

*Leave of Absence**Friday, March 28, 2003***HOUSE OF REPRESENTATIVES***Friday, March 28, 2003*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I have received a verbal request from the Member for Naparima (Mr. Nizam Baksh) for leave of absence from today's sitting. The leave of absence which the Member seeks is granted.

PAPER LAID

The report of the Teaching Service Commission for the period January 1, 2001 to December 31, 2001. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]

ORAL ANSWERS TO QUESTIONS

**Government Housing Units
(Construction of)**

41. Mr. Ganga Singh (*Caroni East*) asked the Minister of Housing:

Could the Minister list:

- i. the areas in which Government will be building houses;
- ii. the number of houses in each area;
- iii. the contractors selected to build these houses and the value in Trinidad and Tobago dollars of those contracts?

The Minister of Housing (Sen. The Hon. Martin Joseph): Mr. Speaker, in answering, I think it is necessary for me to put that question within the context of what this Government is doing as it relates to the whole question of housing.

The national housing policy of the Government of Trinidad and Tobago encapsulates a number of policy areas on strategies which, when fully implemented, are expected to facilitate the production of 10,000 units per year over a 10-year period. The production of these units falls under the Ministry of Housing accelerated housing programme which includes an Inter-American Development Bank (IADB) funding component which is expected to produce 3,000 new houses. The ministry has already commenced the implementation of

the programme under which 4,388 housing units are expected to be completed during this fiscal year through the efforts of the ministry and its agencies.

The policy also provides for a reversal of the rural to urban population drift. In this connection, private lands for housing will be acquired and some agricultural lands will be converted for residential use. This will mostly occur in rural areas where there is an effective demand for housing. The policy further outlines the programme of urban renewal to address redevelopment problems of urban centres. In this regard, the Ministry of Housing has completed the refurbishment of many rental apartment buildings at various locations, and work is continuing on others.

Government's objective is to improve the living standards and conditions of squatters who have illegally occupied state lands prior to January 01, 1998. The housing policy provides for the regularization and containment of squatters throughout Trinidad and Tobago. The regularization process includes the provision of basic services and legal land tenure to families in squatter settlements. This component of the housing policy will be assisted by the IADB funding from which 4,500 squatter families are expected to benefit over the three-year period.

There is a recognizable need for community development in the housing settlements and so the policy is inclusive of strategies such as the construction of community centres, the introduction of the self-help approach, the establishment of community-based organizations and cooperatives which will be implemented to achieve wholesome and integrated communities.

The policy also addresses the housing needs of persons with disabilities, single women, elderly persons and the poor who need housing accommodation. In this connection, Government will continue to subsidize rents and provide incentives to the private sector to stimulate construction of rental units and facilitate non-governmental organizations with a view to providing housing for the physically and mentally challenged and the elderly.

In order to make mortgages more accessible to the low-income segment of the population, the policy proposes measures such as simplification of mortgage transactions, revision of the approved mortgage companies' programme and the introduction of a national mortgage insurance programme. In this connection, the down payment on mortgage loans has already been reduced to 5 per cent, and the interest rate is 6 per cent. Subsidies will be implemented in relation to rents, mortgage interest rates, tax relief, land and capital cost, recurrent expenditure and cost recovery, to making housing more affordable.

Lastly, the Government's housing policy also focuses on strengthening the Ministry of Housing and its agencies in order to facilitate the efficient implementation of its housing programme. In this regard, the ministry and its agencies recently completed strategic planning exercises which reveal that there is need for the development and strengthening of the housing sector. As a consequence, there will be substantial changes in the general management and operations of the ministry and its agencies.

The Ministry of Housing has proposed the establishment of a new entity. In this connection, it is in the process of identifying skills and competencies required for effective and efficient performance to ensure the achievement of Government's expressed goals. For example, an information technology unit is now being created to provide a seamless and integrated technology platform, which is critical for the future operational requirements of the ministry and its agencies.

With respect to the ministry's agencies, the National Housing Authority is currently realigning itself to more effectively manage the sector, and will implement mechanisms to effectively manage the volume of projects. The Land Settlement Agency is being reconstituted by having its operations rationalized and streamlined to effectively regularize and contain squatters. The goal here is to provide regulated squatters with legal title to the land. The Sugar Industry Labour Welfare Committee is prepared for its role in facilitating the provision of housing.

The areas in which Government will facilitate the construction of housing units during the fiscal year 2002—2003 are: Port of Spain, Tobago, Arima, Chaguanas, San Juan/Laventille, Sangre Grande, Rio Claro/Mayaro, Penal/Debe, San Fernando, Point Fortin, Diego Martin, Tunapuna/Piarco, Siparia, Princes Town, Couva/Tabaquite/Talparo. It should be noted that the Ministry of Housing and Settlements is currently in the process of identifying additional housing sites in areas throughout Trinidad and Tobago for the construction of houses during the fiscal year 2003—2004 and beyond.

The Ministry of Housing proposes to facilitate the construction of 4,388 housing units in the aforementioned areas during this fiscal year. A breakdown of the number of housing units that will be built in each area is as follows: Port of Spain 125; Tobago 138; Arima 324; Chaguanas 255; San Juan/Laventille 314; Sangre Grande 80; Rio Claro/Mayaro 197; Penal/Debe 35; San Fernando 890; Point Fortin 21; Diego Martin 175; Tunapuna/Piarco 1,064; Siparia 4; Princes Town 266 and Couva/Tabaquite/Talparo 500.

With respect to the third part of the question, the contractors selected to build these housing units and the value of those contracts in TT dollars are as follows:

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Contractors	Values \$	Location
Pace Construction Services Ltd.	11,350,000	San Fernando
Rainbow Construction Ltd.	32,580,000	San Fernando
	21,900,000	San Juan/Laventille
Trinity Housing Ltd.	21,656,000	San Fernando
Bascos Hardware & General Building Contractors	2,326,000	Tunapuna/Piarco
	4,900,000	Arima
PR Contracting Ltd.	5,033,000	Arima
Central Project Management Limited	638,000	Rio Claro/Mayaro
Gasco Ltd.	2,346,000	Penal/Debe
Masdaq Company Ltd.	3,781,000	Rio Claro/Mayaro
Termal Impact Affordable Homes Company Ltd.	16,698,000	San Juan/Laventille
Signs Contracting and Industries 1998 Ltd.	1,024,000	Tunapuna/Piarco
Home Construction Ltd.	1,040,000	Tunapuna/Piarco
Malabar Farm Development Co.	9,675,000	Arima
Hafeez Karamath and Masdaq Engineering Ltd.	59,360,000	Arima
Agostini Ltd.	1,170,000	Tunapuna/Piarco
Hanover Construction Company Ltd. Trinidad	45,000,000	Couva/Tabaquite/ Talparo
Building Concepts and Construction Ltd.	3,965,000	Diego Martin
NH International Ltd.	26,030,000	San Fernando
H. Lewis Construction Ltd.	10,400,000	Princes Town
Total	\$299,973,000	

It should be noted, Mr. Speaker, that there are still outstanding contracts to be awarded for the construction of houses during this fiscal year. Further, the construction of 160 housing units, which will be facilitated by the Sugar Industry Labour Welfare Committee, will be owner-managed. The committee will monitor and offer technical advice during the construction phase of these houses.

It should also be noted that several small contractor firms have been interviewed with a view towards having the firms construct affordable homes in several locations.

I thank you.

**National Housing Authority
(Refurbishment Programme)**

42. Mr. Ganga Singh asked the hon. Minister of Housing:

Could the Minister indicate:

- i the cost of the refurbishment programme carried out by the NHA in 2002;
- ii the number of apartments/houses refurbished;
- iii the number of persons employed in this project?

The Minister of Housing (Sen. The Hon. Martin Joseph): Mr. Speaker, it should be noted that an almost identical question was asked by the Member for Chaguanas. On that occasion, I provided a computer printed listing of persons employed in the National Housing Refurbishment Programme.

Nevertheless, the budgetary allocation under the development programme for the refurbishment of rental apartments and sewage treatment facilities for the year 2002 totalled a mere \$2.7 million. Over the years, this project has not been allocated sufficient funding under governments' development programme to undertake the required works. As a result of the lack of funding to undertake remedial works, the entire rental stock as well as the sewage treatment facilities at the Authority's various housing estates, deteriorated considerably.

Due to the frequency of complaints from residents with respect to the conditions of roofing, plumbing, electrical and sewerage systems at these estates, Cabinet mandated the NHA to embark on a programme of major refurbishment rental apartments and sewage treatment facilities at its housing estates at a cost of \$67.1 million. The funds were to be provided by the Urban Development Corporation of Trinidad and Tobago (UDeCOTT). At the inception of the

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programme, only buildings and sewage treatment facilities in the most urgent need of repairs were earmarked for upgrade. However, a visit by the Minister of Housing and various parliamentary representatives to the housing estates to examine the state of disrepair of the entire stock, indicated the urgent need to undertake remedial work to all 351 buildings.

The scope of works of the project was, therefore, expanded to include all 351 apartment buildings for repainting and major overhaul of their plumbing, roofing and electrical systems. The programme commenced in April 2002 and, as at the end of December 2002, a total of \$76.8 million has been expended to effect these repairs. This sum includes funds internally generated by the NHA, as well as the funds indicated above.

A total of 249 apartment buildings consisting of 3,571 units, have been repainted; a total of 85 apartment buildings consisting of 844 units have had major overhaul to the plumbing system; a total of 65 apartment buildings consisting of 1,286 units have had major repairs and replacement of the roofing system.

A total of 47,628 persons were employed in the exercise. As stated before, a computer listing has already been provided for perusal by Members of this House. Thank you.

Mr. Singh: I have a supplemental question, Mr. Speaker. Could the hon. Minister indicate the rental revenue stream from these apartments to the National Housing Authority? [*Crosstalk*]

Mr. Speaker: That is a separate question. [*Crosstalk*]

I would ask both the Member for Couva South and the hon. Member for Diego Martin East, if they need to discuss any matter that will disturb this House, to go outside the Chamber, please.

The following question stood on the Order Paper in the name of Mr. Ganga Singh (Caroni East):

Carnival 2002/2003
(Allocations and Payments to Organizations)

- 44.** Would the hon. Minister of Culture and Tourism indicate the governmental allocation and payments to:
- i. the National Carnival Commission;
 - ii. Pan Trinbago;
 - iii. TUCO for Carnival 2002 and 2003?

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I am sorry; I should have requested approval of the House to have question No. 44 deferred for two weeks. [Interruption]

Mr. Speaker: It is by agreement, I assume?

Mr. Singh: Yes, Mr. Speaker.

Question, by leave, deferred.

The following question stood on the Order Paper in the name of Mr. Nizam Baksh (Naparima):

**Friendly Societies
(Share of Assets)**

62. (a) Is the Minister of Labour and Small and Micro Enterprise

Development aware that hundreds of members of friendly societies whose societies have been cancelled have not received their share of assets of these friendly societies and that some of these members have since died?

(b) Could the Minister say how soon will members be paid?

Mr. Ganga Singh (Caroni East): Mr. Speaker, I ask that Question No. 62 be deferred for one week, because, as you indicated, the Member for Naparima is not here today.

Question, by leave, deferred.

**DEFINITE URGENT MATTER
(LEAVE)**

**Princes Town Constituency
(Pipe-borne Water Supply)**

Mr. Subhas Panday (Princes Town): Mr. Speaker, I have given notice pursuant to Standing Order No. 12 of the House of Representatives, that I propose to seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, the shortage of pipe-borne water supply to certain areas of the Princes Town constituency such as St. Julien Road, Naparima/Mayaro Road, Bromage Road No. 1, Bromage No. 2, St. Croix Road, Lengua, Fairfield and Tableland Local Road.

The matter is definite as it relates and deals with the specific problem of the lack of a pipe-borne water supply to the above areas. It is urgent because the

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residents are suffering extreme hardship in not being able to obtain this basic and vital commodity which is so necessary for drinking, washing, cooking and other domestic purposes. It is also very urgent, because when these residents apply to the Water and Sewerage Authority (WASA) for truck-borne water, they are denied.

Mr. Speaker: Are you reading from what you had submitted to me?

Mr. S. Panday: Mr. Speaker, that was merely a notice that I gave to you.

Mr. Speaker: You have to present it in conformity with what I approved.

Mr. S. Panday: Okay. Mr. Speaker, it is of public importance because it affects the health of a large section of the population in the Princes Town area. Thank you.

Mr. Speaker: Thank you, hon. Member for Princes Town. The leave which you seek is denied. May I recommend that you utilize the provisions of Standing Order No. 11, in particular, subsections (2) and (3).

Citizens of Trinidad and Tobago (Demolition of Homes)

Mr. Chandresh Sharma (Fyzabad): Mr. Speaker, in keeping with Standing Order No. 12, I hereby seek your leave to move the adjournment of the House for the purpose of discussing the following matter as a definite matter of urgent public importance, namely, the assault and violence inflicted on citizens of Trinidad and Tobago by the demolition of their homes and their inability to enjoy the basic needs and provisions of family life, namely, food, clothing and shelter.

This matter is definite because it refers to a specific action of the State in breaking down the homes of citizens. This matter is urgent because the action of the State in demolishing citizens' homes is denying them their basic human needs.

The matter is of public importance, because the current situation is affecting citizens who are holders of certificates of comfort which guarantee protection and security and offer citizens the right to live with their families in the homes they have built.

Thank you.

Mr. Speaker: The leave for which the hon. Member for Fyzabad seeks is denied. May I recommend to the hon. Member the provision of Standing Order 11 and, in particular, subsections (2) and (3).

HOUSE OF REPRESENTATIVES (PRIVILEGES)

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I sought your leave to raise a

matter under Standing Order 27(2), a matter directly concerning the privileges of this House. Thank you for giving me such leave.

Mr. Speaker, the matter concerns an article appearing on page 9 of the *Express* newspaper of Monday, March 24, 2003, under the headline “Ramnath calls PNM MPs ‘fools’”. Permit me to quote from this article. [*Crosstalk*]

Mr. Speaker: Order please!

Hon. K. Valley: The article reads:

“Couva South MP Kelvin Ramnath has described both the Speaker of the House of Representatives, Barry Sinanan and the Deputy Speaker, Hedwige Bereaux as ‘fools’.

He said the Opposition would not be able to settle the controversial Caroni restructuring plan of the Government in Parliament because the Speaker and the Deputy Speaker were fools.”

Mr. Speaker, the article linked the disparaging remarks, allegedly made by a Member of this House, to a decision of the Chair of March 7, 2003, not to grant permission to the Member for Couva South to raise a matter in this House as a definite matter of urgent public importance.

Mr. Speaker, parliamentary privileges are certain rights and immunities enjoyed by the House and its committees collectively, as well as by Members of this House, individually. They exist to safeguard the freedom, authority and the dignity of the Parliament and to ensure that we as Members could perform our duties freely, without hindrance. One such privilege or right is the freedom from intimidation or molestation, as we go about our parliamentary business. [*Crosstalk*] So the menacing or insulting of any Member, on account of his performance of his duties in this House, is a violation of a right of Parliament; *moreso*, if it involves the Chair of this honourable House.

It is well established in the law of Parliament that speeches and writings reflecting disparagingly on the Chair are attempts to intimidate the Chair and to obstruct the House in the performance of its function. Such action can also diminish the respect due to the House. If a Member of this House is not satisfied with a decision of the Chair, there is a proper course of action to follow in this House.

The 27th edition of *Mays' Parliamentary Practice* at page 122 states that reflections which have been published as contempts have gone on the conduct of the Lord Chancellor in the discharge of his judicial duties in the House of Lords or that of the Chairman of Committees. In the same way, reflections on the

character of the Speaker or accusations of partiality [*Crosstalk*] in the discharge of his duties, have attracted the penal powers of this House.

Mr. Ramnath: You locked up Occah Seapaul!

Mr. Speaker: Order please! Member for Couva South, you are a seasoned campaigner and parliamentarian, you know better than that.

Hon. K. Valley: Mr. Speaker, if the article to which I have referred is accurate, the hon. Member for Couva South has, by his utterances, attacked and insulted the Chair of this House in a most indecent and dishonourable manner. He has thus, in my opinion, committed a most flagrant contempt of this House. I submit that this matter demands the attention of this House. It is our duty as Members, regardless which side we sit, to safeguard the rights of this House and to preserve its dignity.

I move that this matter be referred to the Committee of Privileges. [*Desk thumping*]

Mr. Speaker: I have heard the hon. Member for Diego Martin Central. I will consider the matter and rule on a future date.

CARONI (1975) LIMITED

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, before the Opposition Chief Whip rises, I want to inform this honourable House that the Government is prepared today to seek your leave under Standing Order 90 to allow for a motion by the Opposition on the Caroni (1975) Limited issue, if they so desire. [*Crosstalk*] [*Laughter*]

Mr. B. Panday: “We born yesterday!”

Mr. Ganga Singh (Caroni East): Mr. Speaker, I have said consistently and over and over again—I will not call the hon. Member for Diego Martin Central a fool, but he is repeating—I have repeatedly said to the other side to bring their comprehensive, detailed plan on the restructuring of Caroni (1975) Limited and lay it in this Parliament in accordance with good public policy requirements, and we will debate. Every Member here is prepared for 75 minutes debate on this matter. [*Desk thumping*]

Mr. B. Panday: “So we born yesterday!” [*Crosstalk*]

Mr. Speaker: Order please!

