

HOUSE OF REPRESENTATIVES*Monday, June 06, 2005*

The House met at 1.30 p.m.

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

Mr. Speaker: Hon. Members, I have received communication from the following Members: the hon. Member for Laventille West, (Hon. Eulalie James), the hon. Member for Barataria/San Juan, (Dr. Fuad Khan), the hon. Member for Tabaquite, (Dr. Adesh Nanan), the hon. Member for Pointe-a-Pierre, (Miss Gillian Lucky), and the hon. Member for St. Augustine, (Mr. Winston Dookeran) for the period June 05 to June 21, 2005.

The leave which the Members seek is granted.

MEASURES TO DEAL WITH CRIMINAL ACTIVITIES

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Speaker, I have been authorized by the Cabinet to update Parliament and the nation on the measures the Government has implemented to deal with crime and criminal activities.

Over the last three years, the Government has implemented a series of initiatives aimed at building the capacity of the law enforcement agencies and targeting criminal elements in the society. The approach is multi-dimensional, one in which we have been making progress, but the issues of gang-related homicides and kidnappings continue to provide a serious challenge.

Mr. Speaker, hon. Members, the situation regarding homicides and kidnappings remain unacceptable to the Government as a whole; not only because of the horrible nature of these crimes, but of no lesser importance, because of the level of anxiety they are creating in the society. We must therefore redouble our efforts to confront and defeat the threat posed by the growing sophistication among criminal elements.

Mr. Speaker, hon. Members, for the period January 01 to June 06 2004, the number of homicides committed was 104. For the corresponding period in 2005 the number of homicides committed was 150, an increase of 50.

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Let me just give a breakdown.

Types of Homicides	2004	2005
Gang related	06	31
Drug related	04	08
Domestic Violence	04	12
Altercation	10	11
Robberies	14	12
Revenge	03	04
Line of Duty	00	01
Others	02	19
Unclassified	61	52
Total:	104	150
Solved:	30	29

Mr. Speaker, hon. Members, increasingly criminal gang-related homicides are directly linked with the prevalence of illegal drugs. The illegal drug problem has developed in Trinidad and Tobago, and indeed in the region and as a consequence, the region is becoming a transshipment area between the producing countries and consuming countries in North America and Europe. The leakages from this trade have contributed to the development of a drug and violence problem in our region. Successful demand reduction programmes will go a long way towards reducing the drugs and the related crime problems in our region. It should also be noted that two of the seven issues being addressed at the current annual Organization of American States (OAS) General Assembly, in Fort Lauderdale, Florida are: combating transnational criminal youth gangs; and advancing the fight against illegal drugs.

Mr. Speaker, the increase in gang-related violence is also engaging the attention of the United States authorities. Recently, the House Committee of International Relations, Subcommittee on the Western Hemisphere held a hearing on rising gang violence across Latin America and the Caribbean and how it is not only destabilizing the region, but also fuelling crime and violence.

Testifying for the Federal Bureau of Investigation was its top criminal investigative executive, who provided substantial details of the growing menace of gangs and the Federal Bureau of Investigation's (FBI) growing effort to defeat them. He indicated and I quote:

“Today, gangs are more violent and more organized, and more widespread than ever.

There are approximately 30,000 gangs with 800 members impacting 2,500 communities across the US, sowing violence in urban, suburban and rural areas.

The violent gang, MS-13 has a significant presence in Northern Virginia, New York, California, Texas as well as places as disparate and widespread as Oregon City, Oregon and Omaha, Nebraska. MS-13 is estimated to have some 8,000 to 10,000 hardcore members and is growing increasingly sophisticated, widespread and violent.

The FBI's response is as follows:

A new National Gang Strategy: It identifies the gangs posing the greatest danger to American communities and targets them with the coordinated resources of law enforcement and the same federal racketeering statutes, intelligence, and investigative techniques used to defeat organized crime.

More safe streets violent gang task forces from 78 to 108 and 20 more planned. Since 1996, the work of the More Safe Streets Violent Gang Task Force has led to nearly 20,000 convictions and the dismantling of more than 250 gangs.

A National Gang Intelligence Centre: It will coordinate the national collection of gang intelligence and help the FBI share it with their partners around the globe.

Mr. Speaker, hon. Members, the words of the subcommittee chairman, Dan Burton, are very instructive. He said:

“It is clearly in everyone's interest that we address this problem now and end the threat of trans-national gang violence in the Western Hemisphere.”

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This concern takes on even more significance for us in the Caribbean when we consider the growing number of criminals being deported to the Caribbean each year, most of whom have a history of drug-related offences and violent crimes.

There is no doubt that globalization has opened up an avenue of criminal enterprise for this traffic in criminals who are available to provide expertise and leadership to criminal activities in Caribbean territories.

The free movement of individuals in the region guaranteed by the CSME will undoubtedly facilitate this process within the region.

Sooner rather than later, we will have to develop a solid concerted regional response to this menace facing all the territories, including Trinidad and Tobago. This is the main priority of the regional security Ministers at this time.

Mr. Speaker, hon. Members, our best intelligence indicates that there are some 66 known gangs in Trinidad and Tobago. We further estimate that there are some 500 hardcore members. We also have a sense of the areas in which they operate. We have established a homicide prevention working group with the main goal of reducing homicide, especially gang-related homicides in the first instance.

When the group was established the crime data at that time clearly showed that the majority of the homicides were being perpetrated by a number of gangs operating in eastern Port of Spain, Laventille and Morvant. As such, the operations of the Inter-Agency Task Force, (IATF) which incorporates elements from the Police Service and the Defence Force was strengthened and expanded to focus on the prevention of gang and drug related homicides. To date, this focused operation has established centres of operations in Quarry Street, Charford Court, Harpe Place and Beverley Hills.

Mr. Speaker, hon. Members, during the first 58 days of 2005, there were 11 murders in these troubled areas. Since the IATF's intensified operations began there have been only three murders in the ensuing 91 days. The IATF is now expanding its current operations to address the escalating gang-related violence in Carenage, Diego Martin, Beetham Gardens and Cocorite.

This Government will not allow a small group of criminals to threaten the safety, security and well-being of our nation. These criminals are miscreants, social misfits and tyrants, who refuse to behave and live in a civilized manner. We will not allow these criminal elements to ruin or compromise this country's inexorable drive towards developed nation status by 2020.

Let me now address the issue of kidnappings. There can be no doubt of the debilitating effects that kidnapping has on the vast majority of our citizens. The fear; the uncertainty; the anxiety that so many of our citizens feel; our inability to enjoy peace and security; and the view that the country is becoming more and more unsafe, all because of the activities of a small group of persons who see this crime as a means of getting rich quick.

Mr. Speaker, for the period January 01 to June 06, 2004 the number of kidnappings reported was 62. The number solved was 27. Of that number, the number for ransom was 13 and the number solved was 5. For the corresponding period in 2005, the number of kidnappings reported is 89, an increase of 27. To date, the number solved is 33. Of the reported kidnappings the number for ransom is 28, an increase of 15.

Mr. Speaker, what is disturbing is the nature of the ransom demands in some of the kidnappings—these have included demands for cocaine and marijuana.

In terms of the outcome of kidnappings for ransom over the period 2003 up to the present time in 2005, 102 persons were abducted and 58 were released and 18 escaped. Sadly, two persons lost their lives and nine remain unaccounted for.

In response to concerns raised by the citizens of Central Trinidad when there was an upsurge in that area, a meeting was convened on April 05 2005. In that meeting were leaders of various business communities and the heads of the Trinidad and Tobago Police Service and the Trinidad and Tobago Defence Force. As a result of that meeting, a comprehensive policing and patrol plan was developed and implemented. It involved deployment of Police Mobile Station Units, providing an increased level of presence from several units of the police and the Defence Force. Foot mobile and static patrols have also been increased and a sky watch unit has been located in the area.

To date, the plan has been a successful effort in stemming the level of kidnappings in the central region of the country.

We have recognized that a collaborative effort of all law enforcement agencies is required to deal with the growing incidence of kidnappings. No one agency by itself can provide the successes we need. Towards this end, we have established an incident coordinating centre comprising of the Anti-kidnapping Unit, the Special Anti-Crime Unit and other intelligence agencies. We have increased the amount of training of personnel engaged in these law enforcement activities. The

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new head of the AKU recently completed an intensive 12-week training programme with the FBI in Quantico, Virginia.

Mr. Speaker, questions have been raised as to whether the AKU is being starved of resources. I would like to make it absolutely clear that this is not so. As previously stated, the Government is developing a collaborative approach to the crime problem and in this context resources are being made available to the agencies engaged in these activities. One of the major lessons of 9/11 is the need for the sharing of information and collaboration of intelligence operations. Resources can be shared and are being shared in real time for greater effectiveness and this is the course we are pursuing in the network of units that are tackling various aspects of our crime problem.

We take the issue of kidnapping so seriously that the operations of the AKU are under continuous evaluation and, if necessary, adjustments will be made to its form and structure to make the unit even more effective.

We have been receiving assistance in strengthening our law enforcement capabilities to deal with kidnappings from the FBI, DEA Interpol and other international organizations.

Mr. Speaker, hon. Members, a growing concern among law enforcement officers is the ease with which kidnappers can and have received bail. Often, such persons are arrested on irrefutable evidence and still have been granted bail.
[*Interruption*]

Mr. Speaker: Order. Please, hon. Member for Couva South, the hon. Member is making a statement, let us hear it.

Sen. The Hon. M. Joseph: Mr. Speaker, if we are to stamp out this heinous crime of kidnapping and make it unattractive, we must devise deterrents especially to those using kidnapping for sheer economic gain. One such deterrent can be to ensure that kidnapping for ransom is a non-bailable offence.

I am convinced that we can reverse the unacceptable upsurge in kidnapping, but all Members of this Parliament, the legislative arm of Government, will have to play a far more active leadership role than has been the case in the past. This effective leadership must begin with a common understanding of the nature of the challenge and also a commitment on both sides of the House to defending the interests of the law-abiding people of Trinidad and Tobago.

Mr. Speaker, allow me to address other issues relating to the Government's security and safety efforts. The effort to control crime will have to be approached on many levels. Critical to the task is:

The modernization of the capabilities of the Trinidad and Tobago Police Service;

Improving the capability of the Forensic Science Centre;

Improving inter-agency co-ordination and co-operation;

Improving ties with international agencies;

Strengthening the country's integrated air, land and marine assets; and

Co-operating as much as possible, with other arms of the criminal justice system.

Over the past 20 months this Government has intensified its efforts at modernizing the capacities of the Trinidad and Tobago Police Service. The objective is to create an organization that is more efficient, better equipped with greater technological sophistication and professionalism, and which enjoys the full trust of the citizens and residents of Trinidad and Tobago.

Mr. Speaker, to achieve this objective the Trinidad and Tobago Police Service is the subject of a modern transformation programme. Additionally, there is need for improved equipment, environment, and training.

In December 2004, Cabinet approved the implementation of an Organizational Transformation Project in the TTPS at a cost of TT\$5.7 million. Cabinet also agreed that Professor Stephen Mastrofski of George Mason University and Partners would spearhead the process.

The various projects being addressed by Professor Mastrofski and Partners include:

The Police Complaints Division

Performance Appraisal Management

Police Integrity

Training in Strategic Crime Control

Transformation of the Police Training College

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Police Prosecutors

Focus on Homicides

Training of rank and file officers

Pilot project in the Gonzales community

Test Stations.

