abroad for legal advice and has come up with two pieces of legislation: one is the Factories Act of the United Kingdom and the other is the Health and Safety Act of the dominion of Canada. What he has really tried to do is to weld the two pieces of legislation together. It appears to us that that is what the Attorney General has done. [*Interruption*] Well, I do not know which one of them. It might be the Minister here. [*Crosstalk*] The Minister of Labour is yet to do anything at all, so it has to be the Attorney General.

Mr. Speaker, the philosophies of those two Bills are not one and the same. Those two Bills come from different frames of reference, at any rate; legislation from two developed countries in circumstances that are very different from the circumstances operating in Trinidad and Tobago at this time, in respect of which, the draft legislation, the Occupational Safety and Health Bill, is designed to treat. They have run into problems with it, and that is why we have this major divergence of views as to what should be in it and what should not be in it, because the basis on which the legislation has come, in the first place, is very different from the basis on which we begin to look at similar legislation, relevant health and safety legislation, for Trinidad and Tobago.

Mr. Speaker, a very significant section of the economic activity in this country is provided by small business. I do not know, and it certainly does not appear to us that the Government took that sufficiently into account in seeking to pull one off on the Opposition. They did not take it sufficiently into account, because some of the things that they are calling for in the legislation, and the net is cast so wide, would have the effect, not only of preventing small businesses from developing in the country, but causing existing small businesses to be saddled with such new costs that such businesses will not be able to continue in operation.

The PNM, committed as we are to the people's sector, could never accept an approach which has consequences like that. [*Desk thumping*] We could never accept it. Let them say what they want to the trade union movement. That is why we are saying that we believe that if reasonable people sit around a table and all of us come to the table with clean hands and pure intentions, it would not take us long to come to an agreement; that is our view.

Mr. Speaker: We will now suspend for tea. The sitting is suspended for half an hour.

4.30 p.m.: *Sitting suspended.*

5.02 p.m.: *Sitting resumed.*

Mr. P. Manning: Mr. Speaker, the draft Occupational Safety and Health (No. 2) Bill, in its present incarnation before the Parliament, suffers from the major defect of operating against the interest of small business, which is responsible, as you know, for the bulk of business activities in the country. Therefore, it is inconsistent with PNM policy; the PNM being a people's sector organization, and an organization that supports strongly the interest of the small man.

These people, the small businessmen, by and large, are not unionized so when the Government talks with NATUC, as they should, they will hear a view that does not take into account the small businessman. Therefore, Government will make a great mistake to believe that by talking to the trade unions alone, it has in its possession a wide enough cross-section of views as a basis for determining the structure and form of the Occupational Safety and Health Bill. That is not so.

Secondly, the Bill leaves too much room for misunderstanding in the definition of "unsafe concerns". If this is not clarified, it leaves the matter open to abuse in such a way that it could disrupt the activities of business organizations in a way that is not only detrimental to the organizations, but to the country at large.

I was around in 1965 when the Industrial Stabilization Act was passed. I am aware that in the 365-day period prior to the passing of that Act in Parliament,

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there were 465 strikes in Trinidad and Tobago. This Bill leaves the door wide open to that kind of abuse again and a reintroduction of the days prior to the ISA and the Industrial Relations Act. This, I am sure all of us will agree, will not be in the interest of the people of Trinidad and Tobago. Mr. Speaker, you will understand it is not just a question of voting against a bill because the Government brings it. No, we have definite concerns about this Bill; concerns that were expressed in a Joint Select Committee; concerns which have not sufficiently been taken into account.

The Government is trying to railroad this piece of legislation, to ram it down the throats of this Parliament. But we, responsible as we are, see ourselves as custodians of the public good. Therefore, we cannot lend our support to any action which, at the end of the day, would have the effect of damaging the business and labour climate in the country and therefore, the investment climate on which we have to depend for improving the standard of living of all our people.

