

Leave of Absence

Tuesday, June 18, 1991

SENATE

Tuesday, June 18, 1991

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. Kelvin Khan for the period June 16 to June 22; to Sen. Horace Broomes for the period June 18 to June 24; and to Sen. Robert Amar for the period June 18 to June 22.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I have been advised that His Excellency the President has appointed Mr. Fitzroy Paul to be a temporary Senator with effect from June 17, 1991 during the absence of Sen. Kelvin Khan. I have also been advised that His Excellency the President has also appointed Mr. Guy Hannays to be a temporary Senator during the absence of Sen. Horace Broomes with effect from June 18, 1991.

OATH OF ALLEGIANCE

Mr. President: Hon. Senators, two temporary Senators are required to take the oath of allegiance at this stage, and I invite all to stand while this is taking place.

Senators Wilton Paul and Guy Hannays took and. subscribed the Oath of Allegiance as required by law.

ARTHUR LEWIS, PROFESSOR SIR

(DEATH)

Mr. President: Hon. Senators, we all heard the sad news of the death of the late Professor Sir Arthur Lewis and, quite naturally, Senators from the various parties and groups have indicated that they would like to pay tribute to this outstanding West Indian scholar. I propose to allow Senators to do this at this stage of the proceedings.

The Minister of External Affairs and International Trade (Sen. Dr. The Hon. Sahadeo Basdeo): Mr. President, today Trinidad and Tobago and the international community mourn the passing of one of the most distinguished sons of the Caribbean, Sir Arthur Lewis, who died on Saturday, June 15.

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Sir William Arthur Lewis was born in Castries, St. Lucia on January 23, 1915. He was educated at St. Mary's College, St. Lucia before attending the London School of Economics and the University of Manchester. After graduating from the London School of Economics with a Ph.D., he lectured there from 1938 to 1947. In a long and distinguished academic career, he also lectured at the University of Manchester, the University of London, and Princeton University. He, however, never severed his ties with the Caribbean. He was Principal of the University College of the West Indies from 1959 to 1962, and Vice Chancellor of UWI from 1962 to 1963.

Sir Arthur Lewis was not content to confine his activities to the halls of academia. He attempted to translate his ideas and his theories on economic matters into workable policies for the betterment of the people of the developing world. In this context, he was economic advisor to the Prime Minister of Ghana from 1957 to 1958, having previously been an economic consultant under the auspices of the United Nations to the Gold Coast Government in 1952 and the Government of Western Nigeria in 1953. In our own region, Mr. President, he served as a consultant to the Caribbean Commission in 1949 and as President of the Caribbean Development Bank from 1970 to 1973.

This mix of economic theory and practical application was evident in his numerous publications which included the *Principles of Economic Planning*, published in 1949; the *Theory of Economic Growth*, 1955; *Politics of West Africa*, 1965; *Development Planning*, 1966; *Some Aspects of Economic Development*, 1969; and *The Evolution of the International Economic Order*, 1978, among others.

Sir Arthur Lewis' intellectual eminence was respected internationally, and in 1979 he was jointly awarded the Nobel Prize in Economics for his contribution to developmental economics. It was Sir Arthur Lewis' thinking which led to the emergence of well-known economic policies, such as Operation Bootstrap and Industrialization by Invitation.

We in the Caribbean must be proud of one of our finest sons. But for us in the Caribbean, he had another significance about which we know little. It was Sir Arthur Lewis who contributed immensely to the formulation in 1935, as a member of the new Fabian Research Bureau, of British labour policy towards the Caribbean and the colonial environs as a whole. In fact, it was his publication entitled, *The British West Indies* in that year which was used by the British Labour Party as its

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policy towards colonial development in Africa and the Caribbean. Indeed, his expertise was called upon from time to time even after World War II by the British Labour Party and as a member of the sub-committee of the Imperial Committee on Colonial Questions Arthur Lewis published many treaties on developmental economics as they applied to the Caribbean as well as Africa.

He was an intellectual giant. It was the intellectual ferment which he created that was used as the basis for debate on colonial problems in the metropole of England, Europe, and the developing world.

We on this side of the House, therefore, pay the highest tribute to the man, his ideas, and his intellectual prowess. On behalf of this side of the House, Mr. President, we extend our sympathy and condolence to the family of Sir Arthur Lewis and, at the appropriate time, would like to request you, Sir, to ask Members of this House to stand for one minute's silence.

Sen. Wade Mark: Mr. President, Sir William Arthur Lewis was born in 1915 in Castries, St. Lucia. At the age of 17, he won an Island Scholarship and attended the London School of Economics where he graduated in 1940. Two years after his graduation, he was invited to become an assistant lecturer at the said school. In 1948, he became a full Professor of Economics at the University of Manchester. In 1979, Sir Arthur Lewis won the Nobel Prize, the first Caribbean personality to have accomplished this.

Sir Arthur Lewis was best known for his work on economic development. This work served to shape economic development in many Third World countries.

1.45 p.m.

Sir Arthur Lewis' ideas informed the thinking of most of the emerging independent states. He was economic advisor to many Governments of Africa, Asia, and indeed the Caribbean. He worked with the United Nations as an international public servant and he was also a special advisor to the Prime Minister of the first Federal Parliament.

Sir Arthur Lewis was an intellectual colossus not only in the Caribbean, but the wider world scene. His contribution to Caribbean scholarship will remain indelible. His ideas were misinterpreted by young Caribbean scholars as well as many governments.

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It was in tribute to his great intellectual prowess, whose works have placed the Caribbean on the world intellectual map, among others, that the Economic Association based at UWI mounted a one- day seminar in honour of him in April.

In his efforts to industrialize the British West Indies, Sir Arthur Lewis came upon many hurdles and obstacles, particularly from the colonial forces but he had confidence in the Caribbean people. He saw great possibilities and opportunities for development and transformation.

Sir Arthur Lewis was once economic and technical advisor to the past Government of Trinidad and Tobago and was main architect of the first and second five-year development plans. Let us, as a people, seek to preserve the ideas and works of this great West Indian through the establishment of some appropriate monument, be it a library in his name, a scholarship fund or something that can be appropriately agreed upon.

Norman Girvan, another great Caribbean economist, stated only recently that Sir Arthur Lewis is to the Third World what John Maynard Keynes was to the West.

Sir Arthur Lewis was the first President of the Caribbean Development Bank; the first Principal of the University College of the West Indies; and also the first Vice-Chancellor of the University of the West Indies.

We, on this side of the Senate, record our profound sadness over his passing and extend our condolences to his wife and bereaved family. May this great and brilliant West Indian and Third World soul rest in peace.

Sen. Dr. Krishna Bahadoorsingh: Mr. President, I had the signal honour on one occasion, while I was still a student, to meet the great man, Sir Arthur Lewis. I do recall that while I was in his presence I felt a powerful academic charisma that I cannot say that I have felt in the presence of anyone else whom I have met in my life. It was a signal honour. Given the sentiments which have been expressed so far, it would be begging the question if I were to further indicate that he was unequivocally the doyen of economics in the West Indies as an outstanding intellectual and professor. From what we have read and what we know about him, we know that he is a great man but we also know that he comes from a great family, because there are several other members of his family who have achieved outstanding success.

Mr. President, Sir Arthur Lewis is an inspiration to the West Indies and to all West Indians. He has achieved the ultimate in academic achievement in the world, being the first West Indian from the English-speaking Caribbean to have shared a Nobel prize, and we wish that the landmark which he has created will be followed by other West Indians in other fields, including literature.

The only regret I have is that I did not have the privilege of being one of his students. But as a student in my university, I remember being assigned readings that he wrote and listening to my American professors as they lauded upon this West Indian whom, at the time, I had not met. It was a privilege for me, as a young West Indian student, to be sitting in a large classroom in the United States to know that they were making reference to a West Indian, an area of the world from which I came.

Mr. President, on behalf of the Independent Senators I express sympathy and condolences to his family. I end by saying that the legacy which he would have left in the Caribbean as an outstanding economist at the world level, his writings—and I would predict this—in time to come; like those of Adam Smith; like those of John Maynard Keynes, who was referred to a while ago, and other economists—would be veritable classics in the field of economics.

Thank you, Mr. President.

Mr. President: Hon. Senators, I think quite a lot has been said about the great man. Whatever little I had to say, I think, has already been said. I believe that the entire Caribbean would mourn the death of this outstanding West Indian scholar, whose model for economic development, popularly known as the "Arthur Lewis Model", was Industrialization by Invitation, and it was extensively used throughout the Caribbean as the basis for aid to pioneer legislation by many Commonwealth Caribbean governments in the 1950s. It was also used as an inspiration and guidance for developing countries throughout the world, indeed.

I know that there are many offices that he held and I think they are all enumerated, but I also understand that he was the Deputy Managing Director of the Special Fund of the United Nations at one time. I suppose there are yet even more that we do not know about. In 1963 when he was appointed a professor at Princeton University, he continued in that office until the time of his death. The people of the Caribbean mourn his death because they owe a great debt of gratitude for his tremendous contribution to the economic development of the Caribbean.

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Before I ask you to stand in silence for one minute, while we pay tribute to very outstanding international personalities like the late Sir Arthur Lewis, as we stand in silence for one minute, I also want you to remember a lady whom I do not think anybody here would know, Miss Helena Mann. She was the first maid in the Parliament Department from 1950 to about 1972. On her retirement, she was honoured; the national award was given—the medal of merit, gold. She died recently. She was well in her 80s. She will be buried on Thursday morning. Unfortunately, apart from myself, I do not think any of the members of the staff would even recall her presence because they are all of more recent vintage. She was quite a character, and if you had known her, you all would have loved her dearly.

I ask the Senate and all present, to stand in silence for one minute as a mark of respect to Sir Arthur Lewis and Miss Helena Mann.

The Senate stood in silence for one minute.

1.55 p.m.

PAPERS LAID

1. Report of the Auditor General on the accounts of the Trinidad and Tobago Unit Trust Corporation for the year ended December 31, 1990. [*Sen. Alloy Lequay*]
2. Water and Sewerage Authority Progress Report on Projects under the Development Programmes—April 30, 1990. [*Sen. A. Lequay*]

SPECIAL OLYMPICS CORPORATION (INC'N) BILL

Presentation

Sen. Leonard Bradshaw: Mr. President, I have the honour to lay on the Table a report of the Special Select Committee of the Senate appointed to consider and report on the bill entitled an Act for the incorporation of the Trinidad and Tobago Special Olympics Corporation and matters incidental thereto.

WRITTEN ANSWER TO QUESTION

Industrial Accidents

31. Sen. Wade Mark asked the Minister of Labour, Employment and Manpower Resources:

Could the Minister state how many fatal industrial accidents have occurred in Trinidad and Tobago over the last five years and the precise industries/firms involved?

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Could the Minister outline the total quantum of industrial accidents, their categories and the respective industries/firms involved over the last five years.

Sen. Alloy Lequay: Mr. President, you would have noted that question No. 31 was for a written answer. The answer is available and it will be sent to the hon. Member.

Vide end of sitting for written answer.

ORAL ANSWERS TO QUESTIONS

International Labour Organization

35. *The following question stood on the Order Paper in the name of Sen. Wade Mark:*

Could the hon. Minister of Labour, Employment and Manpower Resources explain the grounds, if any, for the Government's reluctance to accept the vacant Caribbean seat on the International Labour Organization's governing body at the last International Labour Organization's Conference held in Geneva in June, 1990?

Sen. Alloy Lequay: Mr. President, at the last sitting I indicated to Sen. Mark and I would like to indicate to you and hon. Senators, that the incumbent Minister will like to respond to this question himself. He is now attending a conference in Geneva and I seek your kind permission to have this question deferred until his return. I understand that Sen. Mark is quite prepared to accommodate us as he would prefer the incumbent Minister to respond himself.

Caribbean Ispat Limited

(Foreign Exchange)

36. *The following question stood on the Order Paper in the name of Sen. Wade Mark:*

Could the hon. Minister of Industry, Enterprise and Tourism state the precise net foreign exchange contribution occurring to the Government of Trinidad and Tobago made by Caribbean Ispat Limited of Trinidad and Tobago since its lease arrangements took effect in August, 1989?

Sen. Alloy Lequay: Mr. President, the hon. Minister of Industry, Enterprise and Tourism is applying for one week further deferment on this particular question.

Questions, by leave, deferred.

ORDER OF BUSINESS

Sen. Alloy Lequay: Mr. President, before we do Government Business, perhaps, we should take the resolution on page 6.

Question put and agreed to.

SPECIAL OLYMPICS CORPORATION (INC'N) BILL**Adoption**

Sen. Leonard Bradshaw: Mr. President, this is a report of the Special Select Committee of the Senate appointed to consider and report on a private bill entitled an Act for the incorporation of the Trinidad and Tobago Special Olympics Corporation and matters incidental thereto.

Your committee comprising Sen. Neil Bhagan, Sen. Salisha Baksh, Sen. Louise Horne and myself was appointed on Tuesday, April 30, 1991. Our committee held one meeting on Tuesday, June 11, 1991. Your committee examined the promoters representing the organization and from the oral evidence taken, your committee was satisfied as to the facts and allegations presented, and any doubts held by your committee were dispensed.

I beg to move that the report be accepted by the Senate subject to amendments listed in the Appendix.

Question proposed.

Question put and agreed to.

Report adopted.

Question put and agreed to, That the bill be now read the third time.

Bill accordingly read the third time and passed.

NATIONAL TRUST BILL**[SECOND DAY]**

Order read for resuming adjourned debate on question (June 11, 1990).

That the bill be now read a second time.

Question again proposed.

Sen. Haji Ralph Khan: Mr. President, I wish to preface my remarks by stating that a bill of this kind cries out for support; not only the support of a few

parliamentarians who sit here to enact laws, but moreso, for a much more comprehensive and unanimously, acceptable kind of commitment and support by every living creature in this country. In a situation like this, a fully nationalistic and a "universal" type of support and approach is not only essential, but rather absolutely imperative, if we are to anticipate even the semblance of success of such a wonderful concept and plan.

Notwithstanding the honourable intentions of the bill and its protagonists, the noble and lofty ideals, the worthy principles which it represents, however, one might be quite apt to think, and maybe possibly quite rightly so, and to presume and probably also to safely conclude, that the timing of this bill is inopportune. For when taken in the context of a continuous neglect, erosion, rape and wanton physical destruction of our rich, effervescent and historical heritage, not to mention the damage and destruction wrought by the agents of denudation with particular reference to the post-independence era which, despite the abundant and overflowing wealth of this country during the specific period during this era, introduction of this bill now, can quite realistically be categorized as an anti-climax. In other words, this situation is akin to a most classic example of locking the gates to the stable only after the horses have bolted out. In the prevailing circumstances, however, like it or not, one can only be encouraged to adopt the slogan "better late than never".

2.05 p.m.

