

*Senator's Appointment*

*Tuesday, October 15, 1991*

**SENATE**

*Tuesday, October 15, 1991*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, Sen. Fr. Winston Joseph will be absent from sittings of the Senate during the period October 16, to October 31, 1991.

**SENATOR'S APPOINTMENT**

**Mr. President:** Hon. Senators, Mr. Guy Hannays is required to take the oath of allegiance at this stage.

**OATH OF ALLEGIANCE**

*Mr. Guy Hannays took and subscribed the Oath of Allegiance as required by law.*

**PAPERS LAID**

1. Report of the Auditor General on the accounts of the National Gas Company of Trinidad and Tobago Limited for the year ended December 31, 1984. [*Sen. Alloy Lequay*]
2. Report of the Auditor General on the accounts of the National Gas Company of Trinidad and Tobago Limited for the year ended December 31, 1985. [*Sen. A. Lequay*]
3. Report of the Auditor General on the accounts of the National Gas Company of Trinidad and Tobago Limited for the year ended December 31, 1986. [*Sen. A. Lequay*]
4. Report of the Auditor General on the accounts of Trinidad and Tobago Methanol Company Limited for the year ended December 31, 1989. [*Sen. A. Lequay*]

**HINDU WOMEN'S FOUNDATION  
(INC'N) BILL**

**Presentation**

**Sen. Alloy Lequay:** Mr. President, I have the honour to lay on the Table the following report of the Special Select Committee of the Senate appointed to

consider and report on a bill entitled, "An Act for the incorporation of the Hindu Women's Organization of Trinidad and Tobago, and for matters incidental thereto."

**RENT RESTRICTION  
(RE-ENACTMENT AND VALIDATION) BILL**

[THIRD DAY]

*Order read for resuming adjourned debate on question [October 1, 1991]:*

That the bill be now read a second time.

*Question again proposed.*

**Sen. Dr. Martin Sampath:** Mr. President, this has been a very short bill which has evoked many hours of debate in this honourable Senate. This is a short bill which involves merely two principles. The first is, should it be re-enacted at all? And the second, should it be re-enacted retroactively? These are the two points which I wish to make this afternoon in this honourable Senate.

Should it be re-enacted at all? I think everyone here agrees that a re-enactment of this Rent Restriction Act is merely a stopgap. It is not intended to be permanent. It is a stopgap because the NAR Government has been striving assiduously over the past four years to make owner-occupied, low-income housing available to as many families as possible in Trinidad and Tobago. There is no doubt about this whatsoever, despite what many of the critics may have to say. I think this has been brought out very clearly by the Minister responsible for Housing, during the very first day of debate of this bill. So I do not need to mention any further details about this.

Sen. Bahadoorsingh has indicated that he does not intend to support the bill. I do hope that after reflection and after hearing some more information he will change his mind, if he appreciates that this is a stopgap, as I said before, and not intended to be permanent in any way.

So that, after saying that, I must reiterate, please, Members of this honourable Senate, support this, simply because it is for three years, and we hope it will not have to be re-enacted again after three years. We hope that our efforts will bear fruits and that most people in the country will have the benefit of, as I said, low-income, cheap, owner-occupied housing, instead of having to rent.

Now, the second principle is, should it be retroactive? A great deal has been said about the evils of retroactivity. At this point, I just want to quote two examples, because our legislation is replete with examples of retroactivity. One that comes to mind immediately, principally because I was involved in it, is the question of approval of lands for agricultural purposes. Now, this Act was moved in 1974, and was made retroactive to 1971. Three years, for obvious reasons, because there were people who were using lands for agriculture from 1971, and they wished to have the benefits of certain tax deductions from that year. So, it was made retroactive to 1971.

The second one which comes to my mind, is not a local bill but a foreign bill, and it has to do with the Indian occupation of Goa. I was fortunate to get a copy of the *Parliamentarian* of July, 1991, and in it, on page 233—I will just read one paragraph which says what has happened:

“Goa, Daman and Div were free from Portuguese colonial rule and joined India on December 19, 1961. Further, Goa was separated from Daman and Div after the formation of the state of Goa on May 30, 1987. On passing the Constitution, 12th Amendment Act, by the Union Parliament on June 20, 1962, the territory of Goa, Daman and Div were conferred the status of a Union territory with retroactive effect from December 20, 1961.”

It is a question of the fact, not a question of the law. So that, retroactivity is not only a local phenomenon, it is an international phenomenon. Retroactivity always applies when matters of this sort become imperative. Again, a great storm, a great deal of noise has been made about why so much delay; why delay of so many years before this has been introduced.

I wonder how many of you read Michael Harris's article in which he talked about the problem in Haiti in which he said there was no point simply changing, having a democratically-elected president, because there was a certain superstructure present there which would make it difficult for a democratically elected president to work. Some people call it “oligarchy”. You need a lot more change before any well-meaning president can affect the economics and society of the politics of the country. What Michael Harris said was quite true.

Many of you will know that this is what is happening in Trinidad and Tobago. We had a change of Government but the public service and the other services were riddled with people who were not in tune with either the manifesto

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or the philosophy of the NAR. So we had fantastic and tremendous difficulty in getting our policies into operation. I believe that is the main reason this was overlooked for so long. I do not think it is any fault of the Minister; I do not think it is any fault of the Government, of the manifesto or the policy. It was simply, as has been said, an administrative error caused because the public service is riddled with people who did not support the actual philosophy of the Government.

Now, I am not criticizing the entire public service. One good example of good public servants are people in public service who work here in Parliament. I have never seen more dedicated people than the people who work here. They are an example for the entire public service. I wish members of the other sections of the public service would come here and see how these people work, how late they work, how dedicated they are and how loyal they are to Parliament. So do not get me wrong.

I wish that members of the media will not misinterpret what I have said, as they are so fond of doing. I do not propose to speak any more about the media, because I get licks from them whenever I say something they do not like. I will not go into that, and although I have the documents here, I will wait for another occasion to bring that up.

I could stop here, Mr. President, because I have dealt with the two principles. I could sit now, but I will not, simply because there has been so much irrelevancy from some other Members, especially some of those on the Lower Bench, that I have to deal with them.

Mr. President, we have heard a certain sort of music from some Senators of the Opposition Benches. We have had the sibilant soprano of Sen. Baksh—I am sorry she is not here—we have heard the tortured, tantalized tenor of Sen. Mark, and we have had the flailing falsetto of doom and despair of Sen. Prakash. We can like the singers; in fact, I like them all, but I do not like the song. You can like the singer but not the song. This song that they have been singing has been a chorus of criticism. It has been a deafening dirge of despair. We can do with much less of that.

Sen. Persad quoted an average. He said there was a certain average income and that certain average income did not make it necessary or made, I believe, quite irrelevant the question of the ceiling that was set for some of the rents. But as a scientific man, like myself, Sen. Persad ought to know that averages and means

signify nothing. There is always a normal frequency curve. I am sure Sen. Persad is aware of this. There is a normal frequency curve for most things. There is also one for income. In that normal frequency curve, we must know many people are on the lower side of the curve, how many are at the mode—the mode, of course, means the hump of the curve—and how many are on the upper side. That is what he should have brought here, as a scientific man, not just means or not just averages.

For example, Mr. President, when you talk about the per capita income of a country, it means nothing, because the spread is such that you have abject poverty on one side and you have affluence on the other side. So per capita income means nothing, and an average quoted here in this Senate, also means nothing.

There is a saying, Mr. President, that if at 20—and I only mention this because people have been talking about social conscience and about private enterprise and capital being necessary for encouraging housing and that sort of thing—a man is not a socialist, then he has no soul; and if at 40 he is not a capitalist, then he has no sense; and if at 60 he is neither a capitalist nor a socialist, then he has neither sense nor soul. I am very happy, as an example, to mention someone who is not here, Sen. Amar, who quite obviously has both sense and soul. He said he did not want to wait until he was 60 to be in the Senate and I can see why, because he is in the fortunate position of having both sense and soul, even in his 30s. That is another good example of where sense and soul can lead one on the right path and to leave those who are not treading the right path.

Sen. Bahadoorsingh has both sense and soul and I am pleased to call him my friend. I am quite sure that after listening to all of this, he will also be inclined to vote in favour of the bill.

Now, Sen. Persad mentioned my name in connection with the sugar welfare loan. I am quite conversant with the sugar welfare loan. When I was a member of the board at Caroni there—in fact, for some time I was deputy chairman, I acted as chairman occasionally—one of the problems we found with housing as a result of the sugar welfare loan was that when these loans were given to people, the actual development of the housing was in a very haphazard fashion. In fact, there was one middle manager who, we got information, was accepting sums of money from certain other people in order to get lands for building their houses. It was kept up all over the place and it was a glorified sort of squatting. That sort of corruption

we found and eventually, through various means, we were able to relieved the company of this middle manager's services. We found this sort of thing as far as land development is concerned.

Then we started a plan there. We took a census of all the squatters who existed on the 79,000 acres of land there, what their locations were, what their amenities were, and we started a plan for relocating these squatters in an organized way so that they would have amenities, they would have access and so forth. That started at a time, about three years ago, when I was still a member of the board, and we worked on it, and now that has been developed by the National Housing Authority and we are going to have settlement there in an orderly fashion. So that the sugar welfare loan by itself did not solve any problems at all. It was useful, but it was misused. You need the sort of planning that I am proud to say our party has been putting into effect.

Now, there is just one more thing that I want to mention as far as Government's involvement with housing is concerned. When I was acting chairman at one time, I saw a note on my desk that Mr. Vishnu Ramlogan, the chairman, who was away on company business in England, had left for me and there were two points that he raised. The first one was that the very palatial residence which was used by the expatriate managing directors was used by former prime ministers as a kind of retreat, from time to time. It was used as a weekend retreat every three months or six months, or that sort of thing. Our chairman, Mr. Ramlogan, who was a very sensitive man, very committed man, felt that if you lived on the premises, you would be able to take care of the work of Caroni better. He left a note asking whether I would see what could be done.

So he knew, of course, that my connections with the Prime Minister had gone back many years and it would be more likely that the Prime Minister would respond favourably to a request coming from me. So I went to see the Prime Minister, and Mr. Robinson said, "Certainly, by all means, if it will help Caroni, let him go ahead and occupy the residence." It was as easy as that.

The second memorandum had to do with the National Housing Authority needing some Caroni lands for housing. Some of the lands were fertile agricultural lands, some were needed for rice production. Again, he asked whether I would see what could be done. Again, I went to Mr. Robinson. There was no difficulty whatsoever. The Prime Minister was most co-operative, he said, "Yes, it is quite true". I had the map with me and I said, "Look, these are the lands you want, this

is the location”, and we got that very easily, and now we can expand our rice cultivation in the place which the former Government had planned to use for housing.

Now, I am mentioning this as an example of what can be done if you have overall plans and if you do things in a systematic way, and if people who are involved would seek the advice of those who can help, instead of marching around with placards and that sort of thing. We have a Government here that cares for people, that cares for the low-income group, and that cares for people who are renting. This is one of the main reasons this bill has come before the Senate, because we care for these people. It is a stopgap, and we are hoping that in a few years’ time we will be able to have the benefits of owner-occupied housing for these people.

Thank you very much, Mr. President. I will take my seat. Thank you.

**The Attorney General (Hon. Anthony Smart):** Thank you very much.  
*[Interruption]*

**Mr. President:** Could we have a little order while the Attorney General is addressing the Senate, please.

**Mr. Smart:** Mr. President, first of all, I would like to thank all the Senators who contributed to this debate. I thank especially those who have indicated that they would support this bill. Of course, I wish to thank the hon. Minister of Settlements and Public Utilities for her very colourful and spell-binding contribution to this debate. I think it is worth highlighting at this stage, once again, some of the points that she made. Good news is always worth repeating, and I am referring to those points that she made with respect to Government’s housing policy.

I will not be very long on this part of my contribution, but, as I say, it is important sometimes to re-emphasize the things that Government has done, particularly at this time, and especially when one reads in the newspapers that the Government has not built a single house in the last five years. I was particularly concerned about that, because that statement was made in my own constituency. So that one needs to correct the errors that are being committed and I am being euphemistic.

The Government, Mr. President, completed the Powder Magazine and Embcadere housing settlements when it came to office. Those developments,

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those estates were far from completion. The Government completed them and distributed the apartments. In addition to that, certainly in Powder Magazine, it provided community facilities that have been lacking in a number of housing estates that were developed in the past. By community facilities, I am talking about child-care centres, I am talking about recreational centres, community centres and so forth.

So that the NAR Government also reduced the value and the cost of housing in several of the estates. All of them were in the East-West Corridor and in Edinburgh, also. I am talking about La Horquetta. I am talking about Bon Air, Maloney, Flagstaff. Thousands of residences that were built by the former Government and were high-priced and over-priced, were reduced. So that, I can tell you, for example, in one case, a certain person with whom I am close, living in the Maloney area, had his mortgage reduced from \$1,200 a month to something like \$400 a month, because of this Government.

In addition to that, the Government is now in the course of constructing some 24 housing units, apartments at Bath Street and they are due to be completed in November of this year—a month's time. I am advised, also, that at Mahabir Lands, in Morvant, a 48-flat construction apartment block is being put up. In addition to that, throughout the approved mortgage companies legislation, there are some 12 mortgage houses, I believe it is, that are making funds available to prospective home-owners at reduced rates of interest. Over 1,000 loans have been granted since that scheme was introduced by the NAR Government.

