

**SENATE***Tuesday, June 2, 1992*

The Senate met at 1.30 p.m.

**PRAYERS**[MR. PRESIDENT *in the Chair*]**PAPER LAID**

Report of the Auditor General on the accounts of the Trinidad and Tobago Blind Welfare Association for the years ended December 31, 1980; December 31, 1981; and December 31, 1982. [*The Minister of Planning and Development (Hon. Lenny Saith)*]

**ORAL ANSWERS TO QUESTIONS**

**Booz, Allen and Hamilton Report  
(Energy Sector)**

**9. Sen. Wade Mark** asked the Minister of Energy and Energy Industries:

Could the Minister of Energy provide the Senate with copies of the Booz, Allen and Hamilton Report on the rationalization of the energy sector?

**The Minister of Energy and Energy Industries (Sen. The Hon. Barry Barnes):** Mr. President, the Booz, Allen and Hamilton Report on the rationalization of the petroleum and petrochemical sector is the report of a diagnostic study of the state-owned energy sector which was commissioned for the purpose of informing the deliberations of a steering committee established by the former administration to undertake the rationalization of the energy sector.

The report was intended as a private document and states:

“This report is confidential and intended solely for the information of the client to whom it is addressed.”

The Government is of the view that in its very nature, purpose and content, the report is confidential and is not a public document. The report is in the possession of the Government and therefore can be made available to the Senate under the appropriate mechanisms that would ensure the safeguard of its confidentiality.

**Sen. W. Mark:** Mr. President, could the hon. Minister indicate whether he is prepared to share any of those recommendations contained in that report with the Senate?

**Hon. B. Barnes:** Mr. President, I think the main recommendation that came out of that study was a comparison in terms of the rationalization of the whole state-owned sector, a comparison between the benefits of having a management company as against a holding company. My reading of the recommendation suggests that Booz, Allen came down somewhat in favour of a management company.

**Sen. W. Mark:** Mr. President, could the Minister indicate whether he can describe to the Senate what mechanisms he had in mind in terms of accessing the contents of this report? Could he give the Senate some clarification on the nature of the mechanisms that he outlined earlier?

**Hon. B. Barnes:** Mr. President, as a new Senator and indeed a new Minister, I do not hold myself as an expert in parliamentary procedure. I am quite sure that the President of the Senate can guide the Senate in terms of what mechanisms are open to us in ensuring the confidentiality of such documents.

**Mr. President:** I am not here to answer questions. If the Members need advice they can see me at the appropriate time.

**Sen. W. Mark:** Mr. President, with all due respect, the Minister has directed the question to you.

**Mr. President:** The Minister cannot direct a question to the Chair.

**Sen. W. Mark:** Apparently he sought clarification. But, quite frankly, I think it is useful to know what the nature of these mechanisms is. Is the Minister saying that we have to discuss these things privately?

**Mr. President:** Yes.

**Sen. W. Mark:** You would think so?

**Mr. President:** Yes.

**Sen. W. Mark:** One final question, Sir: Could the Minister indicate, for instance, whether the Booz, Allen, Hamilton Report included some major recommendations designed to strengthen the institution called the Ministry of Energy?

**Hon. B. Barnes:** Mr. President, in terms of the recommendations of the Booz, Allen Report, there was one such section which dealt with the administration of the energy sector in which there was a requirement for the redefining of the

responsibilities of the Ministry of Energy, and giving the Ministry of Energy a clear mandate.

**Sen. W. Mark:** Is the Minister saying that he and the Government are prepared to accept and implement the recommendations of the Booz, Allen and Hamilton Report with a view to having the Ministry strengthen its role in the energy sector?

**Hon. B. Barnes:** Mr. President, I believe I was very clear that the report was commissioned for a particular purpose, that it is within the possession of Government, and that it has been reviewed. The Government is, in fact, taking its own decisions and actions on what is necessary for strengthening and so forth.

**Loan Contract/IADB  
(Review of)**

**10. Sen. Wade Mark** asked the Minister of Energy:

Could the Minister state whether the Government has any intention of reviewing or renegotiating the loan contract entered into between the Government of Trinidad and Tobago and the Inter-American Development Bank in respect of the upgrading and expansion of the Trintoc Refinery?

**The Minister of Energy (Sen. The Hon. Barry Barnes):** Mr. President, the Government has undertaken a detailed review of all three energy sector projects that are being financed by the IADB loan and the concomitant conditions and obligations that must be met.

The projects that are being funded by the loan are as follows:

- (1) Modernization of the Trintoc Refinery at Pointe-a-Pierre;
- (2) Secondary recovery of oil on-shore.

This is a heavy oil recovery project by steam injection at Forres Reserve and Point Fortin Cruise East Oilfields.

- (3) Secondary recovery of oil offshore.

This is a Trinmar Main Field waterflood project. These projects are already ongoing.

**Sen. W. Mark:** Mr. President, could the hon. Minister indicate whether the Government is intent on expanding the Trintoc refinery in terms of its through-put from the 90,000 to over 150,000 barrels per day?

**Hon. B. Barnes:** Mr. President, the present rated capacity of the Trintoc Pointe-a-Pierre refinery is 220,000 barrels a day. The present through-put of the refinery is approximately 120,000 barrels a day. At the end of the modernization project, the refinery will have the capability of handling 160,000 barrels a day approximately, with the ability to upgrade that volume of crude.

**Sen. W. Mark:** Mr. President, could the hon. Minister indicate whether the Government has submitted plans for the rationalization of the energy sector to the Inter-American Development Bank and could he outline for this honourable Senate the contents of these new proposals that he has submitted to the IADB?

**Hon. B. Barnes:** Mr. President, the Government has advised the IADB of its proposals for the restructuring and rationalization of the energy sector. Essentially, these comprise:

- (1) The merging of Trintotec and Trintoc into a new company;
- (2) The acquisition of the National Energy Corporation.

This at the present time is very much a residual organization, into the National Gas Company, with a new charge to the National Gas Company to pursue the development of the gas-based industries;

- (3) Some proposals for divestment of some of the petrochemical companies.

I am speaking, as you see, without notes, and perhaps the hon. Senator will forgive me if I cannot go into greater detail at this time.

**Sen. W. Mark:** Mr. President, could the hon. Minister indicate what level of consultation there was between the Government and those social groups that have an interest in the oil industry, particularly the Oilfields Workers' Trade Union as far as the proposals for the rationalization of the energy sector are concerned?

**Hon. B. Barnes:** Mr. President, as I understand it, the Government has appointed a merging committee comprised of the chairmen and directors and senior executives of both Trintoc and Trintotec to look into the necessary measures that are required to permit a smooth and effective merger.

My information is that the chairmen of the companies and the chairman of the merger committee have, in fact, met with the workers' representatives for consultation on some of these things. Further, as I understand it, the proposal is that, as the merger committee goes along, the parties will continue such consultations.

### Phoenix Park Gas Processors Limited

**11. Sen. Wade Mark** asked the Minister of Energy and Energy Industries:

Could the Minister provide the Senate with copies of the relevant agreements establishing Phoenix Park Gas Processors Limited, a joint venture between Conoco, Pan West Construction Company and the National Gas Company?

**The Minister of Energy and Energy Industries (Sen. The Hon. Barry Barnes):** Mr. President, the formal agreements establishing Phoenix Park Gas Processors Limited are commercial agreements between three private companies, namely:

- National Gas Company of Trinidad and Tobago;
- Conoco Incorporated; and
- Pan West Engineers and Constructors Incorporated.

As such, the agreements are private and confidential documents, but can be made available to the Senate in circumstances that would preserve their confidentiality.

**Sen. W. Mark:** Mr. President, could the hon. Minister indicate whether his Government has abdicated its responsibility to this nation as far as the use of natural and national resources is concerned, and has given that authority to a private sector group? Has the Government abdicated its responsibility as sole shareholder or major shareholder of that company to private sector workers?

**Mr. President:** Senator, I am not sure that flows from the question.

**Sen. W. Mark:** It flows from the question, Sir, because what the Minister is saying is that it is a commercial private arrangement, and I am saying that Trinidad and Tobago has substantial shareholdings in the company and we have a right to get clarification from the Minister on this question, Sir. He is getting away with murder.

**Mr. President:** Careful, Senator.

**Sen. W. Mark:** Well, he is covering up. Well, I take it back.

**Mr. President:** I think we have had an instance of this not too long ago.

**Sen. W. Mark:** He is covering up, Sir.

**Mr. President:** They are state-owned companies but they operate as private companies. This is what I understand the Minister is saying.

**Sen. W. Mark:** Sen. Martin Daly had to clarify this point to the Minister, who was not aware that there is a ruling by the court in this matter.