As a citizen who has endured both the rise and fall of this nation in its many adversities and diversities, to say the least, this bill, on the one hand for multifarious personal reasons, quite naturally arouses my innermost interests. Yet on the other hand, with the persistent and consistent erosion of the moral and ethical standards of the peoples of this blessed land—some of which at times even appear to be orchestrated by larger influential groups representing varying interests—gnawing away at the very basic, economic and social fabrics of our society, this repulsive attitude creates in my mind a very deep-rooted fear, an aura of trepidation and pessimism and a kind of suspicion that prompts me to ask the following questions: Can the objectives of such a wonderful bill be realized by legislation? If not, then what? Can we in this or any other forum in the land legislate in order to regulate the characteristics of human behaviour? Can legislation regulate the degree of one's commitment to patriotism and nationalism? Bearing these factors in mind, therefore, I ask, can this bill then be effectively

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passed so that the intentions of the bill would serve the purposes for which it was legislated?

Whenever we have to deal with legislation of this type, irrespective of the side of the House from which it emanates, the aforementioned are invariably some of the salient and the more pertinent questions and issues which without doubt must be addressed, and addressed without prejudice to anyone. Most of us fully recognize that whether we like it or not, governments would come and governments would go. But as a citizen of this country and as a born Southerner, in particular, generally speaking, one who has for many decades witnessed the dire contempt with which South and Southerners have been treated by previous Governments in the past, despite the fact that the bulk of the revenue of this country is derived from the South from various sources, this to me is a matter of deep concern.

In the interest of time however, I shall, in my contribution, confine my comments to all the places of interest, particularly in the southern districts, mainly because of that particular reason and because of the neglect which I have seen over the years. This I say without any prejudice and I shall try in my contribution to accentuate these areas in order that we might be able to preserve, restore and protect some of the south-based places of interest, the scenes of interest with their own marks of historical significance and the national heritage which quite obviously would fall under the administration and the control of the National Trust if my recommendations are given the credibility which, to my mind, they so very well deserve, whether it is now or in the future.

Following are some of the outstanding historical areas of our national heritage which I wish to advocate should be addressed by this Government. Bearing in mind Mr. President, our depleted economic and physical resources, I recommend the different types of approaches to different areas in the restoration of these places of interest. As I go along, I shall enumerate them one by one.

Firstly, I shall deal with the Palmiste Estate. The Palmiste Estate which is well-known to all of us, has a history that takes us back to the period of the famous Cedula of Population which was an agreement between the last Spanish Governor, Chacon and a French planter from Martinique named Rose de St. Laurent. Others came from France after the French revolution; yet others came from Haiti after the Haitian revolution of 1791.

The British conquest of 1797 then brought a new phase. It witnessed the arrival of the Lamonts, who were largely responsible for the fame that the present holds in history and folklore. They were from Scotland. The estate under which Sir Norman Lamont experimented, consisted of sugar, coconuts, coffee, cassava, ground provisions, mahogany and rubber. Sir Norman Lamont, who was a man of great foresight and a man with an implacable interest in tropical agriculture, was involved in several kinds of joint experiments with the Imperial College of Tropical Agriculture which today, is now known as the Faculty of Agriculture of the University of the West Indies. Upon his demise, Sir Norman Lamont left his entire estate to the then colonial government so that they could arrange for its use in the promotion of tropical agriculture in the island. The colonial government showed no interest whatever in the offer and so it was passed on to new owners.

The Palmiste pasture consists of 40 acres and is a part of the rich heritage involving experiments with a history of three generations of Scottish aristocracy, slave labour and indentured Indians for whom the "barrack system" formed an integral characteristic of their very existence. This pasture could be converted into a natural park, having a rich history of sports and culture, for this is where the cricket field saw the emergence of players such as the famous Sonny Ramadhin, or the famous Spin Twins, Learie Constantine, Oscar Roach, Sonny Beekhee, "Shortie", Samaroo and many others. *[Interruption]* I believe there is absolutely no relationship there.

2.15 p.m.

These 40 acres represent something which we should cherish in perpetuity, for it lends itself to a beautiful botanical garden in South. Sen. Dr. Sampath could give you a great history of that estate, maybe better than I can.

Dr. Rambachan: Mr. President, I just wish to ask the Senator a question. Is he aware that the 40 acres referred to, Palmiste Pasture, is in fact, mortgaged to the National Insurance Property Development Company by the developers?

Sen. Haji Khan: Mr. President, I am not in a position to answer that question. There are so many things done by the Government and so many of its auxiliary agencies of which most of the citizens are unaware. If that is so, however, and attention is being given, well then time alone will tell what progress will be made so that we can follow and see what action is taken.

Dr. Rambachan: Mr. President, on a point of information. Having discovered it was mortgaged, I have approached the National Property Development Company and they have given permission to allow the development of the 40 acres, into a botanical garden. Even at this stage, I am in conversation with the Ministry of Environment and National Service to have a national service programme put into place in order to develop the pasture.

Sen. Haji Khan: Mr. President, that is news to me and probably that is one of the basic, fundamental reasons this Government is losing favour with the public. The public is unaware of the developments of the Government. *[Interruption]* Time will tell, dear Senator. I am not a prophet; I do not want to usurp the function. I do not believe in hypocrisy. Probably if this was revealed to the public, they would have appreciated it and I would not have come here and wasted valuable time of the Senators. It is not one of my characteristics to create mischief.

Sen. Furness-Smith: I am very grateful for the Senator giving way. The National Insurance Property Development Company was mentioned by the hon. Minister, as having lent money for this purpose. I wonder whether he is aware that the money in question is Government's money, as the Senator seems to be under the impression, or the money of the people through the National Insurance Board of which the National Insurance Property Development Company purports to be a subsidiary.

Sen. Haji Khan: Mr. President, you, yourself would recognize that question puts me in a very awkward position. I am not on the Government side and I am not privy to such information. Unfortunately, I cannot answer that question and perhaps with your permission, he could direct the question to the hon. Senator who gave an explanation when I think he might have been asking a question instead; obviously he would like to answer the question.

Mr. President: If the Minister desires to give way.

Sen. Haji Khan: He cannot answer that one, you see. Mr. President, thank you very much.

As I was saying, however, again it comes back to the question of all the taxpayers' moneys that are owed all over in so many different areas and there are so many encumbrances which I hinted about in my last contribution. Where do we find money to do all these things? In my preamble, I asked: How can we possibly

pass effective legislation when we have depleted resources of one kind or the other? I shall move on from that point.

Many of our Senatorial colleagues would possibly find it very strange to hear me bring up certain things here and places of interest of which they have never heard that are very famous places in the South-land. As you know, quite a number of them live in isolation and some live a convenient life. They know what they want, they indulge in what they want and they live the kind of life that they want.

I shall move on to number two. There used to be a very famous tomb in San Fernando which is know as the *Sagrado* Tomb. The *Sagrado* Tomb was at one time a very famous landmark of the city of San Fernando. That landmark used to attract visitors from all over the island, both from near and afar. That was because of its uniqueness. It was the only one of its kind in the country, because of its particular origin. Built by the Spaniards before the turn of the century, it was abandoned and thoroughly neglected with the result that it has since been washed away into the sea. But since the up-to-date history of this legend is readily available to us, can we not erect even a tombstone with a plaque as we do not have the money? Just a tombstone with a plaque to recreate this historical landmark—a landmark of significance. We are saying that we do not have the financial resources but we can do something without resources of that kind. If we can harness the human resources then we can do quite a lot in this country. But the human resources are what cannot be harnessed under the present regime, for one reason or another.

2.25 p.m.

Dr. Rambachan: Mr. President, the hon. Senator speaks about the mobilization and harnessing of human resources. Is he aware of the tremendous harnessing of human resources under the National Self-Help Programme of Trinidad and Tobago. This Programme has been established in 1987 by the Government of Trinidad and Tobago, of Prime Minister A. N. R. Robinson.

Sen. Haji Khan: Mr. President, I realize in the interest of time, I might not be able to make my contribution in the manner in which I am prepared to. So, with your permission, please, if I may by-pass that question, I would appreciate it very much. With that in mind, I shall move on to the next item.

There is something which is known in history as the Big Blood Fight of Marabella. I wonder how many people in this Chamber would have heard or know

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about that. We have historians here, some would know but the majority would not know. It was at the Point-a-Pierre Bridge in Marabella, for the benefit of those who do not know. It was on this site that a duel between the slaves and their masters took place; it was at the Guaracara River that the slaves used to come up in order to get their vital supplies and I am not referring to “Crix”, by the way.

What have we done with places like these? I am not talking about erecting large monuments that take up acres of land and take up all the finances that we do not have. Therefore, this site, in my view, should be recognized and become a permanent part of the struggle of emancipation. We hear so much talk about emancipation which is something that we hear and read about worldwide; we study about it and it is of great universal importance to mankind. Why can we not give things like these one single thought to be able to recreate situations like these so that people would recognize that these are the struggles that we went through to reach where we are today?

I shall move on to number four. I want to make reference to what is commonly known as Strikers Village in Point Fortin. It is my understanding—I am subject to correction—that the name of Strikers Village is due for change by the current Government. [*Interruption*] That will be answered at a later stage.

Sen. Bradshaw: Mr. President, I would like to inform the Senator that the place that was once known as Strikers Village, was never officially known by that name and is now officially known as New Settlement.

Sen. Haji Khan: Mr. President, that is the reason I am bringing up this point. You will get my answer to that. This area today is populated predominantly by thousands of oil workers who have had their origin at the time of the Butler strike in 1946. When they returned from Port of Spain to Point Fortin, they settled in this particular area, resulting in what has now become a very large housing development.

It is being rumoured that a name-change is being contemplated for this village, I am repeating this because you have heard it for yourself. But since this represents the struggle of labour, which is an integral part of the history of this country, and the struggles of the people, there should be no attempt in my view, to seek to change the name of that village because of its historical significance. Rather, we should seek to preserve, and if we are, according to the terms of reference of the bill which is before us for debate, are we seeking to preserve our national heritage or are we sitting here and planning to destroy our national heritage? That is what

we are debating here. You have heard the answer, is that a rational answer? Is that logical? Is that reasonable? Is that sensible? *[Interruption]* “You take it easy, you cannot make Geera.” Empty vessels will always make noise.

So, I shall get back to the duty which I am here to perform. Why should we think of situations like these. Are we thinking realistically when we are presenting a bill like this? I am in support of the bill. I do not want it to be misconstrued that I am against this bill. I am in total support of the bill but I am drawing the attention of the authorities to certain situations that ought to be addressed and looked into as we go along; either building, recreating or destroying the national heritage of this country. That is what I am trying to do.

You have heard me say before in this House, that I live and work in San Fernando. I have made reference to San Fernando before and I shall do so once more. For in my considered view, there is a perpetually growing need for a museum in the city of San Fernando. Who will deny that? There is none to deny that. If I can talk in biblical terms: Who is one to deny that? There is none.

To go further, we had a building in San Fernando which was known as the Norwegian Building, built by the Norwegians who used to visit this country very often in that part of the land and they constructed their own building with furniture of their own designs, kind and type. They loved these shores and they handed over this building with all its contents to the city fathers of San Fernando. But, instead of converting this historic building into a museum, the authorities just transformed it into what is known today as a civic centre. Sometimes, we must ask the questions when situations like these arise: Where are we heading in this country? Are we going forward or are we regressing? Or, are we coming into this Parliament and just talking for the sake of talking to take up time because it is an exercise that must be performed?

The result is that the history of this fine building has been completely destroyed. Its history has been destroyed. But there is one unanswered question of great significance that I am prompted to ask. When that building was handed over to the city fathers, all the antique furniture which were very invaluable, were also donated to the authorities and up to this day, no one has given account or I presume, can give account of where those furniture have disappeared to. They have all disappeared into thin air. That is why sometimes we have to think of giving people a certain degree of authority and we are talking about trust. Although it is a different kind of trust we are talking about, we are talking about

the national trust but where is the trust and confidence to administer the trust that we are talking about, which to me is of paramount importance?

2.35 p.m.

Mr. President, I shall move on to another point.

Dr. Rambachan: Are you referring to the Paradise Civic Centre?

Sen. Haji Khan: Yes Sir.

Dr. Rambachan: Does the honourable Senator have in his possession a inventory of what was handed over before he makes the accusation or the statement which he has made? Has he got an inventory to say that X, Y, and Z were handed over?

Sen. Haji Khan: Time will not permit me to go into the inventory but what I am telling you today and what I am saying is concrete. I have the evidence to say what I am saying. If time permits I will produce this. I am saying this so that you can look into the matter. That is why I am bringing this to the attention of the House. I am mentioning this so that the matter can be looked into.

Mr. President: Let us have some order please! The Member is entitled to say what he wants to say at this stage. If anybody disagrees he will have the opportunity to get up and refute what he has said.

Sen. Haji Khan: I am not imputing dishonesty on the part of anyone here. I am not inferring that anyone here is dishonest. Whether they are or not, I am not saying that.

I am drawing to the attention of the powers that be that there is something wrong and being in authority, the matter should be addressed. For convenience, people always interpret things as they want. As I said in my last contribution, whatever is said on this side is always misconstrued as being, you are on the opposition side, so whatever is said, is said for the purpose of opposing. I am not here for that. I believe in realism.

Sen. Rampersad: Having listened to the statement—and I am grateful to the hon. Senator—are you accusing the public servants of not acting in the proper interest of the residents of Trinidad and Tobago, San Fernando in particular?

Sen. Haji Khan: I believe I have already clarified that point, so I shall move on beyond that.

I was talking about Farallon Island. How many here will know about Farallon Island? This is a small island on the sea coast of San Fernando in the Gulf of Paria, just way off the wharves in San Fernando. There is a beautiful house there which was left generations ago. As a college boy, there were private entrepreneurs who used to take people for boat rides there and make it a thriving business. Today, it has been allowed to disintegrate and we talk about tourism; the Tourism Minister is here, that is why I am talking about these things. You do not get hot when people are telling you the facts that will help. I am telling you things that you could address and make the country better.

I am talking about over 40 years ago. There were outings, excursions and even weddings took place in that building. It was a very famous resort. It was a money-making enterprise. It was a money spinner, a very thriving business. We talk about making money and generating income and we are throwing away money and seeing no money coming in. It is a one-way street. Whilst we are talking about promoting tourism, why can we not give priority to projects like this one which would necessitate only a bare minimum of capital, which would generate income and continue to generate income, whilst at the same time providing the potential for earning, not only local but also foreign income? It is a place of great interest and great historical significance. That is for who knows.

Do you want to waste some of my time?

Sen. Rampersad: Yes please. Thank you very much for giving way. I just want to find out what kind of advice along these lines you gave the former Minister of Tourism.

Sen. Haji Khan: Mr. President, with due respect to you, I have heard you say before, do not go into this House and that House and this Minister and that Minister's business. I do not know if they are trying to set me up here. I will not delve into that area. Deliberately, I shall avoid that kind of scenario. I will not get rough with them. I shall continue with my contribution.