So that one can easily see the Government was involved, throughout its policies, in the provision of another 1,000 houses, because 1,000 loans were granted as a result of that facility. You see, Mr. President, what the NAR Government is doing is seeking to facilitate, and seeking to promote the concept and the approach of self-reliance and self-help. I think it is understood by all that when someone is involved in his own development, one will appreciate that development so much more.

In addition to that, under the IDB programme, over 2,000 lots are going to be made available to Bon Air West, Harmony Hall and Couva North. Those persons who will be enjoying those lots will have access to loans up to \$70,000 at a rate of interest which is subsidized at 8 per cent.



Also, when one looks at Edinburgh, there are hundreds of houses now under construction as a result of the policies of this Government. At Malabar, over 150 houses are now under construction. So that, from what I have said so far, we have sought to facilitate those persons who would be in the low to middle-income bracket by providing mortgages at subsidized rates of interest.

We have sought, also, to assist those persons who would even have difficulty in helping themselves, by building their own houses. So that we have sought to build apartments, not many, one might argue, but one must creep before one walk, and when one looks at the financial constraints under which this Government has had to operate, I think we have performed miracles in many areas of activity of the Government. Certainly, in the housing area we have made tremendous strides.

Mr. President, I have not as yet talked about the policy of making lands available to people at extremely low and subsidized prices. So that one can get a lot of land, in an area where the land would be valued at \$60,000 to \$80,000 at between \$15,000 and \$20,000. This has been working extremely well. There are hundreds of persons who have got lands in the areas where the Government has developed those lands; hundreds of persons have already paid for their lands and are in the process of building their houses.

So that one has to put a lie to this glib talk by the Opposition, both in this Senate and outside, that the Government has not done anything in housing. The Government has done a tremendous amount.

**2.00 p.m.**

I want to take this opportunity—and now is the time for it; there is a time and season for everything—to make reference to my own constituency, an area called River Estate in the Petit Valley/Diego Martin area.

You may recall, Mr. President, a housing estate was constructed by the Government some 17 to 19 years ago, on the River Estate, an estate that belonged to the University of the West Indies. The Government, as it then was, went into the university's lands in the mid-1970s and constructed a housing estate, some 400 to 500 houses. Those houses became available to persons who had to pay for them, and the Government found itself in a position where it did not have title to those lands. In other words, to put it bluntly, the Government was squatting on the university's lands. Several hundred citizens of Trinidad and Tobago who occupied

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those houses, and who were paying a sum of money regularly to the National Housing Authority, were unable to get title to those lands. They were unable to get a simple mortgage at the bank because they did not have title to the land. Sen. Furness-Smith will understand that, being a conveyancer himself and being one involved in transactions of that kind. It created serious hardships. People wanted to improve their houses and many of them, to their credit, were able to do it without having to get a mortgage, maybe through their savings; maybe through their credit unions; or maybe borrowing unsecured loans from the banks. Well, of course, it will not be much money because the bank will not lend anybody a substantial sum of money without security. A number of persons were able to improve on their houses, to their credit.

When this Government took office, the lands still were not transferred from the University of the West Indies to the Government so that the Government could, in turn, grant the lands to the various house-owners. You see, there was a problem. The University of the West Indies said it wanted \$3.2 million for the lands. That money may not have been all that difficult to come by between the years 1982 to 1986, because in 1982 there was an agreement that \$3.2 million will be paid for those lands. But the money was never paid.

When this Government came into office in 1986, we had the responsibility of trying to find that \$3.2 million to pay for the land so that the University of the West Indies could transfer title back to the Government so that the residents of River Estate would be able to get title to their houses.

I am happy to report, Mr. President, not that the Government has found the money—because you know how difficult it is for Government, at this time, to find moneys—but through tough negotiations we were able to persuade the University of the West Indies to transfer title of those lands back to the Government of Trinidad and Tobago. Today, I hold in my hand, a deed which transferred the title to River Estate back to the Government of Trinidad and Tobago so that we are now in a position to start the process of granting titles to the various residents of the River Estate Housing Development.

**Sen. Spence:** Mr. President, I wonder if the hon. Attorney General would tell us the present value of those lands which the University of the West Indies made a gift to the Government of Trinidad and Tobago—\$60 million; \$100 million?

**Mr. Smart:** If he would allow me to finish—certainly, it is not a gift. I said the money has not been paid as yet but we have undertaken to pay that \$3.2 million before the end of 1992. The point is the legal estate in the land has been transferred to the Government.

**Sen. Spence:** What is the present value?

**Mr. Smart:** I am not a valuator. I really cannot tell you, but even if it is more than \$3.2 million, well, hurray for those who negotiated on behalf of the Government.

**Sen. Furness-Smith:** Will there be interest for 20 years?

**Mr. Smart:** No, there will not be any interest. We, on this side, are tough negotiators.

Mr. President, I think I have encapsulated and repeated what the Minister of Settlements and Public Utilities said on the occasion when she graced us with her presence here.

I now want to move on to a statement which I made earlier on in my presentation. I said that it was because of an administrative weakness that we find ourselves in this difficulty of having to re-enact the Rent Restriction Act and to validate things done thereunder. I want to explain what I mean by an administrative weakness—and I think I should explain it because it has been suggested to me that maybe the Senators would want to get some further details.

This Act falls under the purview of the Ministry of Settlements and Public Utilities and, in fact, there was no procedure in that Ministry for monitoring the life of the Act and the date on which it would come to an end. That simply is the reason the date slipped.

The Cabinet, when it took the decision to bring this bill to Parliament, asked the Attorney General to take steps to ensure that this difficulty does not arise in the future. So we, of the Attorney General's Department, and particularly of the Chief Parliamentary Council's Department, will be monitoring this Act—provided, of course, the bill is passed here this afternoon—to ensure that this difficulty does not arise again. There will be two ministries of Government looking at the Act closely to ensure that the difficulty does not arise. During the course of the debate it came out—in fact, there was this difficulty in 1971 and 1985; those two years the Act lapsed. I think hon. Senators will understand what the position is.

**Sen. Furness-Smith:** Before the hon. Attorney General leaves that point, can he tell us whether the Rent Restriction Board has been exercising jurisdiction all this period without being aware? It seems surprising to me.

**Mr. Smart:** Yes. I would have been coming to that because that is a prerogative to a point which you made in your presentation.

**2.10 p.m.**

Mr. President, a number of Senators, three at least, have made presentations on this bill from a landlord's perspective. In other words, they have seen and expressed the hardships that landlords might possibly suffer if this bill were to be re-enacted. But the very Senators also understood and expressed in their presentations the view that there might be some social dislocation that will be caused—to put it mildly as I can—if rents for housing were allowed to be fixed by the free movement of the market at this stage. I think they all understood that; they are responsible persons; they understand. I suggest to those Senators who have indicated that they have difficulty supporting the bill because of what they perceived to be the possible hardship to landlords, that they support the bill as a vote of approval for the steps this Government has taken to revive the economy of Trinidad and Tobago. I am asking them to look at a broader picture, a picture which involves landlords to a large extent and the benefits which landlords may have derived from the very relevant, very aggressive and very *avant-garde* policies that have been taken by this Government to revive the economy.

I can give one or two examples: One can think of the new tax regime that this Government has introduced; one can think of the Foreign Investment Act that this Government has introduced, and one can think generally of the thrust that this Government has taken in the promotion of self-help and self-reliance. So that even if as a landlord you have some difficulty about this bill, I suggest to you that you look at the larger picture and give this bill your support, particularly—and I will deal with Sen. Khan's point—that what in fact we would be doing here is extending the life of the Rent Restriction Act only until February 23, 1993 and that is a period of some 16 months from today if this Bill were to be passed. So, in fact, what we are doing is rectifying a situation. This bill came—and I admit without possibly the investigative work that may have been done by those responsible to determine whether it has all the details and facts and whether it is a good thing or a bad thing to carry on with it.

This bill was first introduced in the Lower House—I believe it was in May, 1991—and it has only now come here. We tried to get on with it as quickly as we could but the legislative programme has been very heavy. It got its first reading in May, 1991. So what I am saying is that the life of the bill—if it is made law—would come to an end on February, 23, 1993.

**Sen. Khan:** The point I wanted to make was it should not be extended to a further period of three years. I wanted it extended to a further period of one year so that Government's feet would be kept to the fire and we do not simply be debating this bill at the end of the three-year period.

**Sen. Furness-Smith:** I think it is unfair of the Attorney General to suggest that people on this side were taking the landlord's position in respect of this Bill. What I think everybody here agreed on was that the 1981 Act which is not directly under review this afternoon was quite iniquitous as it was. It was unprincipled and it was grossly discriminatory against landlords and unfairly and wickedly so. I think there is a lot of misunderstanding amongst Members as to the effect of the hon. Attorney General's Bill on that Act. Our concern is—at least my concern and Sen. Alexander's concern—with the original Act, the original control as to whether there may not be some areas where it is still relevant. That is what we would like to know. We quite agree that the 1981 Act was wrong and it ought to go, either now or some other time.

**Sen. Horne:** Mr. President, is the hon. Attorney General aware of the fact that many of the landlords in this present situation have now been reduced to the poverty line because the rents are way below the taxes that they must pay to keep the building?

**Mr. Smart:** I do not know that to be so. There are so many cross-currents going on that one tends to lose one's way in the course of this presentation. I did in fact intend to deal with the points that Sen. Furness-Smith made. So maybe at the end of the presentation there will be sufficient time to ask questions.

I want to deal now with some of the points made by some Senators on the Independent benches. Sen. Persad clearly did not understand what this Bill is about because he was suggesting that the effect of it would be to bring protection to those persons whose rents are \$1,000 in the case of unfurnished premises or \$1,5000 in the case of furnished premises. In fact, what we are seeking to do is to bring protection to those tenants, whose rents, in the case of unfurnished premises, are \$1,000 a month or less, so that it would cover those persons who pay just a minimal amount of rent.

**Sen. Persad:** On a point of order. I replied to that question. I told the Attorney General I understood those limits. I think he is misleading the House to say that.

**Mr. Smart:** Well, if he understood, Mr. President, before he made his contribution then there is absolutely no need to reply to it because as I said, he was condemning the Government for protecting those persons whose rents are \$1,000 or \$1,500.

**Mr. President:** Maybe during his contribution he put the record straight and he accepted it.

**Mr. Smart:** So he now understands. Well, I am glad to hear that.

He also suggested—and again I could not understand what his line was—that somehow this Government is acting unconstitutionally. I really do not understand how. The point is, this Act was passed, whenever it was; it lapsed in 1990 so the law just does not exist now. So that anybody taking that point, that the law was in fact a nullity, that there is no law, would certainly have won that point. Fortunately for the Government, nobody has taken that point and we are seeking now to address that situation and to put in retroactive legislation. I really do not understand where the question of unconstitutionality arises. In fact, this Government has been almost constitutionalist to a fault in the past four and one half years. It has sought scrupulously to observe the provisions of the Constitution. I see Sen. Furness-Smith smiling.

As you know, Mr. President, quite recently we had a strong debate—still not resolved as far as Sen. Furness-Smith is concerned—on the question of the Constitution. As far as I am concerned, as far as this Government is concerned, the issue is resolved. That is but one point.

We came into Government in 1986 with a Constitution that had been brought into being in 1976, 10 years before. Section 138 of that Constitution provides for the appointment of an Integrity Commission. For 10 years the former Government broke the first law of the land, the Constitution, and refused to introduce the Integrity Commission.

### **2.20 p.m.**

As soon as we came into office, we introduced that Integrity Commission; constitutional behaviour. When this Government and country suffered what it did in July 1990, we had to introduce a state of emergency; constitutional behaviour.

But what is interesting about this Government is that it removed that state of emergency in the shortest space of time. Some people felt we removed it too early. As you know, under a state of emergency a Government has wide and excessive powers that are necessary because of the situation that the country finds itself in. But we sought, within four months, to remove that state of emergency.

Again, what was operating in our minds too, as a Government, was the need to follow the provisions of the Constitution to hold a bye-election because the Constitution provides that if there is a vacancy in a constituency, within the first four years of the life of the Parliament, it is necessary for the Government to hold a bye-election. And the four-year period was coming to an end and there was need to observe the provisions of the Constitution. So we removed the state of emergency.

There were other factors involved. We were satisfied that there was no longer a threat to the security of the state. We could have kept it going maybe for another month or so, but we wanted to hold that election even though we knew that the climate then was such that we may have had difficulty with the election. Fortunately, that climate has changed and whatever happens in the next couple months, will happen. But we knew then that we could have had difficulty, but we sought to observe the provisions of the Constitution.

So I want Sen. Persad to understand what constitutional behaviour is about. I want to go on now to a proposal from Sen. Spence, who agrees with the Rent Restriction Bill in principle, but he was a little concerned about the factors which the boards must take into consideration when an application is made by a landlord to increase rents. He was under the impression that it is only when the landlord has effected improvements to the premises that he would have the right to go to a board to ask for an increase in rent. His amendment was so worded that it suggested that we should take into consideration current social and economic conditions.