Professor Mastrofski is responsible for the overall performance of the contract and subcontractors; evaluation of the operations of the Police Complaints Division:

He has conducted an observation of police investigations of the complaints against police officers.

He has conducted a detailed review of records and investigations and recommendations have been submitted and are being implemented to strengthen the PCD.

He is currently assisting the TTPS in conducting performance appraisal focus groups with supervisors (corporal through inspector ranks).

The purpose of these focus groups is to learn more about why supervisors are experiencing difficulties in conducting the performance appraisal system.

Police integrity survey: An organization-wide survey of TTPS personnel to assess the level of police integrity was recently conducted. The findings of the survey are expected in the next six weeks.

Mr. Speaker, from January to June 2005, a site coach, Dr. Jeff Snipes, worked directly with members of the TTPS. The site coach provided support of various organizational change activities. His specific functions included:

Working directly with divisions in improving the effectiveness of their participation in Comstat and strategic crime control;

Providing research and analysis support for the various task force charged with developing long-term plans for improvements of TTPS;

Assisting various units in the use of statistical packages, which are being utilized to drive crime fighting strategies; and

Assisting in the support of other training and research provided by George Mason University and other contractors.

Mr. Speaker, over the past three months a detailed evaluation of the effectiveness of police prosecution has been conducted by Dr. Jon Gould.

This has included an evaluation of police prosecution conducted with:

Interviews

Direct observation of police prosecutions

Gathering data from police and court records, and

an examination of laws and police policies.

The study indicated that though there is much that can be done to improve the recruitment, training and utilization of police prosecutors, these problems pale in comparison to the extreme delay and lenient bail permitted in the Trinidad and Tobago court system. Indeed, for all of the focus on the TTPS to prevent further crime and catch more criminals, the study suggested that the courts deserve much greater attention in eliminating several practices that permit the release of potentially dangerous criminals into society.

To drive the transformation initiatives within the TTPS, the Commissioner of Police has created three initial task forces comprised of TTPS and other Government agencies and private organizations. They are focused on:

Police Complaints,

Performance Appraisal management; and

Training.

Mr. Speaker, to drive the transformation initiative within the TTPS, Assistant Commissioner of Police, Mr. Winston Cooper, has been selected as the executive officer for organizational change and has been assigned this responsibility on a full-time basis and is supported by a staff of competent people.

Mr. Speaker, hon. Members, during FY04, Government procured the following:

24 Mobile Police Units;

102 new cars were added to then existing fleet of 390; 25 new motorcycles were added to the then existing fleet of 20; 3 sky watch units and 2,000 bullet-proof vests.

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In fiscal year 2005, an additional 149 vehicles are being purchased; 3,000 bullet proof vests will be procured; additional firearms have been procured and a 360 degree radar system at 10 different locations is being constructed. Two of these sites are already up and running and the rest would soon be fully operational. To protect our coast lines and reduce the inflow of drugs and guns into our country, the Government has issued a request for proposals for three offshore patrol vessels. The vessels will be a major contributor to the nation's security and will have the capability to carry a helicopter and fast interceptor boats. Additionally, three interceptors are being procured to patrol the nation's inland waterways. Also, on Friday, April 22, 2005, the Government took possession of two interceptors from the US Government and the Customs and Excise took possession of three fast vessels.

These marine assets will be incorporated with the 360 degree radar system, thus giving law enforcement agencies a better chance of disrupting the narco-trafficking trade.

In FY04, the Government acquired two helicopters with state-of-the-art technology to assist in its crime-fighting efforts. In FY05, it will add two new helicopters also with state-of-the-art technology. These assets will assist in the fight against illegal drugs and gun trade and kidnapping activities.

Mr. Speaker, hon. Members, just recently Cabinet approved the expenditure of TT \$32 million, which represents the full cost of the upgrade of the two C26 aircraft. This is a result of the US government's discontinuation of funding for this programme.

Every effort is being made to ensure that all law enforcement officers have the requisite tools for them to execute their professional duties in a safe and effective manner.

Mr. Speaker, hon. Members, police stations are both the main workplace for most police officers and an important point of contact between police and citizens. Hence, the quality of policing can be seriously affected by the quality of the stations. The repair and the construction of new stations is an essential aspect of the improvement in the infrastructure of law enforcement. [*Desk thumping*]

I have had the opportunity to visit a number of police stations and must admit that in the main the conditions are unacceptable. To rectify this problem, a unit

will be established in the Ministry of National Security. This unit will utilize small contractors to improve the physical environment at all of our country's police stations. This will also allow the Ministry to implement the Government's policy of allocating 10 per cent of all contracts and procurement to small contractors.

Additionally, it is our intention to commence the construction of five police stations during this fiscal year in Belmont, Tunapuna, Toco, Gasparillo and Mayaro, as part of a comprehensive construction programme that spans fiscal 2006/2007.

The Ministry of National Security, working closely with the TTPS, has begun phase one of the upgrade and refurbishment of the Police Training College in St. James. The estimated cost of this programme is \$14.3 million. The intent is to provide new modernized classrooms, and new dormitory facilities for the next batch of 200 recruits who will begin training in the July/August time frame.

Mr. Speaker, on June 03, 2005, 27 police officers completed a strategic Crime Control Seminar. The seminar was designed to support and strengthen TTPS's COMSTAT programme to act more effectively against crime. The course exposed TTPS senior officers to scientific knowledge about what works and what does not in police interventions to control crime. It reviewed cutting-edge policing innovations as well as standard law enforcement techniques. Officers were exposed to using an evidence based strategic approach to crime solving.

They received a fundamental grounding in problem-oriented policing. Additionally, 36 police officers also received a crash course crime control seminar.

2.00 p.m.

Mr. Speaker, the Ministry entered into an exchange agreement with the United Kingdom to train police officers in modern policing techniques. Six police officers are about to complete their three-month programme in the United Kingdom. Another six officers are scheduled to depart in mid-July. Some 1,000 officers and 75 Police Academy trainers will begin to receive training from Pennsylvania State University Police Trainers in July 2005.

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Mr. Speaker, to address delays in the criminal justice system, especially in the areas of firearms and narcotic possession, and to ensure that crime fighting technologies are utilized, the Forensic Science Centre's operational capacity is being modernized. An Integrated Ballistic Identification System (IBIS) has been procured. This system provides automated matches of discharged bullets to firearms.

Assistance was sought from the United Kingdom to analyze the Forensic Science Centre's operations and as a result of this:

A new DNA lab is to be constructed by 2006 to ensure that internationally accepted standards are achieved;

The current DNA legislation is being reviewed with an aim to introduce new legislation later this year;

New staff is being recruited to remove backlog, thus facilitating court cases:

- one document examiner and a computer forensic examiner will join the staff to reduce the existing backlog and to assist police with digital evidence cases by August 2005;
- two firearm examiners will join the existing staff of three firearm examiners this month;
- two nationals were selected to undergo training in firearm examination, locally and in Canada, and have already commenced their training.

Mr. Speaker, cooperation, coordination and collaboration have been improved substantially. However, this is an area where all of the agencies need to improve the lines of communication, thus providing for the timely dissemination of information and more timely feedback.

As indicated earlier, an Incident Coordinating Centre (ICC) has been introduced to improve police and intelligence reaction to kidnappings. This centre brings together elements of several agencies, housed around the clock at a central location and connected to their respective agencies by high-speed data lines. This ICC has a direct link with the Federal Bureau of Investigation (FBI), Drug Enforcement Agency (DEA) and UK intelligence.

All of the nation's intelligence agencies and security entities are currently coordinating activities through a Joint Operating Centre. This will facilitate the real-time sharing of information and databases. We are utilizing intelligence to drive our crime-fighting strategies.

Mr. Speaker, I have outlined a number of measures at several levels aimed at tackling the crime situation. I would like to assure this honourable House that the measures will not stop at these. The Government of Trinidad and Tobago is determined to reduce crime and criminal activity. In this context, we are preparing to take the process to another level, combining a more comprehensive national, regional and international response. I will have more to say on this in the near future.

Mr. Speaker, I thank you.

PROBLEM OF CRIME IN TRINIDAD AND TOBAGO

The Attorney General (Sen. The Hon. John Jeremie): Mr. Speaker, on Friday the Member for Caroni East attempted to raise a matter on the issue of crime, which, as he put it, was of definite, urgent national importance because criminal activity in Trinidad and Tobago was bordering on a national disaster.

We see this as a moment of great peril but also one of great opportunity. Mr. Speaker, crime in its current proportions did not begin suddenly. There was no sudden transformation after which ordinary men and women turned to a life of crime. Every outrage has had a cumulative effect on the ordinary, law-abiding citizen of this country. Our sense of terror has increased; our international image has been affected, our national pride offended—all as a relatively small band of criminals have held us to ransom and sought to change our lives.

No one is immune from the effects of crime. Some argue that the victims of kidnapping are predominantly East Indian and live in constituencies represented by Members on the other side. Some argue that the victims of the steep increase in the murder figures are predominantly African and come from constituencies represented by Members on this side of the House. All of us have been affected and all of us held in terror. Robberies and other violent crime affect us all in equal measure.

Mr. Speaker, history and our people will not judge us by the nature of the problems we face—all societies experience difficult and seemingly intractable

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problems from time to time—but rather by how we respond to them. The Government recognizes that our people have grown tired of plans, talk and discussions on the problems. Today the Government states in forthright and unambiguous terms that we are at war with each and every criminal in Trinidad and Tobago.

Mr. Speaker, the Government is committed to the principle of constitutionality, but it cannot be business as usual. For years this society has silently looked away from criminality, either because criminals were powerful in themselves or because they were thought to be too powerful to touch. If the rule of law is shattered, discipline at every level of the society will be destroyed.

The rule of law requires that each person, everyone in this Chamber and outside; everyone from Mucurapo to Westmoorings, from Morvant to Cedros, is subject to one law. Today, the Government reaffirms its commitment to one law and the rule of law. The specific measures by which we seek to take back our country has been outlined by the Minister of National Security. It is a task that requires the complete attention and purpose of every citizen and each one of us in this Chamber today, without regard to where we sit. It is a necessary task and one which the Government is resolved to embark upon and to see to its conclusion.

Mr. Speaker, the office of the Attorney General and the Minister of National Security today defined a set of legislative and administrative initiatives which are designed to tackle crime throughout the country, regardless of the station in life of the perpetrators. Over the past fortnight, significant steps have been taken in relation to terrorist activity and in relation to corruption—evils at both ends of the criminal spectrum. In the months to come, our efforts in these areas shall multiply. Our objective is to explain to all, regardless of political persuasion, that corruption and terror are crimes and that as crimes they will be punished with every resource of the State.

As far as action is concerned, the Executive is not alone. Every institution must play its part. The Legislature must rise above partisan political considerations and the Judiciary must fulfil its role in this society. The Government intends that every person on death row will be hanged if the opportunity is available to the State. If the courts intervene, the State will, consistent with the rule of law, do everything within its power to pursue the sentence of death in relation to every person on death row.

Mr. Speaker, the State intends to insist that the courts, going through to the Privy Council, should revisit the decision in Pratt & Morgan. We do not agree with it, nor do we agree with the statement of the Privy Council in Matthews, by which the Privy Council attempted, in our view in defiance of the Constitution of Trinidad and Tobago, to commute the sentences of persons on death row whose appeals were not even before them. We shall resist these decisions with every resource of the State. I say no more on this matter at this time.