**CONSTITUTIONAL REFORM
(JOINT SELECT COMMITTEE)**

Order read for resuming adjourned debate on question [January 24, 2003]:

Be it resolved that a Joint Select Committee of Parliament be established to make recommendations for urgent reform of the Constitution of Trinidad and Tobago and be mandated to receive and consider comments from the public on constitutional reform;

Be it further resolved that a non-partisan technical team be established by Government in consultation with the Opposition to assist the Joint Select Committee;

Be it further resolved that the said Joint Select Committee report to Parliament within one year of its first sitting. [*Mrs. K. Persad-Bissessar*]

Question again proposed.

Mr. Speaker: Hon. Members, the Member for Arouca South was speaking at the last sitting and has a balance of 15 minutes of her extended time.

Mrs. C. Robinson-Regis: Mr. Speaker, may I indicate that I have concluded my contribution. [*Crosstalk*]

Mr. Subhas Panday (*Princes Town*): Mr. Speaker, the hon. Member said nothing on the last occasion and today she has repeated her performance. In the circumstances, there is no need to really respond to anything she was purported to have said.

[*Words expunged*]

Mrs. Robinson-Regis: That is in relation to this? [*Interruption*]

Mr. S. Panday: Yes. Constitutional reform must be effected quickly, because we must stop what is taking place.

Mr. Speaker: Hon. Member, I wish to draw your attention to Standing Order 36(10):

“The conduct of the Governor, Members of the Senate or the House of Representatives, or of Judges or other persons engaged in the administration of justice shall not be raised except upon a substantive motion moved for the purpose...”

I am ruling you out of order in that regard and I am directing that portion of the contribution that referred to the Director of Public Prosecutions (DPP) be

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expunged from the record. I am also directing the press not to print any of it. Please continue.

Mr. S. Panday: Mr. Speaker, we have observed—[*Interruption*]

Mr. Valley: You should apologize first of all.

Mr. Speaker: Order please! [*Crosstalk*]

Mr. S. Panday: Mr. Speaker, I will not behave like the hon. Member for Diego Martin Central, and slam down my books or try to arrest the Speaker, so I apologize. [*Crosstalk*]

Mr. Speaker, we have observed that this Government has taken a position with anybody closely or even remotely associated with the UNC; if a charge is brought against that person, they get senior counsel, whether foreign or local, and you will hear them saying, “We have to spend money to deal with crime”. But when people associated with the PNM are charged with offences, you will observe the same thing is not taking place. For example, there was a gentleman from the San Fernando West constituency who was charged with an offence. [*Interruption*] No, I am not going into the details of the matter before the court. We observe that the Government is not taking the same eagerness in appointing senior counsel to deal with that matter. This is an abuse of the Constitution.

We have no problems in having senior counsel appointed, but they must be fair. If they are really interested in the administration of justice, they must be above board.

Sen. Morean: Will the hon. Member give way? Mr. Speaker, just on a point of clarification and correction, to the hon. Member for Princes Town who made the point. I would like to correct what he said with respect to lawyers appearing for the State; the Member for Pointe-a-Pierre just appeared for the Attorney General in two matters in the court.

Mr. S. Panday: Mr. Speaker, we would like to know those matters, but I will be happy if they appoint her in matters where people in the PNM have been charged. [*Desk thumping*] If they want good lawyers, they will get them. It would appear that they are using the administration of justice to embarrass certain people and, at the same time, to protect others. [*Crosstalk*]

There was a person charged with tampering with a ballot box. That goes to the root of our democracy. It interferes with the electoral process and the basis of government. Yet we ask the question: “Why have they been so soft on people before the courts who are connected with the PNM?” I will not go into the details

of any matter before the court, but we could say that we know what the result will be. [*Crosstalk*] I will talk about Regis whose name was called in the drug report.

Mr. Speaker: No, no, please. Even if you were taunted, you are a seasoned Member; you do not have to respond to things like that.

Mr. S. Panday: Mr. Speaker, I like to be taunted and I like to respond.

Regis was hardly able to reach above the rank of corporal, but is now obtaining a salary at the Water and Sewerage Authority that is almost higher than that of the Commissioner of Police.

Mrs. Robinson-Regis: Mr. Speaker, may I ask the relevance of that and what it has to do with the Constitution? [*Crosstalk*]

Mr. Ramnath: Sit down!

Mrs. Robinson-Regis: You cannot tell me to sit down.

Mr. Speaker: Order, please! Let me indicate to Members of this honourable House, if it is your intention to get out of order, I will suspend the sitting until you come to your senses and debate this matter properly, as it ought to be debated.

Mr. B. Panday: Be fair. [*Crosstalk*]

Mr. Speaker: Hon. Member for Couva North, I have heard you on many occasions talking about being fair, I can assure you that this Speaker is fair. [*Desk thumping*] I call upon the hon. Member for Princes Town to continue.

Mr. S. Panday: Mr. Speaker, what we are seeing is a kind of politics which is undermining the administration of justice. [*Crosstalk*] They are using state resources to undermine the administration of justice and our democracy.

In that matter concerning interfering with the ballot box, that person was charged.

Mr. Speaker: Hon. Member, again, that matter is before the court. There is only one member of the public who has been charged. I would ask you to stay away from that matter; it is before the court. You can generalize, but stay away from that matter. [*Crosstalk*]

Mr. S. Panday: I have nothing to say; I come like you. Mr. Speaker, just before the last general election there was another person who attacked and beat a person of significance and status in the society. That kind of raucous and indecent behaviour by that person at the Tunapuna registration centre was not a little thing,

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like somebody having a fight in a back room or at a wedding; it was just before the election. An official was conducting his duties at Tunapuna.

Mr. Speaker: Again, hon. Member, there is only one incident that you are referring to, and it is before the court and the Member is easily identifiable, so please—

Mr. S. Panday: Mr. Speaker, I will generalize. I ask the question: Has the Government appointed a senior counsel to prosecute him? If not, why not? [*Crosstalk*] Mr. Speaker, you have said not to call people's name, but the procedure is that somebody from a particular office would ask another person in Government who is in charge of the administration of justice for senior counsel, and they give it so quickly. [*Crosstalk*] That is the point we are making. How is it that persons involved in that position could so hurriedly obtain senior counsel for anybody remotely connected with the UNC, but not for the PNM? The Constitution must be amended to deal with those kinds of injustices. [*Crosstalk*]

Mr. Imbert: To do what?

Mr. S. Panday: You do not know? You see, Mr. Speaker, they are asking, but, as you said, I will ignore them. They do not understand. [*Crosstalk*] Another point is the abuse of the system. [*Crosstalk*] Another issue for which there is need to amend the Constitution is the situation dealing with the commissions of enquiry. The Constitution should be framed in such a way so as to prevent abuse.

Hon. Morean: Constitutions cannot deal with that.

Mr. S. Panday: That is why we say we want constitutional reform to deal with that. Since the PNM have come into government, they have set up a number of commissions of enquiry. They have abused the Constitution. [*Crosstalk*]

Mr. Speaker: Hon. Members, you are making life so difficult for the reporter. Member for Diego Martin East, please, the Hansard reporter, myself and other Members who are interested in the debate would like to listen to it in silence.

Mr. S. Panday: I want to apologize for him, Mr. Speaker; he cannot help himself. [*Crosstalk*] His upbringing does not permit him to help himself.

Hon. Member: Why did he not stay in Cuba?

Mr. Ramnath: Colonial upbringing.

Mr. S. Panday: They have set up commissions of enquiry. We had the first one, the Commission of Enquiry into the Elections and Boundaries Commission and they merely used it for political purposes. They used the Constitution; they

used powers afforded them to set up those commissions of enquiry, merely to gain political mileage. Having set up that commission of enquiry, in order to fulfil their political aims, they went even further and lied before the commission of enquiry. What has come out of it? We do not know. Then we had another commission of enquiry; again, they used the powers afforded them.

Mr. Speaker, the law as it stands must not give a government the power to abuse state resources in that manner. They set up the Commission of Enquiry into the Biche High School. They spent a lot of money appointing certain people to that commission. It was said of that commission of enquiry that the amount of money spent could have been used to do the remedial work, but they abused the Constitution and the law and went on with the enquiry. Having done that, we are still waiting for recommendations. The enquiry was completed long ago.

Mr. Speaker, I passed there recently and, from what this Government has done, it is clear that they used state resources to discriminate against people. This PNM Government has discriminated against the poor children of Biche, Canque, Poole and Navet, because they have nothing tangible coming from the commission of enquiry. They locked the place down; grass is overgrowing there and no remedial work is being done.

Mr. Speaker, a constitution should make sure that when a government attempts to set up a commission of enquiry, it must be for the benefit of the people and not merely for the benefit of the sitting government to embarrass and hurt people.

Then there is the Commission of Enquiry into the Piarco Airport Project. Again, there needs to be constitutional reform to prevent this kind of abuse. Some people call it “the Glenda’s Ecstatic Circus” or “the Clinton’s Ecstatic Circus”, because it is, indeed, a circus. This is the ultimate example where the present Constitution and the present law allow the Executive to abuse power. [*Laughter*]

A constitution should be formulated in such a way that there must be a system in place to ensure the people appointed to commissions are really genuine. We ask the question: What was the mechanism used to appoint the members and the Chairman of the Commission of Enquiry into the Piarco Airport Project? We do not know what criteria was used, but what we can say is that the greatest clown has been placed there as the Chairman of that enquiry. We could call it “the Ecstatic Circus”, because we are certain with the kinds of fees and compensation that persons associated with that circus are receiving, indeed, they will be very ecstatic.

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We feel that the Constitution and the law should not permit a commission of enquiry to be on a wild racehorse behaviour, but there should be rules, practice and procedure. When you ask: “Why do you not apply certain basic rules of practice and procedure?” They say, “We can govern our own procedure.” It is in those circumstances that you find that circus taking place the way it is being done now. That is the clearest example of the PNM Government using state resource to persecute political opponents. That is what those enquires have been set up for. We need constitutional reform to deal with these issues. When one looks at how that commission of enquiry or that circus takes place, one will see that it has breached every rule of propriety and civility in due process.

Mr. Speaker, you have been a lawyer and you would have observed what is taking place. Not only second-hand hearsay, but third-hand and fourth-hand hearsay are being introduced; “him say” and “dem say”. The Chairman takes it and refashions it to suit his own whims and objectives, then he asks: “Is that what you mean to say?” The witness will never say that, but he changes it around, puts back the statement and asks: “Is that not what you wanted to say?” Many of the people there who do not have legal training will say, “Yes, Sir”. “That is good; you keep on talking, it is not you we are going after.”

Mr. Speaker: Again, you are coming close to attacking the Chairman and you cannot do that. You can do it as a substantive motion.

Mr. S. Panday: Mr. Speaker, this is not a judicial enquiry, with the greatest respect. It is not concerned with the administration of justice, but finding out if there was any impropriety on the project and determining whether there was transparency; so it is not a judicial matter. We are asking: Why choose persons like that? How could the PNM choose somebody like that? Is it that they knew whom they were putting there? I am surprised that the Government chose somebody like that to put as Chairman, who, when the hon. Attorney General was head of the Law Association, she wrote him a letter and he said that he would not reply until she started to write English Language. [*Crosstalk*]

Mr. Speaker, the PNM put that Chairman there to fulfil a political objective: to humiliate the UNC for building an airport, which they could not build for 30 years. [*Desk thumping*] The PNM Government is putting their plants in certain places. [*Crosstalk*] For example, before they appoint these people, they should come to the Parliament to explain whom they chose and why. Many people are suspicious of the persons they have chosen.

Mr. Speaker, I know you might want to rule me out, but that same person of persons they have on that commission of enquiry—do you remember the Hubert

Williams' case? Do you know that certain people have the power to set lists and sit on certain matters? And, as a parting shot, bring the Hubert Williams' case—and you know what he did. [*Crosstalk*]

Mr. Ramnath: That is the “fella” who had a toy gun?

Mr. S. Panday: Yes. Is it that looking at the history of different persons, they have chosen this person to do the hatchet job? The Constitution should be reformed to prevent these kinds of things from happening. That Commission of Enquiry into the Piarco Airport Project is, indeed, a circus, because it is attempting to deal with transparency. But the way people have been appointed and moneys have been paid to certain people, the way lawyers have been appointed and the way moneys have been spent, I am certain that they will have to answer for that.

Mr. Speaker, one wonders—people who we know do not read and they have given them to be state lawyers in the matter, \$1 million in briefs. What is the work? They must tell us what kind of work that person did for \$1 million. To crown it off, what mechanism did this Government use to choose lawyers? We ask the question: How can you pay a lawyer, who has not been out for five or six years, \$245,000? For what? This is where the Government is abusing the law and the Constitution. [*Crosstalk*]

Another person from somewhere up the road got about two hundred and something thousand dollars; people who do not have any experience. Not only do they not have any experience, but they have no experience in public law. It is clear that this is an occasion when the PNM is giving moneys and briefs to the boys, and they are using the commissions of enquiry and state resources to perpetuate this. We are asking these questions.

Mr. Ramnath: Christine Kangeloo's husband! [*Crosstalk*]

Mr. S. Panday: Mr. Speaker, you know that when a person goes to an attorney, he or she must have a ballpark figure of the brief. What we observe is that everybody is using these commissions of enquiry, abusing the Constitution, merely to feed from the trough; that is what is taking place. [*Crosstalk*] As the Member for Couva South has indicated, we want the Executive coming to the Parliament before they embark upon those proceedings. But that is not all; that is only one side of their story.

This PNM Government has embarked upon some discriminatory action. By so doing they have abused the Constitution. I wish to read preamble (b) of the Constitution which states:

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“Whereas the People of Trinidad and Tobago—

- (b) respect the principles of social justice and therefore believe that the operation of an economic system should result in the material resources of the community being so distributed as to subserve the common good,...

That is a preamble in the Constitution. When one looks at various sections of the Constitution, they go exactly contrary to the principles in the preamble that speak about the distribution of the resources so “as to subserve the common good”. What is the PNM doing? Look at what they are doing and you will see they are, indeed, violating and abusing the Constitution.

Although the preamble speaks about equality, this is what section 73(1) says:

“System of Balloting

The election of members of the House of Representatives shall be by secret ballot and in accordance with first-past-the-post system.”

What is first-past-the-post? I am certain that you are aware it means that if one party gets one vote more than the other, that party forms the whole government. [*Crosstalk*] So, as I humbly submit to you, this Constitution contains contradictions which must be dealt with.

When a government in the first-past-the-post situation, which we commonly call the Westminster system, takes control of all the resources of the State and uses them to divide the nation along many lines, including ethnic and racial lines, as the PNM is doing, it is abusing the Constitution. Mr. Speaker, we must take into consideration that it gets worse than that, but I will come back to that point.

2.30 p.m.

There was the situation of the 18/18 tie. The Constitution envisages that somebody must win the election and one party obtained 18 seats, but the majority of votes and what happened in that situation is that somebody, for some purpose, some aim, decided that person would select a government using another preamble in the Constitution which has no relation to the rest of the Constitution.

That is the contradiction in the Constitution about which I speak and that is why there is the necessity for reform. When that person selected the Government there was a dereliction of duty in that the prerogative power of the office was not used to appoint, or select the government to say: Look, this appointment was not in accordance with the Constitution. It might have been with the preamble, but not

in accordance with any section of the Constitution and, therefore, that person had a duty to ensure that the government functioned in such a way that a large section of the community would not be alienated. That was not done, and the moment that decision was taken in the 18/18 situation, they hand it to you like that and say: Boy take it and do what you want. So when they talk about the Crown Plaza Agreement, or try to throw that on this side, we want to let them know that when they were given the government, they abused it and they knew they were not selected in accordance with the Constitution and they used this argument merely as a red herring.

Mr. Speaker, when actions were taken—not on any section of the Constitution—on the preamble of the Constitution which is not reflected in any section of the Constitution, they behaved as though they had won 36 seats. Jumping up and saying the Government is in good hands instead of considering themselves as a caretaker Government, serving the people in these special circumstances and returning to the polls. They used that situation in the Constitution merely to buttress their position so that when they go back to the polls, they will use that time when they were illegally in government to fix themselves up, and that is what they did. So when the PNM comes here we want to let them know that they were not a majority government during the period 2001—2002; they behaved as though they were because they were given it on a platter for the purposes which everybody knows.

Mr. Speaker, this Constitution indeed needs reform. They used that period to use State resources to divide this country that is why the Community Environmental Protection Enhancement Programme (CEPEP) came out in September 2001. They never told the country what they were doing, but all those contractors are really members of the PNM, relatives of the PNM, chairmen and councillors of the PNM. They give those contractors these contracts so that they will go in the marginal constituencies and use state funds to get at least 10 persons in their gang. They must go in every polling division, in every marginal constituency and use state resources to pull this trick. That is what they did. That was the corruption of the PNM, which was quietly inflicted upon the people like a thief in the night. A constitution must deal with those problems.