We have real concerns and we chose the Parliament to express them publicly. My colleague for Diego Martin East has dealt with them, but I wanted to reiterate them so there is no doubt in the minds of Members of this Parliament, especially in the light of the contribution of the Member for Couva North. There is absolutely no doubt where the PNM stands in all of this.

We just want to place on record—we are not going into any details on it—we believe the powers of the Inspector are too broad and, therefore, lend themselves to abuse. We just want to put that on record. We also want to place on record the fact that we have a problem with the structure and composition of the Authority, especially its membership. We feel it is too heavily weighted in a certain direction. But these are matters that we can discuss. We start with the premise that if reasonable people sit around a table; and if such people come with clean hands, there is nothing that we cannot solve.

We have a strong suspicion—and it was the Prime Minister who this evening said to us that we may have paid a price in the last election for not supporting the Bill—that the Government has brought back the Bill and is behaving in a particular manner because of plans to call another general election. But let us see how things go.

5.10 p.m.

What we have tried to do is to clarify our position. We are saying that we are for Occupational Safety and Health legislation. We stand four-square behind it.

But we are also saying that we cannot merely pass any piece of legislation because it comes in the name of occupational health and safety or, for that matter, because it comes from hon. Members opposite.

We are saying that we are prepared to sit and talk and we welcome the proposal of the hon. Prime Minister of a select committee to do this, but we would like to broaden that proposal, because this piece of legislation also has to go to the other place, and many of the persons who sit in the other place today, were not present before the election when this matter went before a joint select committee. Therefore what we would like to do in the interest of time, because time seems to be of the essence, we would like to propose that a joint select committee of both Houses be established, and, of course, the three-week time limit that the Prime Minister proposes is entirely inadequate.

Indeed, we on this side share the view of the Member for Tunapuna who said it so eloquently, even if in a bad accent, when he said: It is better to do things properly and take some time, than to hustle unduly and make major errors. [*Desk thumping*] It was the Member for Tunapuna who said that. It is not often that he and I agree, but on this occasion, we agree. His political leader is wrong and he is right on this occasion; one of the very rare occasions in which that happens.

So we are urging hon. Members opposite to accept the advice of the Member for Tunapuna and to put a time frame in place for this activity, that gives us a proper opportunity—a reasonable time—to examine the Bill, to engage in full and meaningful discussions so that at the end of the day we can end up with a piece of legislation of which we can all be justifiably proud.

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

The Minister of Labour, Manpower Development and Industrial Relations (Hon. Harry Partap): Mr. Speaker, I thank all those who contributed to the debate here, but there are a few things I wanted to correct this evening.

First of all, I want to assure the Member for San Fernando East that we did have a lot of discussion on this Bill. We had four symposia; we had technical discussions with the social partners; we had discussions with NATUC; we had with a number of the stakeholders in safety and health. In fact, in the four symposia we had and the technical meetings, 128 amendments were made. Then we had the joint select committee after 1997—between 1997 and 1999, and 22 amendments were proposed in that committee, and contrary to what the Member for San Fernando East said, we incorporated all 22 in the new Bill.

Hon. Members: Not true!

Mr. Speaker: Members, allow the Member to make his presentation. You are interrupting him. I cannot follow the debate. Please.

Hon. H. Partap: Thank you, Mr. Speaker, for your protection, but sometimes the truth is difficult to swallow when people have mischief on their minds. This is what has happened across there; it is simply mischief on their minds. I am saying this and I am saying it categorically, that we had 22 amendments from the joint select committee and all 22 were incorporated in the Bill, and they are reflected in this Bill that is now before this House.

Hon. Member: No, no!

Hon. H. Partap: Why does the Opposition keep on saying that they are not in the Bill? They are in the Bill! What I think they are making a mistake with and they are confusing, is the fact that when we discussed this Bill in 1999, they raised seven objections, and of the seven objections, really, one was no objection. So they really raised six matters, and yes, we agreed that not all were reflected in this document here, but we brought them in amendments that were distributed to them. All their concerns were covered in this, they are simply spreading propaganda because they have a reason. Exactly what the Prime Minister said earlier in the debate, that is the reason they do not want the Bill passed.