Mr. Speaker, to empower the Judiciary to function more efficiently, the Government lays today a package of emergency legislation which we propose to debate to finality. The legislation is aimed at ensuring speedy trials for those accused of crime, protecting victims and witnesses to ensure that the justice system is not undermined by existing loopholes; strengthening the powers of the Director of Public Prosecutions to expedite prosecution in relation to serious offences; and empowering and modernizing the police service to treat with the crime problems which are now facing the country.

The legislative package includes:

- the Bail (Amdt.) Bill, 2005;
- the Summary Courts (Amdt.) (No. 2) Bill;
- the Administration of Justice (Miscellaneous Provisions) Bill;
- the Constitution (Amdt.) Bill;
- the Police Service Bill;
- the Police Complaints Authority Bill;
- the Corporal Punishment (Offenders Over 18) (Amdt.) Bill, 2005;

and certain other pieces of legislation, which we shall reveal in the course of the ensuing debates.

Several of these bills are designed at reinforcing the ongoing attack on the crime problem by treating with delays in the court system which have, to some extent, contributed to the problem by weakening the deterrent effect of punishment. One major ongoing contributor to this is the existing bail arrangements which see hardened criminals being allowed to abuse the system by using bail and the delays in the court system, not only to continue their life of crime, but also to eliminate witnesses, thereby prolonging their criminal career.

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Mr. Speaker, this situation the Government finds unacceptable under our present circumstances. The Bail (Amdt.) Bill, 2005 intends to treat with this by seeking to deny bail upon arrest to any person charged with the offence of kidnapping, drug trafficking, [*Desk thumping*] or found to be in possession of illegal firearms or ammunition.

The offences of kidnapping, drug trafficking and firearms possession are at the heart of the criminal enterprise system, threatening our country and leads inexorably to the non-bailable offence of murder. The criminal network behind the upsurge in these offences operates in a relationship, comfortable in their ability thus far to beat the system. Mr. Speaker, we must put a stop to that.

The effect of the Bail Act would be to curtail the growing incidence of repeat offenders who commit serious crimes while on bail, and I have no doubt would lead to a dramatic reduction in the level of criminal activity.

Mr. Speaker, another major reason for delay in the justice system contributing to the crime problem by delaying punishment is the number of preliminary enquiries. These put a severe strain on the lower judiciary and contribute to delaying the delivery of justice. The preponderance of preliminary enquiries, which can sometimes be drawn out, along with the existing arrangements which facilitate easy bail for serious offences, such as kidnapping, drug trafficking and firearm offences, create a double tool used by criminals to undermine the justice system.

The Indictable Offences (Preliminary Enquiry) (Amdt.) Bill, 2005 will therefore, Mr. Speaker, give the Director of Public Prosecutions (DPP) the exclusive power to decide whether to prefer a voluntary bill of indictment, that is, to determine whether or not a preliminary enquiry should be conducted into a charge and without reference to a judge.

This will allow the DPP, who holds an independent office under the Constitution, to bypass the Magistrates' Court in relation to more serious offences, sending them straight to a judge and jury, thereby allowing easier access to the court and quick and conclusive determination of the more serious criminal offences. Mr. Speaker, this piece of legislation is aimed at taking the criminals off the street quickly and will facilitate a further drop in criminal activity.

Another amendment to the Indictable Offences (Preliminary Enquiry) Bill, 2005 will provide for the committal of accused persons, based on written statements submitted by the prosecution to the presiding magistrate. These paper

committals, as they are called, were first introduced as an amendment to the Indictable Offences (Preliminary Enquiry) Act, 1994, when we were last in power. However, the measures have proven to be ineffective. The new amendments will correct the deficiencies in the legislation, which have made it unworkable, by providing the conditions upon which a written statement to a preliminary enquiry may be tendered. Again, the aim is to fast-track preliminary enquiries, which can sometimes last up to three years and to ensure speedy justice.

In speeding up trials and delivery of justice, Mr. Speaker, it is also important that we make certain amendments to the Administration of Justice (Miscellaneous Provisions) Bill, which proposes procedural changes in the Evidence Act allowing the use of samples rather than the entire exhibit, addressing the issue of storage security and the transportation of bulky items, as well as treating with the problems of the Forensic Science Centre which occasion delay in criminal matters. The amendments will also facilitate the use of audio-digital technology in the courts and enhance the efficiency of judicial operations.

Mr. Speaker, even with the most efficient justice system in the world, ensuring timely prosecutions will still be dependent on quality police work, enhancing and expediting the administration of justice, although a necessary condition, if we are to tackle successfully the crime situation, is not sufficient. We will also need a police service capable of treating with the challenges of the criminal network, which is becoming increasingly sophisticated and transnational in nature.

It must be absolutely clear by now that the police service, as we know it, is not up to the task. It is for this reason that we shall reintroduce the police reform legislation package, which is aimed at strengthening the management capability of the police service. These include the Constitution (Amdt.) Bill, the Police Service Bill and the Police Complaints Authority Bill.

As I mentioned earlier, Mr. Speaker, it is also imperative that we enforce all laws if we are to act as a deterrent in respect of crime. The Corporal Punishment (Offenders over 18) Act, for example, gives the High Court the power to impose sentences of corporal punishment on offenders over the age of 18, while section 50 of the Criminal Procedure Act provides that if a person is convicted of an arrestable offence, not punishable by death, committed after a previous conviction for a similar offence, he is liable to imprisonment and corporal punishment. The

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law mandates, however, that the punishment must be instituted within six months of conviction.

The criminals have been able to avoid this by simply using the delays in the administration of justice to drag the appeal process beyond six months, thereby avoiding the corporal punishment which is enshrined in the law for their offences. The Government, therefore, proposes to amend section 6 of the Corporal Punishment (Offenders over 18) Act to remove the time limit within which floggings are to be carried out so that those who commit crime will know that there is no escaping their punishment. Mr. Speaker, if you commit the crime, you are going to have to take the punishment.

The legislative package which the Government lays today can, in the short term, lead to a demonstrable reduction in crime by addressing these concerns and ensuring that those who commit crime are prosecuted expeditiously and punished in accordance with law. It is clear that the population expects that the rule of law must prevail and that it is incumbent upon the Government to ensure that our laws are enforced and that criminal activity is reined in. We have every intention of doing so. Mr. Speaker, we must do so.

Thank you very much.

TRINIDAD AND TOBAGO HOUSING DEVELOPMENT CORPORATION BILL

Order for second reading read.

The Minister of Housing (Hon. Dr. Keith Rowley): Mr. Speaker. I beg to move,

That a bill to establish the Trinidad and Tobago Housing Development Corporation and for related matters, be read a second time.

This Bill, in its Explanatory Note, says all that needs to be said about what we are trying to do here. It would fall to me to give some reasons why we are approaching this issue in this way. The Bill has its origin in the Housing Act, Chap. 33:01, which created the National Housing Authority in 1969.

The Bill seeks today to repeal sections 1 to 10 of the Housing Act—that section which created the NHA—and to replace the NHA, which today is an

authority under the Statutory Authorities Service Commission (SASC), by a housing development corporation, which would be a corporation established by statute.

As it does that, the Bill seeks to vest the responsibilities of the NHA in the Housing Development Corporation in order to facilitate the acceleration of provision of good quality and affordable shelter and associated community facilities for low and middle-income citizens of Trinidad and Tobago. The whole focus of this exercise is to create an entity and an environment for adequate, modern and effective management of the national public sector housing portfolio.

Mr. Speaker, I will give an example of what the portfolio is at this time. The NHA currently has 134 housing estates in Trinidad and Tobago, and arising out of its creation and ownership of these estates, the NHA manages 9,000 accounts from rental clients and collects approximately \$1 million a month in state-paid rental. Additionally, the NHA owns and manages a portfolio of 14,000 mortgages, which represent \$8 million a month approximately.

This Government, as part of its policy in accelerating national development under Vision 2020, has embarked upon action which is meant to eliminate the severe housing shortage and that is being done by a massive construction programme which is currently underway, and would have the effect of doubling that portfolio of mortgages and rental in about the next 6 to 14 months.

To give you an idea of what is going on in terms of construction in this programme, in the 2003—2004 joint venture construction programme, we have 21 projects underway, building 3,562 units at an approximate cost of \$513 million. Under the programme for 2004—2005, which is this year's programme, we have 19 projects underway and we are building 6,336 units at an approximate cost of \$1.379 billion. Additionally, we have 50 sites in our infill programme, and these are construction projects which are taking place within mature developments where there existed vacant lots and where we are currently building on those vacant lots. We have 1,100 units being built at an approximate cost of \$107 million.

We have just kicked off the urban renewal programme in Port of Spain where we hope to build, during this fiscal year, 1,153 units at a cost of \$322 million. We do have elsewhere the rent-to-own programme, which is also part of the overall programme, at a cost of \$140 million. We also have infrastructure development of \$307 million underway.

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Mr. Speaker, this programme of construction, which is currently underway, represents a portfolio of activity of \$2,850 billion. This programme is meant to continue for the next decade, at least, approximating about \$1.5 billion in construction every year. That gives you an idea, Mr. Speaker, of the nature of the project that needs to be managed under the portfolio of the NHA.

However, Mr. Speaker, the NHA, as we know it, under the SASC, has some rigidity and the housing corporation is seeking to bring to bear on this massive national asset base of housing units, infrastructure and other assets, modern management techniques, the availability of staff and the management of resources, not the least of which are financial resources, so as to provide the country with proper and efficient management of this massive piece of real estate and the associated issues of finance and human resources.

Mr. Speaker, under the SASC, there are some restrictions. Let me give you an idea of some of the problems that we face currently. The NHA is required to manage the housing programme and I think that all of us would agree that a lot has been left to be desired with respect to how the NHA has functioned over the years. In fact, so poor has been the management that it would not be unreasonable to agree that the NHA as a national entity meant to most people a bad word. However, we are trying to change that and, Mr. Speaker, it is changing very rapidly.

2.30 p.m.

We also have a situation where the responsibility for managing this portfolio lies with the National Housing Authority (NHA), but the authority for dealing with the human resource in particular does not lie with the NHA. I was quite surprised to be told by NHA staff that it is not uncommon for someone to turn up at the NHA, to be interviewed for a job which the NHA knows nothing about because that aspect of the management is handled by the Statutory Authorities Service Commission (SASC) who would have sent someone to be interviewed. This recreates real problems for our management system. Not to mention that because there is no management responsibility located in its totality at the agency, the NHA has been unable to attract and retain good management, professional and technical staff and also to manage its programmes properly, resulting in poor productivity and a dysfunctional organization. That dysfunctionality has its root in the rigidity of the system where, on the establishment of the NHA—

[MR. DEPUTY SPEAKER *in the Chair*]

Let us take for example the post of engineer, notwithstanding the recognition; by the managers, the board and the minister, an Engineer I in the National Housing Authority (NHA) falls in Range 53. Range 53 carries a certain emolument. No matter how good the engineer is, how bad you need him or whatever the market is saying, that engineer can only be hired for \$6,000 per month. Out in the open market in Trinidad and Tobago, the going rate for such an engineer is approximately \$12,000 per month, if you can find one. If you want one, you would probably have to pay much more than that. But because of the system of management and where the authority lies, we are being asked to manage a multibillion dollar programme with antiquated approaches to obtaining staff, paying staff and keeping staff.