Mr. Speaker, having done that, they came before the country and said they were addressing a historical imbalance—dividing the country on racial grounds. That is the most racist statement anyone could have made. People who were never in business had an opportunity to go into business. We know of people who have obtained contracts and have businesses; we know people who have big businesses

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who are getting contracts from the State Enterprises, and have invested moneys in hotels in south and wasted it. They have been bad managers and yet they come here saying it is for that group we are levelling the playing field. Imbalance! That is painful when the country sees what they are doing.

There is another man who was a councillor, he is employed with Petrotrin, getting a very big salary and has a number of businesses. Is he one of those persons who need that opportunity to go into business? This is what we are saying. This Constitution has given them that opportunity to abuse.

Mr. Speaker, those PNM contractors are taking advantage of poor people. The people who are working on those gangs are not paying any health surcharge; they are not paying anything for them. We have investigated it and they are not paying any workers compensation for them so if those poor people who are picking up the stones by the road and painting them get into an accident they have nothing to get, but the PNM boys, the contractors are getting hundreds of thousands of dollars to exploit poor, black people. That is what they are doing.

Those people who have been employed are not from all over the country but only from the marginal seats. That is why if you go on the highway you will see maxi taxis with CEPEP people coming up the road. When one goes to Diego Martin Central and Diego Martin West, those people working there are not from Diego Martin, they are from Ortoire/Mayaro and San Fernando West. So when they tell us they are redressing a historical position, in truth and in fact they are being dishonest and they are merely doing that for political purposes and to stay in office.

Mr. Speaker, money is taken out of their salaries for the uniforms those people wear. I have a pay slip and they are taking out taxes from those persons and we ask: Are those contractors paying taxes to the State, or is it a PNM "freeco" where you just do as you want? This is what we are finding and we are saying that the Constitution provides for that type of behaviour of allowing one group to dominate the society and destroy the rest.

Mr. Speaker, that CEPEP was an extension and when the time comes everybody in this country would have to pay taxes for that. They talk about Caroni (1975) Limited, but this is money where not only taxes but the interest on it has to be paid back because it is money they have borrowed. A constitution should be amended in such a way that whenever government is going to borrow or spend any money not budgeted for, they should come to Parliament before they go into those activities, or if it is an emergency, they should come to Parliament at the first opportunity, so there will be transparency.

The PNM Government is corrupt. It was said before as His Excellency has said they have no vision, the only vision they have is to thief, be corrupted and try to hold on to office. That is what the PNM represents. But worse than that, they are also involved in banditry. Look at the people in CEPEP: PNM people in Princes Town are not employed with CEPEP because they are bringing people from San Fernando West and Ortoire/Mayaro to work with CEPEP; even PNM people in Princes Town are being victimized. This is not levelling of the playing field, this is not helping people. They do not even like their own people, but they are using this merely to fulfil their political agenda, and that is not the end you know, they are going to increase it.

We ask the question: Have you done a check on these people? What is the mechanism to choose these people? We promise that we would deal with the issue if they try to continue like that. This Constitution did not allow for that. It is only because they came using this Constitution to pass the budget that a lot of the money was passed for the URP, which was really to cloud how they were eating out the URP money. So when everybody see these people with their name tags at the back they will be focusing on those persons, but in truth and in fact they had their bandit and criminal friends eating out the URP.

Mr. Speaker, one asks the question now: Was the money in URP dedicated to terrorists? Was it dedicated to kidnappers? We are asking you because one of your brothers was killed and we heard it was the PNM who killed him. Before I go to URP, when one looks at CEPEP and sees what they are doing, it is really going nowhere very fast because if you want these people to become entrepreneurs, there should be an open market, but you give them money to spend and then you give them the work. Who are you trying to fool when you say you are trying to make them businessmen? With whom are they competing? We want to inform them that they are not fooling anybody. As a matter of fact, the most they are doing with that money is painting stones, using some bamboo and making sheds.

One would have thought that if they really wanted to help those people, they would have set up training programmes so that those people could better themselves. I ask them today what skills are those people gaining by painting stones and cleaning up with the whacker? How many of them do you have? What jobs do you have for them? Do you intend to keep them in that state of dependency so they will depend upon you all the time and vote for you? These are the questions we are asking and we are going to expose them at every turn.

Mr. Speaker, not only that, CEPEP is being used as a mongoose gang because there was a meeting in Couva and at that meeting it was said that the Member for

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Couva South could not guarantee their safety and by 1 o'clock we saw about 100 policemen and about 6 o'clock in a crowd of 100 persons there were 80 CEPEP people. So they are using them as rag, people whom they claim to be helping but they are really abusing them. They are bringing them there as a mongoose gang to protect them. We are peaceful people and when the Member for Couva South said he did not guarantee your safety, he did not say he would do him anything. You did not have to bring the mongoose gang to save yourself. The people in the sugar belt are decent people. They will never heckle you, they are not going to shoot you, and they are not going to kidnap you. We came to terrorize him and he had to run and he ran with the Reebok.

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

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

Question put and agreed to.

Mr. S. Panday: Mr. Speaker, we know they had given the URP to terrorists. We ask: When was that deal made to give URP to terrorists? It is not only CEPEP they have used—

Mr. Speaker: I have allowed you great latitude to go on about CEPEP and that may be the subject matter of a substantive motion, but please try to relate it to the Motion before us.

Mr. S. Panday: Yes, Mr. Speaker, as I was saying they used the Constitution and the law to bring the budget, and the URP funding was in the budget so they abused the Constitution by having that other programme.

The preamble to the Constitution says you must be fair and the resources must be distributed fairly. I think I should read it again for them to hear to make every one of us know the relevance of this speech. I think for your purpose and that of every Member in this House I need to re-read the preamble to the Constitution that has been abused.

“(b) respect the principles of social justice and therefore believe that the operation of the economic system should result in the material resources of the community being so distributed as to subserve the common good...”

And we are saying, they took the URP and they did not use it for serving the common good, they gave it to terrorists and this is—

Mr. Ramnath: Hon. Member, is that the same preamble used by the former President to install the present Prime Minister, on “moral and spiritual values”?

Mr. S. Panday: It is preamble (c), I am dealing with preamble (b). We ask when was that deal made with the terrorists to give them URP? Was it the time before election? Was URP money used for them when there was the 18/18 situation to put themselves into office?

Mr. Speaker, not only moneys they were given, the Member for San Fernando East had agreed to give them land. While they are trying to deal with the situation at Caroni (1975) Limited and throw people on the breadline, they were giving their friends land. That is why the people have stated: What you want my piece of land for and “all yuh” X Y and Z using racial remarks have so much land in Caroni?” Is the PNM now taking advice from the terrorists to terrorize the people in Caroni? We ask the question because the arrogance they have shown indicates that is the way they are going.

Mr. Speaker, we ask the question again because people who have abused and desecrated this Parliament, they betrayed it—but to show the fellas he is still with them, the Member says he wants everybody’s support and their support too. So he really played a game by saying he wants to give them, but the society is preventing him. That is why we ask the question was it at that time? I cannot give you land now, but I will give you URP. Giving URP to a small group of people because you see that URP was used for political purposes. We know for a fact when a certain terrorist group was given URP they set up terrorist cells in certain parts of Trinidad and they are in “capriche”, they “wa-ja-ja”.

Hon. Member: Like Dhanraj Singh.

Mr. S. Panday: Dhanraj Singh might be in Lapeyrouse soon—yes Mr. Speaker, and they also have shooting ranges. This is where the URP money was used. This is where they took money which was passed in this budget and for which we debated on behalf of the people. They quietly give terrorists money to terrorize people. That is why just before election when certain people beat the Mayor of Chaguanas we saw people from a certain terrorist organization using obscene language at the Mayor of Chaguanas. This is the way they abused the money, our state funds; they have given certain people these moneys to terrorize people.

They went to places like Maingot Road in Tunapuna and using the strength of the URP, terrorized people telling them they cannot vote. They beat people in Tunapuna. This is what the URP moneys were used for and instead of being distributed in the way that the Constitution envisages, they used it to voter pad.

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There were some young boys who were housed in a certain place and they took them to Moruga and Mayaro and fed them with URP money so they will qualify within the 90 days to vote. That is why we are saying that this Constitution must be reformed so we would not permit one group in the society to dominate in such a way at the expense of the rest of the society.

Hon. Member: Confession is good for your soul.

Mr. S. Panday: The PNM is the biggest bandit, the most corrupted people are the PNM. You want to call us corrupted when you all are already corrupted; anytime the PNM talks corruption they must look into a mirror.

Mr. Speaker, is it because they have given all this money to these few people that the Member for San Fernando East could mingle with the bandits and criminals and call them community leaders? What a disgrace from a Prime Minister who will give these people recognition by changing their names. He is laundering bandits, that is what he is doing. [*Desk thumping*] Using URP funds to mamaguy and sweeten them as the Member for Ortoire/Mayaro knows. What a shame! They had these people doing dirty work for them and when they went in there, they signed a treaty and agreement.

What happened to the police service? Why does the Government use state resources and undermine our police, our protective services? This is the extent to which the PNM would go to hold on to power. The police were annoyed. How could a leader of a country make deals with bandits? Before you meet people like these you should have the police there and let the police see what they are doing.

Mr. Speaker, there is speculation that they had split the bandits into two groups and they were backing one group having that group killing other people and the PNM is the cause of all the shooting and killing in Laventille. There is one killing where the person has probably done enough work for them and instead of the police holding him and there is a revolt, it was best they got somebody to shoot him. The PNM probably killed him, that is one version, and the other version is maybe the gang warfare went so far that somebody from the next side killed him.

How could a Prime Minister say that he hopes the gang warfare does not exacerbate? How could he make a statement like that? And he says he knows more than we know. I ask the question: Will a Prime Minister who is Chairman of the National Security Council deal with bandits? No.

Mr. Speaker, the Member for Arouca North tried to taunt us by telling us just now we will be a guest in his constituency. I want to tell him "he and he pals might be in Lapeyrouse soon." I ask for an explanation, Mr. Speaker, what is the

meaning of URP—Unemployment Relief Programme. That is what is said when they are trying to redress the historical imbalance. People who do not have work, who do not have a chance in the society, people who do not have skills, single mothers. *[Interruption]* No, it is Destiny, not “Quashie and Ram” it is children like Destiny we have to see about. I have no problem if URP is used to help Destiny, but it is for poor people. For example, if someone is in the hospital and has not worked for sometime when they come out they are given URP, but we see a certain gentleman who the Prime Minister met, a former bandit, had a deal with him and then gave him a position in the URP.

We ask what was the deal that was made? Explain to this country, Member for Arouca North, how a man who has a BMW valued \$1 million, 20 acres of land, a landowner, houses and a SUV to back it up—explain to your people, explain to the unemployed people. I beg you to explain to those poor PNM supporters why they cannot get anything and you are giving your boys and the bandits. Explain that to the people. A man came to his office and the Member tried to hide saying he does not know him personally. It is your responsibility, you try to run. But the way they are going most of them will end up in Lapeyrouse. *[Interruption]* No, no, no, not one day, you are getting it before time that is what I am talking about.

Hon. Member: You will join your first wife.

Mr. S. Panday: Mr. Speaker, this man was in company with the Prime Minister before election, he has been given a job in URP. What are his qualifications? Member for Arouca North, you speak loudly, I want you to explain the criteria used to promote him. He was just under the former Member for Laventille West; he is so powerful that he was just under a Member of Parliament of the PNM Government.

Mr. Speaker, this PNM Government is wrecking this country; it is abusing the Constitution; it is using state resources to perpetuate banditry; it is using state resources to create crime and no amount of Kidnapping Bill will fool anybody. They are just bringing it knowing it will never be implemented. They know the kidnapers too, because I was surprised to hear the Prime Minister say he hopes there is not a gang warfare.

I have great respect for my brothers in that area of Laventille and I ask to let God prevail, let peace prevail, and in spite of the wickedness of the PNM and in spite of the behavior of the people in the Ministry of Local Government to give their bandit boys jobs and promote them, I tell members of the community hold the fort, we are coming. This Constitution has to be changed.

Thank you, Mr. Speaker.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Thank you kindly, Mr. Speaker, for permitting me to make my contribution to this important debate in the life of the nation state that is Trinidad and Tobago.

Mr. Speaker, as I listened to my friend, the Member for Princes Town, it was hard for me to discern that he was making a contribution on a Motion filed by the Member for Siparia on his side about the need for a joint select committee to review the constitutional arrangements of Trinidad and Tobago, with a view to enhancing it. It was very hard. I heard him speak ad nauseam about murder, thief, crime, corruption, banditry, criminal and gangster behaviour and for a moment I thought he was debating the history, the development, and the rise and fall of the United National Congress. [*Desk thumping*] He questioned towards the end of his very useless contribution the qualification of the deceased Mark Guerra. I want to ask the Member, what qualifications did Arnim Smith hold when he held a similar position in the URP and further to that, on what basis did you make him a Senator in the Parliament of Trinidad and Tobago? I ask, but that is not the matter before us today, so I propose to proceed if I will be permitted. [*Interruption*]

The Member for Princes Town took some time mentioning those in the drug report, but I simply want to remind him that all the persons who were mentioned in the Scott Drug Report, none of them was charged for any criminal offence, not one. And, therefore, the report remains a tissue of unproven allegations today.

On the other hand, there are several frontline Members and supporters of the UNC who have been charged with criminal offences and are before the courts of Trinidad and Tobago. I conclude by saying that after courthouse comes jail. They are jittery, they are worried and the Member also said that the PNM is trying to embarrass the UNC. The UNC built an airport at Piarco and we are trying to embarrass them. Their conduct with respect to the airport— [*Crosstalk*]

Mr. Speaker: Please, the Member is on his feet, he is speaking and you are engaged in crosstalk. I appealed to Members earlier on to let us hear the debate in silence. I asked Members on both sides of the House to allow the Member to make his contribution in such a way that I would hear it, you would hear it, and most importantly, the Hansard reporter would hear it.

Mr. F. Hinds: Thank you, Mr. Speaker, for your protection. I really do need it. They do not need anyone to embarrass them with respect to the airport; the facts, figures, and the wealth accumulated by some on the UNC side are evident enough to show. [*Desk thumping*] Ill-gotten wealth.

Mr. Speaker, how did we get to this debate to reform the Constitution of Trinidad and Tobago? I want to remind Members on the other side as was pointed

out by my friend, the very learned Member for Arouca South, when she made her contribution that the United National Congress spent many years in their various manifestations in opposition in this country. They spent six-plus years in government and took no opportunity to present any alternative package for the Constitution and certainly while in office did absolutely nothing to reform the Constitution in the way they are saying it should be reformed. No fundamental reform!

On the other hand, they came time after time with piecemeal amendments to the Constitution—as I imagine all governments are forced to do—to meet their short-term political aspirations. There are those in Trinidad and Tobago who say that the Constitution should be systematically and routinely reviewed since it is a package of measures that must reflect current sociological and political trends. There are those who feel that it should be routinely reviewed after specified periods.

When the Member for Siparia made her presentation I heard her say, and other people outside this House say that we in Trinidad and Tobago found ourselves in constitutional crisis. I have had reason to say before and I wish to say again, we never had any constitutional crisis in this country, what we had was a crisis of morality. Most of the difficulties that we encountered in respect of the application of our Constitution came during those six devastating years under the United National Congress. [*Desk thumping*]

When we look at the history of the United Kingdom it has been said of Margaret Thatcher that all the Prime Ministers of Great Britain before her operated the same largely unwritten constitution, but it was during her term in office that it became necessary for politicians, academics, students of constitutional law and the Institute of Public Policy Research (IPPR) to come together to draft a written Constitution for the United Kingdom. It has to do, not with the Constitution, but with those who are responsible for applying or practising it when they are so elected to do.

The problems we encountered over the last six years are well known to Trinidadians and Tobagonians. The first difficulty we encountered was the election of a Speaker and the Constitution was silent on that point, but the convention has always been that a person who contested an election and lost ought not to have been made the Speaker of this House because by losing an election the feeling is, in part, that he was rejected by the electorate. But I imagine since the result was 17/17/2 and the United National Congress could not afford to put one of their members in the Chair, they found it expedient to bring a member from outside, not just a member from outside, but one who contested the election and lost and some people including yours truly, took serious umbrage with that development.

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One of the other difficulties we had was the determination and the eventual achievement by the UNC, led by the Member for Couva North, to have the President appoint other persons who contested the election and lost, as ministers seven of them. Those were some of the issues that troubled us; moral issues touching and concerning the convention that oil the wheels of the Constitution, those words that are written in that document.

Then we had another difficulty generated by the UNC again. Two Members on the PNM side crossed the floor and I mean a Member is free to do that if his political thought and his own assessment of the circumstances warranted it in his view, but the reports were rampant, and we have reason to believe, that these gentlemen did not cross on their own volition, they were enticed and induced by the devious UNC to do so. In other words paying for political support, selling the support of those who voted for certain members. That is the immorality. That is the moral crisis in which the UNC put the country; not the constitutional problem per se.

We had the difficulty as well with the termination of the appointment of the two Tobago Senators and, of course, as referred to by the Member for Princes Town the 18/18 deadlock and how we would have resolved those issues.