**Mr. President:** I believe Sen. Martin Daly was telling you that there are ways and means that you can adopt to get the information that you are seeking.

**Sen. W. Mark:** The citizens need the information; it is not me. I do not want to go to the Minister's office and get the information privately.

**Mr. President:** If the Minister wants to deal with the question, he will deal with it.

**Sen. W. Mark:** Mr. President, can I ask whether the Minister is aware that the PNM in Opposition was violently opposed to this agreement? So why is this Government now seeking to cover up? Everything is a private subject; that is a new thing.

#### **Duty Free Concessions Withdrawal (Loss of Jobs)**

**14. Sen. Muntaz Hosein** asked the Minister of Trade, Industry and Tourism:

Could the hon. Minister inform the Senate of the number of jobs that are likely to be lost when the Government withdraws duty free concessions from manufacturers, and what arrangements are being put in place to find alternative employment for those who will be displaced?

**The Minister of Trade, Industry and Tourism (Sen. The Hon. Brian Kuei Tung):** Mr. President, the withdrawal of duty free concessions from manufacturers is one of the conditionalities of the Structural Adjustment Loan, or SAL, which was negotiated between the Government of Trinidad and Tobago and the World Bank in January of 1990.

Under the agreement, the Government of Trinidad and Tobago was required to formulate an action plan for the phased removal of duty exemptions over three to five years and also to develop an alternative scheme of export incentives, including the rebate or refund of duties paid on the importation of raw material inputs used in the production of exported goods. The effect of the measures does not necessarily entail a loss of jobs.

The Government expects that the implementation of these measures will result in the restructuring of the manufacturing sector, the net effect of which will lead to the creation of additional jobs.

**Sen. Hosein:** Mr. President, can the Minister give a rationale to this Senate how he has arrived at the conclusion that there will be no loss of jobs? Can he, also, give a parallel with the Jamaican experience?

**Hon. B. Kuei Tung:** Mr. President, in my response, I did not say there will be no loss of jobs. I will quote, again:

“The effect of the measures does not necessarily entail a loss of jobs.”

Mr. President, to my mind this question is very much one of conjecture and opinion. We can sit here and argue all day about the number of lost jobs. I am saying that the net effect of this is that the restructuring of the manufacturing sector should lead to new jobs.

I am not aware of what happened in Jamaica, Sir, and I am sure that if there has been a Jamaican experience we will learn from it.

**Sen. Hosein:** Mr. President, is the Minister saying that the Government took a decision and is supporting the removal of duty free concessions without first looking at the experience of any other country that has done this type of thing? Is that the answer, that you all did not study this at all?

**Hon. B. Kuei Tung:** Mr. President, within the context of my response, I said that the Government is required to have the phased removal of duty exemptions over a three to five-year period. I am suggesting that we are going to study all experiences as are available to us before we do the actual removal of duty free concessions.

**Sen. Hosein:** Mr. President, is the Minister telling us now that the removal of duty free concessions is not a done issue? Is he saying that after they have taken a stand on the matter of removing duty free concessions, they are now going to study it? Is this what the Minister is saying? Is he putting the cart before the horse here, Mr. President?

**Hon. B. Kuei Tung:** Mr. President, I am saying, again, that the phased removal of duty free concessions is a requirement of the World Bank, that it is still under study and we have not completed the approaches or the strategy that we shall be taking to have these duty free concessions removed. I am not sure that I follow exactly what the Senator is driving at.

**Sen. Hosein:** Mr. President, let me reiterate this: I am asking the Minister whether having taken a decision to remove duty free concessions, he is telling this Senate that he is now going to study it—Is that what he is really saying to this Senate?

**Sen. W. Mark:** First of all, could the hon. Minister indicate to this Senate whether any technical study has been done by the Government on the likely effects that would arise on our manufacturing sector or other industries as a result of the withdrawal of duty free concessions? And secondly, could he indicate which industries are likely to be affected adversely as a result of the withdrawal of duty free concessions?

**Hon. B. Kuei Tung:** Mr. President, the removal of duty free concessions seems to be a very emotive issue. The question of a study means that we shall have to look at each industry to determine the likely effect of the removal of duty free concessions.

In my view, the removal of duty free concessions is going to have a different effect on different industries. For us to begin to analyze industry by industry, company by company means that we are going to run out of the three to five-year requirement. It is my view that the companies—and I have said this in this honourable Senate—that are unable to achieve international competitiveness may very well find themselves in difficulty.

It is my considered view, as well, that the immediate removal of duty free concessions is not going to mean the immediate closure of a business. I know of no businessman who is going to close his shop merely because duty free concessions are to be removed. I think we have prolonged this argument as long as we can. The removal of duty free concessions is a conditionality that we have to observe.

**Mr. President:** Next question, please.

**Sen. Hosein:** Mr. President, although you have ruled next question, I am not happy that the Minister has answered the question that I posed to him and would you allow him to respond?

**Mr. President:** This is not a time to discuss matters. You seek information and it is given by the Minister. If the Minister is not in a position to reply or cannot satisfy you with his reply, the Chair cannot assist in that way. The Minister



is under no obligation to answer a question. He does it to the best of his ability and the Chair cannot allow a prolonged debate to take place at question time simply because Members are not satisfied with the answers they receive.

**Sen. Hosein:** While I understand the position with regard to debate, Sir, I am not trying to prolong a debate. I was merely trying to get Minister to tell us in clear and unambiguous terms exactly what the position is. But he is evading the question. However, Mr. President, I will go onto the next question.

**Trinidad and Tobago Manufacturers  
(Relocation of)**

**15.** Sen. Muntaz Hosein asked the Minister of Trade, Industry and Tourism:

Could the Minister state:

- (i) Whether he is aware that approaches have been made by certain Caricom governments to Trinidad and Tobago manufacturers to encourage them to relocate their plants in their territories?
- (ii) If the answer is in the affirmative, could the Minister advise the Senate of the steps he intends to take or have taken to avoid such occurrences?

**The Minister of Trade, Industry and Tourism (Sen. The Hon. Brian Kuei Tung):** Mr. President, the answer to (i) is in the affirmative.

With respect to (ii) of the question, the Ministry of Trade, Industry and Tourism is currently reviewing the regime of fiscal incentives, tax reliefs and financial assistance made available for new and existing business ventures. The Government is committed to introducing a regime of concessions which should assist manufacturers to become internationally competitive.

**Sen. Hosein:** Mr. President, I wonder whether the Minister can give us a little idea of some of these, although I know that he is reviewing them. Can he give the Senate a little idea of what he is reviewing?

**Hon. B. Kuei Tung:** Mr. President, my ministry is currently reviewing the entire regime of fiscal incentives, tax reliefs and financial assistance. As a matter of fact, it was only last week in my address to the Trinidad and Tobago Manufacturers' Association that I publicly invited the TTMA to make representations if they feel that the present regime is inadequate or out-of-date. I am reviewing the entire regime, Mr. President.

**Sen. Hosein:** Mr. President, I wonder whether the Minister could tell us when he intends to introduce this new regime; if he could give us an idea.

**Hon. B. Kuei Tung:** Mr. President, in view of the fact that I will be soliciting more public opinion, including an input from the TTMA—I need to get some input from the Inland Revenue authorities and so on—it is difficult for me to put a time-frame as to exactly when I shall introduce these. It is obvious that in the light of my answer to (i) of the question, this is a fairly important project that my ministry needs to work on. But at this time it would be awkward for me to give a specific date.

**Sen. W. Mark:** Mr. President, could the hon. Minister indicate to this Senate, having regard to the fact that the removal can, in fact, affect jobs, whether the National Trade Union Centre have been consulted or whether it is intended to have them submit views on the likely impact of the removal of incentives, the fiscal package that he is proposing?

**Hon. B. Kuei Tung:** Mr. President, I believe the hon. Senator is confused. We are no longer on the question of duty free concessions.

**Sen. W. Mark:** Let me just clarify. The Minister spoke about a regime that his ministry is seeking to have put into effect and there is a review taking place. What I am asking, Sir, is whether the trade union movement will be incorporated or views will be solicited from the movement as far as this final package is concerned.

**Hon. B. Kuei Tung:** I have no difficulty with this, Mr. President.

**Sen. W. Mark:** I do not want to know whether he has a difficulty. I want to know whether his Government has taken a decision to ensure that the trade union movement is consulted on this matter. It is not a difficulty. I want to know if it is a policy position by the Government.

**Hon. B. Kuei Tung:** Mr. President, I believe that my Prime Minister is on record as saying that he intends to consult as far and as wide as possible. That was never intended to exclude the labour movement.

**2.00 p.m.**

#### LAND ACQUISITION

**The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith):** Mr. President, I beg to move,

That this Senate approve the decision of the President to acquire the lands prescribed in the Appendix for the public purposes specified.