I shall move on now to another area that needs looking into. We always hear about "Moruga fete". People know about Moruga. It is known by another technical name that many here may not know. You hear about the Columbus South Coast Visit, the historical name. *[Interruption]* I do not want to go into all of that. My time will run out just now. We are dealing with very important issues. I would say that because of its historical significance, for 25 years now the people of Moruga have preserved this event with great pomp as we all know, with great

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pageantry and drama. Not only should this event be restored, but in addition, an appropriate permanent fixture should be erected in commemoration of this most significant landmark in the history of Trinidad and Tobago.

This is my recommendation to you. I am not quarrelling with you. I am giving you some ideas you could build upon. I am not against you. I shall move on because time is running out and I see what is happening.

I shall move on now to another area which I believe would be of tremendous interest, not only to the people of this country, but in future it could develop into something of international interest. I will classify that as a Transportation Museum, and I shall explain what I mean by that terminology. Now that the Public Transport Service Corporation has built a new terminal building at King's Wharf in San Fernando, the old Trinidad Government Railway Building should be made into a Transportation Museum. The building is already there; it is the property of the public of Trinidad and Tobago; it is a solid building which was constructed by people who knew what they were doing and can last for many more years to come. If this is done, it is my considered view, that we can bring back the legend of what was known as the Cipro Tramway.

Dr. Rambachan: That is a good point.

Sen. Haji Khan: All the points are good but you see what you like. You only like to hear what you want.

Setting up this Transportation Museum, by utilizing a building which already exists, not where we have to expend a voluminous sum of money which we do not have, to create a structure of that type, but it is already there. It depends on the foresight or the lack of foresight. When you are talking something with sense and people do not listen, how will they know the ideas you are giving them? You see, "when a man knows everything" he does not take any ideas. You are throwing water on a duck's back.

I was talking about a Transportation Museum and it is my considered view that the recreation of such a system would undoubtedly be a tremendous money spinner, since most of today's generations would, out of sheer curiosity, flock to see the system because of its novelty, as well as to share in the past history of the country.

2.45 p.m.

The generations of today do not know what a tramcar looks like, Mr. President, and you will agree with me. Do you not think that this can be a safe, money spinner? But what are we talking about, investing money with no returns? We must think in terms of doing that at times, investing where we can generate some income while we expend money so that we can increase our type of investments in other diverse areas.

Mr. President, I would like to refer to San Fernando Hill briefly. As we all recognize, there has been a tremendous transformation of the San Fernando Hill within recent years. *[Interruption]* I am giving them the kudos, despite the fact that it was done by private enterprise and authorities, but I agree. You see, I am not here to quarrel. But the point, Mr. President, really that I want to emphasize here to the administration is that we should spare no effort in capitalizing on the wide variety of the indigenous orchids found on the San Fernando Hill. These were found by Professor Kenny during his several jaunts during 1988 and 1989. Many of us here will not know that. These are species that have been existing there for very many, many years and they are being left and they will go to ruination again while we are talking here about protecting and preserving our national history and national heritage.

Do we have to spend any large sums of money to protect the plants that are already there and that grow naturally? This is what I am talking about. I am not here to antagonize anybody. I try not to do that because that is not my kind of personality. But these are important questions. These rare species have been in existence for years and years, despite the persistent destruction of the hill and its environs over several decades. The questions are: Who would take up the gauntlet? Whom should we approach? Who would take up the responsibility? We have several authorities: the San Fernando City Council is one, and then, by extension, we have several other authorities, Mr. President, but who would take up the gauntlet? That is the question.

Mr. President: I am afraid the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator's speaking time be extended by 15 minutes. *[Sen. A. Lequay]*

Question put and agreed to.

Sen. Haji Khan: Mr. President, I shall now move on to what might be a more complex area but a much more important area which undoubtedly would add to the historical significance of the whole nation, and that is a permanent exhibition site at Union Park. In my view, Union Park Estate should be acquired by Government and made into a permanent exhibition site. This site can be subdivided into four quadrants, representing the following areas of activity:

1. Historical: This aspect should cater for a museum which would reflect our economic history: for example, our operations in the production of sugar, oil, asphalt, cement and other basic products.
2. Economic: This would be an area used expressly for the purpose of displaying our locally available and marketable manufactured goods and services, marketable both locally and in foreign markets.
3. Human: An area exemplifying our great national heroes and, for example, Adrian Cola Reinzi and Tubal Uriah "Buzz" Butler, and many others, so that our upcoming generations would be able to follow the historical achievements and successes of these giants of the past and be inspired to move forward and to achieve greater successes in their own lives and, by extension, those achievements can redound to the credit and the benefit of the entire society in general. So this is an area where we can serve to inspire our youths further, despite the attempts that are being made.
4. Production: In this area, Mr. President, I suggest that we set up cottage industries. I know the Government has embarked upon that area already. I have given credit to this Government for the things that it is doing when it deserves credit, and I will continue to do so. In my view, cottage industries can be set up here and other local handicrafts could be displayed here; other indigenous type of crafts of various kinds. So at one locality we can have on exhibition an array of products of every type and kind manufactured and offerable by this community, both to the local and the foreign public and markets, and this can serve not only as a great show-piece, but it can, in my view, attract a great degree of foreign exchange, which is an area that we must always be concerned about, particularly in these times of our dependent economy.

I am going over now to what is known to a few of us here as the "Merikin Village" in Moruga. People hear about Fifth Company, Sixth Company, one company, this company; they do not know what it is all about. They do not know

if it is a corporate body or if it is a company running illegally or what, but they hear all these things. So I will try to, in a few words, Mr. President, give them an idea of what it is about in addition to making my recommendation. In so doing, I suggest that efforts should be made to develop the "Merikin Village" in Moruga which is the origin of the Baptist movement established by the American soldiers who stayed behind after the war in 1777, establishing the companies, numbers one to six with the exception of company number two. So this is an important and integral part of our history, and it is an area that we can look into and something be done and something be set up so that we can recreate our history and our national heritage in this area as well.

In conclusion, Mr. President, let me state that my support for this bill, obviously with certain amendments, can be well guaranteed.

Another matter that must be very seriously addressed, however, is the composition of the authority of this National Trust. I daresay that the selection of its members should be made up from the broadest spectrum of people as possible, and moreso, those who are equipped with the special technical know-how and those who possess the special interests and have the communal interests in order to make such an entity a successful one. It should not be left to become the preserve of a bunch of party faithfuls. Thank you very much.

Sen. Dr. Martin Sampath: Mr. President, I had not intended to speak this afternoon, and I shall be very, very brief. It is because I did not want to interrupt certain of the Senators during their speeches that I am rising now so that I could make a few points very briefly.

First of all, I want to point out that a great deal of time was spent in this hon. House speaking about the environment and its possible effect on our national heritage and on the buildings, and so on. Mr. President, I humbly suggest that a great many hours were wasted in talking about the environment, not because there is no effect of the environment on our buildings, I know that there is. But a lot has been said about the environment in this very Chamber not so long ago. Perhaps it is because certain of the Senators sitting on the Opposition Benches were not here at the time when, in fact, I myself and many others discussed the effect of the environment when the Marine Affairs Bill was brought to the House, and so I think they could be excused. But I have been told that *Hansard* is available for these things for reference and, in my humble submission, they could have referred to *Hansard* instead of replicating and duplicating a lot of the debate that went on. It was quite unnecessary.

Sen. Spence: While what the hon. Senator may be saying is true, I think Senators will recall that on that occasion the Minister of Culture, Sport and Youth Affairs stated that the environmental bill had come to both Houses of Parliament. It seems to me that if we are in the position where a Government Minister, a Member of Cabinet, does not know that a bill as important as that on the environment has not come to both Houses of Parliament, it behoves us on every occasion to emphasize as much as we can matters to do with the environment. So I think that the hon. Senator is misplaced in suggesting that we should not have dealt with the environment.

On Saturday last I went to a discussion on the environment and I could not help remembering that intervention on the part of the hon. Minister which certainly horrified me.

Dr. Sampath: Mr. President, I thank the hon. Senator for his very kind remarks, and the only point I am making here is that much more time could have been spent in a debate on the bill and not so much on the environment. But I thank Sen. Spence for his remarks.

3.00 p.m.

However, these hon. Senators in the Opposition were here at the time when I referred to the effect of the motor-car industry on the environment. In fact, I referred to the motor-car industry and its effect on the environment as they are producing corridors of death. I remember making that statement very clearly. Yet, although they were here, they felt it necessary again to refer to the sulphur-oxides and nitrogen-oxides and so on. Again, repetition.

Of course, Sen. Deosaran who is not here today, also referred at length to the environment, but I must say he did it much more elegantly than the Members of the Opposition.

I thank Sen. Haji Ralph Khan for his very kind reference to myself and my interest in forestry and so on. There were many interruptions when he was speaking. Like him, I too, am a San Fernandian. In fact, I was born in San Fernando, and I spent many hours, when I was working at the hospital in San Fernando, trying to locate the spot where I was born in the San Fernando Hospital. My navel string is buried in the San Fernando Hospital grounds and, like him, I have a great deal of feeling for San Fernando.

He is quite right when he refers to landmarks in San Fernando that have now been lost. The way he spoke about the San Fernando Tomb, a wrong impression could have been given. It did not go over the cliff during the regime of the present Government, it went over the cliff since I was a very young man. I remember, with almost tears in my eyes, seeing this noble monument going over the cliff by the process of erosion. Incidentally, the *Sagrado* Tomb has got its name—

Sen. Haji Khan: Mr. President, this is a matter of clarification. Never in my contribution have I implied that the erosion or the tomb being washed into the sea was due to the fault of this Government. I just said it was allowed to happen. Thank you, Sir.

Dr. Sampath: The Senator is quite right, of course. He never said so and I have not said that he said so either. What I have said is that the way it was said, people, in general, could get the impression that it was the fault of this Government. I want to make it perfectly clear, that this was done a long time ago. In fact, it may not be widely known that it got the name "*Sagrado*" because of the leading inscription on one of the tombstones, which I remember very clearly. It started off, "*Sagrado a la Memoria de...*", sacred to the memory of, and the names of the family who were buried there. There were six coffins, which I remember very well. When I was a boy, the bones were actually visible in those coffins; they were lead coffins—I think the Senator may remember them. In fact, I myself am guilty of vandalizing one of the tombs. For some time I walked around with one of the bones from the tombs which I now know to be a humerus, and that is not funny.

Sen. Haji Khan: Do not boast about that.

Dr. Sampath: The colonial government should have been very much more particular about safeguarding these landmarks. As a matter of fact, this is one of the important reasons this Government is making haste to have this bill passed, because of the desecration and the loss of all these things in colonial times and also in the neo-colonial times under the past regime. We are trying our best to rush this so that we can safeguard all these monuments.

Mr. President, there are many things that we have done. The San Fernando Hill was referred to. I think Sen. Khan has told us how nice the hill looks, and I invite everyone present here to visit that hill. That is something which our Government has got going and which is a happy restoration and a happy landmark.

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As a matter of fact, I remember clearly in the early 1950s when at one of the Naparima College Old Boys' functions, our guest speaker was no less a person than Eric Williams. I had the honour of moving a vote of thanks for him, and I made reference to the rape of the hill which was proceeding posthaste, with gay abandon at that time. The hill was being cut down and thousands of tonnes of the material were being removed from the hill. At that function, I had the opportunity of pointing this out and hoping that this landmark would have been preserved. This Government has in fact put an end to that and is restoring the hill.

He has mentioned Broadway. I wonder how many people know why it is a Broadway. It is the tramline that Sen. Khan has referred to. The tramline used to run in the centre and there were two roads on either side. As a matter of fact, as a boy I remember very well seeing some of the old rails sticking up there. I never saw the tramway myself but I saw some of the rails from the tramway still present. The colonial government filled up a lovely cutting where I used to walk from Naparima College to the library, down in the flat; from Broadway right down to High Street. This cannot be done anymore because, in their wisdom, the colonial government filled that in to build the new hospital. To my mind, that should have been left as a landmark, and maybe a tunnel made for passing through.

Flatrock is another site which has been taken over by the Naparima Alumni to keep as a spot there. At present, the Reform factory is being used by the Government, and there are plans to make that into a sugar museum. The Senator did refer to that.

I have a photograph of the old Les Efforts Pond, a photograph which shows San Fernando Hill, and there is a lodge in the background to pinpoint it. That is something which has not been preserved; it has gone. Dr. Robert Guinness who was a friend of mine had a house somewhere there, and he said to me, "Martin, why do you not drop in after the meeting and have a drink with me?" I said, "Where do you live?" He said, "I live at the lowest point of the Les Efforts Pond." He did not need to say anything else. I knew exactly where it was. That place was filled up and made into a housing development. I am sure if the present Government was in power at that time it would have prevented that, and preserved this pond as a landmark.

We, the present Government, have done many things. We have not forgotten that landmarks are to be preserved. For example, the Non Pariel Estate. You have heard of this estate. There was an old plantation house in this estate and Dr. Allen

Sammy, as Chairman of the Board in charge, made sure that he and his team restored this great house, and it is there now for tourists. So, you see, this Government has not been sleeping. The hon. Minister present here has mentioned what we are trying to do about the Palmiste Estate.

I thank the Senator for bringing these things to the attention of the Senate, and I am sure that the Minister will pay attention to this. The actual board that is formed to look after the putting into operation of this National Trust will benefit a great deal from what Sen. Khan has told us, and I hope when the time comes he will put his proposals to them.

In closing, there is one question I should like to ask the Senator and I shall give way to him. He spoke about the establishment of the companies in the Princes Town/Moruga area. I was under the impression that these were not Americans; that these were British soldiers, freed slaves, who were loyal to the British in the American War of Independence and so they were given lands around there. I feel that to call it an American site may be a misnomer, but I am prepared to give way if he wishes to correct me on that score.

Sen. Haji Khan: Mr. President, there is a slim possibility that there might be a historical slip-up there. I cannot say, but I will determine the facts and pass on the appropriate information to the Senator.

Dr. Sampath: Thank you, Mr. President. It is important that in preserving our heritage we should not only take the physical and also the legal steps in passing a bill of this sort, but we should be very careful in our analysis of the historical antecedents of those places.

In supporting the bill, therefore, Mr. President, I utter the hope that it will be supported unanimously. It is a good bill. With that, I leave it to the Senate to support the bill, and hope that we have no one at all voting against it.

Thank you very much.

3.10 p.m.

Sen. Motilal Moonan: Mr. President, I stand this afternoon to support this bill. But before I start, I must mention certain points. I read the bill and understood—if I misunderstood I would like to get an explanation—that the buildings around the Savannah would be given priority or refurbished by someone or some group or that the Government would give money to the people to

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refurbish the buildings. I recommend first that we should refurbish the Red House and then start with any other building. This is the Parliament building, therefore, we must give recognition to that.