In the 18/18 scenario, the President as he then was, Mr. Arthur Napoleon Raymond Robinson, applied the provisions of the very Constitution to choose the person who, in his considered judgment and opinion, had the ability to command the right to govern—not the majority because it was clear to all that with 18/18 nobody could have claimed to have had a majority. So there was an agreement and it was on the basis of that agreement and not the person who was able to command the majority that I presumed the President did what he did and thank God he did. [*Desk thumping*] Today Trinidad and Tobago is a healthier, happier, cleaner, more calm, more peaceful environment than it was under the ravages of the UNC. [*Desk thumping*]

People walk around with smiles, I can see on the faces of my brothers and sisters in Caroni, Chaguanas, Laventille, Carenage and Parlatuvier, people are at ease. The country knows that the PNM are safe and they are in capable hands. [*Interruption*] I do not want you, Member for Nariva, telling me about murder because every time I hear the word UNC, I “does” shout murder, police, thief. I do not want to comment on a certain case that was aborted recently and would find itself before the courts again, but you must remember murder came from your very bosom, from your Cabinet—[*Desk thumping*] but enough said on that matter.

The conduct of those who behave in that way typifies the conduct of the UNC. It is not about he and we; that is the ethic, that is the philosophy, that is the behaviour of the UNC and the rise and fall of that Member reflects the rise and fall of the UNC. [*Desk thumping*] You are one with him and he is one with you, you are intrinsically bound to each other to provide mischief on the people of Trinidad and Tobago. Thank God they understood and voted you out and you will not see power in this country for a long time again. [*Crosstalk*] As I told you, the next time you will be ready for government with a minimum of 30 years expiration from today's date, would be when we succeed in building a rat-proof Treasury.

Mr. Speaker, we are not only concerned with political issues when we deal with the Constitution because it regulates the relationship between the various arms of the State and in a large part deals with political issues; it is not only political issues that need to be addressed as we approach the business of constitutional reform and apply our minds thereto.

The death penalty is a question we must discuss in Trinidad and Tobago. It has generated much discussion, we are now establishing a Caribbean Court of Appeal, the Privy Council, our final appellate court is saying that it does not want to deal with death penalty issues given that in England the death penalty was abolished. These are issues with which we have to deal and I would have thought that my friend, the Member for Princes Town, lawyer as he is, would have addressed some of these more pertinent, relevant and potent issues rather than dribble and drift, giving us a set of diatribe here today.

We have issues of the service commissions, and today we are grappling with some efforts to improve the management of the police service. I spent a very short time in the Ministry of Public Administration and Information and can speak authoritatively on the fact that the service commissions are very inefficient and we have to address these issues. So it is not only political matters that concern us when we talk about issues of the Constitution. It has been said many times, obviously, that the Constitution has been made for man, we are not made for it and we do not have to slavishly follow what was written, but to adjust it as we go along to meet current, social, political and other circumstances.

As we all know the Constitution is an agreement, a settlement arrived at presumably on a democratic set of principles to which we have all agreed. So if overtime there is disagreement on some of these principles, we ought to discuss them sensibly and I want to emphasize the word sensibly because I cannot so describe the contribution by the Member for Princes Town, and certainly not the

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presentation by the person who filed and piloted this Motion, the Member for Siparia; and I will come to her in a short while.

Nobody in Trinidad and Tobago doubts that there is need to look at our Constitution again for the reasons I have stated. Nobody would even doubt that there is need for reform. In fact, the PNM has said on diverse occasions that we would take action to bring about constitutional reform.

Hon. Member: You are speaking for the PNM?

Mr. F. Hinds: I am entitled to speak for the PNM. I am a very proud member and also a Member of Parliament. I am entitled, and I belong to a party with a strong tradition, one that has made a serious contribution to the development of this country, unlike your disparate gang that is only known for thievery and dishonesty and has tarnished every institution in this country from the Judiciary, to the Parliament, to the Presidency. Everything you put your slimy hands on you tarnish.

Mr. Speaker, in some ways, members of our society feel that the discussion about the Constitution is of no real concern to them. They feel so because in a way, the Constitution is a matter that we as politicians and parliamentarians discuss and deal with for obvious reasons, and there is a distinction by some of the sociologists and the legal philosophers of what they call lawyers' law and living law. There are those in our society who feel that the Constitution is about lawyers/politicians' law and not living law. They do not understand how it relates to them and, therefore, the first thing we must do—not just mere lip service—is to cause the citizens of Trinidad and Tobago to understand what is the Constitution, what it represents, what it means and more importantly, perhaps, to demonstrate how it directly affects their daily lives.

I make that point because in the Motion as filed by the Member for Siparia which is quite lengthy and monotonous, so that I do not burden myself or this honourable House by reading all of it, I would be obliged to read paragraph 5 which states:

“Whereas there have been widespread public calls for constitutional reform to include inter alia, electoral reform, political reform and parliamentary reform;”

I would like, first of all, to know from the Member for Siparia who has absented herself today though she filed this Motion and she should be here to listen to what we have to say on the matter.

[The Member for Tabaquite rises]

I am sorry, the Member for Siparia. The Member for Tabaquite is amazing you know, very elementary, very pedestrian really. He calls me to task for using the pronoun “she” rather than the Member for Siparia. I am very grateful to him, but that is the extent of his thinking on this important matter. I am very grateful. I would like the Member for Siparia—she could not care less, she is not here—to tell us what she means by political reform in the context of a call to amend our Constitution.

I was focusing on the issue of the public calls and I read and enjoyed very much an article in the *Newsday* of February 12, 2003 written in my view, for what little it may be worth, by a noble, decent and mature mind, Mr. George Alleyne. He says in the article:

“To the people, constitutional reform has merely been a convenient phrase bandied about by politicians, who have not even had the courtesy to brief them on the nature and extent of the changes they see as necessary. And for them to say that the people are interested in, and that there is a declared need for constitutional reform, is a dismissal of the reality that no large grouping has emerged in the country that has put forward its position on what reforms are needed. Or more to the point, whether there is need for drastic reform at all.”

I was impressed by that, because as I searched my mind to recall, it may really be a case of lawyers’ law.

As I said, we have really had no constitutional crisis, it was a moral crisis and the issue has cooled off tremendously since we saw the back of the UNC, because since the PNM came into office we have had no such problem and the country is being managed and the show goes on. A couple of days ago, we opened the National Library an ultramodern facility, for the benefit of the young as well as the old in Trinidad and Tobago; roads are being paved; WASA is improving its delivery and distribution of water; things are happening apace; the Minister of Housing told you today that he is well on track to providing an average of 10,000 housing units for the poor and those who need low-cost housing in this country; the Minister of Culture and Tourism will tell you that apart from the usual hiccups, carnival passed with no major incidents; the Minister of National Security will tell you that the police was able to deal effectively with the threat of being overrun by crime over that period. So the country is running, things are happening and you are there grouching and experiencing your political convulsions, your political tabanca as usual.

As I spoke about the writing of Mr. George Alleyne, I noticed in the *Trinidad Guardian* on the day after the President of the Republic, Prof. George Maxwell

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Richards, was sworn in—and I was really embarrassed by it—they were referring to the President as “Max”. I was very discouraged by that especially coming from the *Trinidad Guardian*, but I think, as important as constitutional reform might be, we in Trinidad and Tobago need to move hastily to reforming our minds and conduct. I saw some days after that he was properly referred to as President Richards and I applaud the *Trinidad Guardian* newspaper for that useful comeback.

[MR. DEPUTY SPEAKER *in the Chair*]

As I used the word “noble” a while ago, I have come to the conclusion that this Motion the UNC’s penchant for civil disobedience, the UNC’s refusal to come to this Parliament and soberly and sensibly debate measures, bills, motions, and to support them for the benefit of the citizens of Trinidad and Tobago, or to criticize them if they feel they have to, critical support as it were—has all come from a very ignoble intention. There is nothing noble about what the UNC does. So while this Motion is important, while it raises an issue that we should deal with, it is coming to the right answer but for the wrong reason. There is nothing good that comes from the UNC. They are a bunch of destroyers and they mean ill. They have no good intention for Trinidad and Tobago, it is quite clear to me and I can give a number of examples of that, but we need not go on.

Mr. Deputy Speaker, how else do you explain—I think this might be unparliamentary—the team that has been chosen in the Senate by the UNC. Clearly, an ignoble purpose, no seriousness, just deviousness and an intention to disrupt the smooth sailing of this nation once they are in Opposition. It is as if they have decided they will not behave themselves once they are in Opposition; they can only settle down to work and do other things when they are in government.

As for the Member for Couva South, I heard him throwing words across the floor to the Member for Arouca South. I think this is his second incarnation as a parliamentarian and he ought to conduct himself a little better than he does. Quite frankly, I think my good friend needs to be careful. Do not go back to the days of calling people slut in this Parliament, those are days that are long gone and I expect the Member to demonstrate a better example to the younger parliamentarians and certainly to the young people of this country because they are listening to us. [*Interruption*] You see, that is why I say you are a foul-mouthed man and you cannot help it.

Mr. Deputy Speaker: Hon. Members, please. Hon. Member, would you please address me?

3.30 p.m.

Mr. F. Hinds: I am obliged, Mr. Deputy Speaker.

Around 1971 Dr. Eric Williams is reported to have done a tour of the country. He was going around the steelband yards trying to get sponsorship for them and presenting them with trap sets as we call them. When he went to “Desperadoes” there was a crowd of steelbandmen there and one member asked Dr. Williams whether in his opinion they should change the name from “Desperadoes” to something more palatable and Dr. Williams in his usual way said, “No, you do not have to change the name of the band, just change your attitude.”

That is the point I am trying to make, because we could have the most prolific and relevant Constitution, if we, in Trinidad and Tobago, especially politicians, do not change our attitudes, we are going nowhere and going nowhere fast. If the Members on the other side do not know, I want to tell them, we are living in very serious times. This is no time to play; no time to jester. People in the country need our support; they need our leadership.

We are still trying to make our education system modern after six years of failure, from the UNC. We are still trying to improve their living circumstances. Unemployment is a problem. We have the problem of kidnapping. We brought a bill recently and we would not get their support for some frivolous reason, because we are not talking about Caroni (1975) Limited.

They come here with a Motion calling for a joint select committee to engage in discussions to move towards radical or fundamental review of our Constitution. Do they not know that this exercise if it is properly effected, could take five or six years? Do they not know that if they were responsible enough and had begun the process six years ago, today we would have been working towards the reform that they now ask for? A serious thing!

There are, as you know, about four approaches to reforming a constitution: We have the well tried-out element of the commission. You can establish a Constitution Commission. It has been done before. It does its fact-finding; it reports, and we can proceed from there. Another approach is the one that is being called for now, a joint select committee, very similar to the commission except, of course, one of parliamentarians. Our Government can come with a White Paper for Public Consultations, and certainly you could have a change in the Constitution by way of revolution, as has happened before in the world. But we are not in that mode and we should confine ourselves to the first three possibilities.

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The PNM is open to any approach. We said in our manifesto that we are committed to constitutional reform and we are open to any of those approaches. The Member calls for a joint select committee. We are interested in constitutional reform because we have seen that there are issues which need to be addressed. We do not have a problem with that.

[MR. SPEAKER *in the Chair*]

When we use the word “constitution”, Mr. Speaker, of course we speak of the Constitution either in abstract terms or in concrete terms. I think it is tried but it must be said that in concrete terms we mean the actual document setting out the principles that we would be guided by. That is the Constitution. In abstract terms it is described as a system of laws, customs and conventions which define the composition and organs of the State and regulate the relationship between them.

As I said before, if we have to approach this task as meaningfully as we should, it can take a lot of time. It is a very time-consuming exercise, and most of all it requires goodwill. In the approach to our Independence in 1962 there was a lot of disharmony about how we should approach our Constitution. There were those of the Democratic Labour Party of that time who felt that we should have service commissions to protect public servants from political handling or treatment, to protect the public service from political interference. That was agreed to and it was on that basis that we ended up with the service commissions.

So we can discuss the issues and we can come up with solutions but it requires goodwill. On the eve of Independence there was still disharmony, still different feelings on certain matters, and eventually goodwill emerged and we settled on a Constitution which we have worked since then.

If we are to approach this task we have to deal with the issue, for example, of maintaining our democratic institutions; we have to look at issues like ensuring the elimination of gender discrimination that may be written into the Constitution; strengthening accountability of Members of Parliament to their constituents; encouraging a wider and deeper participation by citizens of Trinidad and Tobago in the democratic process of Government; maintaining and strengthening the independence of the Judiciary, something that seemed to have escaped the UNC when they were in government for those turbulent six years; strengthening the independence and impartiality of the public service having regard to the need for efficient and responsive administration of government business; strengthening the fundamental rights, liberties and freedoms of the individual; reviewing the need for a second Chamber, whether we should retain it or abolish it; the death penalty is another issue, as I said; the question of proportional representation.

I remember when I was a police officer, distinctly hearing the now Leader of the Opposition say, when he was a labour leader and leader of the United Labour Front, that we want a system of proportional representation. You would have thought that once he had an opportunity as Prime Minister, as head of the Government, he would have done something about it. Not a drum was heard. That is an issue we may have to look at.

The question of presidential powers, as I said earlier, was one of the matters that arose during those years. Some people feel that we should have a US-type executive President; some people feel some more powers for our President; some people feel that the powers of the President now are too great in any event. These are some of the issues to which we would have to apply our minds.

We have to remember after all of the consultation, it is Parliament and Parliament alone that can amend or reform the Constitution. I just want to repeat that for my friend, the Member for Princes Town: At the end of the day it is we, or those who sit in this Chamber and in the other place, who would eventually have to give effect to any consultations, any settlements about reform of the Constitution. That is why we have to act responsibly. That is the reason. It is not a game; it is not a “tabanca” thing; it is real.

But how can we feel confident that the UNC would behave in that kind of responsible manner? How can we? The United National Congress met with the PNM when we were in Opposition, agreed on a programme to deal with improving the management of the police service. That was not an end in itself; it was supposed to take us to more effective fighting and preventing crime, a problem that afflicts Trinidad and Tobago. If you ask our citizenry now, most persons would tell you that their major burning concern is the question of crime. After agreeing with us, when we came with the bills—part of the agreement was that after the election, whoever was in government would bring this legislation and get the support of the other side—as usual, the UNC back-tailed on it. What are they saying? “We are not supporting any Police Bill to improve the police service.” To improve the capacity of the police service to fight crime to protect our citizens they say “we are not doing that until we get major constitutional reform.”

But old habits die hard. If you develop the technology of irresponsibility in the Kidnapping Bill and in the Police Bills, how can we expect you to discard that technology and act sensibly and responsibly on the question of constitutional reform? It is too much to expect of them. But for the sake of Trinidad and Tobago I plead with them to rise above their pettiness, to rise above their narrow, partisan approaches, to rise above the philosophy of race that seems to drive them; to rise

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above the talk of violence and stupidity and let us settle down, not for our sake—we might be all right—but for the benefit of the young and those who are yet unborn in Trinidad and Tobago. [*Desk thumping*] [*Interruption*] “My apprentice is for a king”, one journalist said. I like that.

Even to amend the Constitution, I think I want to say it; not everyone might be aware, but as I said only Parliament could do that, and the very existing Constitution tells us that in order to amend the Constitution and/or to reform it, there are certain constraints that are placed upon us. In section 54 of the Constitution, if you have to amend sections 4 to 14, sections 20, 21, 43, 53, 58 and a host of others, it requires a two-thirds majority. That means that we must either have two-thirds of the seats in this House, which is very likely at the rate we are going and at the rate they are sadly going, or we must get the Opposition's support.

Later on in the very subsections (4) and (5) there is a requirement for even greater—four-fifths majorities in certain circumstances in both Houses. Therefore, again, I make the point that it requires responsible behaviour, because it cannot be achieved if they are saying they are not doing this and not supporting that, like rude children. You have to approach it very differently.

There is another very important issue. Recently, if I may say, with the support of my friends on this side and, of course, you, Mr. Speaker, I went to Australia recently to attend a study group in Perth dealing with Parliament and the media. It was a very useful seven-day study group. I met in this group with about eight other parliamentarians, one from each region of the Commonwealth Parliamentary Association and we discussed the issues and came up with a number of principles concerning Parliament and its relationship with the media. The document has been made available to this House and I have sought the support of the local branch of the CPA to distribute that document to the media when I get such authority.

One of the issues that arose during that time and a matter that we would have to look at—because the Constitution of our country in section 55 talks about the privilege that we enjoy as Members of this House. When we speak here we enjoy a privilege, that is to say, we cannot be sued; we cannot be charged for anything we would have said in this Chamber; a kind of protection that allows us to speak freely and conscientiously as we are supposed to do as parliamentarians as we represent the interest of our constituents and Trinidad and Tobago in general. But, of course, that privilege has been time and time again abused by parliamentarians around the world. There are about 15,000 parliamentarians in the Commonwealth—

in the Westminster tradition that is—and from time to time some of us have abused that privilege. One of the agreements we came to during that study group was the question of the right to reply. We are simply saying if a person outside of this House feels aggrieved or offended by some abuse of that privilege in here, he is entitled to reply; not to come into the Chamber to speak—of course he cannot do that—but he can give a statement to some Member and it can be read in the House so as to bring some balance or some fairness to the issue.