I want to suggest to him that the 1981 Act, as now worded, does in fact give the boards the right to look at social and economic conditions. I want to refer him to section 7(3) of the 1981 Act:

"A Board may, having regard to the nature and cost of the repairs..."

As indicated, once repairs are done, one can go to the Board for an increase.

"....current interest rates, property taxes..."

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and this is what is important.

"...and the general state of the housing market, authorize an increase in the rent, or refuse the application of the landlord."

So that the boards will take into consideration, not only the repairs or the cost of the repairs but the "current interest rates, property taxes and the general state of the housing market", when it is going to authorize or not authorize an increase.

**Sen. Spence:** Mr. President, am I understanding correctly that increase is authorized only when there are repairs? Those things are taken into account when an increase is being applied for on the basis of repairs.

**Mr. Smart:** Yes.

**Sen. Spence:** That is not the point I was making at all. Because you see, there was no assessment when the 1981 Act was proclaimed. It was an arbitrary fixing of the rents to the 1978 level. So if you want to get an assessment now without repairs, you cannot do it.

**Mr. Smart:** Well, I want to suggest that a landlord can effect maybe minimal repairs—it is a roundabout way—but a landlord may do that and then ask a board to look at the current interest rates, property taxes and the general state of the housing market. The landlord can ask a board to look at all of these factors in assessing an increase. But in any event, there is another provision in this Act.

**Sen. Moonan:** Mr. President, when the Attorney General read that, is he teaching the people corruption? I am asking this because he said that landlords could go about it in a roundabout way, by doing minimum repairs and putting a fat bill for maybe a larger amount. This is what I understood.

**Mr. Smart:** I am afraid the goodly Senator does not understand what I said. I did not say to do minimal repairs and put up a fat bill. It sounds like a practice to which he is accustomed. What I said was do minimal repairs so that you get your opportunity to go to a board, and once you get to the board you ask it to look at current interest rates, as it is entitled to do, or you ask it to look at the general state of the housing market, as it is entitled to do. In any event—and Sen. Furness-Smith might be interested in this point—under section 6 of the very law states:

"...the Minister of Finance may, by order, specify the rate at which base rent or authorized rent may be increased for any period after the 31st December, 1982."



So, section 6 of this Act, gives power to the Minister of Finance, by order, to authorize an across the board increase in the base rent.

So that my submission is that the Act, in fact, provides for increase. I do admit that the Minister of Finance, since this Act has come into being, has not authorized an across the board increase.

**Sen. Alexander:** Could the hon. Attorney General say whether the present Minister intends to do that shortly?

**Mr. Smart:** The answer is no, Sen. Alexander.

**2.30 p.m.**

Very shortly, this Government plans to call an election. It is difficult for me to give an undertaking on behalf of the Cabinet. I do not know whether I would be in the Cabinet on the next occasion. However, I expect that I will. I am sure that the next government of which I expect to be a member will look at this matter very seriously because of the serious points raised by the Independent Senators and the Opposition Senators, on this whole question of rent restriction.

**Sen. Furness-Smith:** Galant efforts to protect the interest of the 1981 Act. Do we understand then, that he is not really satisfied that it does justice to anybody and requires amendment? If I felt that he appreciated that, I would feel happier about these questions.

**Mr. Smart:** I cannot say that I am satisfied that it does not do justice to anybody. I think we have to look at the issue in-depth very carefully.

Now, I know that the 1978 date was an arbitrary date when that law came into being in 1981, but I would suggest to hon. Senators, that they think of the position a government is placed in. For instance, when it comes to imposing a new tax at budget time, there are some persons who benefit from the imposition of the tax or the removal of the tax, and there are some who do not.

As you know, it is common practice for persons to go and fill their gas tanks or buy cartoons of cigarettes just before budget time. When one is imposing a tax, it is from a particular date. For instance, if John Harry purchased a piece of land and completed the transaction on the first of a month, and the Government imposed a stamp duty on land transaction on the second of the month, John Harry would have benefited, but somebody seeking to complete a transaction on the third of the month, would not benefit and would have to endure the tax.

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I suggest that one could look at it, and it is the same thing with devaluation. A government does not before hand say that it is going to devalue next week, because you know what difficulties that would cause. In respect of this Act, the former government chose 1978 as a date. I agree that probably was not the best date to choose. It could have decided to impose the restriction in respect of rent as of the date when the Act came into being. That would have been a fairer thing, maybe, but then there may have been tenants who may have suffered, because in 1981 the rents had gone way out of line. Landlords were demanding \$3,000 and \$4,000 a month for property that was probably worth \$1,000 a month, so that the government had to make a decision.

It is not for me to pass judgement at this stage on whether the date should have been 1978, 1979 or 1981. The point is, it was 1978. I think Sen. Furness-Smith, in his presentation argued that the market forces had brought about at this stage a certain equilibrium. When I thought about what he said, he is in fact saying that the market forces have, in fact, brought rents back to their 1978 level. I do not know that the market forces are going to continue like that. If we remove this bit of legislation, I guarantee you, that immediately rents are going to sky-rocket.

**Sen. Furness-Smith:** I think this is of some importance. Having heard the Attorney General, arguments relating to landlord rents to taxes, does his Government feel that it can alter the rights of landlords, and presumably any citizen, in that way, just like it imposes a tax, taking money from some and giving it to others? Is that the policy? Is that the principle? It disappoints me.

**Mr. Smart:** I was making an analogy. I was saying that sometimes a government has to choose a date that is bound to bring hardship to some and benefit to others, so that if one chooses a 1981 date, as the date on which the Dwelling-Houses Act was first brought into being, it would have brought—maybe the government at that stage—it is not for me to argue for that government—thought that tremendous hardship would have been brought to bear on tenants; so it said maybe, the best thing to do would be to carry it back to 1978. Some of us have suffered. Maybe, I have also suffered.

One has to look at what is best for the largest number of people. That is how certainly this Government operates. In a democratic society, a government has to order priorities. I have learnt in my short four and a half years in government, that people are interested in matters which concern them personally. For instance, if Sen Furness-Smith's clients are mainly landlords, he would probably have a bias

towards landlords; it may not be so. If Sen. Bahadoorsingh is an owner of land, he would probably have a bias towards landlords and one understands that. I mean it is only right. He has his own interest to serve.

I have discovered during the last four and a half years, that each person has his own interest to serve and he comes to the government from his own point of view, seeking his own interest and it used to annoy me. I could tell you that when I was young in the business of government. I asked: Why are people only seeking their own interests? Then I discovered, as I went along, that people must seek their own interests, but it is the responsibility of the government to look at all those interests and order them in the best interest of the larger number of people in the country. That is how this Government operates.

**Sen. Furness-Smith:** Without regard to the laws and Constitution of the country? You can pass a law tomorrow taking all my money and spreading it all around the place, but I know that is not your principle.

What amazes me is that you come here and justify the actions of the PNM in 1981, in passing that Act. It was typical PNM policy, electioneering policy and you justify it. That is what upsets me. There were many ways they could have achieved their social purposes, which is the legitimate exercise of government, without disregarding citizens' rights like this. That is what upsets me.

**Mr. Smart:** I want to make it quite clear that I am in no way justifying the policies of the PNM Government. I certainly do not. What I am saying is that it is not for me at this stage to determine whether the rent should have been rolled back to 1978, or should have been fixed at the 1981 figures. That is what I am saying.

The point I made is that government must look at all the interests and say, "let us decide how many people would benefit" and must act on the basis of satisfying the largest number of people. That is what democracy is about; ruled by the majority for the majority, but of course within the confines of the Constitution. Sen. Furness-Smith, do not get too worried. We will continue to act constitutionally.

Sen. Furness-Smith made the point that this Act is probably not necessary because there has been no public hubbub about the fact that it had lapsed. It was a cute and convenient argument. The point is, it just so happened that the fact that this Act lapsed was not caught by the media. There are some things that happen. We were not aware of it and the media were not aware of it and that is why there has been no public hubbub.

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I can assure Sen. Furness-Smith that if this bill is not passed, then you will get much more than a hubbub. I suggest, that as hard as it may be for some Senators to support this bill, they think seriously about it; understand that it is going to live just for another 16 months, when the Senate will have the opportunity to decide whether it should continue or not to support the Act.

**Mr. President:** The speaking time of the hon. Member has expired.

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

*Question put and agreed to.*

**Mr. President:** I appeal to Senators not to intrude any more on the time of the Attorney General. There is a committee stage to come. I like the bit of informality in the Senate but at the same time, things can be overdone.

**2.40 p.m.**

**Mr. Smart:** I thank you very much, Mr. President. I thank Members of the Senate for giving me the opportunity to wind up in the next five or ten minutes or even less than that.

I said I was going off-course just for a short while to respond to Sen. Furness-Smith. In the other place, last Friday, I indicated that the Government was certainly not involved in the matter of that incident which took place at the Central Bank Auditorium. Sen. Furness-Smith made some heavy weather of it and I made it quite clear then, after an accusation by a certain Member, that the Government had sent the police. I want to make it quite clear again, that the Government certainly did not send the police.

This is a matter that is criminal in nature. As you know, Mr. President, I have been talking about the Constitution and observing the provisions of the Constitution. Under the provisions of the Constitution, the Director of Public Prosecutions is responsible for criminal prosecutions independently of the Attorney General. This is how we, on this side, interpret the Constitution and it is a good thing that the executive should not be involved in the pursuance or the control of criminal matters. That is why the Constitution was changed in 1976. I remember the Constitution was not so, prior to 1976 and that the Attorney General did, in fact, have authority in respect of criminal matters. I remember vividly in 1971, Lord Shorty, now called "Ras Shorty I", did what I thought to be a very

interesting calypso on the art of making love and it caused a furore in the community and Lord Shorty was charged for obscenity. Some time afterwards the Attorney General, who had responsibility for criminal matters in those days, discontinued the proceedings. Quite interestingly enough, Lord Shorty, some time after, did a sequel to that calypso, which I think is one of the greatest satires I have heard in the calypso world, about his 1971 experience and it had to do with Dr. Williams. It is an excellent calypso which I think we should play some more.

The point I want to make is that the Director of Public Prosecutions is responsible for criminal matters. It is good that it is so because the politicians will not be able to get involved in prosecuting criminally, those persons they do not like. That is the reason for it and we, on this side, subscribe to that. So that in respect of the prosecutions of criminal matters, please, leave the Government out of it.

Before I wind up, I would like to provide this honourable House with some statistics because both Senators Horne and Alexander asked for statistics in respect of matters which are pending before the various rent assessment boards in the country and these figures are given as of June 30, 1991. The information is this:

Dwelling-houses matters pending before the court:

**San Fernando:** The San Fernando area would include Marabella, San Fernando, Princes Town, Siparia and Point Fortin. There are 26 matters pending.

**Port of Spain:** Port of Spain would include South Quay, San Juan, Diego Martin, Chaguanas, Couva and Port of Spain proper. There are some seven matters that are pending.

**Arima:** Arima would include Arima, Tunapuna, Sangre Grande, Rio Claro and Mayaro. There are some 13 matters pending.

In Tobago, there are nine matters pending before the rent board.

Under the 1981 Act, all landlords and tenants are required to register with the various boards. I have here, information on the number of landlords and the number of tenants who registered from 1972 to the present time. I can give a global figure in respect of all the areas in the country:

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	Tenants	Landlords
Port of Spain	18,280	16,067
San Fernando	8,619	7,797
Arima	3,166	2,842
Tobago	744	695

If one were to add the number of tenants registered in each area, we get a figure of some 30,809 tenants who had registered with the rent boards for the period since the passage of this Act. So that there is a substantial number of households that will be affected by this legislation. I suggest to hon. Senators, having regard to all that I have said, that they think seriously about extending the life of this Act for another 16 months, during which time—it is difficult for me to give the assurance because I cannot speak on behalf of my Government—but I will certainly seek to persuade the Minister of Settlements and Public Utilities to look seriously at this matter so that at the end of the next 16 months, by February 23, 1992, we will be in a position to say unequivocally, whether or not we are continuing the life of this Act.

**2.50 p.m.**

With these words, I commend this bill to this honourable Senate and beg to move that it be read a second time.

*Question put and agreed to.*

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

*Clause 1 ordered to stand part of the bill.*

*Clause 2.*

*Question proposed, That clause 2 stand part of the bill.*

**Sen. Spence:** Mr. President, I have an amendment to clause 2, and I would like, just in presenting it, to say that nothing which I have heard in the Attorney General's argument seems to argue against this amendment. Because the amendment certainly does not suggest that tenants should be disadvantaged. Indeed, it gives the power for tenants too, to ask for a review. It may be at the present circumstances, there are some tenants who are disadvantaged by the

rentals that are being charged and this amendment would allow tenants to apply for a review. So it seems to me perfectly clear and equitable. I cannot understand the Attorney General's opposition to this amendment. Nothing that he has said argues against such an amendment. All it does is to provide an opportunity for an equitable re-assessment of the arbitrary rents that have been set.

The amendment is as follows:

“2 The Rent Restriction Act, hereinafter referred to as the Act, is re-enacted save and except:

(a) subsection (2) of section 1 which is repealed and replaced as follows:

“(2) This Act shall continue in force until 23rd February, 1993 and may be continued in force for further periods of three years by resolution of Parliament.”