The land consists of two parcels containing 19.4586 hectares and is situated in the parish of St. Patrick, in the ward of Tobago, and comprises 11.2890 hectares

said to belong now or formerly to La Venezuela Limited and 8.1696 hectares said to belong now or formerly to Celestine Charles. The land in question was utilized for the extension of the Crown Point Runway.

Proceedings for the acquisition of the subject parcels of land were initiated on January 14, 1988 and a notice of intended acquisition under section 3 of the Land Acquisition Act was published in the *Trinidad and Tobago Gazette*, following which the authority to commence work on the said parcels of land was issued on January 28, 1988 under section 4 of the Act.

Mr. President, I beg to move.

*Question proposed.*

**Sen. Wade Mark:** Mr. President, we on this side have no difficulty in supporting the motion. On the last opportunity we had to make an input into this matter, we did get from the Minister that there is a draft of a Land Acquisition Bill, which is out for public comment. We, on this side should like to know whether all these comments have been pulled together and how soon this Parliament could expect the presentation of the bill that would put an end to a number of inconsistencies and irregularities as far as land use, development, and acquisition are, concerned. We should like to find out from the hon. Minister of Planning and Development, where that draft bill is as we speak, and how soon will it be brought to the Parliament.

Another area that we should like to have some clarification on is property value. We are not querying the President, but, as a Parliament that has to approve these things, we think that it is only fair that the Minister outline to this Senate, the value of property involved. We are talking about two different parcels of land in Tobago to be used for the extension of the Crown Point Runway.

We have always had a situation in the past where, for instance, people's lands were acquired under the Land Acquisition Act, and some people are not happy with the level of compensation that the Government would make to them. Therefore, I think it would be useful if the hon. Minister could indicate to us the value stated by the owners of these two parcels of land and the final value that the Government has determined.

The hon. Minister had indicated that efforts are being made to improve the conditions of the workers who operate in this particular division. We should like to know from the Minister how far that has reached; whether, for instance, a new building has been acquired to have the Office of the Director of Surveys

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centralized, and how far the Government is from computerizing the operations of that particular ministry.

Mr. President, as you well know, we have land acquisition documents, land survey documents and deeds stored, filed and stacked away in the basement of this Red House and we believe that those documents are extremely valuable because they go way back to the seventeenth and eighteenth century. If we have a serious problem in this building, the consequences could be very serious for the preservation of those documents. I understand, from a report, that those documents are ageing and becoming very flimsy, and important information could be lost.

We believe that it is necessary for the Government to embark upon a serious computerization programme for the Lands and Surveys Department. Maybe the hon. Minister can tell us what is the Government's intention to, at least, update and upgrade the facilities that are now available to the workers who operate in that department.

We have also made an observation in the past that instead of burdening this Parliament with these *ad hoc* impositions and interventions, we can have a more orderly appreciation of these matters. We have suggested that the Minister can probably come here on a quarterly basis, if this thing is properly planned, and deal with it. Because of the lack of planning on the part of the ministry you have these acquisitions coming up so often. We believe that the time has come when there must be some degree of co-ordination and planning in the presentation of these motions that deal with land acquisition.

Those are some of the few concerns that we should like to express and we should like the hon. Minister to respond by letting us know what is taking place with the draft bill and the computerization of the Lands and Surveys Department, as well as the issue of conditions of workers at that department, and the value of the lands to be acquired. We need some information on the valuation of properties. Instead of just approving something as we have here, we think that it might be useful for the Minister to guide us as far as the valuation of the property is concerned.

With those few words, Sir, I do not think that we would have any hesitation in supporting the motion, once the Minister could give us the clarification that we want. Thank you very much, Sir.

**The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith):** Mr. President, as I indicated to the Senate on the last occasion, there is legislation being prepared for submission to Parliament. The present status is as

follows: Comments have been received, a team of officials has reviewed the comments and made a series of recommendations to the Minister—I dealt with them last night, by the way—and it is my intention that by the middle of this month my recommendations to the Cabinet will be made in respect of the amendments, if any, to the draft legislation. It is hoped that legislation will come to the Parliament this year.

With respect to the value of the land, I have a little difficulty. There is, in fact, an estimate of the likely compensation which has been made by the Commissioner of Valuations. However, that is an estimate which he will use in negotiations with the owners. I am really not sure whether it is appropriate to indicate what that figure is because it is a figure that he is using to negotiate the value. Once those negotiations have taken place and an agreed value has been arrived at, I would have no problem in letting the Senate know. I just intuitively feel that it is not wise to make public at this time the estimate of what we feel the value of the land is, but I will get some advice when I go back to my ministry. If there is no reason why it should not be made available, I can assure the hon. Senator that in future acquisition proceedings I will, in fact, make—

**Sen. W. Mark:** Mr. President, could the Minister indicate whether the lands have been acquired with no prior agreement with the owners? Is that what he is saying? No compromise has been arrived at but the lands have been acquired, in other words, under the Presidential Order?

**2.10 p.m.**

**Hon. L. Saith:** Well, Mr. President, the Act allows the Government to enter upon lands by the publication of certain notices to carry out works. Section 5 is the final procedure in which the land is acquired and negotiations take place in respect of the value of the land. That is the way I understand it.

**Sen. W. Mark:** Could the Minister indicate whether the new legislation is going to review that particular section, so that instead of taking people's land then and imposing compensation, he would negotiate compensation and arrive at an agreement before acquiring lands?

**Hon. L. Saith:** I believe the matter is addressed in the new bill. The exact details I am not sure about.

The question of accommodation for the Lands and Surveys Department: Mr. President, the whole question of accommodation for a number of departments, not only in my own Ministry but also in other ministries, is engaging the attention of the Minister responsible for Public Administration. I have asked people in my ministry to give me as much information as they can on their requirements to

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carry out their duties and I will seek, as the Minister, when the budget allocation is being made, to get as much of the resources as possible for my ministry, but I cannot give a deadline as to when this will be done. I am aware of the difficulties under which a large segment of the ministry operates and I will do all I can to ensure that proper accommodation and proper equipment are made available to members of staff to undertake their duties. I beg to move.

*Question put and agreed to.*

*Resolved:*

That this Senate approve the decision of the President to acquire the lands described in the Appendix for the public purposes specified.

**APPENDIX**

Description of Land	Public purposes for which to be acquired
<p>1. The following parcels of land containing together 19.4586 hectares, more or less situate at Kilgwyn, in the parish of St. Partick, in the ward of Tobago, described in the schedule hereto and coloured raw sienna on a plan of survey executed under Survey Order No. 6/90 and filed in the office of the Director of Surveys.</p> <p style="text-align: center;"><b>THE SCHEDULE</b></p> <p>The (2) parcels of land containing together 19.4586 hectares situate on the southern side of Store Bay Local Road and bounded on the south by the sea and on the west by Kilgwyn Bay Road, in the parish of St. Patrick, in the ward of Tobago and comprising:</p> <ol style="list-style-type: none"> <li>1. 11.2890 hectares said to belong now or formerly to La Venezuela Limited and</li> <li>2. 8.1696 hectares said to belong now or formerly to Celestine Charles.</li> </ol> <p>These parcels are more particularly shown coloured raw sienna on a plan of survey filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p>	<p>Extension of the Crown Point Runway</p>

**MAXI-TAXI BILL****House of Representatives Amendments**

**The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion):**  
Mr. President, I beg to move,

That the House of Representatives amendments to the Maxi-taxi Bill 1992 which are listed in Appendix B, be now considered.

*Question proposed.*

*Question put and agreed to.*

*Clause 6.*

*House of Representatives amendment reads as follows:*

"Holder of taxi driver's licence and badge may apply for permit      Delete and substitute the following:

- 6(1) Subject to subsection (2), a person who is desirous of owning and operating a maxi-taxi may apply to the Authority for a permit to do so.
- (2) An Applicant for a permit shall be the holder of a valid taxi driver's licence and badge.
- (3) An application shall be in the prescribed form and shall be accompanied by a certificate of good character."

**Mr. Sobion:** Mr. President, I beg to move that the Senate doth now agree with the House of Representatives in the said amendment.

*Question put.*

**Mr. President:** Hon. Senators, because of the special majority required in this Bill I would ask the Clerk at the conclusion of the amendments to every clause to take a count of those who support that particular amendment.

*The Senate voted:*     Ayes     30

**AYES**

Saith, Dr. The Hon. L.

Huggins, Hon. R.

Barnes, Hon. B.

Kuei Tung, Hon. B.

Yuille-Williams, Hon. J.

Draper, Hon. G.

Robinson-Regis, Hon. C.

Elder, Miss J.

Kuarsingh, Dr. H.

Mark, A.

