SENATE

Tuesday, November 17, 1992

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the chair*]

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have been advised that His Excellency the President has appointed Prof. Kenneth Ramchand to be a temporary Senator with effect from November 16, 1992, during the absence from Trinidad and Tobago of Sen. Everard Dean.

OATH OF ALLEGIANCE

Sen. Prof. Kenneth Ramchand took and subscribed the Oath of Allegiance as required by law.

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave to Sen. Everard Dean to be absent from sittings of the Senate during the period November 16 to November 22, 1992.

I have also granted leave to the following Senators to be absent from today's sitting of the Senate: Sen. Stanford Callender, Sen. Camille Robinson-Regis and Sen. Barry Barnes.

Mr. President: I now read the following communication which I received from the Speaker of the House of Representatives, letter dated November 13, 1992:

JOINT SELECT COMMITTEE

(Public Holidays)

"Mr. President,

I wish to inform you that at a sitting held on Friday, November 6, 1992, the House of Representatives agreed to the following Resolution which was moved by the Hon. Kenneth Valley, MP, Leader of the House and Minister of Local Government Business and Minister in the Ministry of Finance:

'Be it resolved that this House consider it expedient that a Committee of both Houses be appointed to consider the entire question of public holidays'.

The above resolution is accordingly forwarded for the conference of the Senate.

Yours faithfully,

(Sgd) Occah Seapaul,

Speaker

House of Representatives."

TAX APPEAL BOARD (AMDT.) BILL

Bill to amend the Tax Appeal Board Act to regularize the appointment of its Chairman and Vice-Chairman and to provide that the Chairman shall receive the same pension as a Judge of the High Court *[The Attorney General];* read the first time.

Motion made, That the next stage be taken at the next sitting of the Senate. *[Hon. K. Sobion]*

Question put and agreed to.

PAPERS LAID

1. Medium Term Policy Framework: From Stabilization to Growth—1993 to 1995. *[The Minister of Planning and Development (Hon. Lenny Saith)]*
2. Report of the Task Force on Housing and Settlements. *[Hon. L. Saith]*
3. Report of the Committee on Regularization of tenure on State Lands. *[Hon. L. Saith]*

ORAL ANSWER TO QUESTION

Anti-dumping Legislation

(Irish Meat Imports)

18. Sen. John Spence asked the Minister of Trade, Industry and Tourism:

Could the hon. Minister state:

(a) Whether he has used the anti-dumping legislation to impose additional duties on meat imported from Ireland which is heavily subsidized?

(b) If the answer to (a) is in the negative, could he state when he intends to do so?

The Minister of Trade, Industry and Tourism (Sen. the Hon. Brian Kuei Tung): Mr. President, the Government has not imposed any additional duties on

meat imported from Ireland. Also, government has no plans in the immediate future to impose additional duties on meat imported from Ireland, which is heavily subsidized.

It should be noted that Trinidad and Tobago produces approximately 20 per cent of the beef consumed locally. The imposition of additional duties would put the price of beef beyond the reach of the average consumer.

Sen. Spence: Mr. President, would the hon. Minister agree that the problem might be addressed by subsidies and would not agree that the present importation of dumped meat would put the local beef industry at risk?

Hon. B. Kuei Tung: Mr. President, the question of subsidies has occupied the attention of many governments. Subsidies continue to be a drain on the resources. It is difficult to plan and budget for subsidies, especially where subsidies tend not to have had the effect for which they were intended. I know that the Minister of Agriculture is currently looking at the question of subsides on beef.

On the question of subsidized meat, I accept that the subsidized meat poses a threat to local cattle rearing, but given the fact that 80 per cent of our meat has to come from outside, one has to address the question: Are you going to ask the consumer to pay increased prices for 80 per cent of his needs because you want to protect 20 per cent, which is beef being produced locally? It is anybody's judgment, Mr. President.

Sen. Spence: Mr. President, is the hon. Minister aware that the production of rice five years ago was 60 per cent and now it is 30 per cent? Is the Government planning to keep the production of beef down in order that his point may be valid?

Mr. President: I think the Senator is introducing a little argument here. Question time is for questions.

Sen. Spence: Mr. President, so I understand. I thought I asked him a question.

Mr. President: You are making comparisons.

Sen. Spence: Mr. President, I would then withdraw the question about rice and ask the question about beef. Is it his government's intention to retain the production of beef at the level of 10 per cent? If you would allow this question, Sir, how does this square with the recent statement which the Prime Minister made to the party that agriculture would be encouraged?

Hon. B. Kuei Tung: Mr. President, as I said earlier on, I believe the Minister of Agriculture is at present addressing ways, means and strategies in respect of the cattle rearing industry in Trinidad and Tobago. I really cannot say much more than that at this time.

Sen. Spence: Mr. President, I would ask this question, but I realize that I may be ruled out of order: Is it the intention of the Minister to apply that same principle to other agricultural imports? This one relates to meat. Is it the intention of Government at any time to remove beef from the negative list and, therefore, to open all local production to subsidized imports of beef?

Hon. B. Kuei Tung: Mr. President, meat remains on the negative list, as the hon. Senator knows. The question of meat production has to be a policy coming out from the Ministry of Agriculture. My ministry does not have any responsibility for how the cattle rearing industry goes. I am at a loss to understand how, as a Minister of Trade, I am required to answer questions dealing with policy on agriculture.

Sen. Spence: Would the Minister not admit that his policy very severely affects the agricultural sector and, therefore, he is very intimately involved in the agricultural sector?

Hon. B. Kuei Tung: Mr. President, the policy with respect to the importation of beef is worked jointly with the Ministry of Agriculture. Really, the question of a policy for agriculture is not mine. It is a question for the Minister of Agriculture, and if he so desires. I think the question should be addressed to him.

My ministry is responsible for policy with respect to the importation of meat as the Minister of Trade. That policy is developed in conjunction with the Ministry of Agriculture.

Mr. President: I believe that rules say that questions shall not be the pretext for debate. I have been liberal in that we only had one question on the Order Paper, but I sense that a little debate is developing and that is going contrary to the rules.

Sen. Spence: I bow to your ruling. I would just say that I have recently looked at the television on the—

Mr. President: If you have a supplementary question you want to pose, pose it and I will allow one last supplementary.

Sen. Spence: My question is: Would the hon. Minister not agree that policy is the responsibility of the Government in total and that if, in fact, responsibility for policy in different sectors is going to be made the responsibility only of individual Ministers, then we are in for a very difficult time?

Hon. B. Kuei Tung: Mr. President, I believe that question seems rhetorical in nature. The policy of Government has to be on the basis of a collective responsibility. All I am saying is that with regard to the importation of meat, my ministry, in conjunction with the Ministry of Agriculture, developed a policy.