Those are the kinds of things that I would have expected the Member for Siparia, the Member for Princes Town, the Member for Caroni East, the Member for Couva North—I was about to say, Couva South, but he is incapable of saying anything decent.

Mr. Ramnath: Leave me alone. I am trying to behave myself—

Mr. F. Hinds: I support you fully. When we go to the tea room we will have a juice on that.

Mr. Speaker, these issues are not pie-in-the-sky. These are serious issues, because whether the public recognizes it or not, it touches and concerns their very daily lives and we have to treat them seriously. I want to just point out, in passing, what irresponsibility does. I listen to some of the call-in programmes, as I must, because I want to hear what the people of my country have to say so that it would help me in deciding how better we, on this side, as a Government, and as Members of Parliament, could serve them, and I heard the Member for Siparia in another debate criticize the Kidnapping Bill—

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

Question proposed, That the hon. Member's speaking time be extended by 30 minutes. [*Mr. C. Sharma*]

Question put and agreed to.

Mr. F. Hinds: Thank you very much, Mr. Speaker. Thank you, hon. Member for Fyzabad and hon. Members, for extending my time.

I was saying that the Member for Siparia got in this Chamber and criticized the Kidnapping Bill, saying that she cannot support it—another frivolous, trifling reason—because it should not be named “Kidnapping Bill”, it should be named the “Anti-Kidnapping Bill”. But when the very Member was the Minister of Legal Affairs she passed a bill called the Domestic Violence Bill. It was not called the

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“Anti-Domestic Violence Bill”. It just shows you how trifling and frivolous my friends on the other side could be.

The point I was making, additionally, is that having heard that from the Member for Siparia, there are persons in the national community who hold confidence in the Member. Now I am hearing, in particular, a caller from Santa Cruz, he calls every programme and he is saying that it should not be called the Kidnapping Bill. He does not know that he is being misled. This is why we are duty bound to speak and act responsibly because they are listening.

Hon. Member: What station was that?

Mr. F. Hinds: You are asking about station? It is not 90.5. I used to listen to 90.5, but I have to get earmuffs. The race is so rampant; the comments are so crude; the moderators are so encouraging of that kind of behaviour, it is sickening. It is taking us nowhere. I feel sad for my country when I listen to that and a few other stations. I feel very sad.

So we do not have to descend into race talk. These are serious matters. I heard the president or one of the leaders of the Seamen and Waterfront Workers Trade Union at a press conference yesterday—

Mr. Sharma: And member of the PNM General Council.

Mr. F. Hinds: As far as I know as a member of the PNM General Council, no executive member of the SWWTU is a member of the PNM General Council—none. So, again, that is misleading diatribe.

The point I really want to make is that the leadership of the SWWTU who was on that platform on that horrible day in Couva two Saturdays ago, had to disassociate himself and his union from the rantings of race and violence that came from the mouths of those on that platform, including some who I can see before me. It is very, very sad, and I call upon them to desist.

I have raised some of the matters that I feel we must address if we are to seriously talk about Constitutional Reform. I have also said time and time again that it requires responsible behaviour by us politicians; it requires a process of educating our citizenry so that this would not be lawyers’ and politicians’ law, but it would be law for the people in a real sense, and that they could understand and appreciate that.

As I conclude, I want to say all is not lost. The PNM is in Government and that fact alone gives me great, great hope and gives the bulk of the society great hope. [*Crosstalk*] In addition to that, we must remember that this country was able to

withstand serious social upheavals: In 1903 a fire burnt this Red House; in 1990 a group of unthinking citizens came in here and created mayhem. A parliamentarian lost his life. About 32 people died. The Prime Minister at the time was shot. But Trinidad and Tobago was able to withstand that and to re-emerge stronger and as a better democracy thereafter. Hopefully, it must never happen again.

We were able to withstand seven or eight years of serious structural adjustment between the late 1980s and the early 1990s in this country. Many countries had serious problems with structural adjustment: riots; mayhem; who got murdered or killed. Trinidad and Tobago was able to withstand that. In 1970 we were able to withstand and to re-emerge a stronger democracy. Look at us here today. We were able to withstand the events of 1970; mutiny from the army; black power revolt in Port of Spain. Some, recognizing the youth and the exuberance and the well-meaning of the black power crowd, tried to get on board and create trouble for their own other purposes. But we were able to withstand that.

Hon. Member: No!

Mr. F. Hinds: Most of all, Trinidad and Tobago was able to withstand six thieving, corrupt, dishevelled, tumultuous UNC years [*Desk thumping*] and if we could have done that, we have the capacity to rise and to achieve any or almost everything that is good for the people of Trinidad and Tobago.

We are prepared to engage in this debate; we are prepared to engage the national community to review our constitutional arrangements. All we ask is for the United National Congress to come off its very high “tabanca” horse, settle down, represent their constituents, represent themselves properly in this House and at least we would stand a fairly good chance.

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

Dr. Roodal Moonilal (Oropouche): Mr. Speaker, it is for me a pleasure to join this debate on a very critical private Motion brought to the House by our colleague, the Member for Siparia, a Motion which has so far generated a lot of emotion, attacks, counter-attacks, heavy politics and also some incisive ideas and thoughts on the fundamental issue of constitutional reform.

As you know, I am now a changed man. I am no longer in a confrontational and hostile mode, but if I am provoked, maybe I would return to that mode. So I will try as peacefully as possible and with some calmness to raise a few issues as they pertain to the Motion before us, brought by our colleague, as it involves the issue of fashioning a new reformed political apparatus, a new and reformed organizational structure to govern our society.

At the heart of this debate is: Where do we go forward as a nation to develop this country which we all love, for all our citizens and for generations yet unborn? It is important that we take this time to have a full debate on restructuring the arrangements for government and for governance, because it must be clear that all is not well at the moment.

If we are to take at face value the contribution of my friend, the Member for Laventille East/Morvant, the Member would have us believe that, really, this country is now experiencing a very rosy social and economic environment; peace, tranquility, nirvana, and all is well because the PNM has managed to somehow return to office. I am not sure the Member for Laventille East/Morvant believes that himself, but he would have us believe that. In fact, I am very happy that the Member has returned to the House and is now speaking. The last time I saw him was as an extra in an Iwer George video over the Carnival season.

Mr. Sharma: “Ah home”.

Dr. R. Moonilal: “Ah home”. I am happy that he has now moved from an extra, back into the Parliament as a keynote speaker for the Government, although not fortunate enough to be given a Cabinet portfolio by his distinguished Prime Minister. But our friend remained very committed to the cause and put forward in very elegant language, as he does, a case that defends the Government.

I would also use the opportunity initially to respond to a few issues raised by those who contributed before me; issues raised by the Member for Arouca South on another occasion and by the Member for Laventille East/Morvant, speaking on this private Motion. When we began this debate the Member for Siparia was at pains to explain in some detail the current situation at it relates to constitutional arrangements, and so on, and what those of us on this side of the House interpret to be the problems facing the society as they are linked to our constitutional and political arrangements.

Then the Member for Princes Town continued in that vein and raised important ideas as they relate to fundamental concepts and principles and values in our political sociology; concepts of power-sharing, values of governance, of managing the resources of our State. Those of us on this side were at pains to deal with these issues. The response from our friends on the other side was to return to some old-time arguments that they are very fond of raising, issues of corruption. They want to return to issues of blaming the UNC Government for everything; for the wrongs that this society today faces. That was really their argument and as this debate continues they will continue in that vein, I am sure.

There are fundamental issues here that this society at this juncture in our development must reflect on. We argue that there would be no first developed country status, no 2020 vision, no relief from poverty, no job-creation, no development, unless and until we reform our political arrangements to include all the citizens of Trinidad and Tobago. That is a fundamental belief. As it is now, the Government in office cannot claim to represent even half of the population of Trinidad and Tobago. This suggests that there is a huge majority of citizens out there who are alienated, who are dis-empowered, who are without a voice, without representation and without participation in the daily affairs of the country. That is a fundamental issue.

Instead of dealing with that fundamental issue, we are hearing of charges of corruption and who are in the courthouse and who are not in courthouse, and as the Member for Princes Town said, when you point one finger, you generally realize that three fingers are pointed in your direction. So when you stand in the House and raise issues of corruption, you must look on your own Benches; look in the mirror and see what is happening in the Government when you raise issues of corruption.

Some time ago the distinguished Member for La Brea told us that when you live in a glass house you must be careful and not pelt stones. He gave us an important message. Today we want to tell the Member for Laventille East/Morvant and those on that side, when you live in glass houses do not pelt stones. In fact, when you live in glass houses you should change your clothes in the basement. That is the message we want to give them.

It is one thing to raise issues of corruption and who is in the courthouse or not in the courthouse, but we must be very careful with that, because there are Members on the Government Benches who are also before the courthouse. I do not want to get into their crime, whether it is assault, battery, murder, kidnapping, whatever. I am not into that. I am just here to point out that they need to be careful and be cautious when they deal with that issue.

Mr. Speaker, we believe that the fundamental ills of the society that we face today, including crime, the collapse of the health sector, unemployment, poverty and alienation are related to the Constitution and to the constitutional arrangements that facilitate a particular political culture. So the debate on constitutional reform is also a debate on political culture that a constitution engenders. Different constitutions and different political arrangements, whether they are in Asia, Africa, Western Europe, and so on, will give rise to a different political culture.

The political culture in this arrangement is fashioned by and large by the Government of the day—that culture is developed by the Government of the day. What culture is that? A particular culture has come into being since December 2001. In December 2001 the Constitution was—

Mr. Ramnath: Raped!

Dr. R. Moonilal: Strong word. It was set aside to facilitate the coming into office of this Government. They needed enough time to stay in office to conduct a campaign of buyout and terror to ensure an electoral victory by October 2002. This Constitution allowed for that. It allowed for the creation of a political culture and we are very concerned, with great respect to the Member for San Fernando East, when our Prime Minister, a trained geologist, becomes a sociologist. There is serious concern when we move from geology to sociology and then speak of imbalances that must be redressed by the State, and in redressing those imbalances, preside over a transfer of resources from the State, from the taxpayer, to the pockets of “entrepreneurs” and those who have been disadvantaged, and so on.

It is very interesting. The Member for San Fernando East, born and bred in San Fernando, tells us he understands the sociology of Port of Spain—very interesting—but that is the reason for crime—sociology; that we are training and embedding in the minds of our young citizens a sense of entitlement, and entitlement can be interpreted as both lawful entitlement to the goods and services of the State and also unlawful entitlement.

Kidnapping is a transfer of income. When you kidnap and you seek money, you are really seeking to transfer income from those who have—those who are rich—to those who do not have. That is income redistribution. It is unlawful, but that is facilitating balance. Once you go on that premise that you are about balancing, that means entitlement, lawful and unlawful, and it is this political culture that has created a PNM-made crime called kidnapping. Prior to December 2001, nobody heard about kidnapping.

Kidnapping was more, if a young boy in some area took a young lady out in the evening and did not return her at a decent hour, and the mother or father went to the police station and made a report. They called that kidnapping—napping the kid. But kidnapping for ransom is a feature post-December 2001 because a political culture has been embedded in the minds of the young bandits of this country to suggest to them that they must take money from those who have. That is entitlement; that is redressing historical imbalances, and this happens when geologists become sociologists. This is the result of that.

Constitutional reform has to deal with that. It happens because other political groups, political parties, the intellectuals, the academics, the policy makers, the thinkers, do not belong to one political party. They belong to other political parties or no political party, and so they do not participate in government; they do not participate in decision-making; they do not participate in promoting mainstream political culture in the country. That is a failure of the constitutional arrangement.

That this Government can terrorize citizens on a daily basis is the failure of the Constitution of the political arrangements. I was shocked—what is the term they used to describe the death of somebody—I was "taken aback" when I saw in a daily newspaper, and I quote:

“Rahael: 4,000 more must take VSEP or else it's retrenchment.”

I know people are very sensitive when those on our side seek to use the dreaded "C" word—Caroni (1975) Limited. They get very sensitive. They do not want us to use that word. But that is a critical issue facing the citizens. That is related to the political arrangements.

If this country had another constitutional apparatus, as they do in Germany, in Holland or in some of the Scandinavian societies, we would not have “4,000 must go or else it's retrenchment”, because in those societies the different political parties participate in the Government. In the Western European countries when there is an election, do you know what they vote for? They vote to change the driver. They do not vote to change the passengers. So after an election one party would get the lead and would assume the Prime Ministership, or the Chancellorship as the case may be, but the other parties are also brought into the government so that they can talk in the Government to represent people, seek solutions to crises. So we would not have been in this situation where terrorism abounds, telling citizens of this country as though they are cattle, VSEP or else retrenchment. That is terror!

Had the constitutional arrangements been different, we would not have a situation today where the Chief Executive Officer of Caroni (1975) Limited was sent on pre-retirement leave because he entered into an arrangement with workers at the Usine Ste. Madeleine Factory, that if they do not take VSEP they would not be retrenched. There is an agreement between Caroni (1975) Limited and the Usine Ste. Madeleine workers stating that employees who do not accept the offer of enhanced VSEP will be guaranteed continued employment by the company; the company cannot guarantee employment next year or two years and so on. The

man was sent on pre-retirement leave for entering into this contract. That is the level at which Government operates—vindictiveness, victimization, discrimination, all linked to this abusive constitutional arrangement in place where a clique could come together, meet once per week and then devastate this country, destroy this country for unborn generations.

At least with President Bush, he has promised to rebuild Iraq, but the Member for San Fernando East has not promised to rebuild Trinidad and Tobago when they have completed its destruction. It would be left to the United National Congress and those of us on this side to rebuild this country. It would be left to us to come back to create jobs, attract investment, return this country to growth. It would be left to us to pay the bills for commissions of enquiry. We may have to have a Commission of Enquiry into all the Commissions of Enquiry at the rate they are going, given the constitutional arrangements we now have.

They talk about corruption. Mr. Speaker, you would be interested to know that they have the propensity to put money in the pockets of their supporters out of a crisis at Caroni (1975) Limited. There is a public firm connected to the PNM—Ample—getting all the money for advertisements in the newspapers. The special advisor on communications to the entire Government of Trinidad and Tobago is involved with Ample. Every night I see a face on television. I have never seen this gentleman in my life. I do not know whether he is from Australia or Grenada. He is on television every night telling us how good the Caroni (1975) Limited VSEP package is, and so on. We do not know where this fellow came from, but he is on television every night trying to convince these poor gullible, vulnerable workers.

Mr. Sharma: He has a Grenadian accent.

Dr. R. Moonilal: Well I am not too clear on accents but he does not appear to be local. That is how they spend the money, out of a crisis, and our political arrangements allow for this—the Constitution.

So when we talk about constitutional reform, it is not that we are talking pie-in-the-sky, that we want to create another Constitution and put big words for lawyers and so on, we want to deal with the current problems that face this country, that threaten to destroy us. That is why we need constitutional reform; that is why we need the involvement of all the people, to improve the quality of life. [*Crosstalk*] The Member for Diego Martin Central, I will deal with him later. I thought he had enough from the Member for Caroni East yesterday, but he needs more “licks”.

In this Government, the right hand does not know what the left hand is doing. Five Ministers are communicating with Caroni (1975) Limited at the same time.

The Minister in charge of everything, the hon. Minister of Public Administration and Information, is writing a letter in which he is stating categorically that Caroni (1975) Limited will continue in business, and he outlines all the businesses, and so on. In another correspondence another Minister is saying, “We are closing down; we do not need sugar.” Another Minister is talking about retraining and Community Environmental Protection and Enhancement Programme (CEPEP) and the Unemployment Relief Programme (URP) and so on.

This is the conflict we face; this is the chaos; that is the political culture. We have asked this Government to place on the table their plan for Caroni (1975) Limited. They have none. They say, bring a motion. That has nothing to do with a motion. Where is your plan? They come to the House and in bits and pieces tell us about what they are doing with Caroni (1975) Limited. There is no comprehensive plan; there is no social impact analysis of the threat to the workers, to the society and to the villages emanating from their policy on Caroni (1975) Limited.

What about that social imbalance, when places like Friendship, Balmain, Dow Village, Golconda, Woodland, Princes Town and so on, encounter economic and social decline and depression and an increase in crime that they cannot deal with? This week was a normal week of murders and kidnapping. I had to be told on the telephone by the media that a former candidate in the Oropouche constituency, the late Ralphy Ramcharan, was murdered. This thing has reached candidates.

To be honest, it was in the newspapers. I am now accustomed to a murder a day and I did not take note of the name. I took note of the murder but not the name. That murder came a day or so after the murder of a prominent—I am looking for the term to describe him because one has to be careful—PNM supporter and URP activist, Mark Guerra. So important was this gentlemen that the Prime Minister made a statement. He said he was taken aback and went on to speak about “I hope that does not lead to gang warfare.”

Mr. Manning: I thank the hon. Member for Oropouche for giving way. The Prime Minister did not make a statement. He answered a question. **Dr. R. Moonilal:** In answering the question the Prime Minister made a statement that he was taken aback by the death of Mr. Guerra.