As far as I understand, the environment is part of this national trust, therefore, we must talk about the environment at all times. I am of the opinion that the Minister of Youth, Sport, Culture and Creative Arts should also take over the environmental portfolio. Before I go further I want to mention that I am from Rio Claro, and I would like the Minister to pay special attention to Rio Claro and Mayaro, to refurbish some buildings there, and I would give you some reasons. The Minister of Planning and Mobilization, Mr. Winston Dookeran, comes from Rio Claro; the Minister of Agriculture comes from Rio Claro, the Minister of Health comes from Rio Claro/Mayaro; the Speaker of the House comes from Rio Claro/Mayaro; Motilal Moonal, a Senator in this Senate comes from Rio Claro and the father of Robert Amar also comes from that area. Therefore, if you take the percentage of Members of Parliament, you will see that we come from the East. Therefore, we want the Minister to bear that in mind. I would like her to take that into consideration.

We have the court house in Rio Claro; we have a very good old Mandir in Naparima, we have many other little things. I would let her make the choice, but I want her to bear that in mind—I am a little selfish in this matter—and pay special attention to that great area, the East. Even the Amoco people get oil—we survive by energy, the Minister of Energy will tell you—so therefore I am appealing, I am not here to criticize; I am begging her to make sure that she does something in those areas. I am using those words for her to understand. I am not a person to use big words that nobody can understand most of the time and make comments that have to be explained and defined in what angle they are used. I am telling you, specifically, that we want something done in those areas, to remember the heritage and the trust.

I am also saying that we have the pitch lake. The pitch lake is always kept as though it is the Beetham Dump. I would like her to spend some time, money and energy to fix that properly. Not because this is an election year we would pass all these bills and so on and not do anything, I am saying that we should and must do something. I am supporting this bill along those lines. I am sure, as a Minister of that area, she will understand what I am trying to say. The Minister also comes

from the area between Rio Claro and San Fernando, so therefore she is not too far from our group.

One of the things I would like to also mention—I have been to the Nariva Swamp a dozen times and I have been in the Everglades maybe half a dozen times. I would tell you that the Nariva Swamp is a thousand and one per cent better than the Everglades in Miami and everybody talks about the Miami Everglades. We go there. We have to make sure we develop and keep that area in such a good way that people would always go. When they go away, instead of comparing and saying, "We went to the Everglades", they would say, "We went to the Caroni Swamp". There is nothing we see in the Everglades. A tour guide will tell you this and that and everybody will come back and say, "Boy, we went to the great Everglades." One of the most beautiful glades is the Caroni Swamp. The Nariva Swamp should also be developed. This is in the East so we want that developed as a priority.

There is no sense talking in this august Senate and say we will do this, do that and pass laws and so on and nothing is being done. The Government may change or may remain and they would say, "It was not in my time", and we blame each other. It is the people of Trinidad and Tobago who suffer. We are here to support the people of Trinidad and Tobago and our children and grandchildren. *[Interruption]* My dear friend, I would not want to tell you what I am running for, otherwise we may have laughter in the Parliament.

I would also like to see the church in Matelot/San Souci refurbished. I remember I went there in 1946 and that place is something of heritage to remember. We may build a few buildings around the Savannah and everybody will say, "Stollmeyer Castle", and we continue talking about it for five or ten years but, it is still the same way, including the Red House. We do not want that anymore. I would like the Minister to ask for some money; do not talk about it. We talk about self-help, we would get self-help, but the poor people—I think the junior Minister may be able to give us the salary from now on to help renovate the building around here. I can assure that is self-help. We will see about that later.

We would like to see the church in Siparia, called Siparie Mai, which includes all religions, race and colour. If they are Baptist, Hindus, Muslims or Christians, they go there. So therefore, I would like to see them do something very special in Siparia regardless who may be the representative. I am not here to talk about the election campaign, I am here so that the people of Trinidad and Tobago would benefit and they would have the heritage. It makes no sense to let it die and then

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try to put life in it; we must keep it while it is half alive and fix it properly now and not put the blame on somebody else as another government or another person. Mr. President, I am of the opinion that this youthful Minister would not allow that to happen. She has to prove otherwise, then I would say otherwise.

We also have a nice fishing area in Icacos. We have to fix that place. Most of the people from Icacos who go to prison go to get some food, when they are held in Venezuela. So therefore, that is a heritage. We have to make a trust that those boats in which people risks their lives in going across to Bocas to catch a few fish and shrimp, are kept alive, that we, the people of this nation, enjoy. That is what I call national trust.

I would like to make mention about the junior Minister. He said he is the first Minister, but the hon. Prime Minister made sure that he mentioned junior Minister to put in the Ministry of Industry, Enterprise and Tourism, so we consider tourism down the line. If that is so or not, I do not know but I read that in the newspaper, that he is a junior Minister, so therefore I want to repeat that for the records of this Parliament.

Another thing I want to make quite clear, I understand that one of the Senators made a statement here that the hon. Basdeo Panday did not do this and did not do that. It is because of him that the Divali Nagar is there because he is the first person who tried to fight for that land. I am not here to support or make speeches, I am just presenting facts. I said this because Sen. Felix Rampersad said, "What about the Museum, if Basdeo built a Museum." If we are given the opportunity, we would do that, but we do not have the opportunity as yet. It is the Government who has the opportunity and it has the duty to do that at this moment.

Sen. Rampersad: Mr. President, on a point of correction. I want the hon. Senator to quote me properly. I never talked about any museum.

Mr. President: Could you withdraw that remark?

Sen. Moonan: We spoke about museum and he made a comment. I do not know if you remember he made a comment.

Mr. President: He said that you quoted him incorrectly.

Sen. Moonan: At this moment I do not know if I am correct or if I am wrong, but the point is he asked: "Why not call Basdeo Panday?" I am just saying that we were talking about museum. I am of the opinion that I am correct.

Another thing that the Minister should get is an old tram-car and an old engine. We should get all things of 100 years ago and put them into Port of Spain. Trinidad is small and we cannot have three or four different places to put things. Our unborn children of the 21st century would be able to see these things and we in this country would be able to say, "The Minister of Youth, Sport, Culture and Creative Arts created this." When history is written, her name should appear in a positive way.

Sen. Hosein: Would you put a Rolls Royce in the museum?

Sen. Moonan: That is possible before I die.

Mr. President, we talk about heritage, the great men we have and so on, we only praise those people when they are dead, but we must praise some of our heroes when they are alive. I hope the Minister takes that into consideration when she has established the National Trust. Some of our heroes who are alive must be given recognition regardless of their political affiliation. I do not mind what political affiliation they have, they are the people of Trinidad and Tobago. I want you to understand that loud and clear. The people of Trinidad and Tobago have the right, according to the Constitution, to be in any political party and the freedom of the country gives us the right to speak freely, not stupidly, as some of our Members do here.

3.20 p.m.

I want you to note that some years ago—and this is a fact—I asked the last Government not to scrap the railway. I even offered to lease it. I said that if there are wars and tyres and other things become expensive and buses go up in price, the railway would be the only form of rescue. The late honourable Dr. Eric Williams gave instructions to negotiate with me and when we started to negotiate, Mr. Tull, who was then a union leader, said, "scrap the railway and fire everybody and do not give Moonan the railway." These things happen. We are talking about the nation. I do not mind, but today you will see him walking 10 or 20 feet tall as a great man but it is he who closed down the railway. But Moonan wanted it to be alive. I have all the reports, all the documents. If you want it to be sent to this House at any time, I will send it because I am the one who tried to keep it alive.

Mr. President, my duty in this nation is to try to create work and to enhance the improvement of Trinidad and Tobago. Whatever I do, it is not in a selfish way, for myself. I was going to built some apartments and they said, "What are you

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going to do, Sir? Whenever we build these apartments and we take the risk, it is for the people's benefit, I can only live in one. So we suffer from a thing they call jealousy—some of the developers—because some members of the Government instead of seeing you are doing something good for the nation, they are saying, “Ah boy, that fella getting rich.” Some of the debts that we took on, would take 200 years to pay off, from one generation to another, but the people who live in these apartments, and buildings, they are using them today.

All this is part of the National Trust to keep things alive. I am giving the Minister certain information, I am not here to criticize her. Again, I want to say that the junior Minister has a lot of ego. I do not know if he has promised that he will fire the hon. Prime Minister as yet. In some groups he might do that too, knowing him as I do.

In the old days, we were not interested in tourism. Therefore, what we did as a country that love the Caribbean, we allowed the tourism to go to the other islands because we were giving them indirect support. Today, we are hungry therefore, we come back here. That alone proves how we have always loved the Caribbean. So today, when you have a dollar, you manage to help somebody. When you do not have a bread, you do not give the person, you try to grab it. I think the junior Minister must understand the whole concept of our tourism. We are into tourism not because we want to do it, but because we have to do it. I mean, the Prime Minister himself was knowledgeable not to put him as a senior Minister and kept him as a junior. I want you to note that again.

Mr. President, I hope that no one takes what I am saying here as personal. I am not against anybody, I am saying this as a fact of life. This is Trinidad and Tobago and the bill which the Minister is going to pass here today, we, and the children of the future, would benefit from it. Again, I have to praise this Minister. It is the second bill which she has brought here. I do not know her, I met her for the first time on the last occasion and I supported the bill and I am supporting this bill. I think our whole Opposition—they say our whole Opposition does not support—will lend support to this bill because they know and they are satisfied that she has brought a good bill, with these few amendments and improvements. I am available at any time for any suggestions in a private or public capacity to advise. You do not have to take my advice, Madam Minister, but all our views would be able to help you. We all love one country. There is no country that all of us love more than Trinidad and Tobago and I want you to take it in that spirit. When we come

here and we see certain things, we criticize. It is not you that we are criticizing, we are trying to get a point across. This Opposition at no time comes here to oppose, but we come here to make suggestions. I want you to keep this in mind because we all love Trinidad and Tobago. Thank you very much.

The Minister of Youth, Sport, Culture and Creative Arts (Hon. Jennifer Johnson): First of all, I thank the hon. Members opposite, both the Opposition and the Independent Senators for their contributions, particularly Sen. Haji Ralph Khan whose contribution was very honest and very detailed and did show he is a citizen interested in his country and the promotion of our heritage. I also thank the hon. Sen. Moonan for his support. He is always very refreshing and if there is one thing in this Senate that I enjoy, it is Sen. Moonan's presentations.

First of all, I want to remind hon. Members that this bill was introduced in this place some time last year and just to refresh your minds, I would just read a report of the Special Select Committee of the Senate appointed to consider and report on a bill "for the establishment and incorporation of the National Trust of Trinidad and Tobago and for matters incidental thereto. It is a Senate Paper and very short. It reads as follows:

"Your committee was appointed on the 13th February, 1990 in accordance with the provisions of Standing Order 5(1) of the Senate. At our first meeting held on Wednesday, 21st February, 1990, we elected Sen. Leonard Bradshaw as our Chairman.

Your committee held 13 meetings and submitted four interim reports to the Senate on Tuesday, 13th March; Tuesday, 3rd April; Tuesday, 1st May and Tuesday, 22nd May, 1990, respectively.

During the course of our deliberations, we took oral evidence from representatives of the Citizens for Conservation Committee, the National Museum and Art Gallery, and the Ministry of Youth, Sport, Culture and Creative Arts. The names of these representatives are attached at Appendix I.

Your committee also received valuable written submissions from the Citizens for Conservation Committee for which we are most grateful and from Mrs. Claire Broadbridge, curator at the National Museum and Art Gallery and Mr. Peter Harris, honourable Research Fellow in Archaeology, University of the West Indies.

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Despite the fact that it was impossible for your committee to hold more than one meeting per week, there was general consensus that we had to be particularly diligent and cautious in dealing with this bill. As a result, we engaged in an extremely meticulous clause by clause examination of the bill.

Your committee wishes therefore to report that we have completed our deliberations and recommend that the bill be accepted by the Senate, subject to the amendments listed in Appendix G."

And it was signed by Sen. Bradshaw, Sen. Furness-Smith, ex-Sen. Montano, Sen. Amrika Tiwary, Sen. John Spence and Sen. Dr. Martin Sampath.

However, as you realize, Mr. President, the bill lapsed and was reintroduced in the other place and what we have here today is the amended bill with few minor amendments coming from the other place—just three amendments quite minor in nature—and which I think the hon. Senators would have no difficulty in accepting. However, because we have new Senators and because of the antics of the politicians—sometimes I do not like to be called a politician but I have no choice—we have new Senators here today. They have made contributions to the bill which I think are very reasonable and I wish to state that at committee stage, on the advice of the drafters of the bill, I will be accepting certain amendments particularly with regard to the declaration of interest, which we believe will enhance the bill. I will also be moving an amendment related to the increase in the number of members of the council.

3.30 p.m.

First of all, the hon. Leader of the Opposition talked mainly about the environment and while I have no problem with that, because the environment is important—you can pick any subject and talk about the environment; it is easy to bring that in. Actually we were not really talking about the environment but since the hon. Senators have raised certain questions, I propose to deal with them very briefly.

After having dealt with this bill at length, I was a little bit surprised that Sen. Alexander did not—and this was the perfect time to move that the question be put, because we had gone through it. So I was sitting there listening for that question, that the question be put so it would save me the trouble of having to wind up, but I had no such luck.

I think I need to apologize to the honourable Senate for misleading them and it was not intentional. A bill entitled "An Act to provide for the National Environment Authority for preparation, preservation of the national environment policy for conservation, preservation, protection, enhancement of the environment", was circulated. It was circulated, but it was subsequently withdrawn because of the need to make certain amendments. Having read the bill, I was of the view that it was passed. I cannot see what is so horrifying to Sen. Spence that I would just not remember. After all, Sen. Persad agreed with me that the bill was passed. However, that being so, it was not, and I want it to be recorded that my statement that the bill was passed was a genuine error.

However, I understand that the attention of the Ministry of the Environment and National Service is presently focused towards the reintroduction of this piece of legislation in the very near future. Clearly, the environment is not simply the physical, biological system, but can be broadly defined to include the physical, biological, social, aesthetic and cultural conditions which affect the environment, or which are affected by changes in the environment. Given this seemingly, extensive or all-embracing definition, the conduct of environmental matters will, of necessity, involve several agencies in the performance of environmental related tasks. No single agency can perform all the environmental functions that are in need of performance, particularly in this country, where it has been neglected for such a long time. The operational role of the agency charged with the environment and managing the environment, is that of ensuring that all aspects of environment, be they physical, be they social, are taken account of in all stages of planning resource allocation and management.

To answer Sen. Wade Mark's point, insofar as the National Trust impacts on the environment, the question of seeming interlap, is unavoidable and can be minimized through co-ordination between agencies. You will notice that with the amendments coming from the other place, we took into consideration the question of animal and plant life and that has been deleted from the bill. On the question of conservation of wild life, there is a Conservation of Wild Life Act, Chap. 67:01, which deals with the preservation of wild life. Through these regulations, the hunting of specially protected animals listed in the schedules is forbidden. We also have a Forest Act which will deal with certain matters raised by Sen. Mark. He talked about a national park. I have been advised by the Ministry of Environment and National Service that the proposed Forest Resource and National Park Conservation Act which is to be introduced in the Parliament, addresses the

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development of national park systems for Trinidad and Tobago and thereby takes on the broad recommendations contained in the OAS Report.