With respect to the development of cattle rearing or any other such agricultural activity, it is left for the Ministry of Agriculture to develop policies. I am also saying that I know for a fact that the Minister is at present looking for ways and means to encourage and propagate cattle rearing. But I am not privy to his plans at this time. As far as I know, he is still conducting studies with respect to several sectors of agriculture.

LAND ACQUISITION

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

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

Sir, proceedings for the acquisition of the subject parcels of land were initiated on July 5, 1979, when a Notice of Intended Acquisition, under section 3 of the Land Acquisition Act was published in the *Trinidad and Tobago Gazette*, following the authority to commence under section 4 of the Act.

The subject parcels of land were utilized for improvement to the dual carriageway of the Uriah Butler Highway. The highway is now in full use by the general public.

Mr. President, I beg to move.

Question proposed.

Sen. Wade Mark: Mr. President, this motion is for the acquisition of 1,158.8 square metres of land in the ward of Chaguanas in the county of Caroni. Having regard to the fact that this development has been taking place since 1979 the lands have been acquired, the carriageway has been established, could the hon. Minister say whether the persons mentioned have been paid? What was the cost of

the lands acquired by the state in total? Also, with respect to the families who have been dislocated as a result of the acquisition in question, how far has the state gone in assisting these people in acquiring the lands, so that they can rebuild their homes? We should like to have some clarification on these matters.

Mr. President, we still await, with some eagerness and I would say anxiety, the tabling of the long-promised Land Acquisition Bill. The hon. Minister has been indicating to us for some time that the bill is forthcoming. We are happy to see that several things are coming on stream so that we can get a clear few papers tabled here today.

We like to ask the hon. Minister of Planning and Development precisely when this bill will be tabled because we believe, it could go a long way in rectifying many problems and irregularities that exist currently. We think that bringing that bill forward would really lay the basis for more justice, particularly for those persons who, under the law, have to give up their property with the arrangements that exist at this time.

We cannot argue against this motion, because the construction has already taken place; our concern at this time is justice for those persons who have been dislocated. We wish the hon. Minister could tell us what it cost the state to acquire these properties, whether these people are still at the same location or have obtained new property and how long it will take the Government or his ministry to bring to this Parliament the long-awaited Land Acquisition Bill.

With these few words, Sir, we would support the motion before us, but we need to have some clarification, as I said, on the matters that we have mentioned.

Thank you.

The Minister of Planning and Development (Sen. Dr. The Hon. Lenny Saith): Mr. President, as I understand it, the way these matters are handled, is that having received parliamentary approval to approve the decision of the President, the Valuation Division and the Director of Surveys would now enter into discussion with the landowners as to the value for payment to be made and, therefore, I cannot at this time give him the cost.

In just looking at the quantum of land being acquired—this is a strip belonging to 10 owners and it ranges from 300 square feet to 1,000 square feet. I suspect it is just a strip of land and I would be very surprised if any homes were involved in the matter, but I really do not have that information.

Mr. President, I know the hon. Senator says he has been waiting with bated breath, I believe that is the phrase he used, for the Land Acquisition Bill, with great expectations, I want to assure him that the wait will soon come to an end. The committee has completed its work in dealing with the comments of the public on this bill. In fact, the Attorney General just reminded me that it is on my desk. I propose to take it to Cabinet next week and hopefully, after that it will come to Parliament in the normal process of the way bills arrive here.

We have done a fair amount of work on it. It is a bill that I think will satisfy many concerns in the way acquisition is done and compensation paid. I am sure that when it comes here, the hon. Senator will support it fully, but I cannot anticipate his vote, Mr. President.

Question put and agreed to.

Resolved:

That this House 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
1. The following parcels of land containing together 1158.8 square metres, more or less, situate at Charlieville, in the ward of Chaguanas in the county of Caroni, described in the Schedule hereto and coloured raw sienna on a plan of survey executed under Surveys Order No. 110/79 and filed in the office of the Director of Surveys. THE SCHEDULE Ten (10) parcels of land situate on the western side of the Uriah Butler Highway between Francis Lalla Road on the north, Dennoo Trace on the south and Caroni Savannah Road on the west, in the ward of Chaguanas, in the county of Caroni and comprising as follows:	Road construction (Improvement to dual carriageway along the Uriah Butler Highway)

APPENDIX *(Cont'd)*

Description of Land	Public purposes for which to be acquired
1) 38.0m² said to belong now or formerly to Shamirun Martin; 2) 117.4m² said to belong now or formerly to Sahamud, Farzan Ali, Hasina Ali and Jameel Ali; 3) 70.0m² said to belong now or formerly to Ramnarine Soomar; 4) 237.4m² said to belong now or formerly to Dattoo Ramoutar; 5) 103.5m² said to belong now or formerly to Siew and Ramlochan; 6) 11.9m² said to belong now or formerly to Shaiffan; 7) 167.2m² said to belong now or formerly to Lalooram; 8) 206.4m² said to belong now or formerly to Lalooram; 9) 45.1m² said to belong now or formerly to Razack and Ameeran Ali; 10) 161.9m² said to belong now or formerly to heirs of Tyabb Ali. These parcels are more particularly shown coloured raw sienna on a survey plan filed in the vault of the Lands and Surveys Department, Red House, Port of Spain.	

ARCHITECTURE PROFESSION BILL

House of Representatives Amendment

The Minister of Works and Transport (Hon. Colm Imbert): Mr. President, I beg to move, that the House of Representatives amendment to the Architecture Profession Bill, 1992, listed in the second appendix be now considered.

Question proposed.

Question put and agreed to.

Clause 10.

House of Representatives amendment read as follows:

Substitute for the figure "1", occurring in line 2 of subclause (3), the figure "2".

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

Question proposed.

Question put and agreed to.

SUPREME COURT OF JUDICATURE (AMDT.) BILL

Order for second reading read.

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

That a bill to amend the Supreme Court of Judicature Act, Chap. 4:01, be now read a second time.

In May of this year, I made a statement in the other place in which I referred to the state of the administration of justice and the need for this matter to be given some kind of priority. At that time, a team was appointed to look into the whole question of delays in the administration of justice and to make suggestions and recommendations for resolving those problems. Since then the team has reported and the various recommendations are with various agencies for the purposes of their giving consideration to them and with a view to implementation thereafter.

This bill seeks to amend the Supreme Court of Judicature Act. The purport of the bill is to enable the Rules Committee to make certain rules relating to the making of interim payments by the court in the course of any civil proceedings.

I may say at the outset, Mr. President, that rules of court have, in fact, been made in relation to this matter, even though there was no power in the Rules Committee to make those rules. So the bill before the Senate today has another aspect to it and that is the validating of matters and orders made under those rules which were made without the necessary authority.