Hon. Member: He wept.

Dr. R. Moonilal: He wept? I know somebody else wept, but I did not know he wept. But clearly the Prime Minister did not attend the funeral—we do not know why—but a prominent member of the PNM did.

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I want to put it on the record that had Mark Guerra known what fate would have befallen him this week, he would not have participated in the election of 2002. That is a result of politics. That is a result of greed, of abuse, of terror to win elections. When we put forward our ideas and plans for a new constitutional apparatus that would bring the groups together, that would lift the country, improve the quality of life for all, they laugh. They are just happy to be in Government. They are not bound to have Parliament or Cabinet. They are just happy. They have reached. They stayed six years outside and they are happy they are there and they are not concerned with these matters; they are concerned that they are in Government.

I want to put them on notice that the society as a whole, not just UNC constituencies, is taking note and it is only a matter of time. To use a term that they used this week, when the next election is upon us—we do not know when it will come, but we know the outcome—the UNC would prevail. [*Desk thumping*] That is not a result of UNC policy and manifesto. That would not be a result of a manifesto, but a result of incompetence, inefficiency, waste, abuse, victimization and vindictiveness. That is what the population is taking note of.

Let them continue on that path. They condemn the UNC at every turn. They point to the airport. They are not saying anything about the national library. They opened the national library constructed during the term of office of the United National Congress. [*Desk thumping*]

Mr. Manning: Mr. Speaker, the national library of Trinidad and Tobago was built by the UNC being carried to the altar kicking and screaming. The record will show. [*Crosstalk*]

Mr. Speaker: Order, please.

Mr. Manning: After the sod was turned in 1995 and after the foundation was laid, it took them two years of pressure from the population before they were forced to build the library.

Dr. R. Moonilal: Mr. Speaker, the point of the matter is not who turned sod or who did not turn the sod, under the United National Congress the library was constructed. [*Desk thumping*] Under the United National Congress an airport was constructed! [*Desk thumping*] Did they turn sod for that as well?

So assuming but not admitting that the sod was turned in 1993 or 1994, it is the UNC that built the library, and I saw on television the hon. Prime Minister opening this library. I must admit the Member for San Fernando East looked a bit

uncomfortable. I found that the Member for San Fernando East looked better when he was speaking to community leaders.

They would open the library but they would not name it after the most renowned, proficient, the greatest writer of the English Language, a son of the soil, Sir Vidia Naipaul. [*Desk thumping*] They would not name the library after a Nobel Prize Laureate for Literature. [*Crosstalk*]

Mr. Speaker: In order to be fair to the Member for Oropouche, we ought to listen to him in silence, please. Let us give him that courtesy.

Dr. R. Moonilal: They boast about attending parliamentary conferences. They will not name the library after the most prominent, renowned literary genius, the greatest writer of the English Language, son of the soil, Sir Vidia Naipaul. They would not. We would enquire in more detail why. We have our suspicions, but we would enquire in due course.

We built that library, as I said. But the hon. Prime Minister, I am sure, got some motivation on that evening. It is now our information that the Member for San Fernando East is seeking a writer to do his biography. We understand it is Raffique Shah. [*Laughter*] I am offering my services to write one chapter in the biography. That would be the chapter on blunders and that would be a never-ending chapter in that biography. Clearly, that outing to the public library brought some inspiration that the Prime Minister must now reach some other level of self-glorification, but that is another matter. We look forward to the biography. It should be on the Internet so it could be updated.

Coming back to the issue of constitutional reform and reshaping our political apparatus, that is the fundamental issue before us. We all know that the Republican Constitution is now over two decades old, drafted in 1975 and passed in an Opposition-less Parliament—very critical. So there was no Opposition to participate in drafting, in providing input by way of ideas, thoughts, theory, framework, and so on, for the Constitution. Little surprise that today we inherit a Constitution with severe flaws.

It is not just a matter of section 35 out of sync and contradicting section 85; it is not just a matter of under the office of the President there is the term “Executive Power to the President” but under the Cabinet, the Cabinet is in charge of the general direction and control, and we all know the problems associated with that contradiction; it is not just a matter of that; it is a matter that the Constitution was passed without participation. It does not cater to our multi-ethnic, multi-religious society; it does not bring the groups into government and therefore impedes good

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governance. That is the fundamental issue that we have to deal with in constitutional reform.

At this stage, it is not for us in the Parliament as we make our contribution, to come here with all the ideas, to fine-tune ideas for constitutional reform, it is our job to put the matter on the front burner. And might I remind those on the other side that they are committed to constitutional reform. In the People's National Movement election manifesto of 2002, the party commits itself to the widest possible discussion and participation in the process leading up to the reform of the Constitution for a modern Trinidad and Tobago.

They are committed to constitutional reform. That was before election. After election when they realized the power that they have to deal with CEPEP, HYPE, URP, NEDCO, OJT, terror, the Jamaat and the gangs; when they realized that they can easily reward their friends in low places with state patrimony, nobody is concerned with constitutional reform.

I had cause to go into the offices of the Unemployment Relief Programme in San Fernando and it is unparliamentary, of course, to describe what is happening there—I would not do that—but it is very interesting. I make this point that what the Government has done—and this would destroy this country; and I want to remind the Government that they are not destroying supporters of the UNC, but crime, kidnapping, murder and economic decline destroy the country of Trinidad and Tobago. Because we could jump high; we could jump low, the intelligent people among us, those with the training and the education, will go abroad and those societies would welcome them and embrace the human resources of Trinidad and Tobago. They would go and develop other countries while Trinidad and Tobago suffers.

When you take the country along a particular line where employers leave, if you do not have employers, how would you have employees; by creating entrepreneurs? I say no more on this matter but just to remind the Government that they have presided over the legitimization of terrorist elements in the economic and political fabric of this country. [*Desk thumping*]

I do not blame the Member for Diego Martin Central who is saying I am boring. He cannot understand what I am saying.

Mr. Valley: You are boring!

Dr. R. Moonilal: If he cannot understand that, at a later time I would break it down into more ABC-type language for him. But at this moment I want to say that the Government is guilty of legitimizing terrorist elements and giving them

entitlement. [*Desk thumping*] CEPEP, URP, that would come back to haunt them, because the first fallout is when they cannot sustain the lifestyle of getting \$80,000 every fortnight, driving a BMW, 20-acre farm, sprawling mansion somewhere, four wives and 14 children. When you cannot sustain that livelihood with \$80,000 a fortnight, you are in trouble. That would lead to the gang war, to the shoot-out and the transfer of income by kidnapping, facilitated by the Government.

Mr. Speaker, the issue of constitutional reform is, how do we get out of this? We cannot take our good friend, the Member for Laventille East/Morvant, at face value when he tells us all is rosy. It might be rosy for him; it was not rosy for Mark Guerra; it was not rosy for Ralphy Ramcharan.

Mr. Speaker: Hon. Member for Laventille East/Morvant, please do not display that newspaper clipping that high.

Dr. R. Moonilal: Mr. Speaker, I have no problem. It is the same way he was jumping up in the Iwer George video—"Ah home". I have no problem with that; that is a conduct to which we are accustomed.

The challenge before us is really to develop the country for all and if they continue like this with this Constitution under those arrangements that give them the power to run roughshod over the country, to terrorize workers, to preside over a decline in the economic fortunes of business people; if they preside over the migration of citizens from this country, they would preside over the collapse of the State which they are now defending.

Mr. Speaker: Hon. Members, the sitting of the House is suspended and would be resumed at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Dr. Roodilal Moonilal: Mr. Speaker, before the break I was dealing with some of the more fundamental ills facing our society, and sought to link the increase in crime, the collapse of the health sector, unemployment and poverty to failures of our political and constitutional system; not just failure of leadership, per se, but failures of a system that allows for that type of abuse, victimization and alienation. That was the main tenet of my argument before tea.

I want to continue now and address a couple of other issues which were raised by my friend, the Member for Laventille East/Morvant. I took note when he said, with such flair, the United National Congress (UNC) would return to government when they construct a rat-proof treasury. I thought that was funny as well. It also

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highlights the level, I do not know if it is a term, of “boldfacity” or boldfaceness imbedded in the Government that they will really go on that line. This is a Government that has some outstanding business with the people of Trinidad and Tobago.

We were promised a report on allegations of corruption in the National Housing Authority, we have not seen that report. We were promised a report on allegations of corruption in the Unemployment Relief Programme, we have not seen that report. We were promised reports on corruption in the Agricultural Development Bank, we have not seen that report. We were promised reports on corruption in the “anything else”; we have not seen that report. They come now to tell us about the rat-proof treasury, while we wake up each day and \$40 million is gone in Community Environmental Protection Enhancement Programme (CEPEP) and \$60 million gone in NHA. Every single day the Government is finding innovative and creative ways of “tiefing”. We could depend on the Government to be creative in pilfering. Not a day goes by when there is no call for investigations on allegations of corruption by the Government. The Government has this way of coming with such flair and loud voices when they are telling us about corruption, because they put “Judge Judy” on Richmond Street to investigate. The Government based that entire anticorruption campaign on placing a judge on Richmond Street when, on two occasions, the Law Association has had cause to write, complaining about the conduct of business of that commission of enquiry. The Government has no moral authority to speak on corruption.

The Government may not have a degree of decency to understand that they do not have moral authority. It is like embarrassment: to be embarrassed one must have a certain amount of decency, if you do not have that you cannot be embarrassed. That is the path the Government is taking.

The other argument raised by friend, the Member for Laventille East/Morvant, is that we were in office and now we are talking about Constitution reform, but we did nothing. That is something like a chorus now. The different speakers on the other side are singing this chorus: for six years we were there and we did nothing. They are doing nothing, but we did nothing. Amending the Constitution, reforming the Constitution, or bringing meaningful change to the people of Trinidad and Tobago is not only changing sections 5, 6 or 7 of the Constitution, coming to the Parliament to debate sections 95 and 98. Amending the Constitution and giving life to our Constitution is also a result of government policy and laws. Could anyone on the other side stand and tell us that in the six years we were in government we did not deepen the spirit of democracy embedded in the Constitution, we did not pass laws and adopt policies to ensure

that the community benefited from state resources or that we did not pass laws and adopt policy to ensure that the principles enshrined in the Constitution found expression at the level of the society? Constitution reform is not just a question of coming here with amendments to sections 1—10 of the Constitution; it is deepening the spirit, the principles and values of the Constitution.

The UNC government, they lead us to believe, stayed for six years and did not amend the Constitution, so why are we asking. That is the Government's logic. In the six years, the UNC passed laws and adopted policies that gave full expression to the Constitution. [*Desk thumping*] When we took a decision to put representatives of the trade union movement on the boards as directors of state enterprises, we were deepening the industrial democracy in Trinidad and Tobago, to get the groups in the society to participate in making policy. That was giving meaning to the Constitution when we adopted that course of action. The Government, of course, threw everybody out and put in their friends and biographer. "You are either biography or not", that is the line from A&E.

Mr. Speaker, we gave meaning to the Constitution by deepening democracy at industry; that is just one. In other ways, we brought meaning to the Constitution by encouraging a wider participation in the government of the country. You will recall the multipartite forum held under the auspices of the Office of the Prime Minister, the distinguished Member for Couva North. Under the Office of the Prime Minister, we were able to bring all the groups together: labour, business, NGO movement, women and youth to fashion a national policy: a plan, a vision to take this country forward.

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

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

Question put and agreed to.

Dr. R. Moonilal: Thank you, Mr. Speaker and Members of the House. It is not correct to say in six years we did nothing to amend the Constitution or deepen the democratic expressions of the Constitution. We passed laws and adopted policies that took principles of the Constitution and brought it to life, to give expression. The UNC can point to a host of legislation and a myriad of policy documents in which we deepened the democratic fibre of the society. It is not just a question of having unemployment programmes and ensuring that all participate in that unemployment programme. It is really creating a society in which there is economic growth, job creation and a certain measure of prosperity for all.

Under UNC government, via the Office of the Prime Minister, we brought the society together and fashioned a vision document. That is a hallmark achievement of the UNC, so much so, that in December 2000, we were able to go to the electorate and the Member for Couva North created history by becoming the first Prime Minister since 1977, to have returned to Government after a general election in the first term. The Member for Couva North made history: elected twice. That was a result of the policies and laws that we passed. That was a result of the prosperity that we enjoyed. That was a result of the prosperity that this country was enjoying. In December 2000, the Member for Couva North would have been returned, elected as the Prime Minister of Trinidad and Tobago. That was a key achievement of the UNC. When the Government talks about not amending the Constitution, it must keep that in mind. Because we do not have a 1999 Constitution, does not mean that the UNC did nothing to deepen the meaning and give expression to our Constitution, not at all!

It is also felt by the majority of citizens of this country, at every juncture in which professional groups of citizens—be they Independent Senators, university academics or policy-makers—seek to consult with members of the public on the issue of constitutional reform. The reports are there, and they suggest that the citizenry as a whole is calling for constitutional reform. Citizens are calling for a fresh perspective on our constitutional and political arrangements. It was not too long ago when this country was faced with an unparalleled constitutional crisis emanating from the electoral result of December 2001, that Members of another place sought to consult with the population and they in turn took the time and the energy, consulted and came up with a report. It is instructive to look at that report and some of the suggestions made by members of the community. One key suggestion was the need, not just to reform the Constitution as a whole, but to look at how service commissions—teaching service, police service—are appointed, on the basis of a time-worn concept of consultation.

Mr. Speaker, in this system that we inherited from the British, consultation really means picking up the phone and asking somebody: “I want to appoint Mr. X, do you have any problem?” Whether you have a problem or not is irrelevant, Mr. X will be appointed. That is what consultation has meant, in practice.

Mr. Manning: I thank the Member for giving way. Since that is his view as to what consultation has meant, would he agree with an approach to consultation, or to appointments on those issues where the Leader of the Opposition and the Prime Minister must agree and, failing agreement, then the President appoints?

Dr. R. Moonilal: If I understand the Member for San Fernando East correctly, he is asking for our opinion on one tenet of constitutional reform, which

is merely to do with consultation. I would like to indicate to the Member we cannot discuss the matter, one tenet by another, or one point by another point, you have to first agree on a principle of constitutional reform, a principle that deals with the appointments to service commissions, before you could get into one little issue of whether the Prime Minister and the Opposition Leader should meet and decide whether Mr. X should be appointed or not. Let us first agree on constitutional reform in a holistic way. Let us first agree on whether we need a Prime Minister, as we currently do—of course, not the Member for San Fernando East—whether we need the Office of the Prime Minister, as we currently do. Let us first agree on those issues before we get into those details as to what should constitute consultation.

Members of the population have been saying that this concept of consultation is meaningless. In the current system, where His Excellency, the President or the Prime Minister as the case may be, would telephone the Leader of the Opposition and say: “I want to appoint Mr. X, do you have any problem?” Whether you have a problem or not is irrelevant. Whether he sends the resume’ of other people or not is irrelevant. The issue is that it must be done “on the advice of”. Things happen that way. That is how the society has been operating. Who has suffered? The citizens of the country have suffered for that, in the sense of who they can have on these important commissions. These commissions regulate and manage the teaching service and the police service. You may have persons there—I do not wish to call names at all, because I am not of that level of name-calling—sitting on those boards: very important functionaries who are really party-hacks of one party or another, who really came through the rank and are personal friends of the President, at the moment, and may have no expertise, or qualifications at all to sit on a service commission, whatever it may be. Those persons are then entrusted with such high responsibility, dealing with policy-making, promotion, discipline et cetera, for professionals. This is an issue that we must really bring home to citizens.

Many years ago, before I was exposed to Parliament and Government as the case may be, one heard of the commissioners and that everything must go through the Teaching Service Commission. When you keep bodies like that, you are in awe of these important institutions of the country. After a few years in political involvement, when I got to know people and realized who sit on one body, as opposed to another, my bubble burst. I am not into calling names. When I looked at the names of people there, I was deflated to know that those organizations are so important, and this is the way people are appointed. That is a fundamental problem that the majority of citizens face. That is a problem that university-trained professionals have to deal with day in, day out. We do not get the best

human resources to manage the affairs of the State, because of the way the Constitution is so drafted and fashioned. That is an important issue that we on this side would like to put on the table. The Government can adopt a policy that it is there already, it appears to be working, let us not tamper with it. It has served us from 1962 to 1976, as the case may be. Let us not tamper with it.

Constitution is a dynamic document. It must be changing as the society changes. As the objective reality changes, so a constitution must also change. The issues that the government in the 1960s and 1970s faced may not be the same issues that the government and people face in 2003. There is need, therefore, to take another look at this Constitution that gives power and such huge amount of responsibility to people who may be ill-suited. With great respect to the people, they are probably happy they have reached there. We cannot blame them entirely; they are happy for their appointment, but they are completely ill-suited.

For many of the people as well, this would be a political pay-off. Some people contribute to their party in one way or another; behind or in front the scenes. When they reach a certain age and they have retired, this might be seen as a token of appreciation for their years of service. Appointment to a public service commission is not a long service award, it must be done thinking of the qualifications of the people, in some cases their expertise, experience abroad and training. It just cannot be an award you give someone at retirement. Of course, it must be done considering the integrity of the men and women as well, it is critical. I am happy the Member for Diego Martin Central is raising an issue of integrity. This is another fundamental issue for change: the issue of the Public Service Commission.