Notwithstanding that the Environment Bill has not come to the honourable House as yet, we have been taking special interest in the environment and at no time in the history of this country, people have been more aware of their environment. I think, because of the circumstances and because of what is happening all over the world, the knowledge and the information, people are more interested in their environment. We had some time recently, hundreds of young people walking to express their desire to see their environment protected. I am glad that Sen. Ralph Khan, at least, gave us the credit for the work that has been done and which we will continue to do, on the San Fernando Hill.

Mr. President, one of the first things we did—and we had many criticisms for it—was to introduce a ban on hunting for a period so that the wild-life could be regenerated and could be built up because certain studies had indicated that we would have problems if we did not act immediately. We were criticized all over the place, but now people are seeing the wisdom of that. Also, there was the question of the Caroni Swamp. Sen. Khan, I think, spoke about it. That is one of the areas that we are looking into. We have declared the Caroni Swamp to be a prohibited area, thereby restricting entry to permit holders only. The terms of the permit are directed towards conservation and prohibiting noise pollution, the taking of flora and fauna and completely discontinuing the harvesting of oysters. We have taken those decisions. I am very sorry that Sen. Deosaran is not here, because I think his comments were quite unfortunate. I understand from the Ministry of Environment and National Service, that within this year, several persons have been charged for entering the swamp without a permit. The Scarlet Ibis has been declared a protected bird and, therefore, cannot be hunted.

We have good news which the hon. Senators would be happy about. Presently, through the IADB's assistance, the Caroni Swamp facilities will be upgraded as the swamp is earmarked to be a national park. In furtherance of this, a park, headquarters and a visitors' centre will be established. Recreational facilities are also proposed, the establishment of which is considered to be an important phase of the project as it seeks to remove pressure from areas which are sensitive to wild-life habitat.

I spoke about the San Fernando Hill. Also, Sen. Mark spoke about the Aripo Savannah scientific project. By legal notice No.113 of 1987, made under section 2

of the Forest Act, Aripo Savannah has been declared as a prohibited area. This area has been identified to be managed as a scientific reserve and this action in declaring it a prohibited area was consequent upon the uniqueness of the flora. There are flora existing there, such as ground orchids that are endemic to that area.

Dr. Persad: As a matter of information, could the Minister please tell this Senate what are the Government's present steps to prevent the dumping of chemicals and industrial waste into the rivers, specifically the San Juan River and the industrial waste from the Point Lisas Industrial Estate into the Gulf of Paria?

Mrs. Johnson: I indicated that an Environment Bill will be here, as I have been advised by the Minister concerned. I think a full discussion on the environment could wait for that. I do not have the information since the environment does not come under my purview. While we are all responsible in some measure, my Ministry is not responsible, so I cannot answer that question. I feel confident that if you await the introduction of the Environment Bill, the Minister will be able to give you all the answers you request.

3.40 p.m.

Mr. President, I want to clarify one thing that the honourable Leader of the Opposition indicated. I think that while the Sen. Haji Khan and Sen. Moonan were very generous in saying that they do not oppose the bill and there is no mischief and so on, sometimes as they say, show me your friends and I will tell who you are. I do not know if these honourable gentlemen are friends of Sen. Dr. Persad and Sen. Wade Mark because I think it is very mischievous, some of the indications that they have made.

You said it, I have my notes here.

Sen. Khan: Check the dictionary for the work "friend" then you can use it properly.

Mrs. Johnson: I cannot seem to find it now, but the point is that the Senator, the Leader of the Opposition, indicated that the bill was only concerned about buildings, and he went on to say we were only concerned about the buildings around the Savannah. Do you remember saying that? That is far from the truth.

Dr. Persad: On a point of order. I did not say that. If the honourable Minister would check the *Hansard* records, what I said was that the bill seem to have an "undue emphasis" on buildings. That is the point I made, "undue emphasis" on buildings.

Mrs. Johnson: Mr. President, same thing. It means the same thing. You implied certain things by the language that you used. So, you cannot get away from that. Even in the Explanatory Note and also in clause 5 it details the matters that the trust will be responsible for and it is certainly not related to buildings alone and I wish the hon. Senators to remember that and to read it over again. It is not related to buildings alone. I think I will take the opportunity to read it into the records because sometimes we can get carried away and say all kinds of things. The functions of the trust would include:

"permanently preserving lands of beauty or historic interest..."

Where is the building there? That is the first thing, "lands of beauty".

"...as far as practicable, retaining their natural features..."

Then of course we have made some amendments, taking out "conserving animal and plant life". It says at (b):

"preserving and arranging for the preservation of monuments of national, architectural, historic artistic, aesthetic..."

What does that imply? Monuments are not only buildings. You can go into a whole list of items that could be described as monuments. At (c) states:

"preserving and arranging for the preservation of artifacts, furniture..."

So that was a bit of mischief and I was very disappointed in the ex-Sen. Ramchand for taking up on that and not really looking at the bill. Strange enough, that is the part of the former Senator's contribution that went to the press; that we are concerned only with buildings. I would not read anymore but it is there for everyone to see that it is an all-embracing bill.

Now this bill was first conceived as an umbrella bill that agencies such as the museum, environment and all these other agencies would, of course, relate to the bill. But having looked at it, we found—and at the suggestion of the other Senators—that it was quite wide and perhaps would not be possible at this stage to implement some of the conditions and measures in the bill. That is why it is somehow restricted to these areas.

I feel that all has been said, that would encourage the support of this bill. I also want to deal very briefly with some of the things that we have been doing. We have not just sat back, notwithstanding the fact that we had limited finances. You

see, restoration is an expensive matter. Just Friday, in the other place, a question was asked about how much it cost to repair a particular building. We had to explain that the building is part of our heritage and while it was restored and repaired for a particular purpose, it was also kept in mind that the restoration of that building must take into consideration that it was one of our heritage buildings. So that is the reason it was so expensive.

In fact, one of the reasons this national trust has taken so long is that lots of the funding—the UNESCO and all these international funding—they prefer to allocate for purposes of restoration. I was in Cuba last year and I was amazed at the number of buildings that were being restored and I asked, "How come you have all this money to restore these buildings?" I was told, "Well you know, UNESCO has been very generous to us." We in Trinidad and Tobago have lost all the available funding because we did not have this bill enacted.

Just about a month ago, I signed a document giving authorization for three major projects to be funded by an international agency. They are, the Magnificent Seven, the Red House and Fort King George in Tobago. You see, I agree with all that the Senators have said but what has been happening is that you have been having a *vaille-que-vaille* approach. Some people doing this here; there is no proper listing of the buildings; someone wants to do something, fine; he starts something and stops and there is no real co-ordinated effort.

What is the purpose of saying we should have done this and that? I agree, and most of the places that Sen. Khan spoke about, I know them and may I just state that I am a San Fernandian. I was born in San Fernando. So I know all that he is talking about. But there is not even a first step, so everybody went off and did what they wanted to do.

Sen. Mark: Mr. President, I know that the Minister is winding down and I would like her to address three major areas in her closing remarks. First of all, I would like her to indicate to the country whether this Government has any intention of ratifying the UNESCO Convention on the protection of the world cultural and natural heritage which was ratified in 1972; whether the Minister recognizes that there is a distinction between a trust law and law for movable cultural property—to clauses that you have there, and I emphasized a lot on that in my contribution. What has been done about the illegal quarrying in the Aripo area that I mentioned last week?

Mrs. Johnson: Mr. President, the first question I am not able to answer because I think that is a matter for the hon. Minister of External Affairs and International Trade. The question of quarrying again in Aripo, that does not fall under my portfolio and, therefore, I do not know. If he wants to get that answer, I am sure that we would be able to provide that answer and the third question was—

Sen. Mark: The distinction between a trust loan and cultural moveable property.

Mrs. Johnson: You see, Mr. President, I wanted to bring some of the UNESCO documents to which the drafters of the bill and the people at the Ministry had to refer. He was waving very triumphantly his record of the one on Kenya. I should have brought mine to wave too. There were 15 of those available to us. It was prepared by UNESCO and was given to us. We had to decide on what form it would take. We could not argue forever and ever as to what form it would take. I think that the drafters of this bill, considering contemporary matters, have taken the right course that would bring in not only the Government but the people and companies which are interested in preservation.

Also, I would like to say, I was talking about the fact—

3.50 p.m.

Sen. Khan: Since it was very sincere and honourable of you to admit that the money was lost because of the timing of the presentation of the bill, would you agree, as I stated in my introductory remarks, that introducing the bill at this time is one of the serious anti-climaxes of the time?

Mrs. Johnson: I do not agree with the opinion of the hon. Senator because we have talked about how this bill evolved. I talked about it when I was here the last time. We wanted to bring this bill since 1987 but hon. Members would recognize that in dealing with a bill of this nature you cannot be partisan. It is the first time a bill of this nature is introduced and it is far-reaching; that is why it requires a three-fifths majority. Instead of bringing legislation in haste it is better not to bring it until you feel confident that you have the kind of legislation that will meet the specific need. I think we have done well. We have done it in four and a half years.

In closing, I just want to make a few more remarks. I was talking about how expensive it was to restore and to deal with matters relating to your heritage. In San Fernando, we set up a San Fernando Museum Committee and they worked for a full year and presented a document—I think Dr. Sampath was on that committee

or advised the committee at one point—as to the areas they would like to see museums develop. I feel confident that with the coming of this legislation more funding would be able to be accessed because you have the mechanism through which you can use those funds. I feel confident, not only from the Government's source, but also the people of the country who have an interest in this.

The South Museum Bill proposals are there, but of course we did not have the kind of finances with which we could start, but we are hopeful that the form of this legislation which permits borrowing, would also address the question of co-operating with other agencies and they would be able to access funding that we would be able to move faster.

We have also been doing a lot in the field of archaeology. There is an archaeological society at the University of the West Indies and it comes under this Ministry of Youth, Sport, Culture and Creative Arts, and they have done a lot of work. The most interesting one was the Banwaree Trace archaeological find. They have found in that area artifacts that go back hundreds and hundreds of years. I had hoped to give you the exact information, however, I did give it when the bill was introduced originally. The Government has just acquired that Banwaree Trace an archaeological find at a cost of \$60,000.00.

They have been doing a lot of work in Tobago also but we do not have qualified archaeologists in this country. I think we had Professor Boomert who was here for some time and he did quite a lot of work but he had to go back to Holland and we are in the process of trying to find somebody now who would assist in that area. A lot of work has been done in Tobago and also all over Trinidad. While we did not have this legislation, we have identified those areas that are important to our cultural heritage and to our environment and we have been moving on it. This bill will assist in strengthening the measures already taken on matters related to the preservation of our national cultural heritage.

With the amendments coming from the other place and those I hope to propose in committee stage, I sincerely hope that this is one time when a non-partisan approach will be adopted, and that we would have the support of all the Members of this House for the passing of this legislation which is very late and long in coming. That would not be the answer to all our problems but it would certainly be a start to really getting people to acknowledge their heritage; and to encourage people to understand how important they are. When they know about themselves

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then they begin to realize how important they are and that makes for a confident, self-reliant people which we hope would build Trinidad and Tobago.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 8 ordered to stand part of the bill.

Clause 8.

Mr. President: Have you got an amendment in writing?

Sen. Spence: I do not have it in writing, but I referred to it in my presentation. I would like to replace the word "Minister" by "Minister responsible for Town and Country Planning" in clauses 8 and 9.

4.00 p.m.

Mr. Chairman: Sen. Spence, would you repeat that amendment and make sure that the red light for the microphone is on.

Sen. Spence: Unfortunately, my button has been missing for a very long time and it has not been repaired, so I cannot press it. It has been like that for a month. They are all off, I think.

My proposal, Sir, is that in clauses 8 and 9, the word "Minister" be replaced by "Minister responsible for Town and Country Planning". I gave reasons for this proposal earlier on, namely that I do not think that the Ministry of Culture has the expertise to deal with this, and I do not believe that there will be good liaison between ministries and the Government. I have never known there to be and I do not think there will be in the future.

Sen. Tiwary: As far as I recall, although Sen. Spence had articulated that position consistently during the several meetings that the Select Committee held, that position was not accepted. While we appreciate the reasons why Sen. Spence is insisting that this amendment be put, I wonder if he would recall that in the Select Committee when the representations were made, I do not believe they were accepted.

Sen. Spence: Yes, I do recall, Mr. Chairman. I am merely being consistent. I think it is an extremely important point. I think we will get into trouble if we do not accept it, but of course, the majority will rule. I want my point to be on record.

Sen. Tiwary: He will therefore accept the Government's position. It is really the position of the majority of Members on the Select Committee which had really gone into the details of this bill and, therefore, we do not wish to accept that.

Mr. Chairman: Could we have some silence in the public gallery, please! You are making it difficult to hear what is taking place in Committee.

Question put and negatived.

Clauses 8 to 11 ordered to stand part of the bill.

Clause 12.

Question proposed, That clause 12 stand part of the bill.

Sen. Mark: Mr. Chairman, we have moved an amendment to clause 12(2), which reads:

"The Council shall consist of four elected and three appointed members, except that the first council shall consist of seven appointed members."

The proposed amendment is that the following words be added to the end of the subclause:

"who shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition."

Mr. President, this bill before us is extremely important as the Minister has emphasized, and we believe because of its nature, it should be as non-partisan as possible. Hence, we believe that it is necessary to have this kind of provision in an effort to avoid any kind of development that could reek or smack of the kind of politics in such an important piece of legislation.

I want to remind you, Mr. Chairman, that there is precedent for the President appointing people. We have it both in the proposed bill that is coming up very shortly, Namdevco; we have the Telecommunications Authority where the President is also appointing people, and I believe that the Minister should really take up a hard-line position on this particular issue, bearing in mind that she has already asked for the total support of this Senate because she is of the view that

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we should view this matter as non-partisan, and I think, for instance, that this is a good opportunity for her to put her money where her mouth is on this matter.

So I suggest very strongly that in the interest of the trust and in the interest of this piece of legislation, we avoid any political controversy or confusion and allow the President to do the appointing, in consultation with the Prime Minister and the Leader of the Opposition.

Sen. Furness-Smith: Mr. Chairman, this is at first sight, an attractive idea. I remember it was first raised in a major way at the Independence Conference of 1962 at the Queen's Hall. Everybody was looking for a vehicle which would take sensitive matters out of the hands of the politicians. We were looking for—in those days it was the Governor-General—somebody who could be up above there who would protect us all from the machinations of the politicians. Now, in the end the Constitution did provide for certain very limited functions to be performed by the President or the Governor-General, after consultation with the Prime Minister and Leader of the Opposition, but those were constitutional matters, matters like the appointment of the Judicial and Legal Service Commission.