(b) Notwithstanding any provisions of the Rent Restriction Act Chap. 59:50, and the Rent Restriction (Dwelling-Houses) Act No. 45 of 1981, either tenant or landlord of a property falling under either of these Acts may apply for a review of the rental to the Rent Restriction Board which is hereby empowered to fix a rental. In so doing the Board shall take into account current social and economic conditions.”

**Sen. Furness-Smith:** Mr. President, insofar as Sen. Spence's amendment is intended to amend the Rent Restriction (Dwelling-Houses) Act, I would agree with it completely. If we are to keep the 1981 Act, then the only terms on which it would be acceptable to remain on the statute books, would be for there to be some kind of reasonable provision such as this, which there always was previously, under the original Rent Restriction Act.

Notwithstanding the hon. Attorney General's remarks, the provisions of the 1981 Act in respect of rent review are not only naive, they are ridiculous. You would have to have done repairs to even have any right of having the rent review—not improvements but repairs. I mean, the whole thing is so utterly absurd that no sensible Government could even afford to bring it forward, whatever the political necessities, in a democratic society.

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I would just like to mention now that democracy is not giving to everybody what they want. It is to respect the rights of the majority or to let the majority rule, but with little respect to the rights of minority, and that is something which is forgotten. Democracy is said to mean that the majority must always win. The majority must have everything. So if you have a policy which takes money out of somebody's pocket and puts it into more people's pocket, then that is democratic. That is not what democracy means and that is a principle which, more quickly than almost anything, will destroy democracy. That is the kind of—I do not know whether it is Marxist or Trotskyist or what it is, but they have had it in Russia for 70 years and they have destroyed Russia and they have virtually destroyed India, which should be a most prosperous nation. But they were hit on that idea of democracy *vox populi vox Dei*. That is wrong. It is something that we ought to stamp out very quickly whenever it appears.

**Mr. Smart:** Mr. Chairman, I do not know if this is place for a debate on what democracy is, but certainly, I agree with the Senator that one must accede to the wishes of the majority but at the same time have respect for the rights of the minority. I want to point out to him that in Russia what you had was people within the system acceding to the wishes of the minority, not in fact, the majority—the privileged minority, the members of the communist party, the members in the hierarchy of the communist party—and that was the basis upon which things proceeded in Russia.

**Sen. Furness-Smith:** Everybody is equal but, in fact, under that system some people become more equal than others, as that wonderful satire of George Orwell, *Animal Farm*, shows us. The hon. Attorney General is quite right. This is not the time to argue it, but he did mention it and I wanted to correct that.

To return to Sen. Spence's amendment, as I see it, what we would need to do is to amend the Rent Restriction (Dwelling-Houses) Act as well, and I am not sure that we can do it in this way. I have an amendment which would save all these problems. We would let the hon. Minister keep his Rent Restriction Act and we would put an end to the absurdity which is the 1981 Act. But while I entirely support Sen. Spence's amendment, I do not think, as a matter of law, this would be effective.

**3.00 p.m.**

**Mr. Smart:** Mr. Chairman, I do not quite understand why Sen. Furness-Smith thinks it would be wrong in law to introduce the amendment suggested by Sen.



Spence, It says, “notwithstanding any provisions of the Rent Restriction Act, Chap. 59:50 and the Rent Restriction (Dwelling-Houses) Act, No. 45 of 81, either tenant or landlord of a property”, he says “falling under this act”, but I suppose it would be “under these Acts”.

**Sen. Spence:** It should be “these Acts”, I am sorry.

**Mr. Smart:** “may apply for review to the Rent Restriction Board”.

**Sen. Furness-Smith:** I suppose—

**Mr. Smart:** I am not sure what the difficulty is, Sen. Furness-Smith.

**Sen. Furness-Smith:** My difficulty is a matter of drafting, really, because we are not supposed to be amending the 1981 Act here. The 1981 Act introduces the Minister’s Act, and relies on it for the rent assessment board and takes advantage of its jurisdiction under section 7, which as the Minister quoted, gives it a right to review rents.

I think, for good drafting, one would wish to really amend section 7. But I agree, this would probably have an effect. Somebody, some court, might be able to interpret it the way Sen. Spence would wish it interpreted. I would certainly support that. So I withdraw the objection on that ground. If the Minister accepts this, I would vote for it without prejudice to my own amendment.

**Sen. Spence:** Mr. Chairman, just a correction that I should have made and, that is, after “property falling under”, it should read “either of these Acts”. Rather than “under this Act”.

**Sen. Horne:** Mr. Chairman, if the bill is not passed, it means, as the Attorney General said, rents may go up, yes. So give the owners an opportunity to be able to repair the units, to repair the houses. Right now, many of those houses cannot be repaired because of the rent which is received. We are short of houses. Many of those houses are deteriorating, not good enough for people to live in. What is more, the people who bought the houses and invested in them, ought to be able to get something in return and not just have these buildings as millstones around their necks. In 1985, when the present Government was in Opposition, they did not agree; in 1987, they did not agree, and now they want it again?

**Mr. Chairman:** Members of the committee, the question is that clause 2 be amended, as proposed by Sen. Spence, and as indicated in the amendment which has been circulated.

**Mr. Smart:** Mr. Chairman, I still have a difficulty. While I accept in principle what Sen. Spence is proposing, what we are doing there is looking at the Rent Restriction Act to see whether there is a provision therein to allow for the tenant to apply, to alter the rent. I know we have seen a provision that allows for the tenant to, strangely enough, apply to increase the standard rent, which seems strange. No tenant would want to have their rents increased. So we are looking at a provision, it seems it might be better at this stage to amend the provisions of the Rent Restriction Act and allow for that particular section to be applicable to the 1981 Act.

You see, the 1981 Act sets out certain sections of the Rent Restriction Act which are applicable under section 15 of the 1981 Act. It says that sections 13, 14 and 15 of the Rent Restriction Act apply to tenancies of all dwelling-houses to which this Act applies. So, I think section 11 talks about the right of the tenant to apply to have the standard rent increased. So what we are doing at this stage is looking to see now we can alter that to allow for the tenant, under the 1981 Act, to apply to have the rent, I suppose, decreased.

**Sen. Spence:** Mr. Chairman, that would only work if the 1980 provisions of section 11 were one of those sections that come under the 1981 Act. Otherwise, you would have to alter sections 13, 14 and 15. It seems to me we should be looking for some way of altering one of those sections.

**Mr. Smart:** Sections 13, 14, or 15?

**Sen. Spence:** Yes.

**Sen. Furness-Smith:** Mr. Chairman, may I suggest to the hon. Attorney General, if he is prepared to look at this amendment seriously—I entirely commend him for being so prepared, because he recognizes the injustice which has been expressed on this bench. I would like to suggest, though, that to try to fix it up this afternoon is a dangerous exercise. I can see the Chief Parliamentary Counsel—she must be worried about it, because one needs to look at both Acts. It is not exactly simple, I think.

One of the things that occurred to me is that if we accept Sen. Spence's amendment, on what basis would the rent assessment board fix the rent? The 1981 Act determines the date at 1978. The Minister has the right to put some other date, but the Minister is never going to do that, with due respect, because it is not good politics; that is the thing that counts. So, that is a no-go, as they all knew it was a no-go.

How, then, is the rent assessment board going to try to do justice, as Sen. Spence wants justice done? It needs to be looked at. I am quite sure that the Chief Parliamentary Counsel, if you give her a few days, would be able to work up, in discussion with the Attorney General, a simple scheme which could be effective, because there is one thing about rent laws; they lead to a lot of litigation. The original Act, when I was new in the law, involved a vast amount of work for everybody. One wants to get it right.

**Sen. Spence:** Mr. Chairman, as an alternative, is there any possibility of our deferring further consideration to a later point in the afternoon and give a little more time, rather than put it off for a few days? Could we continue at 4.20 p.m.?

**Mr. Smart:** Yes, Mr. President, that is what I had in mind, that we defer the matter to a later stage, later on this afternoon.

I am advised by the Chief Parliamentary Counsel that she may well be able to produce an amendment that might be satisfactory to us all before the end of the day. We could probably come back in committee and have a look at it.

**Sen. Furness-Smith:** Could we proceed and consider my amendment, which might save the Chief Parliamentary Counsel all that worry?

**Mr. Smart:** I wonder whether Sen. Furness-Smith would be prepared, having regard to all that has happened today, to withdraw his amendment.

**Sen. Furness-Smith:** The trouble about my amendment is that it reflects the thinking as I have interpreted it on this bench. I think most of the Independents are extremely worried about it. I am very worried about it. If we can do away with controls, it would be so much better to do it. That is a basic principle which, with the hon. Attorney General's principles of democracy, he would be loathe to accept. But it is a basic principle that rather than apply a control and each year that goes by it becomes more traumatic to bring it back, as we can ask the Russians again—each year that goes by, we are destroying the market in houses because we are destroying the supply. The quicker we get back to it, which we could do now, before what we hope is the next boom, or the booklet, which the hon. Ministers will be quick to say is bound to be coming because of the economic policies of this Government—

If we wait until we are in the boom, then it will be impossible, and the rents would be fixed forever at 1978. Exactly the same as what happened before, in 1948, the housing would go right down. It is going down. It is bound to have gone

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down. The quicker we deal with that—even though I sympathize with the hon. Members opposite, who have got an election to fight, it puts them in a very embarrassing position, because as we know, in this year, politics is above all, but not on this bench. I think we must do our best to do what is right for the country and cancel that bill.

**Sen. Spence:** I do not agree. Mr. Chairman, may I make it clear that I am not opposed to rent restriction.

**Sen. Alexander:** Mr. Chairman, I want to say that perhaps Sen. Furness-Smith misunderstood the position I am taking on this bill. I do not think that every Member, from the contributions I have heard, has stated that he or she wants a repeal of the Rent Restriction (Dwelling-Houses) Act.

Speaking for myself, 30,000 households, in my view constitute many people. I have no elections to fight, and I would be very loathe to render support to the repeal of this piece of legislation which might result in the homelessness of a significant portion of the community.

**Mr. Smart:** I just want to add, Mr. Chairman, that, certainly on this side, the Government continues, even with the election so close at hand, to enunciate and put into effect, policies which are in the best interest of the country. There was a suggestion that we may be deviating from our policy because elections are close, that is not so at all.

**Sen. Lequay:** Mr, Chairman, in view of the apparent consensus that the Chief Parliamentary Counsel's representatives should be given an opportunity to look at a possible amendment, or accommodate Sen. Spence's amendment, I beg to move that we report progress.

*Senate resumed.*

#### PROCEDURAL MOTION

**The Attorney General (Hon. Anthony Smart):** Mr. President, I wish to report progress. In order that the committee may continue its consideration of the Bill, I beg to move that it be done at a later stage of the proceedings.

*Question put and agreed to.*

**JAMES AND ZAMORE  
(COMPENSATION FOR LOSS OF OFFICE  
AND PAYMENT OF PENSIONS) BILL**

*Order for second reading read.*

**The Attorney General (Hon. Anthony Smart):** Mr. President, I beg to move that a bill to provide for the payment of pension and compensation for loss of office to Richard James and Preston Zamore, formerly members of the Trinidad and Tobago Police Service, be now read a second time.

In 1962, these men joined the Coast Guard arm of the defence force, with effect from August 15, 1962. They resigned, voluntarily from this unit—in respect of Mr. James, on October 11, 1968; and in respect of Mr. Zamore, on January 31, 1970.

The computation by the Ministry of Justice and National Security of Messrs. James' and Zamore's terminal benefits was queried by the Auditor General. This was in the early 1970s. The advice of the legal secretary to the Attorney General, as he then was, was sought in the matter. The Attorney General's office advised that both Messrs. James and Zamore should be treated as if their cases fell within the provisions of Regulations 9 and 10 of the Defence (Pay and Superannuating) (Transferred Officers) Regulations, 1967, made under the Defence (Amdt.) Act, No. 19 of 1967.

Mr. President, these gentlemen were not caught for the purposes of compensation, because they had to be 55 years in order to qualify. Mr. James was 38 years old and the other was 33. They really should have been re-absorbed into the Police Service when they left the Coast Guard, and that was not the case.

These regulations provide for payment to seconded officers, compensation for loss of office, and a refund to personal representatives of the contributions with interest made towards the superannuating scheme established under the Defence Act or the Widows and Orphans Pension Fund, whichever is the greater.

The Attorney General further advised as far as back as 1979, that special legislation would be necessary to meet the payment of the necessary compensation. Cabinet agreed, on the recommendation of the Minister of Finance, that the gentlemen should be treated as if their cases fell within the provisions of Regulations 9 and 10 of the Defence (Pay and Superannuating) (Transferred Officers) Regulations 1967, made under the Defence (Amdt.) Act, No. 9 of 1967, for the purpose of paying compensation to them, and that special legislation be brought to allow for payment of that compensation.

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The special legislation, Mr. President, was drafted by the Chief Parliamentary Counsel as far back as 1979, and the advice of the Comptroller of Accounts was sought. That advice was given and the Comptroller recommended payments, gratuity and pension in accordance with the Police Service Act, the laws of Trinidad and Tobago and compensation of office in accordance with Regulation 9 of the Defence Force (Amendment) Act, No. 9 of 1967.