This is what the Member for Diego Martin East said in August 1997 when the Bill came here, and tell me if he does not have in his mind that he does not want this Bill to be passed. Every time they spoke—they spoke in 1997; they spoke in 1999—the Member for Diego Martin East made the same speech in 1997; he made the same speech in 1999 and he comes back and is making the same speech in 2001. Change your tune, “nah man”! “You like a stuck gramophone needle, man!” Change your tune! It is because they have not been reading the Bill.
[Interruption]

Mr. Speaker: Order, please.

Hon. H. Partap: Go back and read the Bill. If they read the Bill and match it against 1997; match it against 1999, they will see the changes have been represented, except, as I said, the six or so matters that they raised in 1999. Not all of them are here.

I was telling you, this is what the Member for Diego Martin East said in 1997. I am quoting from *Hansard*, page 532:

“Mr. Speaker, I am of the view that this Bill is not appropriate to Trinidad and Tobago.”

That was in 1997. They started this in 1973, you know, but they still cannot find an appropriate Bill to bring. I continue:

“What this will do is put in place a bureaucracy which will have the effect of shutting down a large number...” [*Interruption*]

Mr. Speaker: I have been appealing to the Members on this side, that we cannot conduct this House in this way. I am trying to follow the Member's debate; the Verbatim Reporter is having difficulty. Can we not use some decorum so that we could take care of the business of this House? I allow some asides from time to time because that is natural in a Parliament like this, but when a number of you carry on and we cannot follow the debate; the *Hansard* Reporter cannot accurately record what is happening, what are we really doing? So let me appeal to you one more time, to allow the Member to make his presentation. Okay? Please.

Member for La Brea stands.

Member for La Brea, take your seat, please.

Hon. H. Partap: I will move on. I want to just correct one matter that the Member for San Fernando East said. He said that we combined two pieces of legislation.

Mr. Manning: No, I did not say that. Mr. Speaker, just to be accurate, I said, “it appears to us”.

Hon. H. Partap: Big difference. Okay, I will accept that. But his perception is that we combined two pieces of legislation. He said they were Canadian law and British law. I want to correct him. It is really two pieces of British legislation. [*Interruption*] But let me continue. I am not doing anything different from what they did. Let me continue. The first bit of foreign intervention, really, in this Bill, was by their side in 1973. They did it, when they invited the UNDP to come down. Do you remember? And they took the British—

5.20 p.m.

Mr. Manning: Let me ask the hon. Minister a question. I am very grateful to him for giving way. Are you trying to justify what you are doing now, on the basis of what may have happened 28 years ago?

Hon. H. Partap: We were just building on what was done before. I have always said that this Bill is a combination of efforts over the years and this is what is reflected. They started it, because in 1973 they were looking at various

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jurisdictions as well. We simply built on the Bill. Since 1997, we have been moving the Bill in various directions because we are concerned about the protection of the workers. I am sure that when we meet in the select committee, as I will propose, we will thrash out these. I hope when we complete that exercise, the Opposition will not continue to move the goalpost every time we discuss health and safety.

Thank you.

I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

The Minister of Labour, Manpower Development and Industrial Relations (Hon. Harry Partap): Mr. Speaker, in accordance with Standing Order 51(1), I beg to move that this Bill be committed to a select committee of the House of Representatives, for consideration and report in four weeks. I further move that the select committee be empowered to consider the general merits and principles of the Bill.

Question put and agreed to.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House do now adjourn to Monday, May 21, 2001 at 1.30 p.m.

On Monday, at 1.30 p.m. Members would have received notification of a meeting of the Finance Committee and the Government would start debate on the Telecommunications Bill. The Members of the Committee would be named on Monday.

The mover of the motion would like the matter to be put for Monday. We have no objection.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.25 p.m.