We on this side are also suggesting that the Parliament and the country should also consider other innovative and revolutionary mechanisms for running the country, for organizing our political apparatus to run the country. Maybe it is time we consider an Executive President, given the problem we face with the first-past-the-post system where, in some cases, the majority of citizens may not be in support of the governing party, as happened quite recently. Maybe it is time we consider the idea of an Executive President, where the party with the most votes and popular support appoint an Executive President who will then appoint his cabinet; something akin to the United States system, and where the party with the second largest number of votes or seats, as the case may be, appoints a Prime Minister who conducts the business of the government as well. So you force groups to come together to work together, and the country, as a whole, benefits.

I keep repeating, if we look at the Western European model, the Christian Democrats, one party, and the Social Democrats, another party. There are

fundamental differences, different histories and so on, yet they contest against each other, they fight at the electoral level and they come together and agree on one policy document and an agenda for legislation. They manage the affairs of these very rich, powerful and industrial nations. If we begin with the idea behind our heads that 1.2 million people and we cannot run a country together, then we lose. Immediately we are on the wrong track. If you look at countries with millions of people: 30 or 40 million, their Parliament would have five political parties running the country. We have 1.2 million people in Trinidad and Tobago and we are saying that we cannot work together, we need government and opposition. We cannot work together with 1.2 million. Suppose we had 20 million?

We are challenged now to fashion a new political arrangement in which we suggest that we may consider an Executive President from one party; the victorious party, and a Prime Minister from the other party. The question necessarily arises: What about the Opposition? It is simple, in such a system we can consider, as well, that the Opposition should come from the other groups in the society that would be a watchdog of the political parties such as the NGO movements, the universities, the trade union movements, churches, civic groups and the youths. All the different groups in the society can form that opposition to keep the political parties in check. This is the sort of radical thinking that is required when one thinks about constitutional reform. This is what we should consider. The Government may be quite happy to laugh it away because they are in office. Jump high, jump low, they have drivers, offices, flags on their cars and they travel all over the world. They are in government. Maybe they do not want to think about this at the moment. *[Interruption]* I need a car before I could get the flag. But they may not want to think and give serious thought because they are in office. Mr. Speaker, we appeal to the Government and Ministers of Parliament to consider the plight of the country.

I have spoken to several colleagues on the other side. I told them when Trinidad and Tobago goes down the wrong road and the country collapsed, it is not a UNC disaster. It is not the UNC that will suffer, the entire country will suffer. When people leave this country fed up with crime and kidnapping, when more and more citizens are without jobs, it is not the UNC that will suffer. When there is death, murder, mayhem and kidnapping, it is not the UNC; it is the entire country. It is very interesting, you will find Members of the PNM abroad who have told me, when I met them in other capitals of the world, they are not going back to Trinidad regardless of who is in power. There are members of the PNM living abroad who will not come back to this country under a PNM government. They do not want to come here to be kidnapped and murdered. It is not the UNC under attack that way.

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When we look at the newspapers—I am happy my friend from Laventille pointed out the newspaper to me. I read the Internet edition which goes all over the world. Anybody can stay in any country and read the *Express*, *Guardian* or *Newsday*. Even the weeklies are now on the Net. There was a story that a lead supporter “community leader” who campaigned for the People’s National Movement in marginal constituencies was murdered; who participated in signing a truce between warring gangs. This came from an *Express* reporter. What is frightening is that citizens abroad are reading this:

“Police say Guerra was a gang leader who was a prime suspect in several high profile contract killings and other illegal activities. His name was called several times at the recently aborted Dhanraj Singh murder trial. He was also believed to be involved in the 1989 shooting of the President’s official car. The President’s wife, Zalayhar Hassannali, was in the car at the time.

It is believed that Guerra, who described himself as a farmer, was behind several ghost gangs in the URP and NHA refurbishing project where he earned over \$150,000 per month.

In addition to his \$1 million Seven Series BMW, Guerra also owned a \$250,000 SUV and a multi-storey house in John John in addition to several other properties.”

Mr. Speaker, I do not want to go on with the entire record of this deceased gentleman. When citizens abroad read this: investors, those willing to come back to open factories and plants; and they look at this connection between the incumbent party in government and that type of terrorist elements what would be on their minds: that this is a safe haven, all is rosy down here, you can come and conduct your business freely, you are not threatened?

This week was also another historic week: normal for murder and kidnapping. This week we had the first double-victim of kidnapping. Someone was kidnapped twice! Once is traumatic enough. A citizen of this country was kidnapped for the second time. It appears that this income transfer is now—what do you call that in budget terms, from the consolidated account?—you can just draw down every year by kidnapping the same person. If you do not have enough resources, you kidnap. If you kidnapped one person and realized that family may have more money, you kidnap the person again. This is the society. It emanates, as I said before, from a particular political culture. I want to place on record—

Mr. Hinds: As far as crime statistics go, is the Member aware that terrorism is a particular type of crime, as opposed to, if you like, other types of crime? Is the

Member conscious of that fact? How do you justify the use of the word “terrorism” in the context of your statement?

Dr. R. Moonilal: I am talking about murder, kidnapping and terrorism, which the newspaper article links together to describe this deceased gentleman who was killed this week. It is important that the Member made that statement, he reminded me of something as well: the issue of terrorism.

On an occasion, sometime back when those of us on this side of the House sought to raise the issue of terrorism, we spoke about Balli and Mombassa, those on the Government side felt that we were wild, irresponsible and reckless. Today, after having press conferences by terrorists, there are measures being taken by the Government to suggest that they now think that this terrorist threat is serious. We are not outside of developments taking place in the world. Before, when we raised the red flag, we were reckless. Today they are pursuing a course of action to suggest that they have now come around; about six months later, to understanding the threats that we face. But, there is a contradiction that the Government faces here. It is one thing to be signing counter terrorism conventions in Washington, but you cannot sign all these conventions on terrorism and then embrace, fraternize and facilitate known terrorist elements in Trinidad and Tobago. That is a contradiction in terms.

I am sure there are Members on the Government side, maybe not the majority, who understand what I am saying. Maybe privately they will agree as well. I am certain that not all Members on the Government side will support the head of that government fraternizing with criminal elements and promoting a political culture that breathes entitlement, whether lawful or unlawful. We are going down a dangerous path which is also connected to that political culture; where people are now getting money. Let me say one time—I know they will misinterpret us—we support measures and policies to alleviate poverty. We support measures and policies that will present the country with a greater distribution of income, that will generate wealth and create jobs. A fundamental difference between the PNM and UNC is that in the UNC we have always linked jobs to training and human resource development, whereas the PNM has linked jobs to entitlement that you must get some money for imbalances. The UNC saw job creation and human resource development as one and the same policy. That is a fundamental difference.

Many people will speak about CEPEP and so on. I agree with the Member for Couva South, I have seen on the Cross Crossing Bypass where some nice clean-up work has taken place. The CEPEP work looked lovely. I noticed the monochromatic makeup of the workforce, but that is another issue that colleagues will deal with.

Constitutional Reform
[DR. MOONILAL]

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The job is not bad. The risk with developing and expanding programmes without human resource development is what do you graduate people for? When someone works in CEPEP what do they go and do after? How many times do they cut grass? Is it that their life chances will come by cutting grass and cleaning the environment and painting the stones? What do they do after?

There is also another pattern emerging, Mr. Speaker, which I am sure you will be concerned about. There are young people in the school system who will now be weaned into a particular belief that education is not important. They would believe that education is not important anymore if they want a job or money. When a person comes out of the school system, with whatever they did not get, they will be absorbed into the CEPEP or URP where they would get money. The Government is creating that culture that education is not important. We have enormous examples. A few evenings ago I was at a government building when a security officer came out by the gate, saluted me and said: "Mr. Minister". This "fella" did not read the newspapers for two years to understand that the government has changed. *[Interruption]* This Pompek will continue to disturb me. I am sorry it is unparliamentary. He is just disturbing me from my train of thought. This guard did not know that two years ago, the government changed. I had to tell him that I am not a minister anymore.

A child in San Fernando was asked, since every night they are showing military analysts on the American-based TV stations, do you know any military leader in Trinidad? The child said General Grant. *[Laughter]* That is the reality we face. You find that funny? That is tragic, it is not funny. The child said General Grant.

Mr. Hinds: You trying to outdo Sprangalang?

Dr. R. Moonilal: The children are now growing up in the school system where education is not important. The serious point I am making is that unless we treat with this job creation programme in a developmental way, we would just have young people who will believe that they do not need education to prosper.

As I sum up now, before anybody disturbs me, the fundamental pillar of my presentation was that we require constitutional reform to reassess our political arrangements so that we can develop the country so that the quality of life of our citizens can improve. Constitutional reform cannot be separated from the issues of health care. *[Interruption]*

Mr. Speaker: Order, please.

Dr. R. Moonilal: I get my minute injury time. Constitutional reform cannot be separated from the social ills that face the society today: whether it is the

collapse of the health services under the distinguished Member for Diego Martin East, whether it is the rampant crime, kidnapping and murder; unemployment or poverty. As you know BWIA may be here today, but gone tomorrow.

Unless we amend and bring change to our Constitution and political arrangements, we will not deal with the social problems that we face, whether it is the Public Service Commission, or the Executive President. *[Interruption]* Mr. Speaker, even you would lose patience with that Member. Could you imagine dealing with him as Prime Minister? You just have to deal with him once as Speaker. That is the fundamental issue that I want to raise. As we go along, others on this side of the House would bring other pertinent ideas and thoughts to bear on this most important Motion raised by our colleague, the Member for Siparia. I trust that, at the end of this debate, the Government will see the light to embark speedily on a course of action to bring constitutional reform and political change for the benefit of all the citizens of Trinidad and Tobago.

Thank you very much. *[Desk thumping]*

RELATED MOTIONS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Thank you very much, Mr. Speaker. Before moving the adjournment, I want to crave the indulgence of the House with respect to two Motions under “Government Business”. I had discussions with the Opposition Chief Whip who agreed that we should deal with these matters today.

Mr. Speaker: Are you moving that both Motions be taken together?

Hon. K. Valley: I am sorry, yes Mr. Speaker there is that agreement.

Assent indicated.

EXEMPTION FROM CUSTOMS IMPORT DUTIES (PETROLEUM SECTOR)

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): The Motion relates to section 56 of the Customs Act which allows the Government to give duty-free concessions to manufacturers in one instance, that is Motion No. 2, and with respect to the petroleum sector in Motion No.1. I think I have to put the Motion on the record.

Whereas it is provided by section 56 (1) (a) of the Customs Act, Chap. 78:01 that the House of Representatives may from time to time by resolution provide that any class of goods specified in the resolution shall be exempt from import duties of customs if such goods are imported or entered for use by any person

Exemption from Customs Import Duties
[HON. K. VALLEY]

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for any purpose specified in the resolution during any period to be fixed by the Minister in each particular case, not being a period terminating later than the date prescribed in the resolution as the last day on which such exemption shall be operative, and subject to such conditions as the Minister may impose:

And Whereas the House of Representatives by resolution dated 13th March, 1970, provided that certain classes of goods should be exempted from import duty until the 31st December, 1976:

And Whereas the House of Representatives by resolution dated 1st December, 1972, amended the Appendix to the 1970 Resolution to correspond with the class of goods and purpose for which they were to be used specified in the First and Second Columns of the Schedule hereto and to substitute for the last date on which the exemption would be operative the 31st December, 1999:

And Whereas by Legal Notice No. 78 dated 31st March, 2000, the last resolution in respect of the class of goods specified in the First Column aforesaid expired on 31st December, 2001:

And Whereas it is expedient that the said class of goods be exempt from import duties of customs as of 1st January, 2002:

Be It Resolved that the House of Representatives in accordance with and subject to the provisions of section 56 of the Customs Act, exempt from import duties of customs the class of goods specified in the First Column of the Schedule, hereto being goods imported or entered for use for the respective purposes specified in the Second Column of the Schedule hereto for the period prescribed in the Third Column of the Schedule hereto but that this resolution shall cease to have effect in respect of any class of goods specified in the First Column that is manufactured in Trinidad and Tobago:

SCHEDULE

First Column	Second Column	Third Column
Class of Goods	Purpose(s) for which goods are to be used	Period of Exemption
Equipment, material and supplies	Imported for use in off-shore petroleum exploration and petroleum operations	From 1 st January, 2002 to 1 st January, 2005

This Resolution is deemed to have come into effect on the 1st January, 2002.

Mr. Speaker, you would note that with respect to Motion No.1, it deals with the petroleum sector. As you know the petroleum sector is basically an export sector. The consideration there is that it makes no sense taking custom duties in when, of course, most of it is exported. More significantly, the overriding concept, especially today, is that there must be a levelling of the playing field. We need to put goods manufactured in Trinidad and Tobago on a similar footing as goods manufactured in the United States. If goods are manufactured in the United States, there is no custom duty paid. Similarly, if goods are manufactured in Trinidad and Tobago, we are saying that we will exempt those goods from customs duties. This is the concept: as long as you are an approved manufacturer, you are granted a concessionaire which entitles you to have your raw material exempt from duty, as well as intermediate products.

Mr. Speaker, you would note that last exemption expired at the end of 2001.

Mr. Speaker, you are aware in 2002 there was a hiatus with respect to meetings of Parliament, and so the Government had to use another section of the Customs Act to allow for duty exemptions. In fact, what we did, we used section 9 of the Customs Act for the remission of customs duties and all classes of goods as listed in the Third Schedule to the said Act, which would normally be exempted for concessionaires granting ministers licences under section 56 of the Act. That covered the period January 01, 2000 until the relevant resolutions are introduced in Parliament.

This exemption would expire, as I understand it, at the end of March. This is why we ask the Chief Whip to allow us to take this matter at this time. The last administration passed the required Cabinet Note to have the section 56 exemption extended. With respect to the second Motion, the relevant Cabinet decision was taken on August 22, 2001, to the effect that a Resolution be introduced in Parliament for the continuation of duty exemption to industry under the provisions of section 56 of the Customs Act for a period of three years with effect from January 01, 2002.

With respect to Motion No.1, on December 05, 2001, the Cabinet agreed that a Resolution be introduced in Parliament for the continuation of conditional duty exemption to the offshore petroleum exploration and production operation sector for a period of three years with effect from January 01, 2002. Of course, this new government had to confirm those decisions. That was duly done by a Cabinet Note of March 17, 2003.

This is agreement on both sides that this is assistance that we have to give to the manufacturing, as well as the energy sector. In those circumstances, I beg to move.

Mr. Speaker: It is the wish of the House to have both Motions debated simultaneously.

Question proposed.

Mr. Chandresh Sharma (Fyzabad): May I get one clarification? There was an agreement by these companies that they would buy at least a percentage from local suppliers. It appears that that is not being adhered to, which means a loss of revenue. In addition to that, some companies argue that it is cheaper to bring in goods and equipment, rather than to buy from local suppliers. Although you are saying that local manufacturers would be treated well, oftentimes that does not obtain. The international companies, in particular, would always argue that they could bring something cheaper. There must be some arrangement where local business houses will not suffer. What the Minister has presented does necessarily indicate that.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Thank you very much. I assume that the Member is first of all speaking about the energy sector. If he is speaking about both sectors we will deal with them. With respect to the energy sector, the Resolution is clear, it ends by saying that the exemption will not apply. I quote:

“...but that this resolution shall cease to have effect in respect of any class of goods specified in the First Column that is manufactured in Trinidad and Tobago.”

If the goods are manufactured in Trinidad and Tobago you will not qualify for a duty-free concession: you would have to pay the duty. With the energy sector, we are clear with respect to that. The same obtains with respect to the other sectors. I should tell you that manufacturers have come to me and on both sides of the divide there is an argument. Manufacturers have said: “If you are asking us to be globally competitive, you cannot be telling us also that we have to buy from local suppliers, because the local supplier, at times, is inefficient, his quantity might be poor, and we must have the right to source our goods anywhere in the world. You are asking us to be globally competitive”. On the other hand, the local manufacturer will say: “I am a local manufacturer and you must have an interest in me also to see that I grow”.

The current situation is that a manufacturer can only go externally if he wants duty-free concession when goods are produced locally, if he gets the approval of the domestic producer. We can have a number of situations. One example of an intermediate product is bottles manufactured in Trinidad. The manufacturer who

needs bottles for his packaging has to get a letter from the producer of bottles before he can import. That is the current situation. The Ministry of Trade and Industry has looked at this; we have spoken with the manufacturers on both sides and we are now proposing that the committee be established to deal with situations like that. That committee, consisting of persons from the ministry as well as from the private sector, would hear applications by a manufacturer who wants to import rather than buy from a domestic supplier. We believe that is going to be fairer because it is, to my mind, untenable to ask a manufacturer to get approval from another manufacturer before he can import. At the same time, we are asking companies to be globally competitive.