Permit me to emphasize, Mr. President, that the purpose of this amendment is to facilitate the making of rules which will provide for interim payments to litigants who have brought court proceedings and whose matters may be stuck in the pipeline, as it were.

Whilst this bill is not primarily intended to speed up the process of justice, it will provide relief, at any rate on an interim basis to persons who may have proceedings pending before the court. They will be able to approach the court for the making of an Order pending the determination of their court action.

The rules as exist at the moment and the rules which we seek to validate by this bill relate principally to what is commonly called "running-down actions".

I want to refer, Mr. President, to the report of the committee and what it says in relation to running-down actions. I read, from page 23 of the report and it says as follows:

> "The statistics reveal that, at present, approximately 40 to 50 per cent of the matters filed in the civil registry of the Supreme Court are running-down actions."

It makes a recommendation which is not before the House today, but I want to refer to it, nonetheless:

> "At common law, an injured party has no direct recourse against the insurance company and the other party involved in the collision."

The recommendation which follows is that the Motor Vehicles Insurance (Third-Party Risks) Act be amended to provide an immediate right of recourse against the insurer, who will, from the outset, therefore, be a party to the action, and ultimately would be subject to the provision of the amendment which we have before the Senate today, and which is the provision for interim relief.

2.00 p.m.

So that we are moving to bring together incrementally the various recommendations which have surfaced as a result of the report of this team; and we are moving to ensure that incrementally there is an improvement in the system of justice as it exists at the moment. I may say as well that the Rules Committee, of which I am a member, has met within recent weeks and has come up with draft rules which also spring from this report, and those should also be put in place within a short space of time.

Mr. President, I said that there exist rules at the moment, but these rules were made without the supporting authority of the Act and we therefore also seek, by this amendment at clause 5, to validate matters which have been done under the provisions of the existing rules. So section 5 is a validating provision, which saves all interim payments and all payments and other matters which may have been made under the existing rules on the basis that they were properly constituted.

We have also taken the opportunity, in presenting this bill to make another amendment to include as a member of the Rules Committee a Master of the Supreme Court; that amendment is found at clause 3 and it is an amendment to section 77 of the substantive Act. So that the bill before us essentially achieves three things: It improves the constitution of the Rules Committee to include a master. We now have three sitting Masters in the Supreme Court and they are largely responsible for much of the day-to-day work, so that the inclusion of a Master on the Rules Committee can only enhance the performance of that body.

Clause 4 is a major and substantive amendment giving power to the Rules Committee to make the rules for interim payment and at clause 5, we have the consequential amendment to validate previous acts there being a valid and existing rule.

Mr. President, I said that we intend to approach this question of improving the system of justice in an incremental way. We will put in place measures as we think necessary and I think that it is important that we deal with it in that way. If we were to wait until we had a complete package of amendments to several pieces of legislation or different rules of court, then I think we would not be able to achieve the purpose within a reasonable period. I make note in this connection, that what we are operating at the moment is a system which is grossly overburdened and I think every assistance we can give to that system is going to help in the complete overhaul.

I may refer in that connection to the report again just to give some idea as to the dramatic rise in matters before the court. The report notes at page 9 that between August, 1970 and July 1971, to take a period of one year 20-odd years ago, the new civil actions filed, numbered 568, while the matters set down for hearing were 381. In the one year period, 20 years later between October 1990 and July 1991, 6,884 new matters were filed; 927 matters were set down for hearing; and when we consider that the sanctioned strength of the court in 1970 was 11 and in 1990 it was 15, we understand that we are operating a system which is greatly

overburdened by the number of new actions filed. That will, of necessity, result in a delay in the period between which a matter is filed and when it is concluded.

So that the purpose of regularizing this provision of interim payments is to provide for the litigant to approach the court during the currency of his matter, before it is finally determined, and ask for an interim payment to be made. Mr. President, I commend this amendment of the Supreme Court of Judicature Act to this Senate and I beg to move.

Question proposed.

Sen. Surendranath Capildeo: Mr. President, I am happy that the Attorney General referred to page 9 of the Gurley Report. It spells out the nature of the litigious society we live in. Between October 1990 and July 1991, 927 matters were set down on the General List, and 6,884 new matters were filed.

Those statistics speak volumes for the kind of society we have produced. I know my friends across there are accustomed to my quotations from the Roman philosophers, so I have brought one for you. Ambrosius Theodosius Macrobius, 1600 years ago wrote:

> "*Leges bonae ex malis moribus procreantur*—Good laws are the product of bad customs."

This amendment that comes here reflects that statement.

You see, Mr. President, I am of the view that you cannot look at the amendment in isolation. You have to look at the amendment in relation to the culture and the society which this amendment must serve; and we begin by looking at the amendment itself. It is a good beginning. There is nothing wrong, in principle, with the amendment. You see, Sir, we do not come here all the time to "mash up the place" as is the popular misconception. We are here to do an honest day's work and, that is, the work of the people. It is a good beginning—this proposed amendment.

2.10 p.m.

It seeks, as the Explanatory Note says—

> "...to empower the Rules Committee to make Rules of Court to enable the High Court in pending proceedings to make orders for interim payments in such circumstances as may be specified in the rules.

> The Rules of the Supreme Court 1975 already provide in Order 29 Part II for the Court to order interim payments in actions for personal injuries and clause 5 of the Bill seeks to validate any orders and payments made prior to the commencement of the Act for which this is the Bill, and any acts and things done under the Rules relative to such orders.
>
> The opportunity is taken to include amongst the persons who form the Rules Committee, a Master of the High Court to be nominated by the Chief Justice."

After that is where we begin to get into trouble.

Of all the Attorneys General who may have graced, adorned, or otherwise, this Parliament, this particular Attorney General knows of the bottlenecks in the legal system. He and I know, together, for decades, that we have watched the slide of the administration of justice into mere chaos. No one, nobody or any committee, has to tell this Attorney General what to do. He knows what is to be done. I accuse him of that knowledge. He is guilty of such knowledge. The earliest code of law known to civilized man is the code of Hammurabi. One of the first edicts was "If a man accuses a man, and charges him with murder, but cannot convict him, the accuser shall be put to death." Do you get the point? That is the risk I wish to take.

I accuse my learned friend the hon. Attorney General of near criminal neglect of the reform of the administration of justice. I will not sit here and permit him to say he is going to bring legislation piece by piece. The friendship will mash up, if he persists in coming to this Parliament with these titillating titbits of trivial legislation, time after time, when there are hosts of matters which can be brought to Parliament and which could almost miraculously ease the burden of the existing pressures which exist in the legal system today.

My friend the Attorney General does not even have to look at the Gurley Report. He knew the contents before it was written. He knows the bottlenecks; he does not have to wait on any report. He does not have to send it to various desks. This Attorney General of all Attorneys General knows what is to be done. We are now in November, and, as I said, all we have had are titillating titbits of trivial legislation.