An Engineer II, who is a senior engineer, is restricted to a salary of \$7,500. In the open market you would probably have to pay \$14,000 or \$15,000 for such a person. A quantity surveyor, a skill that is in desperate need and in great shortage, in the open market place the experts will tell us that we need to pay approximately \$18,000 per month for such a person. In our system that we currently manage, such a person would be limited to a salary of \$7,500. You are expected to get an architect at \$7,500 and of course in the open market you cannot do that, we would have to talk about \$15,000 or thereabout.

What this meant is that even as this is recognized—that the system is not working, cannot and will not work and only creates difficulty, what has been happening and what is likely to continue if we do not intervene as I am intervening now—persons cannot be attracted to these jobs. Persons who are in these jobs leave the agency and all that happens is that we end up with acting arrangements and eventually the whole system; its management and its functionality is a whole set of acting, acting, acting. In some cases, persons have been acting in this agency for two decades. In terms of response, there is nothing the NHA can do but to wait on the SASC. There is virtually a—on the note of recruiting staff, it takes an inordinately long period of time to recruit staff.

In the meantime, there seems to be a satisfaction that someone is acting in the post, but what normally happens is that the person who is put to act is simply put there to fill the hole because the hole is there. What is worse is even as we have been working recently to try to prevent that from happening and by training our staff, especially in this age where all staff requiring to deliver in modern systems like today, require specialist training especially in IT, it is not uncommon for the

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agency to train someone, the person is in a position and the next thing you know, without reference to or without let or hindrance, such a person is removed from the agency and transferred somewhere else within the ambit of the SASC. Even more ridiculous—I can give you an example of how the system works. We in Trinidad and Tobago have some systems that are guaranteed not to work. We hold on to them, knowing that they will not work, but we expect the benefit of good and a properly managed system.

A vacancy arose in Tobago for a Clerk II and the logical thing would be to find a Clerk in Tobago to take the position. To my horror, I am told that the SASC position is that: No, you cannot do that. What you have to do is to look throughout Trinidad and Tobago in the NHA for the next person who is senior, for a clerk. They found a person in Trinidad. That person is now transferred to Tobago to occupy the position of Clerk II, because the system says the next person in line has to get the job and that person has to go to Tobago. Notwithstanding the fact—*[Interruption]* I am here, you do not need anymore. The bottom line is that level of dysfunctionality is not what you want to manage a multibillion dollar programme because if that is what you are going to do, do not be surprised when you end up with a situation where staff does not come to work; staff does not function properly; there is no succession planning; your staff is taken from you and put somewhere else; you are sent staff that you did not expect and the end result is the work that you are supposed to do, which is to manage your entire portfolio, make sure you collect your rent, mortgage and manage your affairs, that is not done and over a period of time the agency just becomes another dysfunctional and nonperforming unit. I dare say that is what the NHA has become.

Mr. Speaker, with respect to the managing of financing, the National Housing Authority has the responsibility of tenants, 9,000 tenants. It is not surprising to anybody that as the NHA collects the money from the tenants, it is required to pass that money to the Ministry of Finance and then the Ministry of Finance will allocate back to the NHA, in the national budget, some money to deal with the NHA's responsibility; not the least of which is the maintenance and servicing of these housing estates. Up until 2001, there has virtually been an abandonment of that major responsibility of the NHA, where we had thousands of units around the country which had no maintenance for over 10 or 15 years, resulting in poor living conditions and a serious deterioration in the physical infrastructure of its rental portfolio. It took a programme of approximately \$100 million to bring

about some semblance of a programme of maintenance to bring these units back to some decent level in the last two or three years. The programme is only now winding down after a period of three years of construction.

On the question of maintenance; the physical environment of the housing estates, the NHA housing estates had become so unpleasant and so known to be unpleasant, that to have an NHA unit in our neighbourhood was something to be resisted. As we move now to build NHA units in some neighbourhoods some persons started to resist the idea because they had an idea as to what an NHA project was going to be. Fortunately, we have seen some improvements and we will continue to improve and change on that.

I mentioned the compensation and management of staff. The Bill does a number of things to address these issues. If I may, I would take you through the various parts of this Bill. Part I of the Bill is the preliminary section which defines a number of terms mentioned in the Bill. There was an omission where, notwithstanding our best effort, we did not define the word "authority". I will propose later on to insert in this section the word "authority" and define it as meaning the National Housing Authority (NHA). Throughout the Bill there is mention of the "authority" without saying that it meant the National Housing Authority (NHA). Later on I will make an amendment.

Part II creates the Trinidad and Tobago Housing Development Corporation as a body corporate. That corporation would set about to conduct the business of the corporation, which would be managed by a board. Part II describes how the board is to be appointed, who shall make up the board and so on. In that same Part, clause 9 talks about the creation of the post of managing director. Immediately, it requires the board and managing director to come under certain statutory requirements for the disclosure of interest, because we are particularly concerned about the question of conflict of interest, as we are currently exercised as a country on the whole question of accountability and transparency. As the law here describes the creation of this board and the body corporate, we immediately put into law the whole question of what we expect with respect to conflict of interest and how that should be handled.

Specifically, in clause 9(2)(b), we spell out in law that persons of the board, where a conflict might develop and is disclosed, or where it has not developed and does not require to be disclosed, shall not solicit the support of any other member of the board, or any officer, or any member of staff of the corporation to obtain an advantage over any other person in the matter being considered.

[MR. SPEAKER *in the Chair*]

This has to do with the conduct of the board's business, where no person, at the level of board or management, is to interfere, peddle or influence on behalf of any person in the authority's business. We spell that out in the law. Of course, the disclosures of conflict of interest, where they arise must be recorded and persons who are in that position shall not be present for deliberation and shall take no part in that deliberation. That is spelt out in clause 9(3)(3).

Clause 10 talks about the remuneration which has to be approved by the Minister. Of course, the Minister would be guided by Cabinet in this matter. The powers of the Minister are spelt out in clause 12. The Minister can give specific or general directions in the management of the board's business.

Clause 13 talks about the functions of the corporation, to carry out any business that is incidental to discharging its services and to implement broad policy of the Government in relation to housing, as may be directed by the Minister from time to time.

Clause 14(1) speaks about the powers of the corporation. The corporation has all powers to do all things necessary and convenient or in connection with the performance of its functions. They are spelt out in clause 13.

Clause 14(2) takes notice of the Tobago House of Assembly Act. It states:

“Notwithstanding the generality of subsection (1), the Corporation shall, in respect of Tobago be subject to the provisions of the Tobago House of Assembly Act and in particular section 25(3).”

You may recall, in the THA Act, there is provision for the THA to enter into memoranda of understanding with state agencies to carry out in Tobago, government's policy with respect to the services that are to be provided in Tobago. In this case, while the corporation would have the responsibility for public sector housing across the country, if it is going to do work in Tobago it would be required to have within its function, an agreement with the THA to carry out agreed functions for and on behalf of the THA. Of course, it goes on to say all the things that the corporation can do. They are spelt out in detail.

Clause 14(3)(a)(i) and (ii) speak about the role of slum clearance. That is something that we will be doing a lot in the Port of Spain area. Clause 14(3)(b)

speaks about managing lands. Clause 14(3)(c) speaks about carrying out surveys and conducting investigations. Clause 14(3)(d) speaks about providing services in accordance with the Act, maintenance and the repair of property, acquiring houses, land and housing projects by way of purchasing or lease. Clause 14(3)(f) talks about sale, lease and exchange of property and clause 14(3)(g) speaks about co-operation between the corporation and other government agencies. Clause 14(3)(i) goes on to talk about how the corporation can manage its finance by purchasing shares, debentures and securities in companies. Clause 14(3)(k) talks about the corporation entering into partnerships, trust and joint ventures. Clause 14(3)(l) talks about the promotion and training and the whole question of designing houses. It is very, very detailed. It talks about participating with local authorities and housing projects. That is something that we have just embarked upon.

In anticipation of this and using the current powers of the NHA, we are engaged, using the Port of Spain Corporation as a model, where the NHA and the Port of Spain Corporation, by way of memorandum of understanding, have agreed that the National Housing Authority, soon to be the Housing Corporation is undertaking to build on any Port of Spain Corporation lands which have been lying idle for quite some time. Recently, I had the opportunity of turning the sod for one such project in Powder Magazine, Four Roads, where we are using Port of Spain Corporation land to do an NHA project, by agreement between the NHA and the Corporation. Of course, the corporation will get its financial benefits and NHA will be delivering on its mandate of creating additional housing units. In the coming weeks and months, we have many more sites in the greater Port of Spain area, which will be subjected to the same kind of approach.

Clause 14(3)(o) speaks about the borrowing of money and the giving of guarantees. Clause 14(3)(p) talks about debentures and grant of floating charges on property. Here the NHA has a large property portfolio and if modern proper management is available, Cabinet may be asked to consider and allow the corporation to use this portfolio as part of its financial management exercise.

Of course, clause 14(3)(t) talks about the fixing of charges, terms and conditions for work done and for goods and services provided. These would be done in the context of government policy and the Cabinet will have an intervention in it, as and when required.

With respect to the question of granting of soft loans, we preserved that from the Housing Act. Even though we are not currently doing that, as we embark upon the actual construction of houses, very soon we could see the situation where soft loans will be available from the NHA for those persons who have their own land and who would want to continue the construction programme on their own property, without waiting on the NHA's projects.

Part III has to do with the managing director. It states:

“The Managing Director shall hold office for such period not exceeding five years,”

However, he can be eligible for reappointment and the terms and conditions for employment of that director shall be approved by the Minister.

It goes on in Part IV to talk about the planning and management. It says that the board of the corporation shall be required to prepare and submit a corporate plan to the Minister and that first plan shall be for a period of not less than three years and no more than five years. The plan shall take effect immediately and there shall be an ongoing review of this plan. This is a plan that will be rolled over every three to five years, so that proper planning exercises will be an ongoing thing within this corporation. It goes on to say that the board shall be mandated to keep proper books and accounts and ensure that all payments by the corporation are correctly made and that there is proper and adequate control of all the corporation's assets.

Clause 19(1) states:

“The accounts of the Corporation and its subsidiaries shall be audited annually by the Auditor General or by an auditor authorized by the Auditor General in writing for that purpose.”

It gives all the details of how that must be done.

Clause 19(7) states:

“For the purpose of an audit conducted under this Act, the Exchequer and Audit Act will apply as if an audit referred to in this section is one to which that Act applies.”

Clause 20 states:

“The Board shall, within three months of each financial year, submit an annual report to the Minister in respect of the operation of the Corporation and its subsidiaries.”

What this does is that, by law, it forces the organization to function in a manner which is acceptable and in keeping with modern management standards. It cannot be a question of being laid back and whenever it happens, it happens or if it does not happen, it does not happen. The law says that whoever is running this organization is duty-bound under this clause to have, prepared and submitted within a specific time frame, the business of the agency by way of an annual report, which will be made available to the Minister who is accountable to the Cabinet, which is accountable to the Parliament. It goes on to talk about the corporation's involvement in ventures.