Mr. President, the computations of compensation for loss of office, gratuity and pensions for Messrs. James and Zamore are being computed up to December 31, 1989 at \$101,580.40 for Mr. James, and \$141,782.64 for Mr. Zamore. Of course, the matter of pension that will have to be paid subsequent to December 31, 1989, will be taken care of once the bill is passed.

The intention, Mr. President, is to bring this special legislation to allow for both Messrs. James and Zamore to benefit from compensation for loss of office, gratuity and pension. I commend this bill to this honourable Senate.

*Question proposed.*

**Sen. Wade Mark:** Mr. President, there are some questions that the Attorney general will have to clarify for this Senate before we can give support to this bill. We have absolutely no problems with compensation persons, in this case, two former members of the Defence Force, but there are some questions that we would like to have clarified.

Now, the Attorney General has indicated that these gentlemen, former defence officers, left voluntarily. He also went on to indicate that these people were former police officers and they later joined the Defence Force. One would imagine that those persons would have received their compensation when they left the Defence Force for the number of years that they were employed there.

Therefore, it is a bit worrying to me for instance, if they were not made redundant or their offices were not declared redundant and they left voluntarily, why did it take this length of time to bring this piece of legislation before the Parliament in order to have these people compensated?

You have an instance where one person, resigned with effect from October 11, 1968, and the other person from January 31, 1970. We are talking about almost 20 years ago that these people resigned. But what the Attorney General is saying to us is that they most likely resigned voluntarily. But if these people resigned voluntarily since 1968, in one instance, and 1970, in the other instance,

why did it take so long? I think we need to have some clarification. This is retroactively that we are talking about here. Certainly, we would need to have some clarification here.

Now, the next area that is not to clear to me, Mr. President, according to the bill that we have here, is the computation of whatever earnings that they are required to receive was done up to December 31, 1989. We got a figure from the Attorney General in terms of gratuity, and he went on to indicate that once the legislation is passed, they would then deal with the question of pensions. I thought all these things would have been brought to the attention of this House. Because we do not want to engage in shooting in the dark on matters like these. We need to understand exactly what is involved and the implications of same.

These officers, are they dead? Are they alive? We have no evidence. Well, maybe they are alive.

Now, Mr. President, if the computation stopped in December 1989, what is the validity of this legislation? Because we have evidence in the bill indicating that the computations stopped in 1989. It is indicated clearly how much moneys these people would be entitled to. So if we come in 1991, to validate actions taken way back, this is a serious matter and it is really establishing a serious precedent.

I think the Attorney General needs to indicate to this House very clearly why the need for this retroactive legislation. For instance, these soldiers who left in 1968 and 1970, respectively, why were their computations stopped in 1989; and why we are having this particular bill before us in 1991? We are talking about, as I said, engaging in retroactive legislation at this point, and there has to be justifiable cause for support of this piece of legislation.

It is not to say, as I said, that we would not want to support the legislation, or we would want to deny those former soldiers what is due to them. But I think that we need to have some clarification, because the bill is saying one thing in terms of the pension. The bill is saying that in the case of James, he will be getting a mere \$36 a month; in the case of Zamore, \$123.90 per month.

Now, I believe, Mr. President, that the bill is too vague. We need to really understand what has taken place. Where are these people now? We need to have clarification. What is their position?

**Mr. Smart:** For the information of the House, computations did not stop in 1989. What I gave was the figure as at December 31, 1989 for gratuity and

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compensation and pension. But if you look at the bill, you will see that there is provision for pension continuing. So that is just a figure given as of 1989 but, of course, computation will continue as long as they are alive and pension is due to them. So the bill provides for the payment to continue. I hope that explains it.

**3.30 p.m.**

**Sen. Mark:** Mr. President, if we are going to compensate these people, why are we using two regulations? In other words, I have a copy of the said Defence (Pensions, Terminal and Other Grants) Regulations and section 9 says:

"An officer or other rank who before he attains the age of forty-five years is retired or called upon to retire or resign, either on the ground of interest of the Force or because of a reduction in the size of the Force, and who has had at least twenty years pensionable service, shall be paid—

- (a) an annual pension at the rate of one-four hundred and eightieth of the pensionable emoluments of such officer or other rank for each completed month of pensionable service;
- (b) a terminal grant equal to three and a half times the annual pension computed in accordance with subparagraph (a)."

Mr. President, regulation 9 says, "upon retirement in the interest of the Force."

Regulation 10 says:

"An officer or other rank who has completed twenty years pensionable service in the Force and who—

- (a) voluntarily resigns from the Force . . ."

I wish to repeat:

- "(a) voluntarily resigns from the Force; or
- (b) is retired or called upon to retire or resign for misconduct; or
- (c) is cashiered or dismissed from the Force, as the case may be, before attaining the age of forty-five years shall be paid—
  - (i) an annual pension at the rate of one-four hundred and eightieth of the pensionable emoluments of such officer or other rank for each complete month of pensionable service reduced by ten per centum for each year or part of a year by which the age at which he retires falls short of the age of forty-five years; and



- (ii) a terminal grant equal to three and one-half times the annual pension computed in accordance with subparagraph (i)."

What I am arguing here is that, number one, we do not know how long these men were in the Defence Force. All we know is that they left the Police Service and then joined the Defence Force. The Attorney General has not indicated to us how long they remained in the Defence Force. What we do have in the bill is that they resigned or left voluntarily in 1968 and 1970, respectively. The question I am asking is: If we have two regulations under the Defence (Pensions, Terminal and Other Grants) Regulations, 1968, one for retirement in the interest of the Defence Force, and the other one dealing with voluntary retirement, how can we apply both regulations when it is claimed here that the two persons, in this instance, retired voluntarily? I am not too sure that I can support that. I do not understand the basis of it. It is not to say that the person was called upon to resign, the person left voluntarily.

I think that the Attorney General needs to clear this confusion because we cannot rubber-stamp matters like these. We need to have information and clarification, and from the regulations that we have before us, it seems that there is some element of confusion in it and what is being attempted here does not appear to be correct at this time. The Attorney General will do well to provide us with some further explanation on this matter.

Therefore, Mr. President, as I said, while we have no difficulty in lending support to this particular matter, we want to know why did it take so long to reach here. We also want to know why these men retired in 1968 and 1970, respectively, and that matter is now being brought to this Parliament. What went on?

**Hon. Senator:** You asked that already.

**Sen. Mark:** Yes. I am saying that we need clarification on these matters. We need to get from the Attorney General the difference between regulations 9 and 10, and why those two regulations are being applied for purposes of gratuity and pensions as they relate to those two individuals. If the Attorney General could provide us with an adequate explanation and clarification on these matters, we would have no hesitation in granting support.

We want to caution here, Mr. President, that retroactive resolution seems to be coming a norm here. We have just adjourned, in a form, to go back to the Rent Restriction (Re-enactment and Validation) Bill; now we have another piece of legislation before us, going back to 1968 and 1970.

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This is a dangerous kind of thing that we are engaging in, and the Attorney General has to provide us with more information. When those people left in 1968 and 1970, what took place between 1968 and now; what took place between 1970 and now? Why is it during that period of time nothing was done? Let us know. We need to get information, and once we get information we will be able to come to some intelligent conclusions and take some appropriate actions in support of the legislation.

I am saying that the information, so far, by the Attorney General is woefully inadequate and we need some additional information for us to give support to this particular piece of legislation.

Thank you very much.

**Sen. Spence:** Mr. President, if I understand the bill correctly, these are sums of money which should have been paid in 1970.

**Mr. Smart:** These are sums of money which these gentlemen were not entitled to because they did not qualify because of the age at which they retired from the Coast Guard. The arrangement ought to have been for them to be re-absorbed into the Police Service once their period of contract with the Coast Guard came to an end, but there were difficulties and they left. They had made representation for the compensation that they normally would have been entitled to, but the compensation law provided for this compensation to be paid only after a certain age, which they did not attain.

What we are seeking to do, is to give them that compensation by making as if, in this bill, the regulations apply to them. I understand this is something that is done on a regular basis where, for some anomaly, for some reason, persons do not qualify for compensation. If you look at clause 2 of the bill, it says:

Notwithstanding any law to the contrary, there shall be paid out of the Consolidated Fund to Richard James and Preston Zamore as pension and compensation for loss of office as members of the Defence Force, the following payments as if regulations 9 and 10 of the Defence (Pay and Superannuation) (Transferred Officers) Regulations, 1967 were applicable to them..."

So the regulations did not apply to them but we are seeking to allow them to benefit because it was felt administratively, that they should benefit. That is what we are seeking to do.

**Sen. Spence:** That is understandable. My only concern was that if the sum had been due some time previously, then I feel they ought to be paid interest on the amount. If it is only due now, then I have no difficulty and I support the legislation. But I certainly think it is very unfair because it happens frequently.

I have to declare a self-interest in this case—because the Attorney General says one looks after one's own interest—I myself am waiting for a pension which is due from the Government. I think that it is very unfair that because of some bureaucratic constraints, payments which should have been made at a certain time are not made until years afterwards, and there is no compensation by way of interest.

**3.40 p.m.**

**Sen. Haji Ralph Khan:** Mr. President, I will just make one or two brief comments on the bill before us.

In view of the fact that these persons have served the country, it is my belief that they are entitled and they deserve some kind of compensation. But having quit the service on a voluntary basis, at the ages of 33 and 38 years respectively, to my mind, raises a very serious question, and I believe it is a matter we should address. The concern, to my mind, which this question raises was answered indirectly by the Attorney General a moment ago. In my view, I think when this is allowed to happen and such handsome packages are disbursed to personnel who retire on a voluntarily basis outside of the legal framework, it is creating a lucrative form of inducement for other young people to follow their example. This is a matter which I believe we should address. Because the question I was going to ask before the Attorney General replied just now, was whether this was not creating a precedent. But he answered that this has been happening fairly regularly, so it is not a precedent. So if this has been taking place on a fairly regular basis, then as we hear the saying in this country, “that the wise live off the fools.” So the smart guys go off voluntarily at a young age, and if they live when that time comes, they retire and apply for pension.

I heard one of the Independent Senators mention just now that he is waiting for his pension. I am almost in a similar boat and I have to wait. But here it is, a very, very lucrative form of inducement for a young man to retire, particularly when he does this on a voluntary basis.

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Sen. Mark quoted just now from certain regulations under which people qualify for these benefits. So this is a matter which I believe, that in future, the Government should address, with some concern, because if this is allowed to happen rampantly, then we will have a series of situations like these developing in future and the taxpayers are the ones who will have to bear the brunt of this problem. Because whose moneys are being paid out? Once again, the burden will have to be borne and carried by the taxpayer.

I am not stating that these people ought to be deprived, but what I am saying and reiterating, Mr. President, is that a matter of this nature ought to be looked at very seriously and in future they must be examined very microscopically. If these people in future do not deserve such benefits under the legal system which obtains at present, then they should not be encouraged to retire and be paid such handsome packages when they retire on a voluntary basis. That is my concern, Mr. President.

Thank you very much.

**The Attorney General (Hon. Anthony Smart):** Mr. President, as I said just a short while ago, this sort of bill comes to the House fairly frequently where one seeks to compensate persons who, for some reason, some anomaly to the law, is not entitled to benefits for the provisions for compensation. This is a case in point. As to why only now, that is a matter that I cannot answer. It is a matter that arose with the former administration and the legal secretary, as far back as 1979, gave certain advice. The Comptroller of Accounts advised that this was the way to go, and for some reason that could be explained by the former administration, it did not come to this House. It eventually came before the Cabinet a year or so ago and for several months this bill has been on the Order Paper of the other place. *[Interruption]* I have been advised that it is Bill No. 1 of February, 1991.

Suffice it to say, what we are seeking to do is to give redress to two gentlemen whom the administration felt ought to benefit for compensation, gratuity and pension. In the Defence Force, non-commissioned officers and even commissioned officers, serve for a contracted period of time, at the end of which they go their way. Usually, it is not until they reach 55 or 60 years. Some of them leave the Defence Force fairly early. Probably the thinking is that fighting men should be reasonably young men. But they serve their time, then they get their pension, compensation, gratuity and go their way.

In the case of these gentlemen, they were members of the Police Service. In 1962 when we became independent, we were looking for persons to become part of the Defence Force and an arrangement was made for members of the Police Service, members of the Cadet Force, and so forth, to go into the Defence Force. They served for a period of time and at the end of the period, if their contracts were not renewed or if they were too young, they would then go back into the Police Service. In the case of these two men, they did not go; there was some administrative bungling maybe, but the point is they were denied their compensation because they were too young to benefit under the regulations. We are saying now, that we want to treat them as if they were old enough to benefit under the regulations.

**Sen. Mark:** Are these former officers in the police force today, or are they out of the police force? What I would also like to find out is that both served six and eight years respectively, between 1962 and 1968 and 1962 and 1970 and yet they are qualifying under provisions that require you to serve for 20 years. So I would like to get some clarification on that.