Callender, S.

Ojah-Maharaj, D.

Rahael, J.

Gosine, Pundit R.

Hassim, A.

Mark, W.

Capildeo, S.

Baksh, Miss S.

Kwabene, R.

Merritt, Miss C.

Hosein, M.



Mansoor, M.  
 Spence, Prof. J  
 Rooks, J.  
 Mahabir-Wyatt, Mrs. D.  
 Ali, H.  
 Daly, M.  
 Dean, E.  
 Mahadeo, Miss C.  
 Teelucksingh, Rev. D.

*Question agreed to.*

*Clause 7.*

*House of Representatives amendment reads as follows:*

i. Renumber clause 7 as clause 7B and add a clause 7A to read as follows:

- “Review Tribunal            7A(1) There is hereby established for the purposes of this Act a Tribunal which shall comprise the following persons to be appointed by the President after consultation with the Prime Minister and Leader of the Opposition:
- (a) a person who holds legal qualification; and
  - (b) two persons with knowledge of and experience in the operation of a public service vehicle.
- (2) The Tribunal shall hear and determine all appeals from decisions of the Authority in the exercise of its functions and duties under this Act and, in particular, respecting the refusal of a permit under this Act.
- (3) No appeal shall lie to any Court from a decision of the Tribunal.”

- ii. In the renumbered 7B(i) substitute for the words "shall issue a permit to an applicant" the words "shall issue to an applicant a permit to own and operate a maxi-taxi."

**Mr. Sobion:** Mr. President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

*Question proposed.*

**Sen. Martin Daly:** Mr. President, I am very reluctant to prolong the Attorney General's agony over this piece of legislation, but I cannot do anything other than abstain on this clause for this reason. I see here in subclause (3) of 7A an ouster of the jurisdiction of the court in relation to decisions taken by the Tribunal. I am very unhappy about that. That is a very serious step and I do not think it is one which should be taken lightly or in a hurry, and for that reason, I am proposing to abstain in relation to this clause.

I appreciate that this bill having been subjected to a certain political process, it is not my business to interfere with it any further. Nevertheless, I think a bad precedent has been set here so far as this Senate is concerned. I should like to state, as neutrally and with as little acrimony as possible, what I think is the bad precedent. The bad precedent is this: A bill was brought to the Senate. We accepted—well I certainly at any rate and from the contributions of many of my colleagues—that there was a crisis and in good faith we all committed ourselves to a “yes” vote in order to get this bill passed quickly.

A number of us made suggestions. Sen. Hosein made a suggestion about the Appeal Tribunal. He was told, “forget about that; in the new bill that is coming we will bring that”. Okay. I suggested that we needed a validation clause. I was told certain things about that. I did not pursue that in committee. Everyone who spoke made it plain that there is a small minority of maxi-taxi drivers who bring transport and the general standard of behaviour in the community into disrepute.

I would have thought, Mr. President, that if it was the Government's intention to make all of these concessions—not to the Senate—but to make these concessions eventually, then these suggestions, when they were first made in the Senate ought to have been entertained with a greater degree of seriousness. I, myself, am disappointed to see that a number of ideas that were generated here were cast aside on the promise of a bill to come.

**2.20 p.m.**

However, I am very pleased to see that ultimately the idea has got there, and I make no complaint about that. Why I make a complaint about subclause (3) which is ousting the jurisdiction of the court is that it certainly is not a matter on which the Senate has been given any opportunity to make any comment about. At the same time, I will not seek, at this stage, having regard to the agony that was gone through, to generate a debate now about it, to seek to make anyone vote against it. But at the very least, some regard should have been paid to the fact that the Senate had expressed certain views and this matter had not been brought before the Senate.

I am not going to generate a debate about it now, because I do not think it is the proper thing to do, but I certainly hope that we are not going to have a situation like this in the future, where a number of us commit ourselves, in good faith, to an important piece of legislation because we accept the assurances given, then subsequently we are presented with a bill which, I accept on balance, is an improved bill, but we are faced with a situation where an important matter like this does not receive the detachment and freedom from political direction—the justification for having a Senate, or at any rate, this Bench.

I just want to place it on record, that is the reason I would be abstaining in relation to this particular clause and urge the Government to be more careful in the future. I know the Government was rushed; I know there were unusual difficulties about it, but I think this is much too important to be pushed in and then arrive at the Senate, where we are supposed to look at things in a detached way, free from political direction and be confronted with this. Thank you, very much.

**Sen. Wade Mark:** Mr. President, in this Senate we must seek to measure our cloth a thousand times before cutting it. You see, on our side, we do not buy "cat in bag." We try to avoid shooting in the dark, or being shot in the dark.

I would say that because of the important development that we have experienced, it augers well for our fragile democracy. I think that this amendment would go a very long way in providing the small man with some degree of swift justice. I think even the Attorney General has been alluding to this matter in another area, in terms of the number of cases that we have piling up that need swift justice.

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What we have discerned over the years, is that there are, in fact, persons working in the public sector, in this instance the public service—and we are not attacking the public service here—who do not take the necessary time off to give consideration and justice, or to carry out their functions justly. This review tribunal will provide those persons who believe that they have been denied justice, an opportunity to appeal. It is a good intervention. It is a very excellent inclusion. We feel that in Trinidad and Tobago we need more review tribunals in order to provide the small man with greater justice in the system.

We, on this side, initially had expressed our reservations. As you know, we abstained. But these amendments are very significant, this one, in particular. We, on this side had, in fact, alluded to this appeal tribunal. I think it was Sen. Hosein, who referred to this matter. But you know, in this Senate—and we are not referring to the other one—the balance of forces is not in favour of the Opposition. As you know, sometimes we make extremely rich contributions to debates but they are simply cast aside because we are only six here.

But we hope that democracy will be strengthened as a result of the intervention elsewhere. We also hope that the Government side, in particular, will exercise more care in deliberating and in assessing the contributions made on this side. Because I fear very much that we may end up in a situation where a number of things that are passed here will come back later. So to avoid those things, we believe that there is need for care, because it is not a good thing for an august body like the Senate, to have deliberated on a matter as important as the Maxi-taxi Bill and to have proposed amendments, as Sen. Daly alluded to—he proposed a particular amendment, and he was persuaded, as he recalled, to withdraw it. All I can say is that the hon. Attorney General must, at least in the future, measure his cloth, as I said, one thousand times before cutting it. I hope that we do not get ourselves in a situation in which the entire Senate could be embarrassed.

We need to be very clear; we need to be very cautious; we need to be very vigilant. Amendments that are, in fact, proposed and suggestions that are advanced to strengthen legislation in the interest of the country, should be considered, and we do not have to wait until it goes to another place for it to be blocked and for it to return here.

This Senate has an envious record in terms of scrutinizing matters in a very cold and logical fashion. This amendment will, in fact, provide the small man—the maxi-taxi driver, those persons who depend on that particular arrangement for

some form of employment, with some justice. Because, as you know, before this amendment, if, for some reason your permit or your application was turned down, what would have happened is that you would have had to, probably, appeal to the Minister in question, who may have had to take the matter to Cabinet. He probably would have sided with the Administering Authority. The next step is that you would probably have to file a constitutional motion in the High Court. And you know what the position is with the courts.

We hope that with the tribunal, there would be swift and quick justice and that persons who feel denied or feel that they have not been treated fairly by the Administering Authority—in this instance, the Transport Commissioner, would have an opportunity to present their cases and their arguments before this review tribunal to have the matters determined. Subclause (3) states:

"No appeal shall lie to any Court from a decision of the Tribunal."

There is a board called the Registration, Recognition and Certification Board where I worked with for several years. The Act governing that Board also has a similar provision. No decision, except on a point of law, if I am not mistaken, of the Registration, Recognition and Certification Board can be appealed against. We feel that this is a more important amendment and a very important advance for the establishment of a review tribunal, and we on this side would give our support to this particular amendment.

**2.30 p.m.**

**The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion):** Mr. President, I had not intended myself to say anything but I am getting the impression that certain Members of this Senate believe that they have been slighted because of the manner in which this bill was eventually passed in the other place. I want to assure them that is not the case. You will recall that during the debate, I had indicated to Members that with respect to Sen. Hosein's suggestion, the Government would seriously consider it when the final review of the Maxi-taxi Act is completed; that such a provision, with which we had no objection, would be included.

With respect to Sen. Daly's suggestion, the validation provision to which he referred is included in the amendments which came out of the House and was a proposal which Sen. Daly tabled. I indicated to him as well that it was a position which we had considered and that we, in fact, had prepared a validation provision

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but that for certain reasons relating to the procedure in the House, I did not think it was absolutely necessary to come with it and that too, would come when the final review was completed.