Part V deals with the whole matter of funding for the corporation and management of the corporation's funding. It says that there will be a Housing Development Corporation Fund, unlike the current arrangement where you have to wait on the national budget to see what the Ministry of Finance allocates and, invariably, if the NHA realizes that it needs, for argument sake, \$10 million to do its work, when that submission is made to the Ministry of Finance, the Ministry of Finance looks at the overall picture, of the entire country and culturally, or through financial constraints, invariably what is required to carry out the business of the agency is not allocated. Therefore, the agency is invariably operating on a crutch. That is why, for years we have had the maintenance aspects not being taken care of. Even as that is taking place, the agency is required to submit its collections to the Consolidated Fund.

Clause 22(1) would put an end to that. By the creation of the Housing Development Fund the fund shall comprise, under clause 22(2)(a), all appropriations by Parliament. There will still be appropriations from Parliament which would go into the fund.

Clause 22(2)(b) says that it also contained those sums which, at the commencement of this Act, stand to the credit of the Government under the Housing Act. All moneys due to the NHA would automatically fall to the Housing Development Corporation, to become part of this fund.

Clause 22(2)(d) talks about other capital for the corporation.

Clause 22(2)(e) talks about sums received or owed to the corporation in respect of its functions. Whatever moneys the corporation is entitled to have, by way of its mortgage rental, will go into this fund and any other sum that is owing in any other way described and this fund will then be used.

Clause 23 speaks about how this fund will be used. It states that the fund will be used for:

- (a) the acquisition of real and personal property by the corporation as it performs its functions;
- (b) remuneration payable to its employees;
- (c) paying members of the board and committees;
- (d) contributions to the pension fund;
- (e) fees for the services of consultants;
- (f) capital and operating expenses, paying insurance on property;
- (g) making investments and loans; and
- (h) payment of returns to the government.

We see, some time in the not too distant future, this massive housing portfolio of this corporation would be turning out a surplus of some kind and that surplus could put the corporation in a position to have to pay to the government some of that money. Clause 23(h) makes provision for that. Clause 23(g) speaks about any other authorized expenditure by the corporation in the discharge of its functions which have been listed in an earlier section in great detail.

If, after all of that, there is money left in the corporation, that money is put into a reserve fund for financing future expansions, programmes and projects of the corporation. That means that the managers of this corporation will have, under its control, a budget as a pool of moneys which it can use as a cash flow where good management practices can be brought to bear. The corporation would then automatically function more effectively and efficiently than the NHA is managed in the present arrangement.

There is provision for investment of some of these surplus funds if and when they occur. For example, there is no reason why, if the corporation has surplus funds, it cannot put some of these funds in an investment portfolio such as the Unit Trust Corporation of Trinidad and Tobago. All that can be done under the control of the board with the watchful eye of the Minister responsible to the Cabinet.

On the question of the payment of this return, clause 26(1) says how that can be done. It states:

“Within three months after the end of each financial year, the Board may recommend by written notice, after consultation with the Minister of Finance, to the Minister of Housing, that the Corporation pay a return to the Government according to principles determined jointly by the Minister and the Board.”

The board will look at a situation of the corporation's finances, discuss that with the Minister of Finance and make some kind of recommendation to the Minister of Housing as to how much of that money should go out of the corporation back to the Minister of Finance. That seems to be a more reasonable way of managing the corporation's finances than the current arrangement of a non-performing or under-performing agency, needing money for maintenance but passing its collection of rental to the Treasury.

Mr. Speaker, Part VI talks about the board employing staff. I would make an amendment later on at the appropriate stage. The text that you have will say:

“The Board may employ such staff as is required by the Corporation...”

I need to insert after “may” so that it would read:

“The Board may, within an organizational structure approved by the Minister, employ such staff as is required.”

That means that the board cannot just employ persons willy-nilly in large numbers as the board may see. However, there will be an organizational structure which is approved.

Mr. Speaker: What section is that?

Hon. Dr. K. Rowley: Clause 30(1).

Mr. Valley: There is no clause 30(1), it is just clause 30.

Hon. Dr. K. Rowley: I do not know what you have. We will rectify that. That is not a problem, we will fix that.

We will have a structure for the agency as we ought to have, but that initial structure would be an approved structure and it would not be as inflexible as the

current arrangement. However, there has to be an organizational structure against which the board will employ staff and also the same thing with fixing. The board will employ staff according to their qualifications, fixing terms and condition of services.

Clause 31 talks about the options available to staff. [*Interruption*]

Hon. Members: Clause 31(1)?

Hon. Dr. K. Rowley: Sorry, clause 31(1). This is interesting and I draw it to your attention because as we move from the NHA to the housing corporation and as we seek to create this new culture, climate and efficiencies, we make provision for the staff that is there now. Clause 31(1) states:

“This section applies to a person who on the date of assent of this Act—

- (a) holds a permanent appointment to; or
- (b) holds a temporary appointment to, and has served at least two continuous years in, an office specified in the Third Schedule...[*Pause*]

Mr. S. Panday: “Yuh not prepared or what?”

Hon. Dr. K. Rowley: I am very prepared. I am just making sure that I am saying the correct thing.

- (2) A person to whom this section applies may, within six months of the appointed day, exercise one of the following options:
 - (a) voluntarily retire from the public service on terms and conditions agreed between him or his appropriate organized association and the Chief Personnel Officer; or
 - (b) transfer to the Corporation with the approval of the Statutory Authorities Service Commission on terms and conditions no less favourable than those enjoyed by him in the service of the authority.

We will insert at the appropriate time a third option, which is the transfer to the wider public service. There are three options available to persons who currently are in the NHA.

Option (a) envisages a VSEP. We have been in touch with the unions. There are two unions representing the workers at the NHA: the National Union of Government and Federated Workers (NUGFW) who represents the daily-paid workers and the Public Services Association (PSA), who represents the monthly-paid workers. To date we have had 17 meetings with these unions, with respect to the question of VSEP. We are close to some agreement on this matter but the Bill provides for a provision under clause 31(2)(a) for workers who choose to voluntarily retire, to go that route and for those who do not want to accept VSEP, to have the option of going into the housing corporation, on terms and conditions no less favourable to what exists at the moment. If options arise where such persons can find openings in the wider public service, that is option three that is available to them.

Mr. Speaker, in preparation for the coming into being of this Housing Development Corporation, the NHA has had to regularize 33 temporary positions. This matter was taken to the Cabinet, the reason being that the unions were very adamant that this longstanding matter had to be dealt with as part of our discussion on the VSEP. There were people acting in positions for a very, very long time and the Cabinet was approached and has agreed to make those temporary positions regularized.

Also approved by the Cabinet in anticipation of the coming into being of this agency is the organizational chart for the Housing Development Corporation. That already has Cabinet's approval and the job descriptions and proposed salary scales have been forwarded to the Chief Personnel Officer (CPO) in anticipation of the passage of this legislation. We are well advanced in preparing to bring into being the Housing Development Corporation.

Mr. Speaker, clause 34 states:

“A person to whom sections 31 and 32 apply, who does not exercise any of the options made available shall be offered redundancy terms in accordance with rules laid down for the purpose.”

Having offered those three options, if a member of staff chooses not to avail himself or herself of any of those three options, such a person would be made redundant under the existing redundancy provisions.

Of course, clause 35(1) specifically states:

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“The Corporation shall, within two years of the appointed day, establish a pension fund plan.”

Clause 35(2) states:

“All employees of the Corporation shall be members of the pension fund plan.”

The reason again, is that we want to make sure that we do not have this thing hanging where the organization comes into being and, for one reason or the other, a long period passes and there is no pension fund in place and the workers are disadvantaged. Under law, the board would be required to get a pension plan up and running within 24 months.

Mr. Speaker, another issue which is of interest to many persons in the human resource area is the whole question of representation. What is to happen with the workers’ representation as we move from NHA into HDC? Clause 39(1) has dealt with this matter very, very comprehensively. What we have done is use the same model that has been satisfactorily used in a previous time in a similar engagement when we created the Civil Aviation Authority. There were persons in this position moving into a new entity. Having used that, we have virtually used word for word section 5 of the Civil Aviation (Amdt.) Act, which is embodied in clause 39(1). There is a slight oversight, but we will correct that at the appropriate stage. It currently reads:

“Subject to the Industrial Relations Act, the Public Services Association of Trinidad and Tobago...”

I will insert there the NUGFW. *[Interruption]* Clause 39(1) states:

“Subject to the Industrial Relations Act, the Public Services Association and the NUGFW shall be deemed to be the certified recognized majority union under Part III of the Industrial Relations Act for the bargaining unit comprising the monthly-paid and daily- paid employees of the corporation.”

That means we will preserve the current arrangements for a specified period. It goes on to say in subclause (2), application and certification:

“An application for certification of recognition under Part III of the Industrial Relations Act shall not be entertained or proceeded with where

the application is made earlier than two years from the date on which the amendment comes into force.”

This says that the current arrangements where the workers are represented by these two unions, will be protected by this Act for a period of two years. Unless, of course, an application made with the leave of the court, although two years have not expired since the amendment came into force, in which event the procedures set out under section 38(2) and (3) of the Industrial Relations Act shall apply. Failing the intervention of the court, this Bill seeks to give the current recognized majority unions for the daily-paid and the monthly-paid staff, maintenance of the status quo for two years.

Clause 38(3) recognizes the right of the employees to join associations or trade unions. It says specifically, employees of the corporation may form an association which may be registered as a trade union, or may join a trade union. The workers' rights are preserved and there is a transitional arrangement, which time will tell as to how it works out. Of course, we are protecting the workers' rights to have current representation, as well as to have future representation of their choice.

Part VII is under miscellaneous. Clause 40 states:

“On the appointed day all the rights and responsibilities of the Authority under the Slum Clearance and Housing Act shall vest in the Corporation...”

This means, with this Bill being passed to an Act and the Act being assented to, the moment the assent takes place, all the rights and responsibilities of what is now the National Housing Authority (NHA) passes to the Housing Development Corporation.

Clause 41(1) states:

“On the appointed day all assets, liabilities, rights and obligations of the authority are transferred to and vested in the Corporation.”

It goes on to say how it will function. For example, any account between the authority and any other party shall become an account between the corporation and that party. Any instruction, direction, mandate, power of attorney or consent of the authority becomes in effect as if given by the corporation. Any negotiable instrument in order of payment comes into force as if being done by the corporation. That is spelt out in detail.

Clause 41(4) states:

“Within five years of the appointed day, the value of the property vested in the Corporation under this section shall be determined by an independent valuator who shall report to the Board and thereafter once in every five years the Board shall cause valuation of the Corporation's assets to be done by an independent valuator in accordance with normal commercial practices.”

What this will do is that it will bring to the management table, to the notice of the Minister, the Cabinet and the country, the value and nature of the assets which are in fact to be known as the national public sector portfolio.

Clause 42(1) states:

“The Minister may make regulations prescribing matters—

It states what the matters are to be. It goes on:

“Regulations made under this section shall be subject to negative resolution of the Parliament.”

As these regulations are made, they have to be laid here in the Parliament and be exposed to scrutiny and if the need arises, negative resolutions can be raised for discussion.

The First Schedule details the terms and conditions of board members. It states:

- “(1) A member of the Board other than the Managing Director, shall hold office for a term not exceeding three years and is eligible for reappointment.
- (2) No member of the Board, other than the Managing Director, shall hold office for more than two consecutive terms.”

This means if a member comes on the board, such a person can serve a second term but then such a person would not have to be considered for a third term, but can be reappointed at a later time if the need arises.