Mr. President, I now return to the amendment. The first point I want to make is that we are approaching the year 2000, and it is beyond doubt now that we in the Western World are now world renowned for our use of the English language.

I wonder if it would not be too much to ask my learned friend the hon. Attorney General to ask the legislative drafters—a specialized group of people—to consider ways and means of simplifying the language, reducing the tortuous legal jargon. Let us be the first in the English-speaking Commonwealth, in our common law jurisdiction, to simplify the language of the law. I give my learned friend the Attorney General that task.

The second point I make is that I see provision will be made to include a Master of the High Court in the Rules Committee. I ask: Has any consideration been given to the fact that this is going to add to the already severe strain on the Master? The Master is in the same position as the Judge. His/her production is limited by the existing facilities of the legal bottleneck and we have it in the hon. Attorney General's own words that the system has almost broken down. So, if the conditions of the Master are not yet improved, why slap this additional burden on him or her?

We have a surfeit of lawyers in the country. I make bold to say that the legal system is drowning in lawyers. Was there any consideration, I ask, given the present state of the law, to widen the scope of the Rules Committee and increase its personnel, as a short-term measure so that the work could be spread out and deliberations made on all rules and other matters which fall within the scope of the Rules Committee? When the Attorney General took the time to present a titbit of legislation, instead, he would have been presenting a compendium of legislation. He would have come with a compendium of amendments designed to remove the irritants which over the years have combined to clog the system.

I say to the Attorney General: Put the lawyers to work. Enlarge the Rules Committee. He has enough practising lawyers to call upon for their expertise—I see my friend the hon. Minister of National Security is absent. I do not quite agree with him that money is the sole criterion for many a lawyer. I think many lawyers are honest workers, and if they are put to work, they will work. Because they themselves suffer in their daily diet at the High Court, the magistracy and appeal court, I am sure you will get them to come up with all the rules needed, to deal with what caused problems over the years. He can then come to this Parliament with such a compendium, and immediately, almost miraculously, improve the state of the administration of justice in this country, without money being spent.

2.20 p.m.

Sir, it was Emperor Justinia who said, "Justice is the set and constant purpose which gives every man his due." It seems to me that in the Republic of Trinidad and Tobago, the motto is, not only is justice set and constant, but it is fossilized, and at the rate we are gong it is going to be perpetually fossilized.

The third point. The amendment proposes to allow interim payments. In England as my learned friend and all lawyers know, there are detailed rules provided. I will not burden the Senate with all the details of the various rules. The question I pose, and I think it was partially answered but it was not so clear so I pose it again: Have we got the rules all prepared to service this amendment so that once passed it can be put into full effect, so it can be properly serviced and be of use to the citizens of Trinidad and Tobago? More importantly I ask: Has any research been done at all to show the importance of this measure? I ask that question in all seriousness because it emphasizes the point I wish to make.

I do not want to seem to create in the public mind that this honourable Senate is discussing important and great matters of law like this amendment when it is not really that important. Has any research been done to show the importance of this legislation? For example, can we say how many pending matters there are in court in which applications such as are warranted by this amendment, are waiting? Can the sum of money be quantified by looking at all those applications? Is it a couple million dollars in payment waiting to be paid out on this amendment? Is it that urgent? How much money is involved, but more importantly, has any research at all been done to justify the parliamentary time now being spent in this debate on this particular amendment? As I said before we cannot look at the amendment in isolation. We must look at the culture which gave birth to the amendment.

In this country it is almost impossible to collect what is known as a judgment debt. Unfortunately, because of the past 36 years, the culture of this country is now the culture of the "smart man". It is better to owe. It is the creditor to catch. The person who is owed is the fool, the person who owes is the smart man. That, Sir, is the kind of immorality which has developed because of the breakdown of the legal system. The court is replete with actions, as my learned friend knows, of people who have justifiable claims for money, have judgment on those claims and cannot collect their money. It is a vicious circle. The people who owe the money cannot pay because they have no jobs. They have no jobs because the country is

facing bankruptcy. The country is facing bankruptcy because we have governments in power in the past who wasted the assets of the country which bloomed with the oil boom.

You have a vicious circle of a society which now uses the law to its advantage in that the people who want to use the law to get what is theirs come up against a system where all the debtor has to do is to put in his defence, stretch the matter out in the court, wait for the judgment and stretch it out even longer, and then go into court on a judgment summons and offer to repay the debt at $10 or $100 a month. That is the culture which has grown up out there, Sir. I ask: has any research been done to justify the amendment before this Senate, as important as it is?

The learned Attorney General made a very substantial point. We already have on our books Order 29, which provides for interim payments to be made in running-down matters. Running-down matters are matters involving motor vehicle accidents, but for the last 36 years insurance companies have been using the courts to delay payments to people who have been injured. Notwithstanding Order 29, which gives the power for interim payments, the injured party in a vehicular accident who is successful—to use the local language, catches his "Nennen" to collect. No thought over the last 36 years has been given to the formation of a simple thing like a motor insurance bureau.

Mr. President, we do not have to be geniuses in this country. We look at what England has done and usually what happens, we copy wholesale. So here we have for years now, since 1975, or before Order 29, been speaking about interim payment but that interim payment is totally useless to the man involved in a vehicle accident for the simple reason that the end result of the law at that point in time, was merely to look—Was it? I do not know. That is why I ask the question. Is this amendment being brought now so that we would look as if we are doing something? What is the end result of this amendment? Is it going to result in moneys being paid out to people who are legally, lawfully and morally entitled to such moneys? Has any research been done like that? I do not know. I have to ask the question.

It is all very well and good to bring amendments of this nature, but when you look at the detailed rules that apply in England, which of necessity we must follow—we shall be copying most of those rules and incorporating them into our law and into our rules. But we just do not have the back-up to enforce them. The

systems fail and once again, the legal system is on the slide into anarchy and chaos.

2.30 p.m.

I am not here to pick holes in the amendment. The amendment has to be supported in principle. What I am about here is querying whether in the present situation in this country there is honesty in legislation, whether this amendment is honest in its intent and purpose. Because, if not, we would be wasting the Parliament's time. We would be sending out the wrong signals because at the end of the day what is of interest to the litigant is that he gets justice. If in a country, in one year, you can get about 6,884 new matters being filed, in an administration of justice where you will not even get six cases completed per month—if they really get off the ground—you ask yourself: Has the research been done? Why bring the amendment to this Senate, at this stage, when you know full well it would be inconsequential, and of almost no use to the litigants. I ask the question only because I do not have the facilities to do the research and I do not know if my learned friend has done the research.