The circumstances which required the expeditious passage of this legislation meant that the Government had to make certain concessions last Saturday at the special sitting which was held. It was for that reason that we found ourselves also in a position where we withdrew one of our major policy positions, the question of having operators' permits and we made that concession even though we are still of the view, that the reason for such a provision remains valid. I will repeat them for the purposes of the record.

We thought that this major policy change would provide not only greater job opportunities but will also permit a maxi-taxi owner to maximize the use of his investments. We, however, in the interest of having this legislation passed and with a view to having our traffic management system in place as quickly as possible, and with a view to ensuring that our public transportation system was restored to some degree of normal activity, had to make certain concessions in the other House. We propose, nonetheless, to continue our review of the maxi-taxi legislation with a view to introducing a revised bill.

In relation to the specific amendment in clause 7, I may say that the exclusion of the courts in this scenario is not one that I think ought to leave anyone with any great degree of concern. The fact is that what is envisaged here is that persons with certain specialized knowledge will sit to determine whether the refusal of a maxi-taxi permit was done properly or not. I am not certain that is a matter which necessarily ought to trouble our already overburdened courts. In the event there is some administrative wrong committed by the authority which was set up to grant the licences, it would not prevent an applicant from taking that matter to the courts by way of perhaps, administrative review.

While I do understand the concerns that have been expressed I want to make it quite clear that we were faced with an emergency situation on Saturday last, and that the prime motive was ensuring that we put in place the framework whereby our transportation system could have continued.

Mr. President I ask that Members pay due regard to that fact and support the amendment proposed.

*Question put.*

**Mr. President:** Hon. Senators, I want to avoid the monotony of having 30 names called eight times.

We had a count when we took the vote on clause 6 and if you should agree, I would give an opportunity to any Senator who wants to vote against the amendments, or abstain, to stand and identify himself or herself on each occasion for the record.

*The Senate voted:*     Ayes    29

**AYES**

Saith, Dr. The Hon. L.

Huggins, Hon. R.

Barnes, Hon. B.

Kuei Tung, Hon. B.

Yuille-Williams, Hon. J.

Draper, Hon. G.

Robinson-Regis, Hon. C.

Elder, Miss J.

Kuarsingh, Dr. H.

Mark, A.

Callender, S.

Ojah-Maharaj, D.

Rahael, J.

Gosine, Pundit R.

Hassim, Mr. A.

Mark, W.

Capildeo, S.

Baksh, Miss S.

Kwabene, R.

Merritt, Miss C.

Hosein, M.

Mansoor, M.

Spence, Prof. J.

Rooks, J.

Mahabir-Wyatt, Mrs. D.

Ali, H.

Dean, Mr. E.

Mahadeo, Miss C.

Teelucksingh, Mr. Rev. D.

*Sen. M. Daly abstained.*

*Question agreed to.*

*Clause 8.*

*House of Representatives amendments read as follows:*

Clause 8(1)—In line 5 delete the words "or operate".

Clause 8(2)—Delete and substitute the following:

"(2) Subsection (1) shall not be construed as authorizing the repossessor to use a maxi-taxi which has been repossessed as such a taxi unless—

- (a) he obtains the prior approval, in writing, of the Administering Authority to operate the vehicle on its usual route or a new route; or
- (b) he obtains the prior approval in writing, of the Administering Authority to transfer the permit to operate the maxi-taxi to a person approved by the Authority."

Clause 8(3)—In line 2, delete the words "and imprisonment for three months" and substitute the words "and in the case of a continuing offence to a further fine of fifty dollars for each day during which the offence continues after conviction."



**Mr. Sobion:** Mr. President, I beg to move that the Senate doth agree with the House of Representatives in the said amendments.

*Question proposed.*

**Sen. Muntaz Hosein:** Mr. President, I have a problem as I indicated on the last occasion we met, with regard to the Administering Authority. I was hoping that the Minister, in proposing these amendments, would have taken into consideration what we discussed here on the last occasion. And I think that I showed in no uncertain terms that the Administering Authority under the former Act was not doing its job. Because so many of the regulations of the former Act were allowed to go a-begging, allowing for blatant abuse. And now to find that this bill went to the other place and we have amendments coming back here!

The Minister's not telling us how he intends to improve that part of the bill, is tantamount to an insult to the intelligence of this Senate. I do expect that the Minister will do what is right today, and tell us in what way he intends to improve on the Administering Authority of this bill because that is the most important part of this entire bill.

**2.40 p.m.**

As we hear from time to time, bills and laws in this country are passed in this Senate and the other place, but the implementation of these laws leave much to be desired. You can look at any of the laws of Trinidad and Tobago and you will see that good and proper laws have been enacted by the Parliament, but what we find is that the implementation has fallen down very badly.

Therefore, I want to find out from the Attorney General how he intends to improve that. I should be grateful if he would respond.

**Mr. Sobion:** Mr. President, when I sat as a temporary Senator in this Senate in 1990, it had not been demonstrated to me that Members of this Senate are so sensitive. Sen. Hosein suggested that it is an insult to Members of this Senate. I thought I had cleared the air on that, when I explained the circumstances which led to the passage of this piece of legislation during a special sitting on Saturday, a session which was due to start at 1.30 p.m. but never started until 6.30 p.m. because of certain things which were taking place.

It is no insult to Members of this Senate and insofar as the goodly Senator is concerned about the Administering Authority among other things, all I can say at

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this stage, is that the Minister of Works is in the process of preparing a complete review of the maxi-taxi situation, including the present legislation, and the matters which were raised in this Senate and in the other place will all be given due consideration.

I am very conscious of the fact that legislation done in a rush is not necessarily good legislation and that is why I attempted and did succeed in persuading Members here to hold back on their proposals which would be given due consideration in proper time. Regrettably, we were unable to satisfy Members otherwise, as to the undertaking and we are attempting to put in some of the matters which were of concern here and in the other place.

When the complete review is done I am certain that Sen. Hosein's concern will be addressed at the next maxi-taxi debate.

*Question put.*

*The Senate voted:*      Ayes    30

**AYES**

Saith, Dr. The Hon. L.

Huggins, Hon. R.

Barnes, Hon. B.

Kuei Tung, Hon. B.

Yuille-Williams, Hon. J.

Draper, Hon. G.

Robinson-Regis, Hon. C.

Elder, Miss J.

Kuarsingh, Dr. H.

Mark, A.

Callender, S.

Ojah-Maharaj, D.

Rahael, J.

Gosine, Pundit R.

Hassim, Mr. A.

Mark, W.

Capildeo, S.

Baksh, Miss S.

Kwabene, R.

Merritt, Miss C.

Hosein, M.

Mansoor, M.

Spence, Prof. J.

Rooks, J.

Mahabir-Wyatt, Mrs. D.

Ali, H.

Daly, M.

Dean, Mr. E.

Mahadeo, Miss C.

Teelucksingh, Rev. D.

*Question agreed to.*

*Clause 9.*

*House of Representatives amendments read as follows:*

Delete clause 9(2) and substitute the following:

"A person who contravenes subsection (1) is liable to summary conviction:

- (a) to a fine of five thousand dollars, where the contravention takes place within four years of the vehicle's first being registered as a maxi-taxi; or
- (b) to a fine of one thousand dollars, where the contravention takes place after the expiration of the period referred to in paragraph (a)."

9(3)—In line 1 insert between the words "by" and "subsection" the words "paragraph (a) of".

9(4)—Insert after the word "recoverable" the word "summarily".

**Mr. Sobion:** Mr. President, I beg to move that the Senate doth agree with the House in the said amendments.

*Question proposed.*

*Question put.*

*The Senate voted:*      Ayes    30

**AYES**

Saith, Dr. The Hon. L.

Huggins, Hon. R.

Barnes, Hon. B.

Kuei Tung, Hon. B.

Yuille-Williams, Hon. J.

Draper, Hon. G.

Robinson-Regis, Hon. C.

Elder, Miss J.

Kuarsingh, Dr. H.

Mark, A.

Callender, S.

Ojah-Maharaj, D.

Rahael, J.

Gosine, Pundit R.

Hassim, Mr. A.

Mark, W.

Capildeo, S.

Baksh, Miss S.

Kwabene, R.

Merritt, Miss C.  
 Hosein, M.  
 Mansoor, M.  
 Spence, Prof. J.  
 Rooks, J.  
 Mahabir-Wyatt, Mrs. D.  
 Ali, H.  
 Daly, M.  
 Dean, Mr. E.  
 Mahadeo, Miss C.  
 Teelucksingh, Rev. D.  
*Question agreed to.*

*Clause 10.*

*House of Representatives amendments read as follows:*

Delete clause 10 and substitute the following:

Offence to operate maxi-taxi after revocation of permit.	10. A person who continues to operate a maxi-taxi after his permit to do so has been revoked is liable on summary conviction to a fine of one thousand dollars and in the case of a continuing offence to a further fine of fifty dollars in respect of each day during which the offence continues after conviction.
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**Mr. Sobion:** Mr. President, I beg to move that the Senate doth agree with the House in the said amendments.