Although I sympathize with Sen. Mark, and I appreciate it coming from one with political ambitions to limit the powers of the politicians, I submit that the idea is misconceived. If we are to be an independent nation as we are, we have to give the responsibility to the elected representatives through the Ministers. They have to take the responsibility. If they make a hash of it, there is recourse every five years or so. They have to be made responsible. I submit that many of the problems which the country is having is because the founders of our Constitution in 1962 perhaps went too far in withdrawing the responsibility from the politicians. So that we have today, I understand, grave difficulties with the Public Service Commission. The Government which has the responsibility for running the country cannot make the decisions which it has to make with respect to personnel because they are taken care of by a constitutional body. I submit, Mr. Chairman, that although attractive, this idea should be firmly rejected, and a matter of this kind, which I quite agree the Minister, whoever it is, should not act in a biased or political way. She should exercise her responsibility and choose people solely for their merit, and we will judge her by the way she acts in a case of this kind, by choosing people on their merit and not for political purposes, but that we should not accept this idea of taking responsibility away from Ministers and putting it into the President's hands because we will be undermining our democratic institutions.

Dr. Persad: If I may, I think the hon. Senator missed the point. We are not trying to take away any power from the politicians. What we are trying to do, what we are proposing is that all politicians get involved. This is a matter of national heritage. The Constitution provides that the Leader of the Opposition is a Government post, a constitutional post, and we are saying that if you really mean what you say about not being partisan, we should include all parties, all politicians, and this is our approach. It is not meant to exclude politicians or abrogate their powers. I think the Senator is missing the thrust of the amendment.

Sen. Mark: Mr. Chairman, there is precedent for it. Now I understand what Sen. Furness-Smith is advancing in terms of the constitutionality of certain interventions on the part of the President, but there is in fact precedent for the President appointing people. I am saying that we have the Namdevco Bill coming up very shortly and the President is appointing people. So it is not a question of an invasion; it is not something new. It exists. We are saying, because of the nature of this particular piece of legislation, let it continue in this particular area, because we know that the politicians are elected and they have to be held accountable and responsible for their stewardships. No one is arguing that point. But because of the nature of this particular piece of legislation, we feel that the President of the Republic should have some intervention, and we believe that the Prime Minister and the Leader of the Opposition should also be involved in this exercise.

4.15 p.m.

I see absolutely nothing wrong with that particular proposal, given the nature of the legislation that we are dealing with at this time.

Sen. Spence: Mr. Chairman, I was just going to say the same thing that Sen. Mark has said. For example, at CARIRI it is the President who makes the appointment. There must be numerous boards in which the President makes the appointment. It is no big deal.

Dr. Sampath: Mr. Chairman, Sen. Spence is quite right. There are numerous boards but the fact is that in many of those boards the President makes the appointment on the advice of the Minister, so there is a difference here. There are very few agencies in which the President makes appointment after consultation with the Prime Minister and Leader of the Opposition. There are not many at all—I do know there is a list but it is a very short list—most of them are on the advice of the Minister.

Dr. Persad: Mr. Chairman, could the hon. Senator indicate why he is averse to having the President consult the Leader of the Opposition?

Dr. Sampath: I am not averse to anything. I am simply pointing out what the facts are in this case. We have to use our judgement as to which boards and which agencies require that high level of consultation. That is all we have to do here. I am very open-minded.

Sen. Furness-Smith: Mr. Chairman, quite frankly if we are going to accept this there will be all sorts of appointments. One would say, we have accepted it for the National Trust, why not for this; why not for that; electricity; everything? I ask the Opposition to really reconsider this matter. If it is just the President—well, that is a form of words because the President means the Cabinet and we are saying we want the Cabinet rather than the particular minister. I do not agree with that. We want the particular ministers to exercise the responsibility for their ministries, not as at present where everything has to go to the Cabinet. That is something which is undermining the Constitution. We certainly do not want it to be the President, it must be the Minister.

Dr. Persad: Mr. Chairman, I find it strange coming from the Senator. In his refusal to consult the Leader of the Opposition he adopts a position in which the party at base takes all. This is a democracy. A party at base cannot take all. This is the position he is advocating. I am surprised.

Sen. Alexander: Mr. Chairman, I do not think that enough attention has been paid to the manner in which the permanent council will be constituted. It will be constituted of seven members, four of whom will be elected by ordinary members of the Trust and this is where you would get your balance. All those who are interested in the work of this organization will join and will be entitled to elect four members, and the Minister will appoint three. I do not see anything wrong with that. I do not see why the Opposition should be consulted to appoint three members on a National Trust. This is not a constitutional organization.

Sen. Tiwary: Mr. Chairman, I urge that the positions advanced by Sen. Furness-Smith, as well as Sen. Alexander, be commended to hon. Senators. In particular, I am heartened that he has pointed out where we have the appointment being made by the President; in effect, it is the President on the advice of Cabinet. I think that what the Opposition and Professor Spence are advocating is that we go with the provision as under the Constitution. I am supporting Sen. Furness-Smith's proposal that the requirement for consultation between the Prime Minister and the

Leader of the Opposition has been specially put in the Constitution when one is appointing the very commission set up under the Constitution. The nature of this bill is somewhat different from that, and I am of the view that we should leave the Minister with the power. I take the point made by Sen. Alexander that when the council is being selected there are four elected members—and there is a proposal to be put by the Minister that the four elected members be increased to five elected members and the three appointed members be increased to four appointed members—so when one talks about the council itself, the larger number of members on the council will come from the elected body. So that the fears expressed by hon. Senators really are not well-founded and I urge them to support the Government in leaving it as is. I wonder whether Sen. Mark, in those circumstances, would be prepared to withdraw his amendment.

Sen. Mark: Mr. Chairman, I feel very strongly about this particular amendment. As I keep emphasizing, the vote on this bill should be non-partisan. There is absolutely nothing fundamentally wrong with the proposal that is being advanced by the Opposition to have this particular amendment made for the purposes of this particular piece of legislation. We are not saying that this is going to be a standard practice. For the purposes of this bill, we are suggesting that the thing be allowed to function in a manner that would reduce controversy and political confusion as far as possible. I stand very firmly and the Opposition is very strong on this particular amendment.

Mr. Chairman: I believe that all who wanted to express their views have done so. Unless anybody has a different point of view not yet expressed to put forward I would put the question that clause 12 be amended.

Sen. Tiwary: Clause 12.

Mr. Chairman: You do not want to do both together. The principle is the same.

Sen. Tiwary: Do them separately.

Mr. Chairman: There is a request to take them separately, so we will deal with the amendment to clause 12 (2) proposed by Sen. Mark that subclause (2) be deleted and substituted by a new subclause (2) as contained in the amendments circulated.

Question, on amendment, put and negatived.

Mrs. Johnson: Mr. Chairman, clause 12 (2).

Mr. Chairman: Do you have an amendment?

Mrs. Johnson: Yes.

Mr. Chairman: I understand that the Minister has an amendment to propose to the very clause 12(2).

Mrs. Johnson: Mr. Chairman, in clause 12(2) substitute the word "five" for the word "four", and substitute the word "four" for the word "three" at the end of the first line, and substitute the word "nine" for the word "seven" in the third line. It should now read as follows:

"The Council shall consist of five elected and four appointed members except that the first Council shall consist of nine appointed members."

Sen. Alexander: Mr. Chairman, will there be a consequential amendment to subclause (7)?

Mrs. Johnson: Yes, the quorum, of course, will be five members.

4.25 p.m.

Sen. Mark: Mr. Chairman, the Minister, apparently, has some amendments but we are not privy to them at all, apart from her speaking on the mike. We would like to have them in writing. The amendments have not been made available to the Opposition.

Mr. Chairman: Can we defer consideration of the amendments? The amendments have not been circulated.

The amendments proposed by the Minister to clause 12(2) are as follows: Substitute the word "five" for the word "four", and substitute the word "four" for the word "three" at the end of the first line, and substitute the word "nine" for the word "seven" in the third line. If the amendment is accepted, the clause would now read:

"The Council shall consist of five elected and four appointed members except that the first Council shall consist of nine appointed members."

Mrs. Johnson: Mr. Chairman, the reason for that is, after further examination it was found that the work of this council would be very, very comprehensive particularly in the first two or three years, and with a council of seven it is likely

that people would be out of the country and they would not be able to function effectively, but with the council of nine it gives them wider scope.

Sen. Mark: Mr. Chairman, I am wondering if the Minister did not give consideration to the actual composition of the council. In other words, who are the people apart from the chairman and secretary? Who are these people who are going to make up the council—particularly the appointed people? Did the Minister give consideration to that issue?

Sen. Tiwary: Subclause (4) states:

"The Minister shall appoint the appointed members of the Council, one at least of whom shall be a member of an association having special interest in the purposes of the Trust."

Sen. Mark: Do you think that is adequate?

Sen. Tiwary: I have looked at it. Are you now submitting that it is not adequate?

Sen. Mark: I am saying, for instance, it should be a little bit clearer in terms—

Sen. Tiwary: What are you proposing?

Sen. Mark: I do not have a specific amendment but I was wondering if the Minister did not give consideration to being a little more specific in clause 12(4) so that—

Mr. Chairman: The amendment proposed by the Minister is that clause 12(2) should be amended to read as follows:

"The Council shall consist of five elected and four appointed members except that the first Council shall consist of nine appointed members."

Question, on amendment, put and agreed to.

Mr. Chairman: There is an amendment by Sen. Mark to subclause (4).

Sen. Mark: Mr. Chairman, having regard to the previous position by the Senate, logically it follows that the ayes would have it. I want to honourably withdraw.

Amendment withdrawn.

Mrs. Johnson: Mr. Chairman, because of the fact that the number of members on the council has now been increased, it seems reasonable to increase the numbers, and to take account of Sen. Mark's suggestion that in subclause (4) instead of at least one member of whom shall be a member of an association having special interests in the purposes of the trust, we increase that to two.

Sen. Tiwary: So the second line of that amendment should read:

"The Minister shall appoint the appointed members of the council, two at least of whom shall be members of associations having special interest in the purposes of the Trust."

Would that satisfy Sen. Mark?

Sen. Furness-Smith: Mr. Chairman, I am sorry, I did not quite understand that. We are now having five elected members. These associations are members, there are also individual members who will be able to elect—I am just wondering whether, out of the Minister's four, if she would have to find two out of those associations, whether she is not restricting herself somewhat.

First of all, the proposal the Minister has made is a most extraordinary proposal from an elected Minister in this Parliament. It is quite without precedent that I have heard of anybody who, though reluctantly, describes herself as a politician, handing over power to anybody or a commission to selected people. That is not what politics has been about in my experience in Trinidad and Tobago. I commend her most whole-heartedly. I draw that to the attention of the Opposition who have been trying to suggest that there are political motives in this, that and everything else.

Having said that, what I am concerned about is that this body which will be exercising public meetings in the public domain; it is not going to be a private matter, it is going to be a public matter and I am concerned that it could get into the hands of private citizens who are hostile or whose interests are personal in some way. Remember the Government—however some of us may dislike it; whichever it may be, in fact we may get very irritated with the Government—is responsible, under the Constitution, for governing the country.

We have an election every five years which decides what kind of government it is to be and from then on it is responsible. I am very chary of seeing little bits of responsibility whittled away for the same question as the Constitution does not. This is quite a novel situation where we can have decisions being made by this

National Trust which has political implications, and the Minister could say, "Look, I have no control over it. The people's Parliament, appointed a commission under which there is a council with five elected people and four appointed by the Government. Of the four, two have to be from associations. Really, I have no control, I am not responsible." It would be just like in the last Parliament when Minister Jacelon was answering a question about—I think it was about \$150 million distributed by the Central Bank to certain finance houses. I do not know whether Sen. Moonan was among them, it may have been. We were asking him questions and he said, "Look, Central Bank is an independent body, it is supposed to be independent, the Minister does not control the details of the bank", which to my mind was utterly wrong when \$150 million of Government's money was at stake. This can have the same kind of results. I am very concerned that the Minister—If we had five elected and four appointed by the Minister, then I think the Minister can make sure that there would not be a disaster, if you put it that way. She would be able to balance whoever is there in an appropriate way. But I want her to have the power to be able to do that balancing act to prevent confusion.

Dr. Persad: Mr. Chairman, in the National Trust Act, 1907 of England, the council has 50 members; 25 are elected from annual meetings and 25 are appointed from the trustees of the National Galleries. I would just call out a few of the non-political appointees: the President of the Royal Academy of Arts, Trustee of the British Museum, President of the Royal Society, President of various universities, none political, none appointed by any Minister.

Is the Senator saying that if a Minister does not appoint, as in the case of the British experience, that it has been bad?

4.35 p.m.

Sen. Spence: Mr. Chairman, I think it is very dangerous to compare this proposed body with the British National Trust. It is a point that I made during the debate. In the United Kingdom the National Trust does not have the powers that we are giving to this body. That is the whole point. We have created a different sort of animal. I do not think that is the sort of animal we have created but that is what we have done. So I have to support Sen. Furness-Smith, not in his desire to control the Central Bank, I may say, but on his point about this bill, namely, that since we are giving it powers to list with the approval of the Minister and so on, I think it very important that we also give it strong ministerial input so that the minister can be held responsible.

Sen. Moonan: Mr. Chairman, I endorse that but I want to mention that we should put Sen. Furness-Smith at the head of that team.

Mrs. Johnson: Mr. Chairman, at all times in executing a bill of this nature, one should bear in mind that there are not very many people in this country whom you can really define as having special interests in this kind of activity. I think one must be sure, above all, that the person has the capacity, the interest and, of course, the expertise. Also, if a Minister has to appoint from organizations, the Minister does not have to appoint anybody sent by the organization. The Minister can reject that person on particular grounds.

I think I am inclined to go with it. Of course, while you want to have a certain kind of ministerial control or whatever, I think the entire bill focuses on allowing the citizens, to some extent, to be very influential in this kind of legislation. So I do not see a problem.

Sen. Mark: Mr. Chairman, on the question of the appointment of four persons, in my contribution I made it very clear, and the Minister supported the view, that there is going to be overlap taking place and there is going to be some system established that will smooth out the possibility of duplication and overlapping. I do not want to get involved right now in the numbers game, in terms of 9, 15 or 20—but it was made very clear that the Town and Country Planning is going to be affected by this new bill.

Whilst we cannot determine which are going to be the four organizations to be appointed by the Minister, my view is that there are sufficient forces in Trinidad and Tobago—not one or two, but both in terms of Government ministries and agencies and also non-government organizations—that have taken an active interest. There is a whole list, like the Field Naturalist Club, the Wild Fowl Trust from south, the Historical Society, the Architectural Society. There are a number of organizations—I do not know if they are only on paper or if they are functioning—which have an interest in conservation and preservation in our cultural and national heritage.

Mr. Chairman: I think we can put the amendment as proposed by the Minister to clause 12(4).