The bill seeks to validate certain payments made. Again, the point will come up. Has any work been done to find out if payments have been made? Have orders been made, to justify clause 5 of this amendment? If none has been made, why is it in there? In other words, have we had the benefit of the necessary research? Was the research done to enable the hon. Attorney General to come here and justify this amendment?

When you look at the people who comprise the whole committee, the original Chap 4:01, section 77 states:

> "Rules of Court may be made by the Chief Justice together with any four of the following persons who shall form the Rules Committee namely:
>
> (a) A judge of the Court of Appeal to be nominated by the Chief Justice;
>
> (b) A judge of the High Court to be nominated by the Chief Justice;
>
> (c) The Attorney General or any legal officer referred to in Part I, II, or III of the First Schedule to the Judicial and Legal Service Act, to be nominated by the Attorney General;"

The amendment is to include:

"a Master of the High Court to be nominated by the Chief Justice.

(d) The Registrar of the Supreme Court;"

It goes on, and I hope this is being amended and taken out.

"(e) A practising barrister nominated by the Bar Council who shall hold office for three years;"

Such a creature does not exist any more.

"(f) A practising solicitor, nominated by the Trinidad Incorporated Law Society, who shall hold office for three years."

You have a judge of the Court of Appeal, a judge of the High Court, an Attorney General, a Registrar and now a Master. You are taking all these highly-skilled, overworked—I cannot say underpaid, because they recently increased salaries—judicial people from a system which we all admit is almost collapsed because these people cannot produce enough. You tell me in 1992, you are going to look at Chap 4:01 section 77 of the Supreme Court of Judicature Act, and you have the knowledge within yourself that the system of administration of justice has collapsed because judges of the Appeal Court cannot deliver their judgments and hear enough appeals on time; the Attorney General is overburdened with work; the Registrar of the Supreme Court is inundated with work; the Master of the High Court is in a position similar to that of the judges; you are looking at that scene and know that all the people are fully occupied—does the thought not cross your mind that maybe, in the 21st century, we should look at this a little more differently?

Instead of coming to the Senate with an amendment like this, come with one to expand the scope of the personnel, so that we could have some assistance to get the administration of justice back on track. The thought would not cross anybody's mind that we could expand, and instead of plucking the judges of the Court of Appeal, the High Court, the Attorney General, the Registrar and the Master, we put highly skilled lawyers there. If you want some control leave a Registrar with them.

What are you doing? You are looking at the Rules of the Supreme Court that the judges themselves have to interpret. If you set up a committee of highly skilled Attorneys-at-Law and you relieve the judges of the Appeal Court, the High Court and the Master this burden—it is those gentlemen and women who will have to sit in judgment on the same rules. If the rules are bad we would come back here to change them. The idea is to get the wheels of justice moving.

I do not accept that this Attorney General cannot think like that. There must be novel approaches in the law and there must be approaches designed to get us out of the rut we are in now by the turn of the century, otherwise we can almost say, there will be almost no hope. We shall not be able to break the backlog of cases in the judiciary and with the present statistics, they say there is no hope. To come with this amendment and look at the first rule that you are going to amend, and not even to have any ideas about that, to my mind does a great disservice to the people of this country, the administration and justice.

The other amendment is at clause 4 which states:

(a) In subsection (1) by inserting after paragraph (a) the following paragraph:

> for making provision for the High Court in which any proceedings are pending, in such circumstances as may be specified in the rules, to make an order requiring a party to the proceedings to make an interim payment of such amount as may be specified in the order, either by payment into Court or, if the order so provides, by paying it to another party to the proceedings."

The proposed subsections 3 A, B, C and D all relate to interim payments to be made by rules. The question I pose again to the learned Attorney General is: Do we have those rules? Are they in place and ready to be operated? Have we formulated such rules? Are we going to copy lock, stock and barrel from the rules as laid down in England, or are we going to look at our local situation and try to make our system work, having regard to the culture that we have in this country? Have we looked at how we administer our courts, our system of interim payment? Are we going to completely blanket copy the rules provided in England, or are we going to shift them to suit our conditions, customs, culture and how we operate in our registry in this country? I do not know.

That is knowledge peculiarly within the hon. Attorney General. The plea I make to him is that if he is to come to this Senate with amendments of this nature, they should not be singular in form like this. There is a host of amendments dealing with a host of topics which he can bring to us, and it would not take much time, deliberation and effort to have those amendments brought here that would have the legal system moving faster.

I cannot understand why this occasional coming to the Senate with these amendments, Judicial and Legal Service Amendment, Industrial Relations

Amendment, and I cannot remember the other amendments that came, but they are small pieces of legislation that come here almost teasing us to say, look things are happening. Then I heard the learned Attorney General say that he is not going to wait until he gets all into one. He is going to come with them as they arrive like this. I take issue with that. We cannot afford that luxury. We cannot afford to wait. We have enough legal expertise in this country to come to this Chamber with enough amendments, which would have a salutary effect on the administration of justice. All my learned friend has to do is to seek the assistance of the lawyers. Call on them, get their assistance and get the legal system working.

2.40 p.m.

As I said, in principle, we cannot oppose the amendment, but what we can ask is that in future when the hon. Attorney General deigns to visit us and submit motions, papers and amendments to us, he does so in far greater quantity than this; that he shows us that he has at heart the conditions at the Hall of Justice. He must come with a compendium of amendments, so that his name would be written in history, and at least by the turn of the century the laws of Trinidad and Tobago would be functioning properly and the administration of justice well on its way to justice.

I thank you.

Sen. Martin Daly: Mr. President, I had come here today simply to vote yes to this bill, but I became somewhat shocked when the hon. Attorney General, linked the bill to the Gurley Report. It is for that reason that I want to make a brief contribution.

For the 25 years that I am in practice, it has been the tradition among practising lawyers to do public service by serving on committees, editing law reports, producing magazines and work of that nature. In the 1980s many of us gave up our practices at the request of the then Chief Justice and sat for three months at a time as temporary judges. The assistance that we were able to render to the system is statistically recorded and I think it came as a pleasant surprise to the then Chief Justice.

The present Rules of the Supreme Court were introduced in 1975 as a result of the work of a committee which was headed by Mr. Justice Dennis Malone. I say, in passing that Mr. Justice Mallone was one of those very fine bottles of judicial brandy which we allowed to leave our shelves and seek honour, judicial fame and fortune in other parts of the Caribbean. Mr. Justice Georges, another fine bottle of

judicial brandy, was allowed to leave our shelves. In fact, there is a chapter in a book written by Dr. Ryan, about the circumstances of the break-up of the Wooding court, which everyone involved in the administration of Government should read.