Our experience in recent times in particular has shown that where we have not spelt out in law certain possibilities, ambiguities arise, leading to certain kinds of lawsuits. That experience has caused us in preparing this Bill to draft specific

clauses which will remove all ambiguities as exist in some Acts now. For example, paragraph 1(3) of the First Schedule states:

“The appointment of a person is not invalidated and shall not be called into question by reason of a defect or procedural irregularity in, or in connection with his appointment.”

What this means is that an appointment, if it has some minor technicality, is not invalidated and, therefore, not to form the basis of a lawsuit on the basis that the dot was in the wrong place; not over the “i.”

Paragraph 1(4) states:

“A member who is absent without leave for three consecutive meetings of the Board is deemed to have resigned his membership of the Board.”

Paragraph 1(5) states:

“The appointment of a member may be terminated at any time.”

There was a time when we thought that this was automatic and obvious because the Interpretation Act says that he who appoints has the power to fire. We have seen recently where appointees have gone to court seeking to have as triable issues, the fact that they have been terminated by persons who appointed them. In the case of this corporation, we are putting into the law that an appointment can be terminated at any time.

Paragraph 2(1) states:

“The Minister may appoint a person who is not a member of the Board to act as a member—”

under certain conditions such as during the vacancy in the office of a member. However, that is circumscribed that such a person who may be out of the country or who may be ill, and who is being replaced by an acting appointment, that acting appointment should not continue for more than six months. Of course, that approval is from the Minister. The Minister may have to terminate this appointment at any time.

Paragraph 2(3) states:

“The Board shall pay its members such remuneration as may be approved by the Minister.”

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One reads “Cabinet”, because there are policy guidelines as to how enterprises are remunerated. The Minister accounts to the Cabinet. One should read Cabinet in that situation.

Of course, again dealing with the whole question of resignations and how they should be done, paragraph 5(1) states:

“The Chairman may resign by instrument in writing addressed to the President through the Minister.”

It is made abundantly clear, how a resignation of the chairman should take place.

Of course, paragraph 5(2) states:

“A member of the Board, other than the Chairman and Managing Director, may resign by instrument in writing addressed to the Chairman, who shall cause it to be forwarded to the President through the Minister.”

This detailing arises out of our experience and we are ensuring that we do not create conditions which will replicate current experiences.

The Second Schedule deals specifically with conduct of proceedings by the board. It states that the board must meet not less than once every two months. It states that the board must meet on receipt of a written request signed by no fewer than four members, to convene a board meeting. On the question of the quorum, the quorum of the meeting of the board is five members. It also states that the chairman should preside. In his absence, the deputy chairman and in the absence of both, the members present can appoint a chairman to carry on the business. It states how votes can be resolved and it talks about the board determining the conduct of its proceedings at its meetings as it sees fit.

Paragraph 7 of the Second Schedule states specifically:

“The Board shall provide a signed and confirmed copy of the minutes to the Minister within one week of the confirmation of the minutes.”

Again, current experiences require that we do this, because if there is to be efficient management, timely information is required and it should not be a question of board minutes appearing in dribs and drabs as and when they occur months after the meetings. If a Minister is to properly manage an agency, the Minister has to be informed in a timely manner. The law here states that as soon

as the minutes are confirmed, the board has seven days to get the confirmed minutes to the Minister, who would be properly informed as to what the board is doing.

Paragraph 5 states:

“The performance of the functions or exercise of the powers of the Board is not affected by reasons only...”

that there is a vacancy on the board or that the chairman is out of office. We have seen people go to court and argue that on a board of eight people, one person was not appointed and therefore the board was not valid. We are spelling it out, that in the event of a vacancy being created on a board, the board is still valid and its actions are proper.

Mr. Speaker, this is basically what the Housing Corporation Bill is all about. [Pause] The Explanatory Note is very clear and lucid. It says what we want to do here and it is laid out. When one looks at the assignment to be managed and what we plan to do, one could see the suitability of the contents of this Bill to the assignment. That assignment is that the NHA's mandate—I should now be saying the mandate of the Housing Development Corporation—would be over and above, managing the existing housing estates. There is this mandate to create approximately 10,000 additional units in the coming years. This is meant to alleviate the serious housing shortage that exists in the country. That mandate is for the facilitation of the delivery of affordable and acceptable housing units of the highest quality at competitive prices and to focus particularly on the low and lower/middle-income groups; not exclusively, but particularly.

Another aspect of the mandate of this corporation will be the stimulation of private sector activity in the housing construction sector. Already, we are seeing that we are having that. We are encouraging the private sector resources to be brought to bear on the creation of additional housing units in the country.

We also have as the mandate of the Housing Development Corporation the development of viable, residential communities throughout Trinidad and Tobago and do this in collaboration with other agencies whose involvement and input would be required to create these communities, or to remodel these communities, as the case might be.

Most importantly—I did mention earlier on that the NHA has a portfolio of approximately 14,000 items—what we need to do and what we will be doing is rationalizing and restructuring the mortgage portfolio. We do have the portfolio of straightforward mortgage where a beneficiary gets a unit, a sum is established and you pay the NHA a certain amount of money each month. What we will be doing

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in the coming months and years is that we will be introducing other kinds of mortgage arrangements which have been seen to work in other jurisdictions, where we make the units available through a variety of instruments, allowing persons who cannot afford the traditional mortgage, a number of other opportunities to access and/or own assets in the public sector housing portfolio by way of these various types of instruments. Sometime in the not too distant future, I will go into more detail on that. We are currently looking at that possibility, and we are very excited at the prospects of some of these things.

Next week I lead a team of a couple of our senior officers to look at some of the successes in this area as exist in the United Kingdom, both in England and Scotland, where some very innovative programmes have been in existence for a while and some interesting financial instruments are in use. We are going to look at these things and ensure that we learn from them and bring to Trinidad and Tobago the best of these arrangements that can serve us in our drive to build the housing stock in Trinidad and Tobago and to make housing available to persons across the economic spectrum of Trinidad and Tobago, and most importantly to ensure, as part of the mandate of the Housing Development Corporation that we maintain the units and the communities which we create under this initiative of public sector housing.

Mr. Speaker, as a PNM Minister, I am particularly proud to bring this Bill to the Parliament in furtherance of our objective and our policy of keeping public sector housing as an instrument of national development and the improvement of the quality of life in this country. [*Desk thumping*]

For those who know the PNM and the question of housing, from the time the PNM came into office in 1956, we have taken the position that the housing issue, the whole question of housing people, is important if we have to develop. If you look around our country today, [*Interruption*]

Mr. Ramnath: The crime factory “yuh” building.

Hon. Dr. K. Rowley: I am in the mood to ignore my colleagues. [*Interruption*] I hear the word “ghetto”. They are not going to change.

Mr. Ramnath: Crime factories.

Mr. Speaker: Order!

Hon. Dr. K. Rowley: I have stopped trying to please my colleagues in this House. I know I will please them outside of this House. This is why I do not take them on here.

You may recall, Mr. Speaker, that same voice crying in the wilderness.

Mr. Ramnath: I am not Chandresh Sharma.

Hon. Dr. K. Rowley: That same voice was saying that we were building ghettos. When we came to the House—*[Interruption]*

Mr. Speaker: Order!

Hon. Dr. K. Rowley: When we came to the House and said that among the things we were doing was that we were building houses in Tarouba, the same disparaging comments were made about a housing project in Tarouba. We proceeded with the project and I dare say today, that the National Housing Authority Project in Tarouba is one of the best this country has seen. *[Desk thumping]* Lo and behold, notwithstanding all the disparaging comments about that particular project, when we reached the point of making those houses available to beneficiaries who applied for them, notwithstanding the fact that they were said to be the worst, we have been accused of not making them available to their constituents. *[Desk thumping]* As a PNM Minister of Housing and acting on behalf of the Cabinet and Government of Trinidad and Tobago, I, along with my staff at the NHA and the Ministry of Housing, intend to ignore them and continue to build houses. As we build the houses, we know that is what will be addressing the question of the chronic shortage of houses in Trinidad and Tobago, which the PNM is addressing.

The PNM, going back to 1956—if you travelled around the country, starting in Charlotteville in Tobago as far north as the country goes, you will find public sector housing built by the PNM. You will find in Speyside, Buccoo, Bon Accord, Carenage, Diego Martin, St. James, Port of Spain, Mount Hope, Morvant, La Horquetta, Maloney, Sangre Grande, Chaguanas, San Fernando, Point Fortin and all over Trinidad and Tobago, that there are communities that were built by public sector housing. *[Desk thumping]* PNM policy! It is PNM policy that the State has a role to play; especially now where, as a result of the economic circumstances and the misguided political advice of a previous time, we are suffering a chronic shortage of housing in the country. *[Interruption]*

Mr. Speaker, the Member opposite can say nonsense because he is living in a Petrotrin house, but come outside the Ministry of Housing on any given day and you will see the hundreds of persons who are desperately seeking housing and looking to the public sector for that housing. Come to my office any day and I will show you the letters written in desperation by persons. Mr. Speaker, ask anybody on the pavement of Frederick Street, Chaguanas, Sangre Grande or San

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Fernando what they experience if they do have money and they try to buy or rent a house in Trinidad and Tobago and they will tell you what the housing problem is. We, of the PNM, know what the problem is and this is the solution to that problem.

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

Mr. Ramnath: I wrote 100 letters to you and not one—

Mr. Speaker: Order!

Hon. K. Valley: Mr. Speaker, it appears that an earlier draft of this Bill has been circulated to Members. In view of that situation, I beg to move that the debate on this matter be adjourned and we would ensure that the correct draft is circulated to Members.

ARRANGEMENT OF BUSINESS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that we now proceed with Motion No. 1 on the Order Paper which was last debated on Wednesday, April 27, 2005.

Mr. Ganga Singh (Caroni East): Mr. Speaker, I want to thank the Leader of Government Business for indicating the error that was committed. Having regard to what the Hon. Attorney General said with respect to the package of legislation, it is important, not only that we receive his statement outlining the package of legislation, but that we receive the legislation and have sufficient time to prepare for that debate also.

Hon. K. Valley: I want to inform the Chief Whip that we would start debating the crime legislation on Wednesday. [*Interruption*] Please. We are starting with Bills which are already on the Order paper. I can inform the Chief Whip that Bills Nos. 3, 4 and 5 on today's Order Paper would begin the debate on the crime package.

3.30 p.m.

Mr. Speaker, I want to inform him also that the hon. Attorney General has assured me that the package of legislation would be here today. I would like to circulate them today but, jokingly, I said to the Member a while ago that I would prefer to circulate it on the next day, which is on Wednesday, just to ensure that what we have circulated is what we want to circulate. I think I would like to leave it for Wednesday. I want to assure the Member that the package would not start on Wednesday, but we are starting with Bills which are already on the Order Paper on Wednesday. Okay?

Question put and agreed to.

ELECTIONS AND BOUNDARIES COMMISSION ORDER

[Second Day]

*Order read for resuming adjourned debate on question [April 27, 2005]:**Be it resolved:*

That the draft order entitled the “Elections and Boundaries Commission Order, 2005,” be affirmed.

Question again proposed.

Mr. Speaker: On the last occasion, the hon. Member for Diego Martin East was on his feet. He has 16 minutes left of original time.

Hon. C. Imbert: Mr. Speaker, thank you very much. Mr. Speaker, may I get some indication as to how much time I have left?