*Question proposed.*

*Question put.*

*The Senate voted: Ayes 30*

**AYES**

Saith, Dr. The Hon. L.

Huggins, Hon. R.

Barnes, Hon. B.

Kuei Tung, Hon. B.  
Yuille-Williams, Hon. J.  
Draper, Hon. G.  
Robinson-Regis, Hon. C.  
Elder, Miss J.  
Kuarsingh, Dr. H.  
Mark, A.  
Callender, S.  
Ojah-Maharaj, D.  
Rahael, J.  
Gosine, Pundit R.  
Hassim, Mr. A.  
Mark, W.  
Capildeo, S.  
Baksh, Miss S.  
Kwabene, R.  
Merritt, Miss C.  
Hosein, M.  
Mansoor, M.  
Spence, Prof. J.  
Rooks, J.  
Mahabir-Wyatt, Mrs. D.  
Ali, H.  
Daly, M.  
Dean, Mr. E.  
Mahadeo, Miss C.  
Teelucksingh, Rev. D.  
*Question agreed to.*

*Clause 13.*

*House of Representatives amendment reads as follows:*

Renumber clause 13 as clause 14.

**Mr. Sobion:** Mr. President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

*Question proposed.*

*Question put.*

*The Senate voted: Ayes 30*

**AYES**

Saith, Dr. The Hon. L.

Huggins, Hon. R.

Barnes, Hon. B.

Kuei Tung, Hon. B.

Yuille-Williams, Hon. J.

Draper, Hon. G.

Robinson-Regis, Hon. C.

Elder, Miss J.

Kuarsingh, Dr. H.

Mark, A.

Callender, S.

Ojah-Maharaj, D.

Rahael, J.

Gosine, Pundit R.

Hassim, Mr. A.

Mark, W.

Capildeo, S.

Baksh, Miss S.

Kwabene, R.

Merritt, Miss C.

Hosein, M.

Mansoor, M.

Spence, Prof. J.

Rooks, J.

Mahabir-Wyatt, Mrs. D.

Ali, H.

Daly, M.

Dean, Mr. E.

Mahadeo, Miss C.

Teelucksingh, Rev. D.

*Question agreed to.*

**2.50 p.m.**

*New Clause 13.*

*House of Representatives amendment reads as follows:*

Validation Chap. 48:53

Insert a new clause 13 to read as follows:

13. All acts and things done or omitted to be done under the Maxi-taxi Act (hereinafter called "the former Act") shall, notwithstanding any law to the contrary, be deemed to have been lawfully done or omitted under the provision of this Act as if this Act had been in force at the commencement of the former Act and all legal proceedings pending and all permits and other documents issued and in force at the commencement of this Act or made under the former Act shall continue to have full force and effect as if commenced, made or issued under this Act."



**Mr. Sobion:** Mr. President, I beg to move that the Senate doth agree with the House of Representatives in the said amendment.

*Question proposed.*

**Sen. Daly:** Mr. President, I am so pleased to see this validation clause and I only rise to assure the Attorney General that no one I know—certainly not me—is either sensitive to slighted by the process of law making.

I agree with everything that Sen Wade Mark has said—that there was a triumph of the democratic process on Saturday. I said in another forum, and I repeat, overall, this is a better bill. Nevertheless, I take this opportunity to reinforce what I had said earlier, that when important legislation like this is done in a hurry, legislators are liable to make mistakes.

I have no problem, as I said before with a tribunal. I agree with Sen. Wade Mark that we need more review tribunals, but when we go a step further and say that notwithstanding a review tribunal, we are putting out the court, or when we do not have a validation clause, and then we reintroduce a validation clause, I repeat the point we made earlier—the Senate that is supposed to view these things with a certain detachment does not get the opportunity to do so. That is my only complaint on this occasion.

I, therefore, am fully in support of this validation clause and my support is not sensitive and no other adjective is to be applied to it. I merely say that we must be very careful not ever to put the Senate in a position where important things like the ouster of the court's jurisdiction or the validation of acts done, or an invalid act, is presented to the Senate as a *fait accompli*. I merely say it is something to be avoided in the future.

**Sen. Suren Capildeo:** Mr. President, I said last week in this debate that I rose not to praise the hon. Attorney General, nor to bury him, but today, I rise to acknowledge the belated, almost grudging recognition by the Government that what is needed for the good of this country is a government of national unity.

Just look at what wonder a unified approach has achieved. The hon. Attorney General has got what he wanted; the alternative government has responded in true statesmanlike fashion; the public is protected; the integrity of the law has been maintained and I trust that he will do the necessary thing and withdraw the appeal.

Can you imagine, Mr. President, if the arrogance of the past is abandoned and humility and mutual respect become the order of the day, just what we can do in this Parliament for the benefit of our country? I recommend to my friend of many,

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many years, the hon. Attorney General, that having had the practical experience on Saturday of working with the concept of unity, he now expand his portfolio and advise the Government that the unified approach is the way to go for the good of this country.

With respect to the validation of acts which are omitted, which really cannot be done, I understand, I say that is what happens when legislation is rushed. I am sure that the hon. Attorney General will take the necessary steps to rectify the situation by the new bill. I want to repeat that the wonders that a unified approach could have for this country seem to me almost limitless and would make this Maxi-taxi Bill *de minimis* in the general body of legislation, if that approach is taken.

I thank you.

**Mr. President:** I see some yellow bands in the Senate today, are they in connection with the maxi-taxis?

**Sen. Hosein:** Mr. President, I wonder whether you directed that question to me.

In answer to that question, a yellow ribbon is a symbol of unity and love and that is why we on this side of the Senate are in unity and love with some people who are suffering and who are in this Senate today to bring—

**Mr. President:** Are we still on the amendment to the Maxi-taxi Bill?

**Sen. Hosein:** I am sorry. I thought you asked a question.

**Mr. President:** I thought you were speaking on the amendments. We are still on the amendments to the Maxi-taxi Bill.

**Sen. Hosein:** I was giving you the explanation which you asked for.

**Mr. President:** Well, you caught my eye—

**Sen. Hosein:** Thank you, Sir. It was very kind of you to observe such lesser mortals.

Mr. President, I do not totally share the view of some of my friends with regard to this unity that seems to be taking place. I want to believe it. My heart tells me, "yes", but my head tells me "no" because all of the points raised in this Senate were not addressed downstairs. A few were addressed and brought back as amendments, and a little of the arrogance that was displayed when we debated in this Senate, seems to have gone today.

I submit that the Attorney General knows my name today. He called it, but on the last occasion when we were here he did not know that I had made that suggestion to him. He ignored me and all of the suggestions I made.

**Mr. Sobion:** As I recall, Sen. Hosein made a suggestion during the course of the debate with respect to an appeals tribunal and I indicated in closing that it was a matter to which we on this side were committed, but, because of the need for time in contemplating how this mechanism is going to be set up, we would not be able to do it for the purposes of the present debate. I assured Members of this Senate that we would come very shortly—and I think there was some crosstalk about shortly—with omnibus legislation taking in all the amendments in relation to this Maxi-taxi Bill. For Sen. Hosein to say now that everyone on this side and I disregarded his suggestion, does not accurately reflect what is on the record.

**3.00 p.m.**

**Sen. Hosein:** Mr. President, when the record is written, we shall see what I was saying here.

What I said, Mr. President, is that the Minister did not call my name, but today he called it. He just dealt with the suggestions and many of the suggestions which I made, he attributed to Independent Members behind. That is the type of arrogance to which we are subjected in this Senate, not only by the hon. Attorney General, but also by many other Senators in this Parliament.

The reason is that Members of the Government side know that we are only six and that they can count on the Independent Senators to support them.

**Sen. Mansoor:** Mr. President, on a point of order. The Senator is out of order. He cannot say that Government can count on the Independent Senators. That is making all sorts of inuendoes and comments about the independence of the people who sit on this Bench and I take serious objection to it.

**Mr. President:** Point of order sustained. The Member is imputing improper motives.

**Sen. Hosein:** Mr. President, it was not intended that way.

**Mr. President:** Sen. Hosein, you see, this is why I try to save people from themselves sometimes. I thought you would have left your contribution for later, not tire yourself at this stage. You have an important contribution and many people in this Chamber are anxiously looking forward to what you have to say

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then. Today we have to deal with specific amendments, and this amendment is dealing with the validation clause. You had the opportunity a little earlier to say what you are saying now.