I served on that committee chaired by Justice Malone and the way the Rules of the Supreme Court were amended was that—at that time the West Indies Associated States had already adopted, with suitable modifications, the Rules of the Supreme Court which were then in force in the United Kingdom. At the time the committee started its work our Rules of the Supreme Court were way out of date—they were 1946—and the way the reform was gone about was that the committee took the Rules of the Supreme Court of the West Indies Associated States, which had already been adapted from England and, in turn, adapted those for use in Trinidad and Tobago.

One of the rules that were adapted was new, and that was the rule which provided that in certain circumstances, a litigant who already had judgment could get an interim payment on account of the damages which he would ultimately receive. I have not done any research, but I know that orders have been made by the courts for interim payments under the rule that was brought in as part of the reform in 1975.

Quite naturally, I am delighted to see—I shall explain why for the benefit of Members why this validation was necessary—that the Attorney General has been industrious enough to bring this validation before the Senate. For that reason, I came here simply to give my vote. The problem, as I understand it, is that the Rules Committee made a rule dealing with interim payments and it either came up in litigation, or someone raised the point, that the powers of the Rules Committee laid out in the Judicature Act did not in fact enable the Rules Committee to make such a rule. That is why the bill before us gives specific power to the Rules Committee to make a rule dealing with interim payments. That is the reason for it. That, as the Explanatory Note states, is to put the matter beyond doubt.

I commend the Attorney General, if the matter is in doubt—and I believe the point was actually raised in a case that the court had no power to make interim payments—for adding to the powers of the Rules Committee to put the matter beyond doubt and make a ruling dealing with interim payments. I commend him for validating any orders for interim payment that have already been made.

What he is doing is that he is solving a problem that has been with us since 1975. It has nothing to do with the Gurley Report. I am pleased that he is doing so. It does, however, bother me a little that any link should be made with the Gurley Report. It bothers me because from my perspective, which I have given and which I believe to be accurate, this amendment has nothing to do with the Gurley Report.

I certainly did not intend to detain the Senate with any contribution on the administration of justice or indeed to refer to the Gurley Report because I do not think that this is the time for that. Since the Attorney General, I say respectfully, has been unwise enough to refer to the report, let me just make three points about which I feel very strongly.

2.50 p.m.

The first is that the Attorney General appears to be speaking as though the recommendations of this report are now Government policy, as he talks about the report being sent to various agencies. This is a very good report. It does not go far enough though and I should be pleased if many of its recommendations became part of Government policy. But when is this report and the state of the administration of justice going to be debated in the Parliament? That is my problem.

I have been following the Attorney General's movements very closely. I have to do so because every time I complain to him that I cannot get my hands on something, he comes to say to Parliament that Sen. Daly feels left out; I do not feel left out, I just want this country to work.

I observe that he said in answer to a specific question that the Government was giving consideration to whether the Gurley Report would be debated. According to *Hansard*, he made that statement a month ago. Since he has brought the Gurley Report in issue—quite wrongly, in my view—I should like to know if and when this report is going to be debated. And since he said the matter was under consideration, what decision has the Government come to about debating this report, particularly as it appears that many of its recommendations will be adopted as Government policy. That is the first point I want to make about the Gurley Report to which the Attorney General has drawn us.

I am challenging the Government, to debate this report and I am challenging the Government to debate the administration of justice because it cannot be right that the Attorney General should admit—and I agree with him—that there is a crisis in the administration of justice and the matter is not debated in Parliament.

Moreover, much of what is in the Gurley Report does not deal with the question that is troubling many citizens of this country, namely, the method of judicial appointments. That, too, was remarked upon by the Attorney General recorded in the *Hansard* to which I referred.

So that if this is to become Government policy, we must debate it and it must be part of a debate on the administration of justice which is troubling so many persons. I, too, will not seek to bring any institutions into disrepute as and when the occasion arises; God spare life, as we say, I shall have my say, because I have seen the system inside out as a practising attorney and as a temporary judge of the High Court.

The Attorney General says, "Look at page 23 of the Gurley Report", he seeks to link this bill to page 23 of the Gurley Report, and his reference to running-down actions really give us a spin that this is all part of the implementation of the Gurley Report.

If we ever come to debate this report, the first thing that will come up in the debate, even from persons who are not lawyers, ordinary motorists (and here I agree with Sen. Capildeo that there is no point dealing with this legislation in isolation) in reference to page 23 to which the Attorney General referred, is, you can reform the law as much as you like relating to motor insurance claims, but unless and until the Government sees to it that the police and licensing authorities are vigilant to see that people are driving motor vehicles on the road with the requisite insurance, the reform would be pointless. That is why you cannot have it in isolation. No one is going to collect an interim payment from an insurance company if he or she has been run down by a motorist who has no insurance.

Every day in this country almost derelict vehicles are involved in collisions with law-abiding citizens of this country and when the time comes for the exchange of documents at the scene of the accident, the licences and the insurance, many times the offending party has no motor insurance.

So Sen. Capildeo is quite right, that the Attorney General cannot do this law reform piecemeal or in isolation or to use the Attorney General's word, "incrementally". So if the Government, as they appear to do sometimes, listen and debate this report, they would get many ideas from people in all walks of life about the practical things that have to go into law reform apart from the recommendations of this report. So, much of this legislation about interim payments is going to be perfectly pointless, unless the requirement that people have the requisite insurance and carry it in the motor vehicle is observed.

That is why we need a debate. Many other persons will have ideas about what is required, not only the lawyers. I urgently request the Government to make a decision: Are we going to debate this report or not? I am urgently requesting them to make that decision and announce it because the Attorney General said a month ago that the matter was under consideration.

The Rules of the Supreme Court, which we are amending today, are really like the operations manual of the law and that is why it is so important that the operations manual be revised, not in isolation and not in a piecemeal way.

Mr. Sobion: Just for the purposes of clarification, Mr. President I think the hon. Senator may have made an error when he said that we were revising today the Rules of the Supreme Court. That was the impression I got.

Sen. Daly: I am going on to say that any revision to the Rules of the Supreme Court pursuant to the Gurley Report cannot, like bringing this piece of legislation here, be done in a piecemeal way. Apparently the Attorney General does not understand that I am supporting Sen. Capildeo, that we cannot do this by bringing pieces of legislation in isolation, in a piecemeal way. We cannot go about this incrementally. It is not going to work because all of these things are inextricably linked, one with the other. So if we are dealing with interim payments, in order to get moneys out of insurance companies, then we must deal with all the laws and rules relative to insurance companies as a compendious package. It is not going to work any other way.

Similarly, no one is going to get interim payments as a result of the passage of this amendment to the Judicature Act today, if the defendant motorist at the behest of an insurance company can put in a bogus defence and the system is so clogged that the bogus defence will give him a five to ten year free ride. So this is not going to do very much. I support it and I have given the reasons why I support it, but it is not going to do very much.