**Mr. Smart:** The position is that these gentlemen were not reabsorbed into the Police Service and what we are seeking to do is to treat them as if they were reabsorbed, or at least as if they qualify for benefits under the Defence Act. I am sure Sen. Mark ought to question these things, but I want to think that I have given a reasonable explanation and it really ought not to trouble us too much. Certainly, it is a matter that has been pending for the longest while. These gentlemen have been denied their benefits and it took the NAR Government to bring this matter to the House so that they can benefit. The matter has been pending since in the 1970s and it is this administration that brought the legislation to the House so that these gentlemen could benefit. They are no longer in the Police Service; they are still alive and I hope that we in the Senate here would proceed expeditiously to allow these gentlemen to benefit from provisions that legally they are not entitled to, but if we pass this legislation, you make them legally entitled to benefit for having served the country for some period of time. Thank you very much.

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Bill committed to a committee of the whole Senate.*

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*Senate in committee.*

*Clause 1 ordered to stand part of the bill.*

*Clause 2.*

**3.50 p.m.**

**Sen. Mark:** Mr. Chairman, the Attorney General indicated that these people would be entitled to \$141,000. Is this figure for one of the individuals or both?

**Mr. Chairman:** If you look in the third paragraph of the explanatory note it indicates that Mr. James will get \$101,580.40 and Mr. Zamore \$141,782.64.

*Clause 2 ordered to stand part of the bill.*

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

*Senate resumed.*

*Bill reported, without amendment; read the third time and passed.*

#### **CENTRAL TENDERS BOARD (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Justice and National Security (Hon. Joseph Toney)** Mr. President, I beg to move that the bill to amend the Central Tenders Board Ordinance (No. 22 of 1961) be read a second time.

The legislation governing the procurement of goods and services to man and run the machinery of state, was enacted some 30 years ago—to be precise, in 1961. Since that time, the range and scope of the operations of Government have expanded widely, and have altered dramatically, and from all indications, they will continue to widen and change.

At the Ministry of Justice and National Security, for example, we are now operating, among other equipment and facilities, fast patrol boats, fixed-wing aircraft, specialized firefighting appliances, a fleet of approximately 800 vehicles and 100 standby generators.

Never in one's wildest dreams, could one have imagined, 30 years ago, that in order to ensure that law and order are maintained in this country, our Ministry of Justice and National Security would have had to so equip itself.

To ensure that the security of the country is at all times in tact, many and varied are the tasks carried out by the various arms of our protective services; the defence force, police, fire and prison services. These tasks touch and concern almost every facet of life of the people of the country, and in many instances have much to do with the preserving of life, as well as property. The ability of the various units of our protective services to carry out these functions efficiently and effectively, depends to a large degree on the tools at their disposal, and if they do not have the tools, the quickness in obtaining them.

I do not think that I need to put forward the reasons why our security forces must be able to have the tools to do their work. I think that is understood. Neither do I think that I have to put forward reasons, before this honourable Senate, why it is necessary, if they do not have the tools to do all that is legal and proper, for them to acquire these tools in the shortest possible time-frame. This is the short reason this amendment to the Central Tenders Board Ordinance is before this honourable Senate. Basically, to acquire in the shortest possible time-frame, goods and services for our security units.

I think that it is now common knowledge that our law enforcers are not as equipped and as outfitted as any modern-day Ministry of Justice and National Security would like them to be. Many are the stories told about the state of equipment in our police, fire and prison services and, in fact, our Defence Force. In spite of their handicaps they soldier on, protecting, serving, responding to every emergency call and manning our security institutions to the best of their ability.

I would be failing terribly in my duty this afternoon, if as Minister of Justice and National Security, I did not, at this juncture, pay public tribute to all of them; be they soldier, sailor, police, fire or prison officer, for their dedication and devotion to duty, in sometimes very trying and difficult circumstances.

At the Ministry, given the scenario I have outlined, we have been looking at ways and means of providing, with the little money at our disposal, the necessities for work for our law enforcement units, and providing them with these facilities in as quick a manner as possible.

Naturally, we turned our eyes to the procurement procedures in the ministry. What was made crystal clear to us was that the lead times for the acquisition of the goods and services required for the ministry were far too lengthy and that the purchase of some items which were very sensitive, had to pass through too many channels.

The Cabinet was therefore approached with proposals for the amendment of the Central Tenders Board Ordinance, to enable the Ministry of Justice and National Security to handle, in-house, the acquisition of a range of goods and services for the Defence Force and the protective services. These proposals are now in the form of the amending legislation which is now before this honourable Senate for its approval.

**4.00 p.m.**

It is my considered view, that the security of our country, and the ability to better equip the protective services in the shortest possible time-frame require and, in fact, demand that the procurement function of the Ministry of Justice and National Security be localized in that ministry. This, as I want to repeat, is the real purpose for this piece of legislation before us this afternoon.

I am quite certain that hon. Senators may well at this point be asking: Well, if you are saying that the procurement of goods and services be localized in this ministry, how will that be done? What are the steps which will have to be taken before or after an award is made? I am certain that all hon Senators may have already read the bill, but to reply to that question, I will refer them specifically to clause 3(b), proposed subsection (2B) which reads as follows:

"(2B) The President may by Order—

- (a) make rules governing the award of contracts for items and services referred to in the Third Schedule;"

I do not think that I need to explain the significance of the word "shall", to Members of this honourable Chamber. That word has a mandatory ring to it and in the context of this piece of legislation, those rules must be published before there can be any award of contracts for item or services referred to in the Third Schedule.

I have had the opportunity of looking at a draft of these rules and I wish to make it abundantly clear that the Minister of Justice and National Security, certainly in an NAR Government, plays no role at any time in the award of any contract, which falls under the scope of the amendment which is before us today. Lest, my ministry, or myself be misunderstood, let me go on record as saying that the Ministry of Justice and National Security has the highest regard for the Central Tenders Board. The members who comprise that board display the characteristics



of integrity and devotion which are admired by all, and certainly are worthy of emulation by others in the public service.

My advice and information is that they are very sensitive to the needs of the Ministry of Justice and National Security, but they too are bound by the law as it now stands. Times have changed; security circumstances world-wide have altered. The law, if it is to be respected, must keep abreast of these shifts in the real world of security, law and order, otherwise you will hear the most unbecoming descriptions of the law itself. This therefore, is the reason we have put forward this piece of amending legislation before this honourable Senate.

I am sure that hon. Senators will have much to say about it, and I look forward to hearing what they have to say about this approach by the Ministry of Justice and National Security. I commend the bill, therefore, to the Senate for its approval.

Mr. President, I beg to move.

*Question proposed.*

**Sen. Wade Mark:** Mr. President, thank you very much. This afternoon, the hon. Minister of National Security has presented to this Senate, a bill to amend the Central Tenders Board Ordinance, No. 22 of 1961.

The sole purpose of this bill is to remove from the authority of the Central Tenders Board, the purchase of items and services for the Defence Force and the protective services. The protective services are listed as the Police Service; the Prison Service; Rural Police and Estate Police; Special Reserve Police and the Trinidad and Tobago Fire Service.

The question we would like to direct to the Minister of National Security from the very outset is: Who shall constitute this new authority, this in-house mechanism which is being established under the umbrella of the Ministry of National Security? The bill is remarkably silent on this matter. We do not know exactly who and how these people are going to be appointed, but we do know, based on the Minister's statement, that an in-house committee in the Ministry of National Security would be established to take command, so to speak, of the purchase of materials, goods and services for the Defence Force and our protective services.

The question which we have not been able to address so far from the Minister's presentation, is: What is the basis of these delays in a really serious way? What is

responsible for the bureaucratic red tape which seems to clog the wheels of efficiency in delivering the necessary items for our Defence Force and protective services?

It seems to me that there is a clear effort on the part of the Government to remove the authority from the Central Tenders Board to purchase items for the Defence Force, and place it, as the Minister has described it, into the hands or lap of a special committee. All he can indicate to us this afternoon, is that there is need for greater efficiency in addressing the need of our protective services, but we need to have some degree of justification. The Minister needs to provide us with more information as to the basis, the problems and the difficulties.

We do not have to disband a board, or increasingly reduce its efficacy as this Government has done with the Central Tenders Board. We need to examine very objectively, sincerely and frankly what are the problems confronting the Central Tenders Board, to determine what measures are necessary to make it deliver the goods more efficiently and effectively. This Government suffers from the privatization syndrome. It is a sickness and they have caught on with that particular disease.

**4.10 p.m.**

It appears to me that there is an effort to reduce the authority and responsibility of the Central Tenders Board. In other words, eight months ago, a news release came out of the Information Division of the Office of the Prime Minister. It was dated March 5, 1991. This release sought to address the very point that the hon. Minister of National Security is attempting to advance here this afternoon. I want to read this particular release. It is headed "NPC"—which is the National Planning Commission—"hears about CTB, Delays". It reads as follows:

"The difference between the availability of funds and the release of those funds have been identified as the major cause of delay from the date of application for tender by Government agencies and the execution of contracts. This was stated by the Acting Director of Contracts when she addressed the National Planning Commission on procedures for tenders and release of funds for contracts administered by the Board.

According to the Acting Director of Contracts, delays occur when Ministries and Departments do not submit the required memorandum from the Ministry of Finance, which states that funds will be released for the contract as and when required."

The Acting Director of Contracts added that:

"In the majority of cases, the Board has had to make request of public agencies to submit the required memorandum."

You have the Central Tenders Board before the National Planning Commission indicating that the problem is not so much with them. The problem has to do with the Ministry of Finance and the inability of ministries and agencies to submit memoranda rapidly.

Mr. Reynald Rampersad, Acting Permanent Secretary, Ministry of Finance, pointed out that releases were made subject to the flow of funds in the country. I know that we have a crisis of cash. The Minister, and all the Government Ministers, tell us continuously every time they speak, that there is a crisis of cash. So, if you set up this mechanism, will it bring about a difference, Mr. President? I continue:

"Some of the other reasons given for the delay in the execution of contracts by the Board, include the lengthy evaluation of tenders, limited computerization of the functions of the Central Tenders Board; and the public's lack of knowledge of tender procedures."

They are giving reasons why there have been delays. It continues—it is a long release you know, Mr. President—

"In order to eliminate delays as far as possible, the Acting Director of Contracts informed the National Planning Commission that the evaluation period has been shortened with the computerization of some of the Board's functions."

She stated in March 1991 that the evaluation period—that is what the Minister was referring to in his presentation—the lead time. You have a lead time period taking place there. She is admitting that this evaluation period has been shortened with the computerization of some of the Board's functions.

"The Board is now in the process of producing a booklet on proper tender procedures to be used by public agencies.

In addition, a list of bonded contracts has been established by the Board, which enables Ministries and departments to purchase recurrent goods and services without the need for contracts. The limit for such purchases of goods and services is \$25,000 for Ministries and departments and \$100,000 for Ministerial

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committees. Three recurrent items—electrical supplies, office machines and medical supplies—have no ceiling on purchase value and tender procedures are not necessary.”

I read this in full in order to bring to this Senate's attention the problems identified by the Central Tenders Board when it was before the National Planning Commission and the kind of commitments that were given by the Acting Director of Contracts with respect to what steps were being taken to overcome these matters. I am certain that the hon. Minister of National Security is aware of these developments. If just eight months ago you had the Prime Minister's Office releasing this particular information and advancing reasons for the delays in the execution of contracts, why would the Minister come eight months after—this was in 1991—to get the approval that would remove an important responsibility from the Central Tenders Board and place it in his Ministry? There appears to be something in the mortar besides the pestle and the Minister has to level with us. He must tell us what is behind this remarkable change, having regard to what was said by the Information Division of the Prime Minister's Office. The only logical reason that could possibly be discerned for this move on the part of the Government is clearly an attempt to escape from the searchlights as it relates to the country and the Parliament.

There is a question here of accountability. The issue of accountability is critical. Mr. President, without proper accountability we know much room and space is created for corruption.

**4.20 p.m.**

Mr. President, this regime, beaten and dying as it is today, is noted even though they rode on a wave—like the PNM—of public morality; they will do this about corruption and they will address corruption. You see they will have to provide their backers with some space. *[Interruption]* That drug thing you talk about, that is corruption.

In 1990, Risk Management Services which is 50 per cent owned by Neal and Massy—and I want to make it very clear that there is a role under the administration of the United National Congress for the private sector and the state sector, and there is a role for the co-operative movement, so we want to make it abundantly clear that when we make reference to the conglomerate called Neal and Massy, we are not against business, as some would say; we are against racket, corruption.

Mr. President, in 1990 Risk Management Services which is 50 per cent Neal and Massy owned were appointed as insurance brokers and consultants to the Government of Trinidad and Tobago for the period March 7, 1990 to December, 1992. This massive conglomerate, apart from placing insurance policies for all government departments and agencies, is also responsible for developing a policy on risk management for approval by this Government. What is even more disturbing about this matter is the fact—

**Sen. Deosaran:** I am sorry to interrupt, but I am extremely interested in the situation the Senator is describing. Could he tell us who owns the other 50 per cent of that company he is speaking about?

**Sen. Mark:** Mr. President, on the question of Risk Management Services what we are talking about here—you see there is a cabal of interlocking relationships. Gerry Hadeed who is one of the major financiers of this dying regime and Neal and Massy's chief executive officer, Sydney Knox, they own 50/50. So to answer my colleague's question Hadeed owns half and Neal and Massy owns half so is 50/50 and it is good business. *[Interruption]*

Mr. President, there is a provision in the Central Tenders Board Act—*[Interruption]* You see this Act needs to be amended because it facilitates corruption. Hear what section 33 of this Central Tenders Board Act says:

“In the exercise of its powers and the performance of its duties the Board shall conform with any general or special directions given to it by the Minister of Finance.”