Perhaps you could try and wind up quickly what you have to say, unless you specifically want to deal in more detail with the new clause 13.

**Sen. Hosein:** Mr. President, the point I am making is that only when the Government is squeezed and under pressure—

**Mr. Sobion:** I wonder whether the Member would give way again. Just for the record, it so happened that someone gave me the *Hansard* report and I should just like to bring to the attention of the hon. Senator what I said at the last sitting of the Senate:

“I also wish to congratulate, on another score, the Independent Senators and the Opposition Senators for the recommendations they have made with respect to matters which are necessary to ensure that the maxi-taxi regime is properly run.”

That is a quote from the *Hansard* record.

**Sen. Hosein:** Mr. President, I acknowledge what the Attorney General is saying, but that is not the point I made. That is trying to skirt the issue. But I will not make an issue out of that, because I think he understands what I am saying.

What I was saying is that it is only when the Government is under severe pressure that they are going to make the kind of concessions that they made on that last occasion in another place. I hope that they will prove me wrong and I also hope that in the future they will take cognizance of, and recognize the contributions made in this Chamber so that the record will not show that only when they are under severe pressure they are prepared to make concessions and work together in harmony and unity. I hope that this is going to be the beginning of a long list of acts of co-operation between Government and the alternative government on all issues, without the Government having to be pressured into doing so. I thank you, Mr. President.

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*Question proposed.*

*Question put.*

*The Senate voted:*      Ayes    30

**AYES**

Saith, Dr. The Hon. L.

Huggins, Hon. R.

Barnes, Hon. B.

Kuei Tung, Hon. B.

Yuille-Williams, Hon. J.

Draper, Hon. G.

Robinson-Regis, Hon. C.

Elder, Miss J.

Kuarsingh, Dr. H.

Mark, A.

Callender, S.

Ojah-Maharaj, D.

Rahael, J.

Gosine, Pundit R.

Hassim, A.

Mark, W.

Capildeo, S.

Baksh, Miss S.

Kwabene, R.

Merritt, Miss C.

Hosein, M.

Mansoor, M.

Spence, Prof. J.

Rooks, J.

Mahabir-Wyatt, Mrs. D.

Ali, H.

Daly, M.

Dean, E.

Mahadeo, Miss C.

Teelucksingh, Rev. D.

*Question agreed to.*

#### ADJOURNMENT

*Motion made, That the Senate do now adjourn to Tuesday, June 16, 1992 at 1:30 p.m. [Hon. L. Saith]*

#### Upper Malick Village (Bridge)

**Sen. Muntaz Hosein:** Mr. President, there is the matter of the video.

**Mr. President:** The Leader of Government Business in the Senate is suggesting that we deal with the matter now and we can show the video after.

**Sen. Hosein:** Mr. President, if hon. Senators are to appreciate the situation, I think they would need to see it before. I beg the indulgence of the Chair to have the video shown before.

**Mr. President:** How long is it; have you timed it?

**Sen. Hosein:** Yes, Sir. It is no more than 10 minutes.

**Mr. President:** Hon. Senators, Sen. Hosein has a video dealing with the matter he is raising today. He would like all Senators to view this video before making his contribution. So with the agreement of all, I think we could suspend for a few minutes and resume at 3.30 p.m., when Sen. Hosein can make his remarks for about 15 minutes and the Minister can reply for about the same length of time. After that we can put the question for the adjournment. Agreed? The sitting is now suspended, the Senate will resume at 3.30 p. m.

**3.10 p. m.:** *Sitting suspended.*

**3.30 p. m.:** *Sitting resumed.*

**Sen. Hosein:** Mr. President, I have the very pleasant duty today of bringing before this Senate a matter that has been plaguing the people of Upper Malick for the past 35 years. I say “pleasant”, Sir, because any duty which I must perform for the people of Trinidad and Tobago, regardless of what area they belong to, is pleasant for me to perform it.

I have difficulty in understanding how the PNM Government can look at the poor people of Upper Malick in the manner in which they have been doing for so many years. I have difficulty understanding the rationale behind the thinking and I have discussed this matter with the people of Upper Malick when I was asked to take up their plight, which is only a week ago, Sir. I had great difficulty in understanding and they had great difficulty in explaining to me why a constituency which had constantly supported the PNM since 1956, up to this day, is treated with such contempt.

The problem which you saw a few minutes ago on the video is one that existed from the time I was 16 years old, that existed from hard times into good times, into boom times and back to semi-hard and hard again, and no relief for the people of Upper Malick. I am very disappointed. Before the 1956 general election the people of Upper Malick were promised that bridge. The election came, was won by the PNM, five years went by, nothing happened, no bridge. The same thing happened again in 1961, Mr. President, more promises, no bridge. Five years went by again; 1966 general election, same thing happened, more promises, no bridge. The year 1971 came, more promises, no bridge. The year 1976 came, another election, more promises, no bridge. The year 1981 came, more promises, no bridge.

The year 1986 saw the birth of the Phoenix Community Organization in that area; a new organization took shape and form, and the people were organized and they started in a more structured fashion to agitate, to write to authorities, to beg, to protest, to do everything that they could or they knew to do to get the new Government, which was the NAR Government who again made promises in 1986 that they would get a bridge, no bridge. The 1991 came, more promises, we are in 1992, no bridge.

We are talking about 4,000 people living across a river, a people who have been resilient; a people who made, through self-help, their own roads, their own tracks, their own walls, their own drains. This Government, the ones before,

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all “mamaguyed” them, no bridge. On September 17, 1986, the Ministry of Works promised to build a foot bridge.

I have the letters here. The first letter. The second letter, December 23, 1986, the Minister of Works is now saying, Sir, that this project does not belong to his ministry at all but to the Ministry of Community Development. We see right away that they are shifting from one ministry to another. So while the first ministry is saying, it will build you a foot bridge, in December it and says, no, it cannot build the foot bridge now, because it is the wrong ministry; go to the Ministry of Community Development. Nothing happens.

We go to June 7, 1988. The Ministry of Works is now saying everything is all right, but there is a problem: The land is not vested in the state, so you cannot get your bridge. Football starts, from one ministry to the other one, back to the other ministry, who is now saying, yes, you can get it, but you know the land has to be vested in the state.

Then two years passed. On June 4, 1990, the St. George West Council Self-help Project Division are saying that it will:

- (a) undertake to conduct excavation work;
- (b) provide technical advice and assistance;
- (c) place a construction gang on the project.

It seems, Mr. President, that these poor people are now seeing some kind of help.

Next letter, April 17, 1991. Mr. Jenson Fox appeals to Dr. Carson Charles of the Ministry of Works to assist the Malick residents. I want to read this letter. I chose this one because it is very instructive. I shall not bother you with the heading:

“Dear Dr. Charles:

With due respect, I would like to inform you that it is my considered opinion that a more positive response is necessary to facilitate the commencement of work on the bridge at 7th Avenue, Malick, about which I have brought you up to date.

As you know, over a year ago, eight steel beams were delivered to the community of 7th Avenue, Malick, on your recommendation and nothing has happened.



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In the meantime, the technical staff has completed the drawings for the bridge, estimates have been prepared and the Self-help Commission has offered their assistance. On your advice, Mr. Bonnie Alexander has been approached.

It would be very prudent now, on your part, if you could offer some more direct assistance to these villagers as there is now nothing further that I can consider possible to contribute towards this project. Sgd. Jenson Fox.”

So inter-ministerial communication, one master passes it on to another master and it goes on, Mr. President.

We go now to May 15, 1991. Here the National Commission for Self-help is saying that they are willing to assist, but they are waiting on the nature of assistance which will depend on an estimate. Now, we heard that an estimate had been done, but they are still waiting on an estimate. So you are back now to another department in Government, again. You move from one department to another department. You are by now getting the picture of what is happening to these people.

In the meantime, children are drowning in the river, old people cannot cross, people are losing their legs, all sorts of mishaps because of the problem of that river. Productivity is interfered with because people cannot go to work on time. Sometimes for an entire day they have to be away from their jobs because there is no way they can get to work. There is an alternative, as I said, Mr. President. Tracks and roads were done on a self-help basis, but it is very dangerous and there are many bandits in the areas where they have to pass. So that is not a preferred area in which one can get.

We go to September 19, 1991. The villagers write again to the Minister of Works, asking him to receive a delegation. Can you imagine, Mr. President, after all that has passed, the villagers are still pleading, “please, meet a delegation, let us talk. Tell us what you are going to do”.

We then go from September 19, to March 12, 1992. Here the villagers closed a project. Work had started and the problem arose when people from outside the area were given jobs and none of the Malick people were employed to do the work. The Minister, who is present here, is very familiar with this problem. I think he has been plagued with it from the moment he stepped into the ministry until today and it will probably be with him for quite a while to come.