I have only been provoked into speaking by the Attorney General's suggestion that this is somehow part of the implementation of the Gurley Report. With the greatest respect, I do not buy that and I think as a matter of principle, anyway, before the Gurley Report is implemented, it should be the subject of a parliamentary debate.

Now, the Attorney General also referred to page 9 of the Gurley Report to emphasize how clogged the system is. Well, he knows what my views are on how we are going to break this backlog. My view is, very simply, that given these

statistics, even if you implement all of the recommendations of the Gurley Report, you will always have a backlog and, therefore, more radical measures are required.

I am not going to advance that today because that is the not the purpose of this debate.

By referring to the backlog there, it merely hammers home the importance of this report being made the subject of a parliamentary debate and arising out of that debate there will be several important pieces of legislation, some of which the Gurley Committee has actually recommended. Its recommendations are divided into sections and include recommendations on legislation.

I just want to say that, from my perspective, this is a simple amendment. It has a great deal of merit but it has nothing to do with the Gurley Report. Therefore, the proper thing for the Government to do with the Gurley Report is to put it down for debate at the earliest possible opportunity because the Government admits there is a crisis and this Attorney General knows the system inside out and knows that there is a crisis. He has been good enough to say so. Therefore, that is what has to be done with the Gurley Report. It must be debated so that it can receive the scrutiny of persons including—and I keep emphasizing this—persons who are not lawyers.

Indeed, Sen. Capildeo referred to the lack of a motor insurance bureau and it is very interesting. Only three or four weeks ago a judgment came down from the Privy Council in which they had cause to lament the lack of a motor insurance bureau in a case from Trinidad and Tobago. The Privy Council were actually saying that they had examined every little point in the case; they were so distressed that the litigant was going to be sent away without a remedy.

Incidently, they also referred to what existed then—it may have been corrected now—certain deficiencies in the information systems at the Licensing Office. That is another thing. If the information systems at the Licensing Office are not in proper order and, therefore, you cannot properly identify the owner of the vehicle and the insurer of the vehicle, the legislation is not going to be much use either.

I am at pains to point out that law reform, in my respectful view, involves a debate of this report, a debate on the administration of justice, some debate on the method of judicial appointments, and there are several practical nuts and bolts, such as information systems at the Licensing Office, such as the motor insurance bureau and things of that nature; vigilance on the part of the police and the

licensing officers to see that people have the requisite documents in order to make law reform work.

So that, I support the criticisms of Sen. Capildeo that we cannot do this in isolation or in an incremental way and I have sought, with the greatest respect to the Attorney General, to put this amendment in its proper historical perspective.

As I said, Mr. President, I am very happy to support this, but I am doing so for what I perceive to be the right reasons. It is an old problem we are solving, a whole huge problem, and the sooner we debate this report and approach it in a non-incremental way, the better it will be for the country.

Thank you very much, Mr. President.

Sen. Diana Mahabir-Wyatt: Mr. President, the Attorney General has indicated that the bill before us to amend the Supreme Court of Judicature Act is part of an improvement which he is trying to undertake in the administration of justice in this country. Quite frankly, I am not really terribly concerned as to whether this bill arises out of the Gurley Report.

As far as I am concerned, the particular amendment that we are looking at today is going to make a difference in several matters; one of those which were mentioned was the question of insurance. Even if we did have a decently functioning Licensing Office where you could get the information needed, even if we did have drivers who are properly insured, I know from experience, trying to help people in my immediate community who are economically disadvantaged and have had problems with being hit by, in most cases maxi-taxis, you still cannot get insurance out of either the taxi driver or the insurance company. Even if they are insured properly, you cannot simply because they just delay, knowing that any litigation is going to take so long that it is hardly worthwhile pursuing it.

I know of instances where this has caused extreme hardship to some people. One woman, in particular, recently, with two broken legs, out of work for over six months still cannot get a cent from the insurance company, simply because the insurance company knows that it could take 10 years for litigation.

If this bill is going to help in this regard, I am extremely pleased that it is going through and I will support it. Since the Attorney General did mention the Gurley Report, however, I do not feel constrained in mentioning it because I think that the concern that is being expressed throughout this country about the whole administration of the judicial system is one which is extremely serious, urgent and needs attention.

I think that the provisions, from a layman's point of view—not being one of the "brothers-in-law"—but from the layman's point of view, the recommendations of the Gurley Report seem to be so eminently sensible and so obviously long overdue that one cannot help but come to the conclusion that the society has long since been crying out for their implementation.

I could quote a number of recommendations. I think the one which recommends that first offenders be allowed to serve out their sentence as community service rather than being incarcerated, is an excellent one. I think the recommendations about the matrimonial cases are excellent.

Particularly, Mr. President, I should like to just urge the Attorney General—and I know he is going to be getting this from everybody—that the recommendations in this report as a whole, not just be accepted, but be implemented.

I am particularly concerned, of course, with the recommendations which deal with the family court. If I could make an appeal to the Attorney General, that the recommendations as they are written, on pages 77 and 78 be put into practice as soon as possible, I think it would have been worth the Attorney General's introducing mention of the Gurley Report in the first place.

When the Domestic Violence Bill was being debated in this House there was much criticism about it generally. There was much criticism about how it was going to affect people and their rights of property and so forth. If there was any doubt as to the importance of the passage of what is now the Act, the number of cases that have flooded the magistrates' courts in the last year and a half since the Act was passed is sure testimony to the fact that there have been thousands and thousands of suffering people who were just waiting for it to be passed. The fact that many of these cases involve young children and people who are not accustomed to the sometimes acrimonious nature of the criminal offences that are being tried in courts around them, really impels me to request once again that the Attorney General give consideration to the establishment of family courts as is recommended in this report.

Like Sen. Daly, I would welcome an opportunity to have this report debated in Parliament. I think it is something that should be done. I think that the lack of faith, the extent to which the judicial system has failed the society because of the delays and irregularities, means that it is imperative that the way the society feels be aired in Parliament—not just the lawyers—because I think every single person

in this Parliament is affected by it. Not just here, but almost anywhere I go week in, week out in Trinidad, people make very painful comments about the judicial system. I think that having it debated in Parliament, even if it is on the basis of this report, would certainly be worthwhile.

Having said that, Mr. President, I once again urge the Attorney General to ensure not just the adoption but the putting into action of the recommendations in this report. I support the bill.

Thank you, Mr. President.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Mr. President, I thank hon. Senators for their critical support of this bill. However, Sir, I think, perhaps, having regard to the contribution, particularly of Sen. Daly and Sen. Capildeo, I would want to put in proper context the question of what is really needed to be done in order to improve the administration of justice.