The point I am making here is, when you ask about who awards, I am saying that for instance there is a political influence in this but we would not deal with that immediately. I am not accusing the Central Tenders Board of corruption. I am saying, for instance, there is facility in this Central Tenders Board Ordinance to allow the Minister to influence decisions. Hence the reason I am saying Risk Management Services got the contract for all Government departments, ministries and agencies. So Hadeed, the financier of the NAR, and Neal and Massy the financier of the NAR have gotten a contract. We do not know the value of it. I have no problem with people getting contracts but I find it strange—

**Sen. Rampersad:** Mr. President, I am on my feet on a point of order. The hon. Senator is misleading the House. Unless he can provide information which says that Mr. Hadeed and Neal and Massy are financiers of the NAR then he should withdraw the statement.

**Mr. President:** You have heard the request from the Senator. Can you substantiate?

**Sen. Mark:** Mr. President, it is now public knowledge. I think he is engaging in mischief. They have indicated totally—*[Crosstalk]* I do not have the evidence before me and they know it. What I am simply saying is that gentleman Sen. Rampersad who has recently resigned from the NAR—

**Mr. President:** Do not get into this crosstalk. You were going good in the early stages. If you cannot substantiate the remark then graciously withdraw. As you say, certain things might be known or unknown, so if you cannot substantiate it, there is nothing—

**Sen. Mark:** Mr. President, I would bring the necessary documentation here. These men are quite conscious of what I am saying but for purposes of not prolonging this exercise I would rest my case on this matter and withdraw the remarks, but I shall provide the necessary information.

Mr. President, this corrupt act that I have described represents part of the big pay back and we have to ask ourselves the question: How much money is it costing the taxpayers of this country as it relates to that particular contract that was landed by Risk Management Services?

There is no information and maybe the Minister of National Security could provide this Senate with some information. I have no information at my disposal to indicate the value of the contract that was awarded to Risk Management Services.

It is all part of this Government's policy to relentlessly sell out this nation's patrimony to a small clique, as I keep saying, of carpetbaggers whose interest begins with self and ends with self. This is precisely what is taking place in the energy sector today, and the Government's haste to establish, in a most illegal way, the National Investment Company and to also create a holding company for the hydrocarbon sector. But the people will shortly have their say on this matter.

This Government ought not to be engaging in fundamental decisions, projects and programmes which can have an indelible impact on the future stability of this country. It is immoral, bordering on the unethical, and it is highly dangerous and almost insulting for an unpopular Government to be taking fundamental decisions on the eve of a general election that could fundamentally affect our country.

**Mr. President:** The sitting is suspended.

**4.30 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Sen. Mark:** Mr. President, there is no doubt—and I want to agree with the Minister of National Security—that there exist difficulties with obtaining equipment, materials and other goods and services for the Defence Force and for the protective services. Let us not fool ourselves about that. There are difficulties and problems.

Mr. President, I know for a fact that in the case of the Prison Service, there is a difficulty, particularly with vehicles. They have been attempting to obtain vehicles, but there are difficulties; they are trapped. In fact, today, the Prison Service is lacking in that particular area where, for instance, there are prisoners not being transported because of the lack of vehicles. So, therefore, we are not arguing the point of a lack of equipment and difficulties involved in obtaining same. But what we have to understand is the reason for the lack of response, whether, for instance, the Government and the Minister of National Security could address that question. There is a problem with prompt payments to persons who are involved in delivering goods and services. This is what I understand and maybe the Minister could clarify that particular point, whether that exists.

Mr. President, the two issues that we need to really address and focus on in this debate, from our side, are the issues of efficiency and accountability. This Government has, already, a series of dark clouds hanging over its head involving questionable and sometimes criminal conduct on the part of senior Government officials. Only recently the Government certainly would have been embarrassed by this letter that the hon. Minister of Health issued on behalf of Mr. Robert Mansoor. That certainly would constitute a serious embarrassment to the country.

From what is reported, he was tricked. He said he was tricked in the matter. But the question is whether, for instance, as the former Minister of National Security and the former Attorney General, somebody could trick him into that kind of arrangement.

**Mr. Smart:** I think I should intervene at this point, Mr. President. The hon. Minister of Health never used the word “tricked”. That was used by someone else. The facts are that he provided a recommendation to Mr. Robert Mansoor, the father of this person who had difficulties, not knowing at the time that the document may have been used in certain proceedings abroad. When he discovered

that, he sought the original document from Mr. Robert Mansoor and within three days he got it back. He has said, quite openly, that he was told that this recommendation was requested because Mr. Robert Mansoor had suffered during the July 27 fires, where his business was burnt flat, and he thought that this recommendation would have been used in order to make certain contacts, both in Trinidad and Tobago and abroad, for the purpose of helping him re-establish himself in business. This is what was told to him.

One has to get it quite clear. People are making heavy weather of this thing and suggesting that the Minister of Health and the Chief Justice, for that matter, have been involved in some sort of collusion to assist a young man who ran into difficulties with the law in the United States. That is clearly not the case. So I think the Senator should be careful when he seeks to make these kinds of allegations against responsible people, a Government Minister and the Chief Justice. He has not said anything about the Chief Justice as yet, but he must be very careful because the facts are abundantly clear.

**Sen. Mark:** Mr. President, I would not detain the Senate much longer. We have the hustings and when we are in the hustings we shall deal with those matters in more detail. We would not detain this Parliament.

This regime is efficient in doing two things: delivering empty promises and engaging in terminological inexactitudes. I would like to indicate that the regime cannot be trusted. We, therefore, would find great difficulty in lending support to this particular piece of legislation. We, on this side, are going to be proposing an amendment to the present bill which reads:

“‘Articles’ means all goods, materials, stores, vehicles, machinery, equipment and things of all kinds, save and except articles declared by the President to the Board to be for the exclusive purpose of ensuring the security and safety of the state. The acquisition and/or disposal of articles so declared by the President shall be dealt with by a special committee of five persons appointed by the President, after consultation with the Prime Minister and the Leader of the Opposition.”

**Mr. Toney:** Mr. President, the manner in which my friend worded the amendment lost me. I do not know if he would have it typed.

**Sen. Mark:** Now, Mr. President, we believe that this is one of the means that we can, at least, use to avoid a situation where we would not be able to give



support to this particular piece of legislation which we find very offensive. We think that it is a recipe for corruption if it is passed in its present form.

Mr. President, the amendment suggested above would exclude from consideration by the Central Tenders Board, all articles notified from time to time to the Board by the President in his capacity as head of state, and Commander-in-Chief of the armed forces, as being required for exclusive use by the security forces for the safety and security of the state of Trinidad and Tobago.

The proposed special committee would be appointed, not on advice of, but after consultation with the Prime Minister and the Leader of the Opposition. The President can be expected to act at all times in accordance with the oath to which he has sworn.

Mr. President, what this proposed amendment, once accepted, will do, is to ensure where particular articles and/or services are essential and critical to the implementation of any safety and security measure, this special committee that the President will appoint will discharge its duties with efficiency, incorruptibility and complete dedication to the well-being of the people of Trinidad and Tobago.

Mr. President, we are going to have this amendment typed and circulated so that the hon. Minister of National Security can look at it carefully, because I am certain that what we are seeking to do is to ensure that we promote the well-being and welfare of the citizenry of this country and, as far as is practically possible, reduce the possibilities of corrupt activities seeping into an arrangement whose initial intention would have been honourable. Therefore, I think it is in the interest of the Senate to look at this amendment very carefully and we hope that, for instance, the hon. Minister of National Security would give it the serious attention and consideration that it deserves.

Thank you very much, Mr. President.

#### **BUSINESS OF THE SENATE**

**Sen. Alloy Lequay:** Mr. President, I intended to ask that we adjourn this debate and take the committee stage of the Rent Restriction Bill, but Sen. Furness-Smith has, during the interruption, submitted a further amendment which complicates matters a bit, and we would want to look at Sen. Furness-Smith's amendment, the amendment that the Attorney General had drafted and the further amendment made to that by Sen. Spence. I therefore propose that we deal with the committee stage at the next sitting of the Senate, and continue with this particular debate until 6.30 p.m.

**Mr. President:** All right. We will continue with the debate. Sen. Deosaran.

**CENTRAL TENDERS BOARD (AMDT.) BILL**

**Sen. Dr. Ramesh Deosaran:** Mr. President, I have a few comments to make on this particular Bill, because, as far as I know, the establishment of the Central Tenders Board was accepted by this country in order to preserve some integrity in matters of public administration, some semblance of fairness, guarantees of equal treatment and the prohibition, as far as possible, of financial corruption. The underlying argument for the Central Tenders Board, with these objectives, therefore, was to have a group of independent-minded people who would assess the submitted documents in a fair and impartial way.

So with that brief premise, Mr. President, if you are diminishing the powers of the Central Tenders Board in any way, or trying to centralize it in any way, I think we have to go back to these first principles, naturally.

Now, I listened with rapt attention to the opening statements by the Minister of National Security, because I know, in his own mind, he, too, is aware of these considerations. I am also quite sure that he, too, must have searched through the justification for bringing this amendment in order for him to support it publicly. But more than that, I am still fully aware that the areas over which he had jurisdiction as a Minister are very sensitive areas, not only at this particular time, but at all times in the life of this country.

So it is with such due regard that I listened to him very attentively, because I would want to see what I can do to facilitate his own endeavours. He made a point, Mr. President, that things have been expanding since 1961, the year in which the Central Tenders Board was established. The burdens, the duties and the responsibilities of the Minister of National Security have also expanded very much within the last few years, and in the particular context of criminal conduct in the country. Therefore, according to him, the Ministry of National Security needs some more flexibility or control in managing its affairs in such difficult circumstances. So far, so good.

Now, in going along that route, several questions will have to be asked in order for one to approve or disapprove of this Bill. Because, you see, we are having arguments on both sides. One argument is for the establishment of a Central Tenders Board, particularly as initially conceived, and now we are having a reaction to that initial conception, but for reasons which have been laid out before us by the Minister.

So we are into a very fundamental discussion that relates, not only to what the Minister of National Security is trying to do, but how does a Government with the appropriate executive authority run a country and, in particular, a sensitive ministry within the required political and legal constraints.

So I rise to make these few comments in addition to the others I have made. This might very well be one of my last contributions in the life of this Parliament; it is my feeling. So I thought I would try to grapple with that issue in these last days of this honourable Senate.

The Minister then went on to speak about providing the appropriate officers within his ministry with the required tools to do their jobs, meaning, in particular, looking after public safety, which is what I am particularly interested in—perhaps moreso in recent times—vehicles, guns of all kinds, tools to ply their trade. But I would like to ask certain questions. When such attention is given to the hardware with which these officers have to operate: guns, vehicles and matters in particular listed under the Third Schedule, when it comes to these tools, no military organization, no police service, can ever have enough hardware. So, it is not just a matter of providing these tools, it is a matter of other considerations, especially if you want to make the officers under that particular ministry more efficient, more responsive to the needs of the community; issues such as the management of the Police Service, the management of the prison service and the question of planning.

The *Bible* has told us very simply, that we should not cast pearls before swine. The symbolism is apparent, even though not directly applicable to my honourable friend, but in a broad sense. I certainly do not mean it is applicable to my honourable friend, but in a general sense, because, of course, he alone is not responsible. I mean, that is one of the, I would say, tragedies, perhaps, of elected governments: Every finger eventually points to the minister in charge, be it issues pertaining to the judiciary, which jealously wants to preserve its independence, but then the bottom line, as far as the voters are concerned, they do not speak or respond to the judiciary, it is to the minister in particular, and in a more collective way to the government in power.

When I say casting pearls before swine, you can provide some workers with all the tools of the trade, all the ammunition, so to speak, all the vehicles, and if they do not have a conceptual understanding of their respective operations, that will be like casting pearls before swine. If there is not a proper planning infrastructure, especially in the context of scarce resources—

**Mr. President:** Senator, the phrase from the *Bible*, I hope that you are not intending it for any member of the protective services or the defence force of this country. I do not think it is a charitable thing to say if it had been applied to the personnel comprising the protective services or the defence force of this country.

**Dr. Deosaran:** Mr. President, certainly, there was no intention to individualize or to identify a group, but certainly the language is figurative. It has always been so. Just as I exonerated the Minister, in that same sense I had to draw the illustration that you can provide certain people, whether it is the protective services or anybody else, with certain tools of the day, but if they are not capable of utilizing those tools, well then the figurative nature of that expression comes into force. It has nothing really to do with swine, it means that you can provide certain people with certain things—if I should put it another way—and if they do not have the conceptual understanding of how to use those tools, well, it is quite a useless exercise. But if you still want the assurance that I did not mean the protective services, certainly I assure you I never meant it that way.

**5.30 p.m.**

Mr. President, I was making the point that the issues of management and planning are very crucial with respect to a situation where there are scarce resources. In addition to the two, as listed under the Third Schedule, I think the Minister, the Government, and the senior officers in those respective services will have to pay increased attention to those two aspects of their organization.