Question, on amendment, put and agreed to.

Sen. Tiwary: We have an amendment that the quorum of the council shall be five instead of four members.

Mr. Chairman: There is a consequential amendment proposed to clause 12(7) that "the quorum of the Council shall be five members instead of four members."

Question, on amendment, put and agreed to.

Clause 12, as amended, ordered to stand part of the bill.

Clauses 13 and 14 ordered to stand part of the bill.

Clause 15.

Question proposed, That clause 15 stand part of the bill.

Sen. Mark: Mr. Chairman, I have a new clause.

Mr. Chairman: Let me explain before I go further. Sen. Mark has a proposal for a new clause 15. The procedure is that any proposal for an entirely new clause must be taken after all the other clauses of the bill have been disposed of and before the Schedules of the bill are taken. If it had been a new clause to replace an existing clause, we would deal with it. Does the Minister have an amendment?

Sen. Tiwary: Yes.

Mr. Chairman: We will have to leave that to the end.

Clauses 15 to 29 ordered to stand part of the bill.

New Clause 15

Sen. Mark: Mr. Chairman, I propose a new clause 15 which reads as follows:

- "15 (1) A member of the Council who is in any way, whether directly or indirectly, intended in a contract or proposed contract with the Council, or on any other matter whatsoever in which the Council is concerned shall declare the nature of his interest at the first meeting of the Council at which it is practicable for him to do so.
- (2) A member of the Council shall not participate in any deliberation or decision of the Council with respect to any contracts or any other matter with which the Council is concerned in which he has a pecuniary interest, whether directly or indirectly.
- (3) For the purpose of this section, a member of the Council shall be treated as having an indirect pecuniary interest in a contract or proposed contract with the Council, or in any other matter with

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which the Council is concerned if he is a director, shareholder, partner or employee of a company or other association of persons that is a party to such contract or proposed contract with the Council.

- (4) A member of the Council who fails to comply with the provisions of this section is guilty of an offence and is liable on summary conviction to a fine of two thousand dollars unless he proves that he did not know that a contract or proposed contract or other matter in which he had a pecuniary interest was the subject of consideration of this meeting.

New clause 15 read the first time.

Question proposed, That the new clause 15 be read a second time.

Question put and agreed to.

Sen. Tiwary: Mr. Chairman, the Minister wants to propose something instead of Sen. Mark's proposed new clause. The advisor to the Minister has the appropriate form of declaration of interest which is contained in another legislation. It appears to say the same thing.

Sen. Alexander: It has not been circulated.

Sen. Tiwary: I know it has not been circulated but—

Sen. Mark: Mr. Chairman, I would like to see the new amendments before I could agree to anything.

Sen. Tiwary: Mr. Chairman, the hon. Members are very correct and we apologize for this lapse. But may I point out if you would assist, and if we can get through the bill this afternoon and use Sen. Mark's proposal as a guide, there has been some adjustments to that in order to come with the final product.

Mr. Chairman: I suggest that we take a break now. We will have copies made and circulated during the interval and we will resume.

The committee would suspend its business for half an hour and we will resume at 5.15 p.m.

4.47 p.m.: *Sitting suspended.*

5.15 p.m.: *Sitting resumed.*

Mr. Chairman: Let me explain. There are limited copies but some more will be presented shortly. Sen. Mark, Sen. Persad and Sen. Furness-Smith have copies. I can read it for those who have not yet gotten copies. The new clause proposed by Sen. Mark has been revised to read as follows:

15. (1) A Member of the Council who is in any way, whether directly or indirectly, interested in a contract or a proposed contract with the Council, that is the subject of consideration by the Council, shall declare the nature of his interest at the first meeting of the Council at which it is practicable for him to do so.
- (2) A Member of the Council shall not vote or participate in any discussion on any question in respect of any contract or proposed contract with the Council in which he is in any way interested, whether directly or indirectly.
- (3) Any person who fails to comply with the provisions of subsection (1) is liable on summary conviction to a fine of two thousand dollars."

Sen. Mark: Mr. Chairman, I think that the proposed new amendments cover adequately, the initial amendments as proposed by me. I would want to believe that it was probably a genuine oversight on the part of the Government not to have included this particular clause in the bill. I have no difficulty with accepting the proposed amendment and I have no problem with withdrawing mine and allowing the new one to take its place.

Sen. Lequay: I thank Sen. Mark for that generous gesture and also for having brought it to our attention.

Sen. Furness-Smith: I have no difficulty with this, but one would like to see some unanimity of language in the various bills establishing these commissions. It so happens that I was glancing today at the new bill put before us, "The Telecommunications Authority Bill", and I noticed that it has quite similar: short, simple, straightforward language, but there is no provision there for a summary offence. Quite frankly, I doubt very much whether it is good policy to have "failure to observe these things" made an offence. It should be a matter for illegality and

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possible strictures and criticism, but to be able to bring the person before a Summary Court as a criminal when he has forgotten to mention something like that, I personally find it inappropriate.

Of course, there could be intentional failure, which would be really, a more serious matter, in which case it should be jail. But it could so easily happen that something came up at a meeting and you forgot that your wife could be said to have an interest indirectly and you are guilty of an offence. I would like to research as to where this precedent came from and whether it is standard in our laws to have it created an offence.

5.25 p.m.

Sen. Tiwary: Mr. Chairman, at a first glance, our adviser pointed out that the NAMDEVCO Bill has a similar provision and that was amended in a certain fashion and taken from the original Central Marketing Agency Act, Chapter 68:01, section 11 which provides for declaration of interest. Now the language is slightly different. But subsection (2) provides that:

"Any person who fails to comply with the provisions of subsection (1), is liable on summary conviction to a fine of one thousand five hundred dollars unless he proves that he did not know that the contract or proposed contract with the Agency was the subject of consideration at the meeting."

Sen. Furness-Smith: That language is not being repeated in clause 10 of the new bill.

Sen. Tiwary: This language that we have here in the proposed new clause 15 is similar to that in the proposed NAMDEVCO Bill.

On the point about whether it should be made an offence, I suggest to Sen. Furness-Smith that it is a serious matter whether or not a member who has an interest fails to disclose that interest and it is a matter for the House to determine whether a sanction for breaching this clause ought to be imposed in the law. Of course, I agree that if somebody has made an oversight, it should be dealt with differently than somebody who has intentionally done so. But the fact that the law should provide the sanction, I feel is desirable, but as to whether a prosecution

ought to be instituted or not would be left to the authorities, bearing in mind what the circumstances are.

Sen. Alexander: Well, I do not know that it should be left to the authorities, particularly when you are speaking about an indirect interest. People are indirectly interested in things without knowledge that they are so indirectly interested. The way this clause is phrased, it is strict liability. Once it is proven that you are indirectly interested, with or without your knowledge, you are liable to be prosecuted and as far as I recall, in subclauses such as (1) and (2) which you will find in articles of association of companies, there is a lot of learning as to where and how a person becomes that indirectly interested in a matter.

Sen. Tiwary: However, what about if we suggest an amendment to subclause (3) to include "knowingly" as an ingredient of the offence?

"Any person who knowingly fails to comply..."

Sen. Furness-Smith: I do not know where Sen Mark got his precedent from but he has got the language here: "...unless he proves..."

Sen Tiwary: Well, part of that language is similar to what is contained in the Central Marketing Agency Act and I can read the rest of it which states:

"...is liable on summary conviction...unless he proves that he did not know that the contract or proposed contract with the Agency was the subject of consideration at the meeting."

That is the language that Sen. Mark has got here. So section 11 (2) of the Central Marketing Agency Act provides:

"Any person who fails to comply with the provisions of subsection (1), is liable on summary conviction to a fine of one thousand five hundred dollars unless he proves that he did not know that the contract or proposed contract with the Agency was the subject of consideration at the meeting."

Sen. Furness-Smith: I do not understand that language. I mean, that is Sen. Mark's language.

Sen. Tiwary: I am suggesting whether we should not make “knowledge” an ingredient of the offence and if you would consider the proposal “that any person who knowingly...” Is knowingly appropriate there? I know Sen. Alexander can assist us.

Sen. Alexander: I would prefer the language in the Central Marketing Agency Act.

Sen. Tiwary: "...unless he proves that he did not know that the contract or proposed contract with the Agency was the subject of consideration at the meeting."

Sen. Mark's language, reads:

"...unless he proves that he did not know that a contract or proposed contract or other matter in which he had a pecuniary interest..."

Sen. Alexander: So the onus is on him?

Sen. Tiwary: Sen. Alexander, were you suggesting an amendment?

Sen. Alexander: I was just saying that I am agreeing with the creation of a summary offence within the context of this bill since you have elected members of the council. But in a situation where you have appointed members who could be removed by the Minister or the appointing authority, I will have greater difficulty in agreeing that it should be made a criminal offence.

A person may directly or indirectly be interested in a contract, he participates in it, he discusses it but he does not get the contract. Will you pull him before the court? Since he is elected and he cannot be removed—

Sen. Furness-Smith: What is worrying me in Sen. Mark's language in which he states: "...the subject of consideration..." presumably at the meeting. I find it is something that one would really wish to have a little research on.

Sen. Mark: I am getting the impression that Sen. Allan Alexander is willing to go along with section 11 (2) of the Central Marketing Agency Act.

5.35 p.m.

Sen. Furness-Smith: Sen. Tiwary's suggestion that any person who knowingly fails to comply with the provisions is liable on summary conviction, I believe that will probably give the magistrate the opportunity to do substantial justice. Just how it would work out though, in any particular case, is difficult to foresee.

Sen. Tiwary: We are really trying to provide some kind of sanction where a person who knows that he has an interest in some matter which is being discussed fails to disclose his interest. But I believe the original provision of the CMA says, “unless he proves that he did not know that the contract or proposed contract was the subject of consideration.”

I do not feel that we really intend to provide for mischief. What we intend to provide for is that in the instances where a matter is being discussed, a person who has an interest, withholds that interest, he is liable unless he proves that he did not know that he has an interest in that matter.

I am suggesting that we add at the end of a fine of two thousand dollars”, the words “unless he proves that he did not know that he was interested whether directly or indirectly in the matter under consideration by the Council”.

Sen. Alexander: I would say, “...that he was interested...”

Sen. Tiwary: “that he was interested in the subject of consideration at the meeting.”

Sen. Alexander: “...that he was interested in the contract or the proposed contract”.

Dr. Bahadoorsingh: I hesitate to delve into this discussion. I would feel very uncomfortable to be put in such a position. I feel as if I am living in France whereby I am deemed guilty and I have to prove my innocence on a particular matter.

I would think that Sen. Tiwary's first suggestion to put “knowingly” in front of “fails” ought to cover what we are trying to do which, as far as I understand as a layman, is more consistent with the British oriented laws that we have in this country. What we are trying to do is to deem the person guilty and let him prove his innocence which I do not think is consistent with our legal culture even though precedence may be there for it elsewhere.

Sen. Tiwary: What Sen. Alexander had been pointing out is that if we include the word “knowingly” it will mean that will be an ingredient of the offence and if somebody is being prosecuted for failing to disclose his interest, the prosecution must prove that person knew he had an interest. Now, that is a very heavy burden to know what is in somebody's mind.

On the other hand, we are looking at the mischief.

Sen. Furness-Smith: It is quite a usual provision where circumstances implied you should have done something but you are allowed to say, "I did not know".

Sen. Tiwary: I am going to read the proposal I had before:

"...fine of two thousand dollars unless he proves that he did not know that he was interested in the contract or proposed contract, the subject of consideration at the meeting."

The last part is taken from the CMA Act itself—

"A person who fails to comply with the provisions of subsection (1) is liable on summary conviction to a fine of two thousand dollars unless he proves that he did not know that he was interested in the contract or proposed contract, the subject of consideration at the meeting."

5.45 p.m.

Sen. Lequay: Mr. Chairman, we received a call with a wording that satisfies it.

Sen. Tiwary: Mr. Chairman, the new subclause (3) reads as follows:

"Any person who fails to comply with the provisions of subsection (1) is liable, on summary conviction to a fine of two thousand dollars, unless he proves that he did not know that he was interested in the contract or proposed contract, the subject of consideration at the meeting."

Mr. Chairman: Members of the committee, the amendment proposed is the amendment that was circulated after the suspension and by adding, at the end of subclause (3), the words:

"...unless he proves that he did not know that he was interested in the contract, or proposed contract, the subject of consideration at the meeting."

Question, on amendment, put and agreed to.

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

Question put and agreed to.

New clause 15 added to the bill.

Mr. Chairman: The next question is that the existing clauses 15 to 29 be renumbered as clauses 16 to 30, respectively.

Question put and agreed to.

First Schedule.

Sen. Spence: Mr. President, may I ask for an explanation of "family membership" in the First Schedule? It does not seem to me to make sense, because if you are a three-member family, you are paying \$100, so you had better join as individual members. If you are a four-member family, that is the same as the family membership, \$100. Surely, it should read "more than four members" and not "less than four members." Otherwise, it really does not mean anything at all.

Mr. Chairman: Which rule is that in?

Sen. Spence: It is in paragraph (3). *[Interruption]* That is the idea, I presume, that you pay less for a family.

Sen. Furness-Smith: Is the Senator interested in increasing the population?

Sen. Spence: No, not my family. There are only two. What is the point of joining as a family in this case?

Sen. Furness-Smith: What is the authority?

Sen. Alexander: Clause 14.

Sen. Furness-Smith: Oh, it does not mention the First Schedule.

Sen. Alexander: The Second Schedule...

Sen. Furness-Smith: Which is a different thing. Could the Minister draw to our attention the authority?

Sen. Furness-Smith: Wait a minute. Clause 4(1), yes, right. All right then.

Sen. Spence: Mr. Chairman, if my proposal will take a half an hour, I will withdraw it.

Sen. Furness-Smith: There seems to be an inconsistency between clause 4, which establishes the National Trust, and its rules which are set out in the First Schedule, which are general rules akin to articles of association and which can be amended from time to time by special resolution passed by the members and approved in writing by the Minister. And then clause 14:

"Subject to this section, the Council may with the approval of the Minister make rules for the following purposes—

(a) custom, management and alteration..."

I have no objection to that. They are a different kind of rule. But then it continues:

(b) "generally for the conduct and regulation of the affairs of the Trust and relative to any matter or thing whatsoever which may in any way concern the sound administration of the Trust."

which seems to impinge on the First Schedule.

Sen. Lequay: Clause 29 sets out the right to challenge it.

Sen. Furness-Smith: It is a little confused, is it not?

Sen. Tiwary: Could I say on clause 14(2):

"Rules made by the Council shall be submitted at the next general meeting of the Trust and if approved by the General Meeting shall be re-submitted for the approval of the Minister and such alteration shall take effect only on such approval."

I wonder if Sen. Furness-Smith will agree—if you look at clause 4(3): Rules of the Trust may be amended from time to time by a special resolution passed by the Members of the Trust and approved by the Minister."