We have to find a half-way house. Let both parties go to a tribunal, argue their case and I would be advised by the tribunal. That is the situation, Mr. Speaker. In our quest for global competitiveness we have to really navigate the waters and listen to both sides. I think they both have a case but let the private sector decide.

I thank you. Mr. Speaker, I beg to move.

Question put and agreed to.

Resolved:

That the House of Representatives in accordance with and subject to the provisions of section 56 of the Customs Act, exempt from import duties of customs the class of goods specified in the First Column of the Schedule, hereto being goods imported or entered for use for the respective purposes specified in the Second Column of the Schedule hereto for the period prescribed in the Third Column of the Schedule hereto but that this resolution shall cease to have effect in respect of any class of goods specified in the First Column that is manufactured in Trinidad and Tobago:

SCHEDULE

First Column	Second Column	Third Column
Class of Goods	Purpose(s) for which goods are to be used	Period of Exemption
Equipment, material and supplies	Imported for use in off-shore petroleum exploration and petroleum operations	From 1 st January, 2002 to 1 st January, 2005

This Resolution is deemed to have come into effect on January 01, 2002.

**EXEMPTION FROM CUSTOMS IMPORT DUTIES
(CONCESSIONS TO MANUFACTURERS)**

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move,

Whereas it is provided by section 56 (1) of the Customs Act, Chap. 78:01 that, the House of Representatives may from time to time by Resolution exempt from import duties of customs, goods, which are imported or entered into Trinidad and Tobago for use by any person for any purpose specified in the Resolution for such period as the House of Representatives may determine:

And Whereas by Resolution of the Legislative Council dated December 21, 1959, (hereinafter referred to as “the 1959 Resolution”) provided that certain classes of goods were exempt from import duty:

And Whereas the 1959 Resolution was extended by further Resolutions of the Senate and the House of Representatives:

And Whereas by Legal Notice No. 41 dated March 02, 2001 the last Resolution in respect of the goods identified below came into effect on January 01, 2001 and expired on December 31, 2001:

And Whereas it is expedient that certain goods be exempt from import duties of customs as of January 1, 2002:

Be It Resolved that the House of Representatives, in accordance with and subject to the provisions of section 56 of the Customs Act, exempt from import duties of customs the classes of goods imported or entered for use in Trinidad and Tobago for the respective purposes set out in the List of Conditional Duty Exemptions given in the Third Schedule to the Customs Act, for the period beginning immediately after the expiration of the last such Resolution of Parliament and ending December 31, 2004.

Question proposed.

Question put and agreed to.

Resolved:

That the House of Representatives, in accordance with and subject to the provisions of section 56 of the Customs Act, exempt from import duties of customs the classes of goods imported or entered for use in Trinidad and Tobago for the respective purposes set out in the List of Conditional Duty Exemptions given in the Third Schedule to the Customs Act, for the

period beginning immediately after the expiration of the last such Resolution of Parliament and ending December 31, 2004.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that this House do now adjourn to Friday, April 04, 2003. I wish to inform the House that the Government will be following the Order Paper at the next sitting of Parliament.

I beg to move.

Mr. Speaker: Before I move the adjournment, there are two Motions on the Adjournment.

Inadequate and Inefficient Potable Water Supply (Brasso)

Dr. Adesh Nanan (Tabaquite): Mr. Speaker, thank you for your approval under Standing Order 11. This evening I am asking the Government to assist with respect to the inadequate and inefficient potable water supply in the village of Brasso.

The village of Brasso lies at the foothill of the Central Range. It is a very picturesque village. I am sure many of the Members are familiar with the Brasso River, which traverses this particular village. The village is also wrecked in historical significance because it was one of the stops for the railway system. There are approximately 365 households in that particular village.

The situation with the village of Brasso in terms of the water distribution, is peculiar. Initially the supply was coming from the Caroni/Arena Dam. You would know, Mr. Speaker, because of the location of Brasso Village, it is at the extremity of the supply from the Caroni/Arena Dam. Because of that particular location, the water supply was inadequate. The engineers looked at the particular situation and decided to supply Brasso from the Navet Dam. The line that was coming from the Navet Dam supply had to cross a particular area in the constituency that was wrecked with landslides. It was a perennial problem in terms of having to repair the lines coming from the Navet Dam supply.

Eventually, the supply was cut off and the lines were not prepared. Presently, the village of Brasso relies on a truck-borne delivery system of potable water. Since January this year—normally there are two trucks coming from WASA, which would service the village of Brasso—there is only one water truck supplying potable water to the residents of Brasso.

Potable Water Supply
[DR. NANAN]

Friday, March 28, 2003

Under the United National Congress government two water trucks used to supply the village of Brasso on a continuous basis. There was an adequate distribution of water at that time. For some reason—I do not know if the villagers of Brasso look like UNC—I am not saying that they are being victimized. The water supply is what I am concerned about.

6.00 p.m.

Mr. Speaker, the villagers of Brasso have to rely on water now from—*[Interruption]* The Member for La Brea would remember this particular scenario because in his contribution he mentioned that people were taking water from ponds, springs and from the Brasso river—*[Crosstalk]*—That is happening right now in the village of Brasso.

Mr. Speaker: Hon. Members, the Hansard reporter is having great difficulty. This is the second occasion she has appealed to me. So I am appealing to you, please, facilitate the Hansard reporter.

Dr. A. Nanan: Mr. Speaker, the particular area that caused the disruption of the line in the constituency is known as Devenish Hill. Do you know Devenish Hill? It is a very difficult area to traverse and the pipeline that was passing there was actually relocated, but the situation continued. Now, what has happened—because of no water supply to the village of Brasso, the pipeline distribution system in the village itself is no longer functional; it is totally rusted. So if there is any work to be done—a feasibility study was done under the UNC government, and I am sure the Government would look into that feasibility study.

So this evening I am asking if, in the interim, that second water truck—because the water is not coming from the Couva/Tabaquite/Talparo Regional Corporation, it is coming from the WASA distribution—could be put back into operation and then we could probably get a more concrete infrastructure laid down in the village.

Thank you.

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Mr. Speaker, the Brasso Village is currently supplied with truck-borne water because of the inability of the existing pipeline network, which is affected by excessive leakage and has been damaged by landslides, to supply an adequate and reliable supply of pipe-borne water to the residents. In order to address this problem, and as part of the nationwide trust currently being implemented to improve the nation's water supply in general, and particularly in

areas experiencing acute shortages and which are not serviced with pipe-borne water, the Water and Sewerage Authority has begun implementation of a programme of mains replacement and an upgrade of plant and facilities.

Additionally, a national social development programme which includes a component directed at improving the water supply to residents with low-income throughout Trinidad and Tobago is being implemented. I am to advise that the second phase of this programme has begun. Specifically, with respect to the Brasso area, several important initiatives have been undertaken as part of the authority's effort to improve the water supply situation to the residents of that area. These include:

Refurbishment of the Freeport Waterworks, to improve the treatment process and increase the pumping capacity;

Installation of approximately 11.2 kilometres of a 300 millimetre diameter transmission main from Freeport Waterworks to Pepper Hill Reservoir.

The construction of a new reservoir at Pepper Hill with a capacity of several hundred thousand gallons.

These works were undertaken at an estimated cost of \$28.8 million. The authority is continuing to upgrade, incrementally, the pipeline infrastructure to the area. In this regard, the following works are targeted to be undertaken:

Installation of 10.6 kilometres of 200-millimetre/diameter pipeline from Pepper Hill Reservoir to Flanagin Town, along Gran Couva and Brasso/Caparo Road.

Installation of five kilometres of 150-millimetre pipeline from Brasso Junction to Brasso Village along the Brasso Road.

These projects would improve transmission capacity and address the excessive leakage on the existing pipeline and result in the re-introduction of the pipe-borne supply of water. The estimated cost is \$12.8 million. In the short term, the authority would continue to provide an efficient truck-borne water supply service to the area, including whatever improvement is required.

Government's Failure to Protect Public Purse

Mr. Ganga Singh (*Caroni East*): Mr. Speaker, I rise to deal with a Motion on the failure by the Government to protect the public purse and to pursue the national interest during the period December 2001 to January 2003 through its settlement of the following matters:

Failure to Protect Public Purse
[MR. SINGH]

Friday, March 28, 2003

Water Farms Trinidad Limited vs WASA—sum paid, \$51.1 million;

Water Wells Limited vs WASA—sum paid, \$16.5 million;

Emmanuel Romain vs WASA—sum paid, \$2 million.

Mr. Speaker, what there is in that matter on the adjournment in the settlements paid is a formula that I have seen emerge out of this Government whereby they utilize the court process to camouflage their blatant thieving of the public moneys. [*Desk thumping*] I will demonstrate to this honourable House and I will start with the Emmanuel Romain matter against WASA.

In 1995, when we entered office, Emmanuel Romain was the acting Chief Executive Officer of the Water and Sewerage Authority. Because of the then government's policy to bring in a private sector operator, Severn Trent, there was a grouping within the Water and Sewerage Authority that embarked on a course of action to really ensure that was not so. In fact, they were attempting to undermine the very policy—because WASA was their captive. So Mr. Romain as CEO, embarked on a course of action where he entered into a series of contracts with contractors to engage in water well rehabilitation and refurbishment to the tune of some \$140 million. You see, Mr. Speaker, a special report was done by the then members of the board appointed by the then Patrick Manning administration—[*Interruption*]

Hon. Member: That was the first one.

Mr. G. Singh: —comprised of Ken Ayoung-Chee, Imtiaz Rahaman and Deruk Teemul. They presented a report and as a result of that report Mr. Emmanuel Romain was dismissed; Mr. Milton Quashie was dismissed; and Mr. Errol Grimes was reprimanded. [*Crosstalk*] That is why we are here today. Then Mr. Romain took WASA to court and sought leave for judicial review. On June 11, 1996, he was fired, and it went through a sequence. The board, under Mr. Leo Martin, filed that report; then a new Board came in under Nazir Khan, now Sen. Mary King and Nello Raphael. They continued another report which brought to an end the contracts that he had entered into. He was given the opportunity to respond to the allegations made in the reports and when he failed so to do, he was dismissed and then went to the court for judicial review.

On June 11, 1996 Mr. Romain was dismissed. He went to the court and Justice Best gave him leave for judicial review. I would give you the Order of that court—because you must understand the chronology of this matter. You see in granting leave for judicial review; judicial review said, okay, maintain the

status quo until the substantive matter is heard. Mr. Romain got his motor car; he got his salary paid and he got all the perks as acting Chief Executive Officer. However, the substantive matter was heard on November 18, 1996 before Justice Ramlogan, and the matter was determined on January 17, 1997, and Justice Ramlogan ordered:

1. That all sums received by the applicant pursuant to the Order dated July 23, 1996 be repaid to the respondent, WASA. Such sums to be ascertained by a Judge in Chamber in default of agreement.
2. That the motor vehicle RAZ 6231 be returned to the respondent forthwith, and that any loss incurred by the respondent in consequence of the use of the vehicle by the applicant pursuant to the said Order be ascertained by a Judge in Chamber and that the applicant repay the same to the respondent.
3. That the applicant pay to the respondents the tax cost fit for two advocate attorneys dated January 17, 1997.

Mr. Romain then sought to appeal that Judgment and he filed to the Court of Appeal by Notice of Appeal on February 06, 1997, and conterminously filed for a stay of execution on the same day from the Order of Justice Ramlogan. The Court of Appeal, in dealing with the application for a stay of execution had this to say:

“Court of Appeal headed by M. A. de la Bastide, Chief Justice; S. Sharma, Justice of Appeal; and J. Permanand, Justice of Appeal.

Mr. Speaker, listen to the Judgment. This is what they said:

“There are really two matters to be considered in relation to a stay of execution pending an appeal. The first is: what are the prospects of the appeal succeeding?”

This is what the court had to say with respect to that, Mr. Speaker.

“I do not wish to go further than is necessary for the purposes of this application, but suffice it to say that I do not find that argument compelling, outlining the substantive ground of appeal, at least on first sight. In the result, while I am not saying that the appeal is a hopeless one, my view is that its prospects of success are not so good as to take it out of the ordinary run of appeals to which the general rule applies, that is, that an appeal does not operate, automatically, as a stay of execution.”

Failure to Protect Public Purse
[MR. SINGH]

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Mr. Speaker, they found that the court was signalling that there was very little chance of success.

“For these reasons, I consider the application for a stay is without merit and I would order that this motion be dismissed with cost.

M.A. de la Bastide

Chief Justice

Justice Sharma:

I agree with the decision of the learned President and I have nothing to add.

Madam Justice Permand:

I also agree.”

So that, therefore, at every step of the way, matters were being dismissed and there was a cost to be paid. Moreso, how did they arrive at this \$2 million payment to Mr. Romain in the last few months? The matter was no longer on the list. The records of appeal were unsettled since 1997. According to the rules of the Supreme Court, this matter was abated. It was no longer subsisting, yet WASA agreed to \$2 million for Emmanuel Romain. You go back to the beginning: Romain, Quashie and Grimes; once Grimes became the CEO of WASA then you had \$2 million going to Emmanuel Romain.

Mr. Speaker, I hope the hon. Member would waive the Standing Orders to give me more time to talk on Water Farms, because, you see, Water Farms and Water Wells were also part of this Wells rehabilitation scam. When they were engaged in this scam they were paying the Wells’ contractors for extracting water and paying on the amount of the extraction, but what Mary King and Nello Raphael found was the Wells contractors, were re-circulating the water. So there was no water entering the WASA system but the water was entering the wells, coming back and going past the meter and you were paying on the basis of the meter.

Mr. Speaker, the Water Farms matter also went to litigation and the court said, “Settle this matter”. So they brought in WASA’s auditors, Ernst & Young, Lee Young and Partners to look at the technical issue. It is my understanding, it is my advice, and it is my information that Ernst & Young suggested a settlement figure of \$11 million. Certain moneys were paid prior to December 1995 to Water Farms and Water Wells. We cannot get involved in that, but the technical and audit evaluation says, “Pay \$11 million”. Yet, in the last few months, they settled for \$51.5 million. [*Uproar*]

Mr. Speaker, I called upon the Prime Minister on a previous occasion and the hon. Member for Diego Martin Central and the Attorney General showed me the report to engage forensic experts to deal with this matter. We want Lindquist, Zwing or Zwage, forensic experts to look into this matter and report it to the national community. This really goes to the very heart.

We have heard the hon. Minister talking about a rate increase. He can take this money and run the pipeline for Brasso. This is a clear case of conflict of interest to corruption. Mr. Grimes, CEO, was part of the original team.

Mr. S. Panday: What?

Mr. G. Singh: Mr. Grimes is now CEO at WASA; so from conflict of interest to corruption.

Mr. Speaker: Hon. Member, I would give you a little injury time. Member for Princes Town, please.

Mr. G. Singh: From the debatably inappropriate to the unquestionably illegal has taken place in this matter, and that is the behaviour at WASA. Too much corruption under the guise of corruption control. Mr. Speaker, I think this is a matter which requires the intervention of the hon. Prime Minister.

I thank you.

The Minister of Public Utilities and the Environment (Sen. The Hon. Rennie Dumas): Mr. Speaker, as stated in the other place on Friday, March 21, 2003, in response to a question from the Member for Caroni East, the settlements by WASA of five legal matters during the period December 2001—January 2003 are now the subject of an investigation by the Central Audit Committee of the Ministry of Finance. [*Desk thumping*]

Also, the Government has already indicated its commitment to informing the Parliament of the findings of the investigation into these matters as soon as a report is available. In those circumstances, it would be inappropriate for the Government to comment further on these matters until the Central Audit Committee has completed its investigative work and submitted its report. I wish to assure the Member for Caroni East that careful note of everything that he has said in this honourable House today has been taken with respect to this matter and the record of his statements would be forwarded to the Audit Committee. [*Desk thumping*]

Mr. Valley: Mr. Speaker, I want to ask this honourable House to waive Standing Order 90, which is to suspend the Standing Orders, to allow the hon. Prime Minister to make his statement on this matter.

Question put and agreed to.

The Prime Minister and Minister of Finance (Hon. Patrick Manning): Thank you very much, Mr. Speaker, and I thank the hon. Members for waiving the Standing Orders to permit this brief intervention. I would like to point out to the hon. Member for Caroni East that much of what he has said this evening I have heard for the first time. In fact, I think he is quite justified in requesting a forensic investigation in this matter. [*Desk thumping*] I now give this honourable House and the national community, the assurance that the services of the forensic scientist, Lindquist, would be retained in this issue. The report would be laid in Parliament and debated if it is the wish of the Parliament. Of course, if anybody is found culpable in this matter then appropriate action would be taken. [*Desk thumping*]

Mr. G. Singh: I thank the hon. Prime Minister for his intervention and we look forward to the report. I want to take the opportunity to really—seeing that we would not sit until next Friday—wish the Spiritual Baptists, on behalf of all of us, a happy Spiritual Baptist day on Sunday. [*Desk thumping*]

Mr. Valley: Mr. Speaker, I want to thank the hon. Member for Caroni East. I think this is the second time he pulled such a stroke on me. He is good at that. We agree with the hon. Member for Caroni East and we join with the Opposition in wishing the Spiritual Baptists a holy holiday.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 6.22 p.m.