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I shall read just a few excerpts, Sir, from the *Trinidad Guardian* of Tuesday, May 12 at page 14:

“According to spokesman for the workers, Raffick Mohammed, the project, which began a fortnight ago, entailed the construction of a bridge over the Malick River.

But he said, the workers were told last Friday by both the engineers and the project manager that further work on the project would be discontinued to allow the building of a slit trap on the river bed to prevent flooding that occurs in the lower Barataria area.”

What we are finding, is that they decide, okay, we are going to help you all. Some work started, the wrong people were getting the jobs and then they shift gear: No bridge, silt trap first.

Now, Mr. President, having looked at that film, can you imagine a silt trap being a substitute for a bridge over that river? I am no engineer, but there is no way that anybody can substitute a silt trap for that. The question of a silt trap is another matter and I shall come to that later. It goes on:

“Building of the bridge was promised since 1956, he added. Three years ago, the steel girders were brought to the site and remain there to this day. When it rains, the river overflows its banks and the area becomes flooded. It then becomes impossible to get either in or out of the community.”

This matter came to the fore, again, until May 25, 1992, when the National Self-help Commission commits itself now to \$30,000. It took 35 years for a firm commitment to be made to these people about money—there are certain conditions attached—but then we are hearing that the bridge cannot be built unless the silt trap is built.

The silt trap will trap silt, not water. That, by itself may not be a bad thing, but let us look at this Government’s record in building silt traps. I took a few pictures—and I will give them to the Minister to have a look—of what the condition of their silt trap in Eastern Quarries in Laventille is like. A silt trap was built there in that drain and if you see the condition; the drain is full, the silt trap is full, nobody cleans it; it is a mess. So that if you put down a silt trap to trap silt to allow a freer flow and you do not clean it, you are back to square one. This is known to the people of Upper Malick.

What the people in Upper Malick are saying is that notwithstanding the promises made, the record of this Government shows that you cannot accept their promises. It even went to the former Prime Minister, who took the letter and passed it back again to the Ministry of Works again for urgent attention, and still nothing was done.

Under normal circumstances, people should accept what the Government is saying, but this cannot be the case because the Government's record of promises is dismal, especially to the people of Upper Malick, who have been getting promises from 1956 until 1992. Therefore, they are not accepting that.

**Mr. Imbert:** Mr. President, I thank the hon. Senator for giving way. But he is referring to the action of governments over a period when this Government was not in office. So I would ask him to refrain from that, please. If he is referring to Government's action in 1991, I do not know what he is talking about.

**Sen. Hosein:** Mr. President, my friends on the other side like to take the kudos of PNM Governments of the past, but when it comes to the licks they do not want any of it. But that is not fair. If you want the kudos, you have to take the licks. I mean it is only fair. You have to take poui as well as kudos, especially when I am dishing out the poui. The Minister cannot hide behind that, no way.

I remember when this present Minister used to write a nice article in the newspapers and in those articles he took all the kudos for the governments before. Why is he now denying them? Is it Peter denying Christ? How many times, three times? So we have two more denials to come.

**Mr. President:** Do you require more than five minutes?

**Sen. Hosein:** Mr. President, I thank you for your intervention.

Mr. President, the people of Upper Malick cannot accept the promises. When it was made known that this matter was going to be brought to this Senate, very quickly some steel was deposited and a back-hoe came there to make it appear that the people have nothing to worry about, because work is going to continue. What the people of Malick are saying is that what they want is something more concrete; not just to hear that the Government is going to build the bridge, on such and such date it is going to start and it will be finished on such and such date. They want it recorded in this honourable Senate so that the Government cannot go back on its promises. That is what the people want.

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We on this side of the House are the watchdogs of the people of this country. We are going to hold the Government to whatever promises it makes today to those people, and we are going to make certain that those promises are kept.

I want to remind this Senate that the people of Upper Malick are not supporters of the United National Congress; they are supporters of the People's National Movement. So what, in fact, we are doing here is asking them to honour their promises to their people—not ours—their people. We are going to make sure that they do so.

**3.50 p.m.**

There is one other matter that I must touch on. I have a picture here of the Malick Senior Comprehensive School whose walls have been broken down by the very same river. I want to make a plea to the Minister that in addition to the bridge for the people of Malick, the river needs to be attended to, so that there will be no further deterioration of that school or its environs.

I want to point out, also, that it is also affecting the residents who live on the river's edge. There are quite a few of them whose homes are likely to be washed away, perhaps, before the end of this rainy season. I invite the Minister to tour the area. I want him to acquaint himself with the problems first hand and have a comprehensive programme to alleviate the problems of the people of Upper Malick.

Mr. President, the people are here today in their numbers because they are interested in their welfare. I want to make it absolutely clear that my plea here has no political undertones. My plea here is for humanitarian assistance to the people of Trinidad and Tobago, and the cynicism of the other side will not be able to get them out of this silt trap. I rest my case, Mr. President.

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. President, before I deal with the matter at hand, I should just like to clarify that I cannot see how I can take responsibility for promises made by another administration during the period 1986—1991. I cannot see how I could be accused of not honouring the promises of another administration.

Be that as it may, it is a pity that the residents of Upper Malick were forced to come to this Chamber today, because, as the good Senator is well aware, my ministry is actively working in the area, and if he had done a little research he would have been aware that I visited this site over a month ago. In fact, when it

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was brought to my attention that there was a protest at the site, I issued a statement which was printed in the *Trinidad Guardian* of May 13, 1992, some two weeks before this motion on the adjournment was brought, which indicated properly the Ministry's proposed action with regard to remedial work at this site.

With your permission, Mr. President, I should just like to give some background information with regard to the particular area and then outline the Ministry's proposed action. Access to Upper Malick from the Eastern Main Road is through Seventh Avenue, which is a paved road approximately 16 feet wide. This road then continues as a local road which diminishes in size as one progresses higher into the Malick River catchment. At a particular point close to a Hindu temple, the local road stops on the eastern bank of the Malick River and then continues from the western bank onwards to link back with other built-up roads which feed the Lady Young Road.

I put this into the record because it is necessary to put the geographical perspective on this matter. Residents who live on the western bank have access to the Lady Young Road. The Senator pointed out that they prefer not to use this access. I am grateful for the information. One must realize that this community was built up over the years on the bank of a river over which there is no access during the rainy season. The resident population on the eastern bank of the river have no problem with access to the Eastern Main Road and its environs when the river is in flood; so really what we are talking about is only the residents on the western side of the river.

The solution to the problem, clearly, is the construction of a bridge which will allow unimpeded access to and from the community located on the western bank. As the good Senator's video tape demonstrated, we have a parallel problem, which is the problem of flooding. It would be irresponsible of my ministry to proceed with the construction of a bridge which, during heavy rains, would be impassable. My Drainage Division has, therefore, been planning for a number of years to construct a silt trap, and we negotiated the funding for this silt trap with the Inter-American Development Bank. The Inter-American Development Bank has agreed to give us these funds this year. As the Senator will be aware, it takes several years to negotiate these sorts of funding facilities with the IADB. We, therefore, intend to draw-down on IADB funds earmarked for the silt trap in 1992, as was originally agreed.

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The purpose of the silt trap, as its name indicates, is to trap silt coming down the river. If such a trap was not constructed then you would have a perennial problem of reduction of levels in the river and an increase in the flooding problem. My ministry, therefore, considers it essential to construct the silt trap at this time. Unfortunately, the only access to the silt trap is through the same location where the abutments for the bridge have to be constructed. We, therefore, cannot do the two construction projects at the same time. We are, therefore, proceeding to complete the silt trap which we expect to complete by the end of October, 1992, and even before we complete it, we shall start construction of the bridge.

I wish to inform the hon. Senator and the residents—I am informed they are well aware of this situation—that we have already started preparatory work for the bridge. We are doing pre-fabrication work, steel building, formal construction, and we expect at the end of August to be able to start construction of the abutments and within a four-month period complete the construction of the bridge. I hope I have explained the technical reasons why it is necessary to do the silt trap now, postpone the start of construction of the bridge until a point at which it will be practicable for us to restrict access of entry to the river and then complete the construction of the bridge.

On the question of the record of promises, I wish to draw to the attention of this honourable Senate that this Government has, for the few brief months that it has been in office, quite a good record with regard to the construction of bridges, in particular.

In another place, I was asked about repair work to a bridge on the Manzanilla/Mayaro Road and, at that time, I gave the assurance that this bridge would be opened some time around the middle of May. I am happy to say that I opened that this bridge to traffic on May 19, 1992. I am certain that my engineers and the rest of my staff will complete the construction of this bridge four months from the beginning of September, which would be the end of December, 1992. Thank you.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 4.00 p.m.*