So in respect of the rules of the trust which are made by the council, they must also be approved at the next general meeting and then resubmitted for the approval of the Minister. So I am respectfully suggesting that there really is no contradiction in terms.

Sen. Alexander: What about the regulation of the council? There is nothing in the rules with respect to procedure to be adopted by the council, the council may never meet.

Sen. Mark: This is why, Mr. Chairman, I am wondering, on reflection, whether the proposed amendment is properly placed. I am wondering because if the rules can be changed, you see moneys are going to be voted by Parliament for this trust, part of the funds are going to come from the taxpayers of Trinidad and Tobago, apart from the fund-raising drives, and there should be some clause in the bill itself that would make it mandatory for this council to meet to conduct the affairs of the trust. I am reflecting whether this thing is not improperly placed, because I am putting it in the area of the schedule under the regulations, but this really should be a clause in the bill itself.

Sen. Tiwary: Look at clause 29. I am not sure I am following you. It says,

"The Council may with the approval of the Minister and subject to the affirmative resolution of Parliament, make such regulations as are necessary or convenient for the purposes of this Act, but the regulations set out in the Second Schedule attached hereto shall take effect until altered in accordance with the section."

So that the first regulations are set out in the second schedule. Is Sen. Alexander agreeing with my interpretation of clause 29, that the first set of regulations—

6.00 p.m.

Sen. Alexander: Yes, but I also agree with Sen. Mark, that at least minimal procedural provision should be enacted for the functioning of the council and that should be in the bill itself. There is nothing either in the bill or in the so-called regulations, and I do not think the procedural regulations for the council could be properly placed in regulations made under clause 14.

I think the better thing might be to adjourn and reconsider that matter because it is fundamental.

Sen. Tiwary: Take the Minister's advice on that. Sen. Alexander, if you look at clause 12, now there may be need perhaps to expand clause 12 and to include a provision mandating the council to meet a certain number of times.

Sen. Alexander: Yes.

Sen. Tiwary: If that would satisfy it, perhaps we could allow the Minister some time to formulate the appropriate amendment. Clause 12 deals with the council itself, and it may also include a subclause dealing with the conduct of meetings.

Sen. Alexander: Yes. If you look at clause 6 of the NAMDEVCO Bill, you will see provision there for—

Sen. Tiwary: Sen. Mark, were you saying something else?

Sen. Mark: I am saying that it is too fundamental an issue to leave in the regulations. I agree with what you are saying, and I also support what Sen. Alexander said, that if you look at clause 6 of the NAMDEVCO Bill, you will see where the procedure and meetings of the corporation are set out, and maybe we can take a page from this particular bill. Whether we put all or we put part of it, is not an issue here.

Sen. Lequay: When we come to debate that bill I hope you do not ask for an amendment to that.

Sen. Mark: Not at all.

Sen. Tiwary: Mr. Chairman, may I just enquire whether Senators would be prepared to consider Sen. Mark's proposal to add a new subclause (9) and his proposed amendment is:

“The Council shall meet once every month and such other times as may be necessary or expedient.”

Is it possible to incorporate that as clause 12(9) now in order to obviate the need for coming back here? What I am saying is that if we could use that format we could agree on the meetings now. We can suggest once every quarter.

Sen. Furness-Smith: I suggest at least once every quarter, and the words, "and at such other times" should be inserted.

Sen. Tiwary: We have that in it. I am just going to read what is the proposal here. It states:

"The Council shall meet at least once every quarter and at such other times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such time and place and on such days as the Council may determine."

We can include that as clause 12(9).

Sen. Alexander: Would it not be tidier to make that subclause (8) and make the present subclause (8), subclause 12 (9)?

Sen. Tiwary: Yes, I agree with you. Mr. Chairman, we are suggesting that—

Mr. Chairman: Do you prefer to say at least once every three months instead of at least once every quarter?

Sen. Tiwary: Okay. The proposal is that this should be included as subclause (8), and that subclause (8) should now be subclause (9). So that the new proposal is that clause 12(8) should read:

"The Council shall meet at least once every three months and at such other times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such time and place and on such days as the Council may determine."

Sen. Mark: In the regulations, I am not too clear so maybe you can guide me. If the chairman wishes to call a special meeting, or if he is requested in writing to do so, is that covered in the regulations? If the chairman wishes to summon a special meeting or he is requested to do so—I am asking the question; I have not looked at the regulations properly.

Sen. Tiwary: If you look at page 22, 10(3) states:

"On receipt of the requisition the Council shall forthwith..."

So the council may hold meetings.

Sen. Alexander: That is for the trust.

Sen. Tiwary: I see.

Sen. Mark: You see, I am dealing with the council here. There must be procedures to keep that council active otherwise you are going to have—

Sen. Tiwary: These are meetings of the trust.

Sen. Mark: Yes, well the trust has to be active, and apart from just saying that it is going to meet once every quarter and at such time as may be necessary, there has to be some additional procedures in order to ensure that the council functions. I am reflecting on the NAMDEVCO Bill here and I am saying under clause 6 there are about five provisions in order to deal with the procedure and meetings of the corporation, and I am wondering if we could not borrow something from this in order to ensure that the council functions properly. As far as I am concerned, this thing will be inadequate if you only put a provision which deals with the number of

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meetings that it will have. In other words, there needs to be further procedures in an effort to ensure that—it is using taxpayers' money, you know, and this is where I am very concerned. If it is private funds they can do their own thing, but when it comes to public money you have to keep that council under scrutiny. They must meet and they have to meet according to set procedures.

Sen. Tiwary: Sen. Mark, are you sure that these remarks are meant for Senators here, or should they be disseminated elsewhere?

Sen. Mark: No, no. I am dealing specifically with members—

Sen. Tiwary: I see. Obviously, you did not look at the television last night.

Sen. Furness-Smith: Quite frankly, I am not entirely happy with the schedules. The committee did not look at them closely, but I know they were carefully prepared by somebody. As in all these things, as the trust gets going, they are going to find that they need some amendments and so forth, and there is provision here for them to be amended. If necessary, the Minister can come back with a resolution to Parliament, and except for Sen. Mark's point, I do not think there will be any difficulty in making the necessary changes. There may be a lot more than what he has identified, I suspect, but I may be quite wrong.

6.10 p.m.

Sen. Tiwary: I wonder if against that background, Sen. Mark would be prepared for us to take the amendment with regard to the meetings of the council and in applying clause 29 as it is now, which provides for other rules to be made—these are only the first rules and thereafter once it gets going, we can then add to them comprehensively for the other matters which you want to provide.

Sen. Mark: Sen. Tiwary, I would have a difficulty with that kind of expediency. In any event, you may have a situation where, in order for the trust to function properly, they would probably have to come back here for the Minister to get affirmation through resolution. But in terms of the procedure and the meetings of the trust, I do not think we should leave it to chance. In other words, we must put into the bill now, the procedures for meetings. We just cannot leave it the way it is. It is half finished.

I am saying if they have to come later on, by resolution, for further amendments, let them come, but for purposes of this bill, why not complete the picture in terms of that specific section? I am concerned about public money and

this is why I am emphasizing that we should try, as far as possible, to make it complete. I do not think we should rush it. It has taken a long time to come, let us, at least, put some meat to it so that when it leaves the Senate as law, it could last for some time and not be brought back to Parliament. Why not accept the proposals being advanced, go back to your draftsmen, organize, and come back next week when we can have it passed, or extend the sitting of the Senate until 9:00 p.m.?

Sen. Tiwary: Shall we go along with it?

Sen. Mark: Mr. Chairman, I am not a legal person; I am just interested in ensuring that we have proper procedures. I am being guided by legal luminaries on the Independent benches. I want it on record that I stood very firm on this matter. In an effort to allow this bill to get through—we are talking about expediency as far as I am concerned—I would be guided by my legal luminaries on this issue. I really feel strong on this matter, but if for the purposes of expediting matters and having the bill—

Sen. Tiwary: Expediting is different from expediency, and he knows that.

Mr. Chairman: We are considering the First Schedule and there is an amendment by Sen. Mark at the bottom of the list of amendments proposed, to insert a new paragraph (4) to rule seven. After discussion it has been agreed that this will be better placed in clause 12. I need your consent to reopen clause 12.

Clause 12 recommitted.

Mr. Chairman: We can now put the amendment proposed, that clause 12 be amended by renumbering the existing subclause (8) as (9) and inserting a new subclause (8) immediately after subclause (7) to read as follows:

- (8) The Council shall meet as least once every three months and at such other times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such time and place and such days as the Council may determine."

Question put and agreed to.

Clause 12, as amended, ordered to stand part of the bill.

Mr. Chairman: We are now back to the First Schedule.

Sen. Mansoor: Mr. Chairman, I do not know whether you expect to deal with these regulations one at a time, but regulation No. 9 of the Schedule—

Mr. Chairman: We are dealing with the rules under the First Schedule.

Sen. Mansoor: Rule 9 (2)(b) states:

"make a copy of the Report and of the Accounts..."

I think there should be provisions for the accounts to be audited accounts, so I suggest to the Minister that the language should be: "make a copy of the Report and of the audited Accounts..." Alternatively, you could say, make a copy of the report and the Auditor's Report thereof, because there is provision for an audit to be done but there should be provisions for audited accounts to be presented at the annual general meeting.

Sen. Tiwary: Clause 19 provides for audited accounts.

Sen. Mansoor: Yes, I know there is provision for an audit, but there must be provision for the audited accounts to be presented at the annual general meeting. That is standard.

Mr. Chairman: Rule 9 2(b) will be amended by inserting the word "audited" immediately before the word "Accounts" in the first line.

Question, on amendment, put and agreed to.

Mr. Chairman: There is an amendment proposed to Rule 3(b) by Sen. Spence, that the words in brackets next to family—"not exceeding four", the word "not" should be deleted.

Question, on amendment, put and agreed to.

Sen. Mansoor: Mr. Chairman, Rule 11(4) where the duties of the treasurer are spelt out, (e) is a rather extraordinary obligation that is being put on the treasurer. There are many provisions in the previous rules and in the earlier part of 11(4), for the signing of cheques and so on, but in 4(e), the treasurer and any other member of the council can sign, what are called, withdrawal forms. That is a rather strange

provision in 11(4)(e), and I really think it is quite a spurious provision. If you look earlier, there is provision that the chairman or the vice-chairman and the secretary sign disbursement vouchers but in (e) we are giving the treasurer and any other member of the council, the right to withdraw moneys from accounts. I do not understand the reason for that provision. It is contrary to what you have established earlier on. Perhaps, (e) should be dispensed with.

6.20 p.m.

Sen. Tiwary: I am wondering if there is not a distinction. First of all in (b) where the treasurer is required to pay liabilities when he is so requested by the chairman and the secretary.

Sen. Mansoor: I cannot fathom the distinction. It just seems that (e) gives the treasurer and any other member of the council the right to withdraw funds. It should be deleted.

Sen. Tiwary: I am only enquiring, I am afraid it is not my speciality.

Sen. Mansoor: I think your controls are defined there. I have no problem with that.

Sen. Tiwary: I am just enquiring whether you would not consider that paying liabilities is slightly different from signing withdrawal forms for moneys deposited.

Sen. Mansoor: I consider it to be the same thing.

Sen. Mansoor: Are you suggesting that (e) be deleted?

Sen. Mansoor: Yes, I think so.

Sen. Tiwary: Sen. Mansoor, can we enquire who is being given the authority to sign withdrawal forms?

Sen. Mansoor: On the assumption that a withdrawal form is a cheque, it would seem that the treasurer and any other member of the council can sign a cheque. That is under (e).

Sen. Tiwary: Who is authorized to do so? Why are you saying that we should not have that provision?

Sen. Mansoor: Because under (b) you will only write a cheque presumably when you have a liability of some kind. Under (b) you are saying it must be the secretary and the chairman. I do not understand what (e) is all about.

Sen. Tiwary: I thought there was a distinction where the secretary and the chairman would request the treasurer to pay liabilities and then in (e) he is then authorized in conjunction with any other council member who has that authority, to withdraw moneys. Will there not be instances where he will be required to withdraw moneys not necessarily to pay liabilities?

Sen. Mansoor: I would hope not.

Sen. Tiwary: I am afraid I do not understand the language properly. Are you saying then that there is no need for (e) at all?

Sen. Mansoor: I do not think so.

Sen. Tiwary: Do other Senators have views on this?

Sen. Alexander: I agree with Sen. Mansoor.

Sen. Tiwary: Mr. Chairman, we accept that. The proposal is that 4(e) of Rule 11 of the First Schedule be deleted.

Question, on amendment, put and agreed to.

First Schedule, as amended, ordered to stand part of the bill.

Second Schedule ordered to stand part of the bill.

Preamble ordered to stand part of the bill.

Question put and agreed to, That the bill, as amended, be reported to the Senate.

Senate resumed.

Bill reported, with amendments.

Question put, That the bill be now read the third time.

The Senate voted: Ayes 26

AYES

Lequay, A.

Atwell, Hon. H.

Basdeo, Hon. Dr. S

Rambachan, Hon. Dr. S.

Weekes, Hon. G.

Tiwary, Miss A.

Bradshaw, L.

Hosein, F.

Charles, Mrs. U.

Bhagan, N.

Rampersad, F.

Sampath, Dr. M.

Warner, C.

Hannays, G

Persad, Dr. P.

Mark, W.

Baksh, Miss S.

Khan, R.

Horne, Miss L.

Bahadoorsingh, Dr. K.

Furness-Smith, G.

Alexander, A.

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Joseph, Fr. W.

Mansoor, M.

Spence, Prof. J.

Paul, W.

Bill accordingly read the third time and passed.

BUSINESS OF THE SENATE

Mr. President: Hon. Senators, just before the adjournment, due to an oversight there was a bill for introduction. So I will crave your indulgence to go back to "Introduction of Bills" on the Supplemental Order Paper and ask the Clerk to read the bill.

TELECOMMUNICATIONS AUTHORITY BILL

Bill to provide for the establishment and incorporation of the Trinidad and Tobago Telecommunications Authority and for the regulation of Telecommunications services operating in Trinidad and Tobago or on any ship, aircraft, vessel or other contrivance registered in Trinidad and Tobago and for the regulation of the use of apparatus in telecommunications services and for related purposes [*The Attorney General*]; read the first time.

Motion made and question proposed, That the Senate do now adjourn to Tuesday, June 25, 1991, at 1.30 p.m. [*Sen. A. Lequay*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.30 p.m.

WRITTEN ANSWER TO QUESTION

Industrial Accidents

31. Sen. Wade Mark asked the Minister of Labour, Employment and Manpower Resources:

Could the Minister state how many fatal industrial accidents have occurred in Trinidad and Tobago over the last five years and the precise industries/firms involved?

Could the Minister outline the total quantum of industrial accidents, their categories and the respective industries/firms involved over the last five years?

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The Minister of Labour, Employment and Manpower Resources (Hon. Dr. Albert Richards): Mr. President, the answer is listed in the Appendices attached: