

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE THIRD SESSION OF THE EIGHTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON OCTOBER 17, 2002

SESSION 2004—2005

VOLUME 1

HOUSE OF REPRESENTATIVES

Friday, September 10, 2004

10.00 A.M.

The House of Representatives having assembled, and it being the first meeting of the Third Session of the Eighth Parliament of the Republic of Trinidad and Tobago, the Clerk of the House read the following Proclamation:

REPUBLIC OF TRINIDAD AND TOBAGO

No. 7 of 2004.

[L.S.]

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., PH.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

GEORGE M. RICHARDS

President

A PROCLAMATION

WHEREAS it is provided by subsection (1) of section 67 of the Constitution of the Republic of Trinidad and Tobago that each session of Parliament shall be held at such place within Trinidad and Tobago and shall commence at such time as the President may by Proclamation appoint:

Now, therefore, I, GEORGE MAXWELL RICHARDS, President, as aforesaid, do hereby appoint the Red House, Port of Spain, Trinidad, as the place at which the Third Session of the Eighth Parliament of the Republic of Trinidad and Tobago shall be held, and 10.00 a.m. on Friday 10th September, 2004, as the time at which the said Session shall commence.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago, at the Office of the President, St. Ann's, this 3rd day of September, 2004.

Prayers

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PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received communication on behalf of the hon. Member for Caroni Central, requesting leave of absence from today's sitting of the House. The leave of absence which the hon. Member seeks is granted.

Hon. Members, His Excellency The President desires to address both Houses of Parliament assembled together. The sitting is now suspended.

10.05 a.m.: *Sitting suspended.*

10.15 a.m.: *Members of the Senate arrived and took their places in the Chamber.*

10.30 a.m.: *His Excellency the President, accompanied by the Vice-President of the Senate and the Speaker of the House of Representatives, arrived in the Chamber.*

[INVOCATIONS]

PRESIDENT'S ADDRESS

His Excellency, The President of the Republic of Trinidad and Tobago, Mr. George M. Richards, addressed both Houses of Parliament as follows:

President of the Senate, Speaker of the House of Representatives, Members of Parliament, I am privileged, once more, to be given the opportunity to address Members of Parliament who have been entrusted by the people of this nation with the conduct of their business, for the benefit of all of us who call this country home. It is almost one year ago since we met in this Chamber for a similar purpose, that is, to mark the opening of Parliament. Since that time, the national landscape has given cause for alarm, indeed, great alarm, but at the same time, we have had occasion to be encouraged. Many of our young citizens, in particular, have, by their deeds in various fields of endeavour, given us hope that, with appropriate guidance, they can take our country forward in positive ways.

For example, we would have read the results, recently released, in respect of the Cambridge examinations in which many of our students excelled, some coming first in certain subjects, others coming in the first 10, not in the region but in the world. They have received Cambridge World Achievers Awards and that is a credit to themselves, to their schools and to their parents. In sport, our athletes

are doing better and better. In Literature, new writers are coming on stream, as is the case in Art, where new painters are exhibiting their work with confidence, while veterans in these fields continue to be the standard bearers and their guides. Our music is attracting attention on a wider scale than before. During the 60 years of its existence, the Naya Zamana Orchestra has played a significant role in establishing Indian music as an integral part of the cultural landscape of Trinidad and Tobago. It has forged links internationally and has been the training ground for a number of local artistes. Other musicians, including Mungal Patasar, have also contributed in this regard. Their work and the high standard achieved at the most recent Music Festival and Steel Band Festival are of a quality that signals that we ought not to take ourselves lightly.

I would not wish to go on record as discounting the work of those among us who have laboured for many years to build institutions, and in so many ways contribute to the development of Trinidad and Tobago. I want to make it abundantly clear that this is not my intent, but I have to say that much of this offering of good that the country is experiencing is coming from our youth, notwithstanding the other side of the coin. It tells me that there exists a capability in this country that should be nurtured diligently and purposefully, with ample space for initiative and innovation.

It seems to me that our young people are forging ahead and innocently providing us with a form of leadership, not that they have necessarily set out to do so, but that is how it is. Some of these young people may well be saying to the faint-hearted that there are tremendous possibilities beyond the limited vision of so many of us, because they have produced in spite of daunting circumstances in their everyday lives, circumstances that affect entire families.

I speak of circumstances such as poverty, with all its attendant ills, broken homes, limited opportunities and other challenges. Some of us know the reality of these things. Others do not and for them, unfortunately, the matter is far removed from their sphere of interest. No passion can be brought to bear on those issues because they are not understood from an intimate perspective but from a more detached, tending to academic, point of view.

Over the last year, I have become very aware of the existence of non-governmental organizations (NGOs) that are working towards the alleviation of situations of distress that affect a considerable number of persons in our country. These organizations are not only those that are well known to the majority of us and which are international in origin. There are a number of groups that have originated right here in Trinidad and Tobago, spearheaded by

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ordinary people who recognized a need, very often on a voluntary basis. One in particular, was established as a result of a young woman being forcibly struck by grinding poverty during one of her travels. She came to realize that there are similar pockets of poverty in her own country.

All of these organizations, international as well as local, are people oriented and have taken on the responsibility of buttressing the programmes of the Government of the day, which I believe we can all understand, cannot do it alone. Then there are individuals who undertake, unannounced and without fanfare, and are making a difference by providing relief to those who need some help in order to set them on the path to self-reliance. This work has been ongoing for very many years.

I have asked myself, how could it be that in a country that has so much, there could be so many living below the poverty line. Why do these areas of poverty persist? I experience no satisfaction, nor am I complacent because of the sometimes-quoted statement: "The poor we will have always". That I will ascribe, at risk of great opposition, to poverty by choice, to a certain extent. Whose choice is quite another matter. But, there follows the next question: "Would anyone choose to be poor?" Answers reside within those questions.

I have my own thoughts on poverty eradication and I say not "reduction" but "eradication" which should be the goal of this country. We should not limit ourselves to merely reducing poverty but to commit fully to the responsibility of using all of our resources, natural and human, towards the achievable objective of eradicating poverty from among us. This should be regarded as fiat.

Members of this Parliament will understand that, coming from the particular field in which I have sojourned for many years, I see immediately the role of education. I am convinced that education is an important key that unlocks opportunities for upward mobility. But education interpreted as passing examinations and gaining degrees, by itself, is limited in its possibilities. We have seen, in our country, the phenomenon of the educated unemployed, to say nothing of the working poor.

Perhaps those are the ones who have not been trained for life and find it difficult to optimize academic achievements. I am sure that there are not enough jobs. I believe also that there is need for retraining or more relevant training in keeping with the requirements of a country such as ours. Time does not permit deep analysis in this forum, but I am sanguine that there are those who are closely involved with these issues and who would be engaged in working towards the best possible usage of an enhanced education system.

I have high hopes in that regard, as I have taken account of decisions aimed at making our education system world class. In this thrust, I am encouraged to note the commitment on the part of the Government to support the expansion plans of the University of the West Indies (UWI), which is one of the best gifts that we West Indian people have given to ourselves. It is the duty of all of us to require the university to strive continuously for excellence and to maintain its relevance to our communities. Also, the University of Trinidad and Tobago (UTT) which is coming on stream, must establish, in its formative years, a solid foundation with clear direction for the future. It is a future that is signalling the necessity for greater dynamism in our approaches in equipping our people in every sphere of activity and at every level, for proactive participation in a rapidly changing world. We must have a say in these changes and not be passive respondents or victims, if you will.

But your preparation does not begin at the tertiary level. A literate people must be nurtured from the earliest stages of life, hence critical adjustments must be made in the recruitment and training of teachers, at all levels. Initiatives in respect of preschool education are to be highly commended. Systems must also be established and funded and where appropriate, reinforced, to ensure that every level of our society is included in shaping a people who recognize their ownership of this land of ours and who see it as their duty to participate in what we describe as our democratic way of life.

That imposes a responsibility on the powers that be to be sensitive to the needs of the various strata of our society and to the talents and abilities that reside within them. When one talks of needs, listeners are tempted to focus immediately on the so-called disadvantaged in society and on the usual demands on the Treasury. That is not my meaning. It is this skewed interpretation of matters that sometimes leads to tensions within a society, always with competing demands, although there is no gainsaying that needs are greater in some quarters than in others. They are also different. As needs are identified, policies must be put in place, always with the objective of encouraging self-reliance which has a critical impact on the choices that people, freed of the burden of patronage, make in respect of their governance. This makes for maturity in the society that does not rely solely on academic instructions, important though that may be, for its direction.

People must be equipped to choose in what we call a democracy which ought to provide for participatory public debate and reasoning, not only within this august body of representative encounter but outside of its confines and privileges. Nelson Mandela in his autobiography *Long Walk to Freedom* tells us how

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impressed he was by local meetings where democracy was truly in place. He said: "Everyone who wanted to speak did so. It was democracy in its truest form. There may have been a hierarchy of importance among speakers, but everyone was heard, chief and subject, warrior and medicine man, shopkeeper and farmer, landowner and labourer so that the foundation of self-governance was that all men were free to voice their opinions and equal in their value as citizens."

And that is the key: equality in the value of each citizen. But value is limited if it is recognized only by the spectator. Unless the individual recognizes his or her value from within and accepts it, that value serves neither the individual nor the society. At best it may be exploited by the latter.

In the context of poverty and inequitable distribution of income, it is difficult for citizens who are at the lower end of the scale to see value in themselves. It takes extraordinary character and perhaps divine intervention, to project one's vision beyond the immediate environs of lack of all sorts, to the possibilities inherent in discovering, for oneself, one's potential and extracting advantage from it. We must always bear in mind the inevitable consequences of comparison with those who are, or seem to be, better off. In a country such as ours, no one should be in that position. There are too many of our citizens whose psyche is inured in the hopelessness of the indigent, who, might I add, are not all feckless and lazy as some might suppose. Public policy must continue to work and be intensified, towards elimination of that state of affairs. It is a work that of necessity goes beyond the strictures of the public sector and should, in a systematic way, engage the expertise of private sector individuals and entities, including NGOs, in the task of crafting solutions in collaboration with potential beneficiaries. It is a dimension of local government or rather community activity that needs to be reinforced. Very often, solutions lie within communities themselves that function within certain cultural codes and mores.

Members of Parliament, our country is on the cusp of a wave of wealth measured in dollars and cents as is well known to us and to others in this region and beyond. There is also a climate for positioning Trinidad and Tobago as a land of opportunity, not merely among so-called developing countries. That is a misnomer as I hold the view that we are all developing. Events taking place all over the world surely bear me out in this regard and it is simply the case that some of us are more industrialized than others. This is a time when serious attention ought to be paid to income distribution as it affects the entire nation.

Demands are being made, justifiably so, in many quarters and we ought not to turn the proverbial blind eye to them. However, in assessing these demands, one

has to be very careful not to create situations of serious imbalances among the productive sectors and here I include everybody—those engaged, at whatever level, in trade and industry and human endeavour of all sorts: the energy industry, engineering in its various manifestations, hospitality, architecture, banking, service industries, art and culture, agriculture, education, fashion and beauty culture. The list is not exhaustive. Hard decisions will have to be made and it may well be that some form of affirmative action may be a part of the mix, for a time, at least. But income distribution is a matter that cannot be set aside at this time. We are well able to tackle this challenge and succeed. We must and we need to take whatever steps are possible, at the policy level, to curb the greed that inevitably rears its head when there is news of an amelioration in the income of our citizens, public servant and otherwise. They receive with one hand and others snatch from the same hand.

Consumer activity has a necessary role to play in curbing the intentions of the unscrupulous, and it must be given critical support by whatever government institutions have been created precisely for the purpose of looking after the interests of consumers. Otherwise, there may be forced upon us changes in cultural patterns that define who we are, more particularly in terms of what we eat.

The twin evils of poverty and income distribution have constrained us in a way that denies taking our place as a model of civilized living which we are capable of becoming. We hear and we speak *ad nauseum* of our great potential, but potential is useless if it does not translate into reality.

Instead, we have been diverted by having to contend with crime which has made many of us prisoners in our own hard-earned spaces. Golden Grove, Frederick Street, and Carrera are three high-profile places of incarceration by courtesy of the courts of our land. But in all our villages and towns, wherever one can afford it, we see the burglar bars behind which we exist rather than live, somewhat like prisoners.

Let me make it clear, ladies and gentlemen, I am not convinced that poverty inevitably leads to crime, although it can be a contributing factor. Not every poor person is a thief. We in this country know of poverty existing side by side with honesty, but some of us have become so caught up in the evil of lust for things and power, fueled to a large extent by the communications revolution, that we have gone wild with concupiscence.

This did not happen overnight. We must have ignored the signs for many decades and failed to do what we might have done to avoid finding ourselves at

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this sorry pass. It is pointless to allocate blame at this stage, but those of us who lead the nation, at whatever side of the political divide, as well as outside the formal seats of governance, must pull us back from the edge. We owe it to ourselves and to future generations.

It is facile and a trifle dishonest to point fingers. Our energies should be diverted instead to fixing what is broken and the solutions lie in a multifaceted approach, some of the elements of which I have already touched upon. What we must realize is that we are in this together and the way Trinidad and Tobago develops depends on each of us but the pace has to be set at the level of leadership. As the head goes, so goes the rest.

Out of this Parliament must be sent signals that are worthy of a following. One can understand that politics, of necessity, manifests itself in adversarial roles; that is par for the course, but I am convinced that we are capable of uniting behind the common causes that will result in progress for our country in several ways.

In the midst of the tasks of seeing to the development of our people, there has been rising in the consciousness of our people, within recent times, a most dangerous polarization that will do none of us any good. We are not to be cavalier in referring to ourselves as a "rainbow country", without considering the meaning of that description to others as well as to ourselves and without regard to the responsibility that goes with it. Yes, it is a responsibility because for years, we have embraced this nice-sounding expression.

It is time that we be honest with ourselves and realize that we are under siege insofar as national unity is concerned. The print media is replete with evidence of this and if we are not wise, it will not be long before more tangible evidence of disharmony comes to the fore. This is not a time for sotto voce insofar as this matter is concerned. We sweep it under the carpet at our own peril.

In most parts of Trinidad and Tobago, people are living in harmony. That is not brought to the public consciousness, but relentlessly, talk of discrimination is heard up and down the country. The so-called major groups are adopting positions of confrontation and I ask myself: "What about me? What about my own children and countless others like us? Where do we fall? What about others of Syrian/Lebanese origin, of Chinese, Caucasian and Amerindian origin? Do we count? Do we have a say? Or must we stand helplessly by while others of the more dominant groups ignite attitudes that can mash up the country?"

I have observed that people in less exalted places of everyday encounter are doing as much as they can to hold things together. I am not sure, however, that all

that is possible is being done by everyone who occupies a place of privilege in the leadership of the country, to preserve the harmony to which we have become accustomed in this place. We hear much about cultural identity, race and religion, and there is an insistence that discrimination exists in these areas. Sometimes, however, we are short on empirical evidence to support the charge which, within more recent times, has become more strident and something of a mantra.

Managing cultural diversity has become one of the central challenges of our time and not just in Trinidad and Tobago. In some countries, ethnic cleansing has left a horrible blot on the history of mankind, and in this context, internal strife has taken on the characteristic of absolute barbarism in the last part of the 20th Century and into the 21st.

People are mobilizing around old grievances and their demands within societies are creating fissures to a degree that if left unmanaged, or not properly managed, can result in serious instability within and among States. The effect on development as already seen in places such as Bosnia, Herzegovina, Rwanda and Sudan is disastrous. As one writer puts it: "...identity politics that polarize people and groups are creating fault lines between 'us' and 'them'." The writer goes on to say: "Leaders invoke a single identity, its symbols and its history of grievances to 'rally the troops'. And a lack of cultural recognition can trigger violent mobilization."

Emperor Ashoka's support for religious and other kinds of tolerance in India in the 3rd century B.C. attests to that country's early defence of tolerance at the highest level. Yet India, a champion and example of cultural accommodation, has suffered from sectarian violence that has resulted in the slaughter of many of its citizens.

Does this seem far removed from Trinidad and Tobago? Perhaps it does, but we are dangerously close to adopting positions in this country that could, if we are not careful, suppress and ultimately destroy the gains that we have accomplished over several years, dating back to the pre-independence era, insofar as relative racial harmony is concerned.

We need to be mindful also that while cultural diversity is a reality in many countries including our own—and this produces a most pleasing and desirable variety—cultural liberty must also be given some consideration. It is a part of human freedom, and room must be made for the role of choice in determining identity.

However important one's ancestral culture may be—and ladies and gentlemen, let me make it absolutely clear that I firmly believe that it is—we must acknowledge that each of us may belong to different groups and have different faces as it were.

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We have to decide how to manage priorities within the groups, all of which inevitably have an effect on what we become.

In a place like Trinidad and Tobago, can we confine ourselves to watertight compartments? That would be difficult and not practical. What about the stereotypes? Even at this stage of our development, we ascribe to ethnic groups certain qualities without investigation. Some are described as lazy, rowdy, or irresponsible, others as covetous and stingy, yet others, exploitative; all of which can lead to social exclusion. Ethnic jokes and slurs are gaining renewed currency.

We pay little attention to examining theories which have no relationship to the reality of what can be observed and we hardly go below the surface to separate theory from fact. Assumptions have taken the place of truth, and suspicion and rivalry are being given new life.

Colonists of the various empires employed, to their political advantage in Africa and Asia, the way of divide and rule in which cultural prejudice played an important part. We are without excuse if we indulge in the same strategy. Forty-two years after we achieved political independence, we can no longer blame the colonists for whatever divisions we construct among ourselves.

Quite recently, an eminent West Indian reminded us of the coming together of Africa and Asia in the early 1950s. He recalled that that meeting of minds and cultures produced Bandung which influenced the course of the colonization after the Second World War. That was a major step in the emergence of the new nations that took up their places in the United Nations and altered the face of international politics and development.

Are we in Trinidad and Tobago bent on turning back the clock, or will we be persuaded to count our gains and build upon them in the interest of national unity? Ordinary people must be heard on this matter and representatives of the people in the Parliament and elsewhere have a duty to lead in ways that will summon us to unite, in order to realize the legitimate aspirations of all the people of Trinidad and Tobago. Any other way will result in short-term, myopic, parochial, and in a word, pyrrhic victories for groups that put their own exclusive interests above the well-being of the country.

Ladies and gentlemen, far be it for me to attempt to dictate the behaviour of leaders in the society and, in particular, in this Parliament, of which, as President, I am a part, as determined by the Constitution of the Republic of Trinidad and Tobago. The responsibility is mine, however, to put things as I see them in the interest of the people of this country and for our collective advancement. This is

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what I have done over the last several minutes. It is my hope that the decisions that we take in fulfillment of our mandate will be guided by the spirit as much as the letter of the Constitution by which we must abide until such time as it should give way, through the wisdom of Parliament to any other legal instrument.

In closing, I wish to express my concern for all the families that have been affected by Hurricane Ivan. In particular, I convey to the surviving relatives, sympathies and condolences on the death of Ursula Jordan and her unborn child. It is my hope that the agencies charged with disaster relief operations will collaborate effectively towards restoration in the affected areas.

Our sincere condolences go also to the people of Grenada in the most severe tragedies that they have suffered. In addition, I wish the people of Barbados and St. Vincent and the Grenadines a speedy return to normalcy.

We are not out of the hurricane season as yet, so I urge the Government to take whatever measures that may be necessary to minimize, if not prevent, further damage, particularly in those areas that are prone to flooding.

I thank you, ladies and gentlemen, for the courtesy of your attention, and may God bless our nation.

11.35 a.m.: *Sitting suspended:*

11.45 a.m.: *Sitting resumed.*

DEFINITE URGENT MATTER

(LEAVE)

**Hurricane Ivan
(Floods resulting from)**

Mr. Ganga Singh (*Caroni East*): In accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of the House of Representatives for the purpose of discussing the following matter as a definite matter of urgent public importance, namely, the failure of the government authorities to provide relief to the victims of floods resulting from Hurricane Ivan.

The matter is definite since it relates to a specific matter, that is, the inundation of several communities, homes, farms and business places in the Caroni Central River Basin by flood waters resulting from the deluge from Hurricane Ivan.

The matter is urgent since the flood water poses a danger to the health and welfare of the people of San Rafael, Brazil, El Carmen, St. Helena, Kelly, Warrentville, Caroni, Caparo, Todd's Road and other areas of the Caroni River Basin.

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The matter is of public importance because this flood and its aftermath represent a clear danger to the health, the social and economic well-being of those thousands affected.

Mr. Speaker: Hon. Members, I have carefully considered the Motion brought by the hon. Member and, having considered it, I decline to accept the said Motion and I would suggest to the hon. Member that he seek the guidance of Standing Order 11(2) and (3).

**CARONI (1975) LIMITED AND ORANGE GROVE NATIONAL COMPANY LIMITED
(DIVESTMENT AND BUSINESS DEVELOPMENT) (NO. 2) BILL**

Bill to provide for the vesting of the operational undertakings of Caroni (1975) Limited in another company and the vesting of the real estate undertakings of Caroni (1975) Limited and Orange Grove National Company Limited in the Republic of Trinidad and Tobago and to provide for the management of and for the development of those real estate undertakings [*The Minister of Finance*]; read the first time.

CARIBBEAN COURT OF JUSTICE BILL

Bill to implement the Agreement Establishing the Caribbean Court of Justice and for other related matters [*The Attorney General*]; read the first time.

CONSTITUTION (AMDT.) (NO. 2) BILL

Bill to amend the Constitution of Trinidad and Tobago [*The Attorney General*]; read the first time.

ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) BILL

Bill to amend the Evidence Act, Chap. 7:02; the Larceny Act, Chap. 11:12; the Bail Act, 1994; the Negotiable Instruments (Dishonoured Cheques) Act, 1998; the Forgery Act, Chap. 11:13; and the Electronic Transfer of Funds Crime Act, 2000 [*The Attorney General*]; read the first time.

PAPER LAID

Address by His Excellency, Acting President on the occasion of the opening of the Third Session of the Eighth Parliament of the Republic of Trinidad and Tobago. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon Kenneth Valley)*]

To be printed as a House Paper.

Adjournment

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ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, before I move the adjournment of the House, I want to use this opportunity to extend the sympathy of the House to you on your bereavement. We understand that you have lost your brother-in-law. We extend our condolence. I speak here on this first day of the new term on behalf of the Opposition also.

Mr. B. Panday: Do not do us any favours.

Hon. K. Valley: It is not a favour; it is merely acknowledging that you, too, may want to extend condolence to the Speaker.

Again, for the benefit of the Opposition, the House will sit on Wednesday as a finance committee to consider certain proposals before the close of the financial year. Those proposals would be debated as part of the Supplementary Appropriation Bill on Friday.

I beg to move that the House be adjourned to Wednesday, September 15, 2004 at 1.30 p.m. for the purpose of meeting as a finance committee.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 11.50 a.m.