The Minister then went on to pay public tribute to members of the Police Service, the Defence Force, and the Fire Service. A number of us have done this at one time or another, because it is a fitting option that we have to instil a high level of morale to inspire the officers in these respective services so that those who perform well will perform better. But certainly, while many of us have done so, quite a few of us, at the same time, are well aware, in the face of evidence, that all is not well in the Police Service, in particular. That is no secret. Apart from the La Tinta enquiry, and apart from all the cases brought before the court—some proven, some still under hearing—there is enough to suggest that the lines of enquiry which this Government has started, and which are still being undertaken by the Ministers in charge, should continue. That is, there should be vigilance over those officers who transgress, in one way or another, while singing the praises of those many others who perform quite well.

In giving this tribute, as I have done many times, I think we ought to take into consideration the experiences that we have. At another time I will speak about an experience which I had recently because it really exposed me in a frontline manner to how the police operate, or do not operate. Even though there is the spirit of co-operation, kindness, support, it is also a matter of not knowing certain things at certain times; how to mobilize; how to stop trampling over one another towards the same objective; the use of the telephone; the squad car; strategic planning; how to set up a decoy in a place that you know is vulnerable to burglaries; when you put a man to stake out, you find out that at the time the crime was committed, he was somewhere else. There are a host of issues, really, that need to be raised with respect to what the Minister said in his tribute to the Police Service.

Mr. President, I feel, like quite a few other people, I am in a strong position to comment on the Police Service. I have had experience, as the Minister knows, to speak to the senior officers. I have provided all kinds of assistance for which they have asked, as long as it is available, either through myself, through the university, or through any organization to which I belong. So it is not a matter of malice. It is certainly not a matter, in this case, of throwing pearls before swine; it is an entirely different story. At another time, I will make my voice heard on that particular matter.

I think Sen. Mark really aroused my interest in several aspects of his presentation. The one which grabbed my interest—I think he is more dramatic than I am. I refer to when he challenged the Minister to say how exactly tendering operations will be handled within the Ministry of National Security. I think that is a critical element in determining how I will vote on this issue, because we cannot afford to jump from the frying pan into the fire. That is a figurative expression, it has nothing to do with real fire or real frying pan. I use these expressions from time to time, with due respect, to illustrate more forcefully than my ordinary language could, what I would like to say. That is a critical issue. As I said initially, it is the lever that will determine how expeditious an executive could move or be held back by a well-intentioned network of bureaucracy. That is the critical issue.

I am almost certain that with this precedent through this amendment, another ministry can come and ask for the same facility. We had one some years ago. When the life of this Parliament began in 1987, there was an amendment made to the Central Tenders Board Act for states of emergency. So we will see the process developing over time. Therefore, it is good that we understand the principles that we are embarking upon and for what reasons.

Sen. Broomes has a pet phrase which he uses whenever he speaks on matters within his domain. He usually says, "We must learn to respect ourselves". Perhaps he is also inferring we must learn to have confidence in ourselves because, after all, we are into the business of self-government. Sometimes I sit and listen to Sen. Broomes with admiration. As you know, if you do not like what he says, you end up liking how he says it, so in any sense, you end up with some liking for him. Just like my friend, Sen. Moonan.

You see, Mr. President—and this is a problem the Minister under question will have to face—what has been the evidence over the years when you put financial responsibility on certain committees, certain groups of public servants, where accountability is required? You need no better story than that told, and retold, in the Auditor General's report, to the extent that this Government, if not collectively, certainly through few of its key ministers, has disassociated itself from the seeming wrongdoings and financial ineptitude that permeate the Auditor General's report. So certainly, there is something lurking around the corner that should caution us as to how far we should move from a properly constituted independent body—of course, independent, subject to what the Minister of Finance, in this case, has to do—and moving to a group or a body that is under direct political or quasi-political control. It brings us back to a point raised—and I am sure the Minister will have a satisfactory answer: What exactly will the machinery be within the Ministry of Justice and National Security for the tendering operations?

The Minister has some ammunition to use in promoting this bill, because when I look at an example of what the Central Tenders Board has to handle for the different ministries, it is almost like a joke—sometimes, things such as sandwiches, lunches. In this case, as published in the *Gazette* of August 23, 1991, there are tenders here for "the supply and delivery of bedsheets and clothing materials for the Prison Service, Ministry of Justice and National Security". Of course, with all the problems which the Minister has explained, just for bedsheets and clothing material, certainly there is a case to be made here. Of course, with all the conditions set up, that makes life difficult sometimes. I can appreciate that. That is why it is a choice we have to make now. At least in my own mind—other Senators might have their own views—I want to be sure that I do not take part in a decision that I will regret in the years to come. If you look at the Third Schedule which really falls under the ambit of the amendment, it includes: arms and ammunition, repair of vehicles, security equipment, uniforms and wireless equipment and spares.

When you talk about vehicles, I have seen recently—and I do not know what to make of this in terms of the integrity of the Police Service and, by extension, the political integrity of the Government of the day; I am still puzzling over it—that you have private companies being put in a position—of course, their generosity is not ignored but I am looking at the implications in terms of a police service, for example, that ought to be free and fair; free from favouritism and fair in its dealings by treating everybody equally at all times. So if you have a businessman repairing police vehicles for free, I would sit back and question the words "for free" because it could easily be—and this is not figurative, this is literal—that he gives you with the right hand and takes back with the left hand. You construct, therefore, a political obligation, if not above board, but certainly under the table.

**5.40 p.m.**

I understand the problems a government hard on cash has to face. I mean, we are not so naïve. I remember a Central businessman helping to build a police station in that area with his own materials. Now, we may not be speaking about an event that has happened, but certainly hon. Senators, what about the possibilities when we all know about the issues involving foreign exchange? Whether the law is fair or not or whether the law is untimely, but the law is the law. There are many possibilities that impinge themselves on businessmen, certainly not all of them, but if not as businessmen, as members of a family, friends, neighbours. So I am puzzling over that as to which is the lesser evil. Because it puts the authority, and I am sure the Minister, quite possibly, in a dilemma.

He goes and opens the police station or his commissioner of police goes with all the fanfare and a more serious thing is this—the public is witness to this, perhaps remaining just as puzzled as I am. Well, who owns the police station? Now, if you know rural life, we have words like "big bourg". People boast about who they know and they boast about how much power they have over whom; the use of the telephone and its "gallerying" syndrome that this country has developed by a little contact. I pursue the point no further because it might be very well construed as a criticism of the present Minister or his Government. But, certainly this has not started today. I think the practice, in this regard, Mr. President, must be stopped.

On the issue of arms and ammunition, well I can tell you quite safely—although I can talk on this some other time, if not here, certainly somewhere else—the gun that I faced one Friday evening should not make a difference,

not to a responsible Government. *[Interruption]* As I say, I will deal with that later on, so do not prompt me in a self-destructive manner; we will come to that.

The gun that I saw was a double-barrelled sawed-off shot-gun carried by a chap who looked like 17 years old, accompanied by one the same age and one 15 years old. The gun, to the best of my knowledge, which is the subject I am on, was home-made. It was a home-made sawed-off shot-gun that he extended to me with a threat, and urged on by the 15-year old one, "shoot he, shoot he" and there was an obscene word attached to it which is similar to "shoot he tail", but it is in that anatomical region.

The tragedy is that I was robbed of a certain amount of jewellery. Thank goodness I am safe. But the tragedy is that these young people from all appearances have now begun a criminal career at that tender age. This happened when there was a "prayer meeting in the hollows". The *Guardian* is wrong. Nothing happened in the hollows. It was on the footpath where there are street lights, people jogging now and again, cars passing every so often, in two minutes flat.

So if this bill will help in providing the kind of tools, in addition to what I call for, management, planning, I will be in support of it. Because it was plain that a stake-out policeman was there. When I was taken down to the CID office a little after 9.00 p.m., they told me the stake-out fellow had just left for a little while. He left the hollows; he was taken out of the hollows, quite rightly, because I was told there were many thefts, assaults, burglaries in that area. So he was hiding down in the hollows. I do not know where, I did not see him. But I understood he left the area to take to the station, a fellow who was loitering. But as he left, during that time this incident took place in the space of two hours. It is a good thing, of course, my wife knew where I was. In fact, she sent me there—but that is a different story. Well, she did not send me exactly there, but she sent me to get some sandwiches near to Ellerslie Park and I decided to remain there, with her knowledge. That is an interesting story because if she did not know—I think you had the opportunity to see us over the weekend—you understood what happened, Sir.

If something like this can happen in such a place, at such a time and with so many other people around, and with a police stake-out, what could happen in more crowded areas? What are the possibilities? So there are questions that should be asked by any responsible Minister on matters like these. But people keep asking



me questions like: Are you sure you were alone? Well, that is interesting but not important in the context of what we are talking about. Because it dawned on me very suddenly that not one of us is really safe in this country, not even in your car, not even in your house. More than that, you cannot enjoy the nature of this country any more, whether you fix up Maracas properly; whether you fix the grand Queen's Park Savannah properly; whether you spend your money on the Rock Gardens properly. You have a zoo; you have the Botanic Gardens; you are opening a children's park or some play park in Chaguaramas; you might do the same thing in Central Trinidad; nowhere is safe.

**5.50 p.m.**

In some ways, I am with the Minister of National Security. I recall, on the first occasion he came here, I not only welcomed him but knowing the difficult challenge that he has to face, I will be happy to support him, but within reason, and not in a way that I would set a precedent that I would have reason to regret later on. When you speak about the Central Tenders Board, the stock market and such enterprises, you are really speaking about potential corruption in different forms. You might have corruption in the form of outright bribery or in terms of the stealing of important documents.

I remember the hon. Selwyn Richardson, when he was Attorney General, making the point on the Central Tenders Board—it is on the public record—that the security surrounding the different tenders was broken, and this particular entity—whether it is a person or a company, it does not really matter now; let us just say “this particular entity”—got wind of the lowest quotation and reduced his by about two cents less than the lowest bidder. It shows you the weird extent to which this kind of corruption could go. If the Minister wants the particular reference, I could give it to him, it is in *Hansard* of 1987.

You also have a different kind of corruption, leaks of vital or confidential information. Then you have the abuse of political patronage. I do not think this country really understands party politics. It seems to me that there is too widespread a feeling that once you support a party and that party gets into government, that party must give you something in return, either in money or in kind. This is not isolated. I mean, it is legitimate but up to an extent. If the practice gets too widespread, you subvert the basis on which a government ought to operate fairly and squarely, and you send all kinds of wrong, distorted messages that make the entire country believe that it is easy to do things and get away as

long as you have—*[Interruption]* Well, I do not want to say it in a way that I would make it look like we are speaking about contemporary events, but certainly, it is in that direction, as a principle—it does not happen here alone, it happens all over the world.

You see, Mr. President, good example is like a stream, it must flow downwards. So when you have people posing as middlemen or bagmen for political parties, it is a dangerous situation, especially when linked to the other forms of corruption I have just touched upon. This is where some of us are a little shaky about diffusing—notwithstanding its other problems—the functions of the Central Tenders Board.

We speak a lot about this committee, that commission, and hope to bring a fresh piece of legislation that will solve a problem we faced last year, but certainly by now we should understand that good conduct certainly does not depend on laws alone; it depends on the integrity of people placed in certain positions. No government could really deal with that all the time, but we have to be careful that we do not accept and cultivate a culture of such low standards of public conduct, where the laws themselves look foolish and appear as a mockery in statute.

It is becoming increasingly clear that, perhaps, the people who gave us colonialism—those whom we call the British, in particular—seem to have a higher standard of public morality than we have. I am worried about that because, certainly, that is not the way it is supposed to function. We are supposed to be on par because our country can ill-afford much corruption—given our scarce resources. We are a smaller community and any event that happens reverberates through the country with a certain impetus. So we have a double responsibility to preserve public morality at all levels, especially if we are now decentralizing the functions of the Central Tenders Board into the way that the Minister is proposing before us.

So, Mr. President, those are my views in trying to solve this dilemma which I am quite sure also occupies the Minister's mind. I think initially he has made a case for moving in this way. I am sure he would have some responses, I hope, to some of the issues I have raised in good faith. Until then, I would see how my conscience would respond to this particular matter. Thank you.

**6.00 p.m.**

**BUSINESS OF THE SENATE**

**Sen. Alloy Lequay:** Mr. President, could I at this stage request your leave and that of hon. Senators to take resolution 9, after which we would adjourn? In doing so, I want to move that we adjourn this debate until the next sitting.

*Question put and agreed to.*

**HINDU WOMEN'S ORGANIZATION (INC'N) BILL**

**Adoption**

**Sen. Dr. Ramesh Deosaran:** Could I just make an observation concerning the bill? I had indicated to you, through the Clerk, that I wanted to speak on this particular motion. I do not know whether having just spoken the way that I did, you could facilitate me by having this matter brought up at the next sitting. If it is inconvenient, I will have to speak this evening because I have some things which I will like to say on this particular motion.

I do not know if I can get the indulgence of the Senate.

**Mr. President:** Will you be lengthy?

**Dr. Deosaran:** I will have to switch gears so suddenly, I may not do justice to the honourable Chamber.

*Motion made,* That the adoption of the report on the Hindu Women's Organization (Inc'n) Bill be deferred.

*Question put and agreed to.*

*Motion made and question proposed,* That the Senate do now adjourn to Tuesday, October 22, 1991 at 1.30 p.m. [*Sen. A. Lequay*]

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.04 p.m.*