Mr. Manning: He just told you. You have 16 minutes left of original time plus 30 minutes.

Mr. C. Imbert: Thank you very much. Mr. Speaker, on the last occasion that we were debating this Motion which deals with the affirmation of the Draft Order entitled the Elections and Boundaries Commission Order 2003, which deals with the June 2004 Report of the Elections and Boundaries Commission, I made the point that, in my opinion, there are simply not enough elected Members in this Parliament to operate a proper committee system.

Mr. Speaker, speaking for myself, as a Member of the Cabinet, at this time, there are a number of committees which Cabinet Members have to attend by virtue of their membership of these committees. The Members opposite would be quite familiar with some of them like the Finance Committee, the Legislation Committee and so forth.

In this House, we have the House Committee of which I am a Member; we have the Commonwealth Parliamentary Association of which I am a Member; we have the Energy Committee and there are several other committees. I am just making the point that as a Member of the Cabinet, one finds oneself as a Member of many standing sub-committees of Cabinet, and as a Member of Parliament, one finds oneself as a Member of many committees of the Parliament.

Mr. Speaker, it is virtually and physically impossible for Ministers, in particular, to give proper service to these committees and, therefore, there is a compelling argument, quite apart from the arguments raised by the Elections and Boundaries

Commission, on the number of constituencies. The EBC has approached this matter from a question of the size of the electorate. The last time there was a change in the number of seats in this House, they had come up with a certain formula which I would go into in a little while. Quite apart from that, from where I sit as a Member of the Government, there are compelling arguments to increase the number of seats in this Parliament so that we could have a proper functional committee system, and proper oversight of government and parliamentary activities.

As I made the point on the last occasion, in my opinion, there should be 50 seats in this House. Forty-one seats are not enough to deal with the issue that I have just raised and to have proper functional committees like the Public Accounts Committee and these new constitutional committees established by an amendment to the Constitution to look at public authorities and so forth.

Mr. Speaker, I have done some research. The fact that we just do not have enough people in this House, it really makes a farce of the whole idea of all of these parliamentary committees, because we just simply cannot attend. If Members of the Cabinet are to attend all these parliamentary committees that they sit on, then they would have to miss Finance and General Purposes Committee, Cabinet and various other committees.

Mr. Singh: Because you do not know what is happening.

Hon. C. Imbert: There is actually a committee—one of these important committees of Parliament—that actually meets on the same day that the Cabinet is meeting.

I did some research on some of the other countries in the Caribbean and I would like to share it with this House. I am dealing now with the question of manageability, about whether we, as Members of Parliament, should have to manage constituencies of 25,000 electors.

I went to Barbados which has an electorate of some 220,000, give or take a few. Barbados has 30 seats and that works out at 7,500 electors per seat.

In St. Lucia, there is an electorate of 130,000 and there are 17 seats; again, that works out to 7,500 electors per seat.

In Guyana, there is an electorate of 560,000 and there are 65 Members of Parliament. They have a proportional representation system, but they have 65

Members in their Parliament, and that works out to an average of 8,500 electors per Member of Parliament, in a huge country like Guyana.

In St. Vincent, there are 90,000 electors in their electorate, and there are 21 seats. There is a ratio of electors per seat of 4,500.

Mr. Singh: No wonder Ralph Gonsalves is across here all the time.

Hon. C. Imbert: Yes, that may be one of the reasons. Grenada has an electorate of 70,000, and there are 15 members of Parliament elected, and the average number of electors per seat is 4,500.

In Belize, there are 210,000 persons in its electorate. There are 29 seats, and the average number of electors per seat is 7,000.

Now, when we go overseas, we see in the United Kingdom, there are approximately 45 million electors in their electorate. These are dated figures, so they may be slightly more. There are 659 seats and the last time I checked it worked out to about 66,000 electors per seat, but there is a huge support system. I do not know if you are aware of the kind of support system that a Member of Parliament has in the British Parliament. The allocations that are given to a British Member of Parliament to run his office, for example, I think it is £500,000 per year—\$5 million or \$6 million—is what is given to a British Member of Parliament to hire staff and to run his constituency office. There is quite a different scenario. With 659 members of which, at least, 330 have to be government, by definition, and you would have a cabinet in the British system with ministers and other officials, that may be 30 or 40. I am not sure of the exact size. So you would have, at least, 290 or maybe even 300 elected members on the government side in the British Parliament, who are not cabinet ministers or ministers and, therefore, they have a huge pool of persons from which to draw to manage and operate a proper committee system.

So, Mr. Speaker, I wish to reiterate the point I made on the last occasion that in Trinidad and Tobago, with the new environment, in terms of parliamentary oversight and where we want to go; in terms of being a developed country; and in terms of scrutiny by the Legislature of the activities of the Executive; I do believe that we should have 51 seats in this Parliament because that would free-up, at least, 20 to 25 Members who could sit on committees and so forth.

Therefore, I support the recommendations of the EBC for that reason, apart from other reasons. I do believe also that we need to reduce the number of

electors that we all have to deal with, particularly, in terms of geography. There are three seats: the Ortoire/Mayaro seat, the Nariva seat, and the Toco/Manzanilla seat which take up one-third of the land mass of Trinidad and Tobago.

If I remember my geography correctly, if you take a line from Matelot and you come down to the Moruga area, along that whole eastern coast, as far as I could recall, those three seats take up one-third of the land mass or, at least, a quarter of the land mass of Trinidad and Tobago, but there are only three Members of Parliament.

Another reason is that in terms of the quality of the representational function, and in terms of the kind of attention that an MP could give to his constituents, I think those constituencies are just too big in Trinidad and Tobago, with the kind of support systems that we have at this point in time, in terms of assisting Members of Parliament.

When one looks at this map, some people have it easy. There are some really small constituencies. There are really two constituencies—

Mr. Manning: Twenty-five thousand electors.

Hon. C. Imbert: —that jump out at you. The constituency of Diego Martin Central is a tiny thing up in the north, as well as the constituency of Port of Spain South which is also quite small.

In South Trinidad, the San Fernando constituencies are really quite small, in terms of land mass. So it is easy for a Member of Parliament in those areas—just from the perspective of walking in your constituency—it is easier for someone who represents San Fernando to walk around his or her constituency in a couple of days than it is, for example, the Member of Parliament for the new constituency of Diego Martin North/East. It might take about a week; including mountains.

Mr. Speaker, when you look at the map and these constituencies—this is the point that I was making—even with the new configuration, Toco, Sangre Grande, Manzanilla, Mayaro and adding Princes Town, that is nearly half the country that is going to be taken up with these four new seats.

So, it begs the question, and we need to encourage the EBC. Perhaps, we need to look at the law. Mr. Speaker, you see, the EBC is constrained by the Election Rules; it is constrained by the Representation of the People Act; and it is constrained by the laws relating to the way they conduct their business, in terms

of determining how many constituencies there should be. Perhaps, it is necessary for us, as legislators, to give them some instructions. By that, I do not mean any sort of interference, but it is time for us to say that there should be no less than 40 or 50 seats, as the case may be, and give them the tools that they would need to come up with a larger number of seats.

Now, let us go to the recommendations themselves. What has the commission recommended? The commission has recommended that there should be an increase in the number of seats in Trinidad. If you go to (viii) of the recommendations, they have recommended that Trinidad be divided into 39 constituencies, and Tobago should remain unchanged with two constituencies.

Now, there was an issue and the Tobago House of Assembly did make the point that they were of the view that there should be more than two constituencies in Tobago. In fact, I think they passed a Motion in the THA to that effect. It would have been complex for us to add a seat in Tobago, because we would have to determine the boundaries and, really, there is no precedent of the Parliament of Trinidad and Tobago dealing with boundaries, rather than simply accepting recommendations of the EBC. So, in order for the Parliament to put in a third seat in here, we would have to determine the new boundaries of the seats. This is why we have asked the EBC committee to deal with this issue raised by the THA very expeditiously in its next report as a matter of urgency.

Again, a case could be made in my opinion. If we are going to make a case in Trinidad to increase the number of seats to 50 or 60, as the case may be, I could see a case being made to increase the number of seats in Tobago to three or four or whatever it is. We need to be even-handed in the way we deal with these issues. We have asked the EBC to deal with the whole question of what to do with Tobago expeditiously.

Coming to Trinidad, what has the commission recommended? The commission has recommended that Trinidad be divided into 39 constituencies and, as a consequence of that recommendation, a number of changes are to be made. Some seats are going to disappear in terms of name. The seats of my colleagues to my right—the seats of Arouca North and Arouca South are gone. These are the recommendations that were made. These constituencies' names no longer appear.

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

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Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Hon. C. Robinson-Regis*]

Question put and agreed to.

Hon. C. Imbert: Mr. Speaker, thank you, and I would also like to thank hon. Members for extending my time.

Mr. Speaker, as I was saying, the constituency of Arouca North is disappearing, as is the constituency of Arouca South. Together with the constituency of Arima—that is what I am seeing so far—I believe some changes have been made to Caroni East as well—some new seats are emerging on the landscape in the East-West Corridor.

Once the Parliament accepts this report, we would now see the new seat of Arouca/Maloney; the new seat of D'Abadie/O'Meara; the new seat of La Horquetta/Talaparo and Lopinot/Bon Air West. So that in replacement for Arouca North and Arouca South—the two seats with a very large electorate—Arouca North had 28,361 electors as of 2004 and Arouca South had 30,066 electors as of 2004. So there are almost 60,000 electors living in the Arouca North and Arouca South constituencies. So, together with the removal of those two seats and adjustments to the constituency of Arima; the constituency of Tunapuna; the constituency of Caroni East; and the constituency of St. Augustine; four new seats have been created in the East-West Corridor namely: Arouca/Maloney, D'Abadie/O'Meara, La Horquetta/Talparo and Lopinot/Bon Air West.

There is one more adjustment of significance that was made in the north. The Diego Martin East constituency is now changed to the constituency of Diego Martin North/East with the introduction of some areas to the north of Diego Martin in the Bagatelle area.

Going down south now, there have been significant and fundamental changes to the constituency of Ortoire/Mayaro. Ortoire/Mayaro has been affected in that the new seat of Mayaro now comprises a significant section of Nariva. So a significant section of the old seat of Nariva now comes into the new seat of Mayaro, and a significant section of the old seat of Ortoire/Mayaro now goes into the new seat of Princes Town/ South Tableland.

In addition, areas in Manzanilla have been taken out from the Toco/Manzanilla seat and put into the Toco/Sangre Grande seat. So along that whole eastern coast, where previously you had Toco/Manzanilla as a seat, Nariva as a seat and Ortoire/Mayaro as a seat, they have now been replaced by four seats: Toco/Sangre Grande where the Manzanilla portion is now out of that seat; Cumuto/Manzanilla which is now a

hybrid between the old Nariva and the Manzanilla part of Toco/Manzanilla; Mayaro which is now a hybrid between Nariva and the old Ortoire/Mayaro seat; and Princes Town/South Tableland which is essentially the Moruga part of the old Ortoire/Mayaro seat and some areas from neighbouring constituencies. So there are now four seats along the eastern side of the country where there were three seats.

In the San Fernando area, the fundamental change that has been made is a new constituency of Oropouche. So, Oropouche now has two seats: Oropouche West and Oropouche East which take in parts of Siparia, Fyzabad, Naparima and so forth.

In the centre of Trinidad now, the seat of La Horquetta/Talparo which has taken significant elements of Caroni East now stretches from La Horquetta which was a major part of the constituency of Arouca South and takes in a whole chunk of Caroni East. So, La Horquetta/Talparo is a hybrid between Arouca South and Caroni East. That seat actually goes very far south. That seat goes from La Horquetta all the way down to meet the constituency of Tabaquite. In fact, it goes down to Chaguanas. From looking at my knowledge of geography, it takes it all the way down to the Talparo area. It even goes further south.

We also have the new seat in that area of Chaguanas East where recognition has been given to the dense population all around the town in Chaguanas. My understanding of the new seat of Chaguanas East is that it takes in Enterprise and areas in that area north of the main road, such as Edinburgh 500 and so forth; north of the business district in Chaguanas at this point in time. It would take in Lange Park and areas like that, from my knowledge of that area. It takes Enterprise, Lange Park and Edinburgh 500 into the new seat of Chaguanas East, and a new seat of Chaguanas West has been created in that area.

Mr. Speaker, there are other changes, but I have listed the fundamental ones. The constituency of St. Joseph no longer goes into the Bamboo area which has been sent elsewhere. So a change has been made there. I think the Bamboo area has gone into St. Augustine, from what I am seeing on this map here.

Mr. Ramnath: That is gerrymandering.

Hon. C. Imbert: That is a change that has been made there. In Barataria, no changes have been made. Not a single polling division has been affected in Barataria.

If we summarize the fundamental changes that have been made with these recommendations they are the removal—if I start on the northeast—of Manzanilla from Toco/Manzanilla; the creation of a seat called Cumuto/Manzanilla which is really Manzanilla and part of Nariva; the creation of another seat called Mayaro which is really part of Nariva and part of Mayaro; and the creation of another seat called Princes Town/South Tableland which is essentially Moruga; and parts of the Princes Town and the Siparia/Naparima seats. That is what happens on the east.

What happens in the centre of the country is that a new seat, Chaguanas East, has been created which is just above the business district in the Chaguanas area comprising Lange Park, Edinburgh 500, Enterprise and so forth.

In the San Fernando area, there are two new seats: Oropouche East and Oropouche West which are created south of the City of San Fernando.

In the East-West Corridor, we have changes to Arouca South and Arouca North disappearing, and being replaced by D'Abadie/O'Meara, Arouca/Maloney, Lopinot/Bon Air West and then you have this long seat that stretches from La Horquetta all the way down to Talparo. Those are the fundamental changes. The EBC has made these changes based on population movements. That is essentially what they have sought to do. They have increased the number of seats in Trinidad from 34 to 39, so there are five more seats in Trinidad. This was based on population patterns, settlement patterns and so forth.

Mr. Speaker, on the last occasion, there was much empty noise about why would the PNM accept this report in the face of the PNM's vocal and public opposition to the membership of the current EBC. The question was asked. The point is that is a superficial argument. One has to look at the effect of what is taking place. While, at least, speaking for myself, I would be happy when those fellows are no longer there, the fact of the matter is when one looks at what has been done in this report, one must be objective. What have they done?

Mr. Speaker, they have increased the number of seats in Trinidad by five; they have changed certain boundaries in south Trinidad, central Trinidad, north Trinidad and east Trinidad, not so much in the northwest part of the country. When one does an analysis based on voting patterns in the 2002 general election, what would happen if one uses the 2002 general election results—

Mr. Singh: Complete with Abu Bakr.

Hon. C. Imbert: If one looks at the actual voting patterns in polling divisions throughout Trinidad in 2002, one sees that it is even-handed. I believe my

memory tells me that the PNM would win, based on those results, 22 seats—20 in Trinidad and two in Tobago. So, in Trinidad, the PNM would win 20 seats and the UNC would win 19 seats. So, there is no advantage, as far as I can see, or no overt or covert advantage that has been given by the EBC to either side by this adjustment of the boundaries. On the face of it, it does not appear that there was any devious intent or any diabolical intent on the part of the persons who did the data gathering and so forth.

Mr. Speaker, on this occasion, we are looking at this based on the merits of what they have done and we have accepted this report. I would be happy when those fellows have departed that office. I would be happy. I understand that the time is coming soon. I would be happy; I would rejoice. The fact of the matter however, is that when one looks at what has been done here, I cannot find any devious or diabolical plot that jumps out at me in the way they have adjusted the boundaries.

All of us who travel around Trinidad and Tobago, and those of us who drive around Trinidad and Tobago, would have been aware of the settlement patterns in the Chaguanas area that have sprung up over the last five years; if one looks at the tremendous development taking place in the greater Chaguanas area—in fact, I was discussing with someone over the weekend that the traffic that exists on the overpass just before Chaguanas—the one that takes you into Charlieville, as you come down the Uriah Butler Highway, there is this overpass that would take you to the PriceSmart Plaza and into Endeavour and so forth on the left, and then you have the Charlieville and the business district on the right—there is a tremendous bottleneck on that overpass. That overpass is beyond capacity at this point in time.

I was telling someone over the weekend that one of the things—while I am in this new job. I am in this thing a long time. For the period that I am there, I was thinking that perhaps we need to double the capacity of that overpass and put six lanes on that overpass—deceleration lanes and acceleration lanes and slip roads and so forth. I am talking about phases and I am talking about now. I am not talking about three years or five years from now. We would probably need a complete grade separated interchange with a cloverleaf design and so forth. I am talking about one of the things that could be done now.

I, myself, in driving down there and going into Endeavour, have found myself stuck in a traffic jam on the ramp—going up and meeting a traffic light on top of an overpass. I mean, this is unusual and, certainly, not appropriate for a developed country. One of the things that I was thinking about immediately is to put six

lanes onto that flyover and, therefore, reduce the amount of congestion, and also a slip road off the highway so that persons do not have to go up to turn left and all that sort of thing.

Dr. Moonilal: That fellow should have resigned a long time ago.

Hon. C. Imbert: All right; calm down. So I am just making the point that because of the fact that there is so much traffic in the area—I was told that the gas station on the other side is one of the busiest gas stations, not just in Trinidad, but in the Caribbean. That is what I was told. Therefore, when I see the EBC create a new seat—

Mr. Singh: It is also a target.

Hon. C. Imbert: —in that area and calls it Chaguanas East, one cannot argue against that. There is absolutely no doubt that the settlement patterns in Trinidad—a large number of persons have taken up residence in what I call the “greater Chaguanas area” which is the area surrounding the physical town of Chaguanas. That is a terminology that is commonplace in the developed world. When one speaks about the “greater London area”, it is simply the suburbs and the environs of the city centre. That is what greater means. It does not mean that it is a great place; it just means greater in terms of the meaning of the word that means larger; but it may be a great place. In fact, it is really a dynamic area in terms of the expansion of business activity.

When one looks at what is happening in the Maloney/La Horquetta and D’Abadie area, again, one sees an explosion of population in that area and, therefore, I could understand the rationale behind creating new seats in that area.

Again, in the Penal area, the area south of San Fernando, that is another area of tremendous activity. So, one understands the rationale for the creation of additional seats in that area. I mean it is logical.

In the eastern part of the country, I would have preferred to see more seats there because of the large land mass. As I said—and I keep repeating, when I look at this map, it jumps out at me—almost half of the country is contained in just four seats: Toco/Sangre Grande/Cumuto/Manzanilla Mayaro and Princes Town. In terms of servicing your constituency, how does an MP do a house-to-house walkabout? It is difficult.

Mr. Ramnath: They are fed up with the PNM.

Hon. C. Imbert: So, again, there must be a mix. You have to look at population density; you have to look at land area; and you have to look at topography. Again, I have made the point that I think my constituency probably has the most mountains in Trinidad barring, perhaps, St. Ann's East, which probably has a few more. In terms of mountains where people live, I would think that when you take into account Paramin and all these areas, I think I have one of the most mountainous populated areas in Trinidad and Tobago.

One just cannot look at a flat map and figure out what is going on. So, in terms of the size of constituencies; in terms of the number of electors in a constituency; and in terms of how many constituencies there should be, we have to balance the whole question of population density, natural topography, ease of transportation and representation and the number of rivers and watercourses and all those sorts of things. That is why I would have preferred to see some more seats in the eastern part of the country, despite the fact that it is underpopulated.

Mr. Speaker, the PNM supports this report. We believe that it was well done. This is not a superficial analysis. We have gone into the numbers; we have looked at the changes in every single polling division where it is located and how it affects voting patterns; how it affects support in the country; and how it affects the likely result in terms of an election. We have also looked at what they have done in terms of boundaries. There will always be arguments that communities are cut off and so forth. By and large, the approach used here has been quite scientific.

Mr. Speaker, for example, let me use the new constituency of Diego Martin North/East. There is an informal community in Diego Martin which has grown up by spontaneous settlement, and that stretches from Bagatelle through Patna into the River Estate, Blue Basin area. That is one area. There has always been an artificial division by way of the North Post Road which divides the communities on the right of the road and the communities on the left of the road, but they are all related—they are commingled and intermingled. The families on the left are related to families on the right; and they are associated with each other and so forth. It is one community; it is one sociological entity that stretches from Bagatelle on the west, all the way through Patna in the middle to Blue Basin and River Estate on the right. It is all one social entity.

When I see that the EBC has decided to remove the artificial division that separated this community and now put it into a new constituency called Diego Martin North/East, I understand the thinking, and this is why I support that kind of thinking in that report.

As I move to close, the point is that when one looks at what the EBC has done in terms of recognizing new population areas in the country and recognizing the Penal area, since that area is certainly emerging in this country—that is the area that I would call “greater Penal”, for want of a better word.

Mr. Ramnath: Which part is that?

Hon. C. Imbert: That is just south and east of San Fernando, where Palmiste is and where Bryans Gate is when you go lower down into that area. I would call that the “greater Penal” area. There is a recognition that more and more people are settling in that area.

Mr. Ramnath: You have NHA houses going up there.

Hon. C. Imbert: Definitely.

Dr. Rowley: Four hundred and fifty houses.

Hon. C. Imbert: We have the greater Chaguanas area—a couple thousand houses are going up there—where more and more people are settling around the town centre of Chaguanas. We have the eastern area—the Arima, Arouca, D’Abadie, Maloney and La Horquetta centre. I do not have a name for it yet.

Mrs. Robinson-Regis: The greater Arima.

Hon. C. Imbert: The greater Arima area. So we have the greater Arima area where people are settling; we have the greater Chaguanas area where people are settling; and we have the greater Penal area where people are settling. The EBC Report is framed in recognition of these facts, that this is where there are new centres of population. They have sought to create seats around these areas, and this is why we support this report. We do not support this report because we are in Government; we do not support this report because we suddenly had a change of heart and we like those fellows now. No way!

Mr. Speaker, in fact, I went through this with a fine-tooth comb to see if I could find any evidence of gerrymandering; any evidence of diabolical plots. I searched it; I went through it in detail, and I found no evidence of diabolical intent and that is why we support it. We do not support it simply because it comes from this particular institution, but we support it because it makes sense, and we commend it to this House for affirmation.

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

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 Wednesday, June 08, 2005 at 1.30 p.m. at which time we would go into Finance Committee, after which, I have indicated that the Government plans to start the portfolio of crime legislation, beginning with what is on today's Order Paper as Bill No. 4; then Bill No. 5; and Bill No. 3 on the Order Paper, in that order.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.13 p.m.