If one looks at the report—and I make no apologies for having referred to the report here—one would see that it is neatly divided into sections as regards the recommendations. You would see that, by and large, the majority of recommendations contained in that report are not recommendations which require legislative action.

Infrastructural matters have been dealt with at length and in relation to the Supreme Court, for instance, those recommendations run from page 6 to page 21, whereas the legislative recommendations run a matter of a mere five pages. Procedural recommendations run another 17 pages of the report and administrative recommendations another two or three pages.

So that when I made reference to the report and to an incremental approach, I was dealing with the recommendations insofar as they concern this House and Parliament generally. In fact, if one were to look at the legislative recommendations, one would see that they relate to several different pieces of legislation which deal with different subject areas. For instance, an amendment to the Motor Vehicles Insurance (Third-Party Risks) Act, which is the one that I referred to on page 23—and I would explain to Sen. Daly why I referred to that particular provision.

The other recommendations, which require legislative attention deal with matters such as giving the Registrar power to commit judgment debtors for failure to comply with court orders; with the question of sentencing, making provision

for additional forms of sentencing, such as community service *et cetera*; with the question of preliminary inquiries and having matters go to the assizes on indictment. They relate to many different things.

When I said that we would be dealing incrementally with it, I was talking about how we approach the legislative aspect of the recommendations and that we are going to deal with it bit by bit, rather than bringing one piece of legislation amending several different existing Acts. The vast majority of the recommendations are matters which do not really require any intervention on the part of the Parliament.

Page 23 of the report provides for joining the insurer—immediately a party to a motor accident can join the insurer, based on this recommendation, and, therefore, would be able to get an interim order immediately against the insurer. In saying so, I would wish to correct the suggestion by Sen. Daly that this is open only to situations where judgments are obtained, and to indicate that Order 29—which is the existing rule dealing with interim orders—provides for an interim order to be made, even where a judgment is not yet obtained, if a plaintiff can satisfy the court that at the end of the trial, he is likely to get a judgment in his favour.

I would not term the amendment useless or of little effect because, if properly applied, it would provide for the victim of a running-down accident to get interim relief by way of a payment order by the court even though he does not have a judgment in his hand as yet. That is how the regime of Order 29 is intended to operate. From that point of view, it will provide a fair amount of relief to litigants if properly advised by their respective attorneys.

Insofar as the comments made by Sen. Capildeo with respect to statistics, et cetera are concerned, I would say that no in-depth research was done into how many matters are subject to interim relief. One only has to look at the basic figures. We are faced with 40 to 50 per cent of running-down actions and that is a significant number set in the context of 6,800 actions per year and if out of those 3,400, 25 per cent of the persons are able to get some kind of interim relief, that would be a significant step forward in providing the kind of expediting which we need in the system.

The reference to insurers on page 23 of the report suggested—and in a sense I anticipated Sen. Capildeo—that this bill would be more complete if one could have proceeded immediately against an insurer. That is a recommendation which

we propose to take forward, but I made reference to it to indicate, really, that there is more that can be done in relation to expanding the scope of interim relief.

In fact, I shall be meeting with representatives of the insurance companies who wanted to discuss this aspect and other aspects of the report relating to interest payments and I propose, thereafter, to deal with the aspects of the report that deal with insurance matters. That is what I mean by taking an incremental approach to this matter.

Sen. Capildeo raised several other points and, as usual, one can benefit from the value of his experience. He wondered, for instance, why the Rules Committee was not expanded so as to provide for other persons except those who were heavily engaged in managing an over-burdened system. Well, I have found that you have a fair degree of commitment from a number of persons, even though they may, in fact, be overworked.

The Rules Committee has, in fact, been sitting every week for the last three weeks analyzing the recommendations of the report and has already put together at least two draft rules which have been forwarded to the Chief Parliamentary Counsel for his technical input. So I do not think that the progress of this initiative is being impeded by the fact that we have judges of the court sitting on the Rules Committee.

I have noted the comment in respect of the motor insurance bureau which was raised both by Sen. Capildeo and Sen. Daly. It certainly is a matter which has been raised on previous occasions and which will be considered in relation to the package relating to insurance matters.

This bill, in fact, stems from the fact—and this is partly in answer to Sen. Capildeo—in fact, there had been applications for interim orders, not as many as I would have liked to see, but I think once the public is alerted and sensitized to the fact that they have this as an approach, they would certainly be able to advise the attorneys that they can use that approach as a means of getting some relief. But it did occur that on appeal, an order for interim payments was disallowed because of the absence of the provisions which are now contained in the bill before this Senate.

3.20 p.m.

There is one other matter, Mr. President, and it relates to—

Sen. Daly: Before the Attorney General completes, he is on record as saying that three Senators have raised the question of debating the report, and that the

request that the report be debated is being given consideration. Is he going to tell us whether a decision has been made about that?

Mr. Sobion: Sen. Daly has always been quick off the mark. I did say, Mr. President, that there was one other matter. That one other matter has to do with a request by Sen. Daly and a couple of other Senators with respect to debating the report. I believe, in a sense, one is on the horns of a dilemma in relation to this matter.

Whilst I did indicate a month or so ago that the Government was giving consideration to that question, no final conclusion has, as yet, been arrived at. I do realize, from an intellectual point of view, the value of discussing this matter in this forum, and indeed in many other fora. I do recognize that there will, no doubt, be some benefit to be gained from the experience of Sen. Daly and other Senators, but I must confess that I am more concerned, at this stage, with trying to put certain matters in place to ensure that the system does not collapse completely. And that is the fact of the matter.

I am more concerned with ensuring that some of the recommendations—which Senators on their own volition, have stated ought to have been implemented previously—are put in place, at least, now. But I did also signal on another occasion, that it was the intention of this Government to look at the question of having a standing committee on the administration of justice, which was going to take this forward in a broader and deeper way and deal with it on an ongoing basis. I considered, in fact, myself that this report was intended to be for immediate implementation with a view to dealing with what was virtually a crisis situation. But certainly, having regard to the repeated requests, I will again seek to raise this matter in Cabinet, with a view to seeing at what convenient time the report can be debated. But I hope that the goodly Senator understands my immediate concern.

I thank you, Mr. President. I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 5 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.

VALIDATION OF THE FIFTH REPORT OF THE ELECTIONS AND BOUNDARIES COMMISSION (TOBAGO) BILL

Order for second reading read.

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

> That a bill to validate the Fifth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago, be now read a second time.

Sir, this bill seeks, quite simply, to validate the Fifth Report of the Elections and Boundaries Commission with respect to the electoral boundaries in the area of Tobago.

This report was submitted on August 5, 1992. The Commission's Fourth Report was submitted on August 5, 1988. A period of four years has, therefore, elapsed between the submission of the Fourth and Fifth Reports.

Mr. President, the Elections and Boundaries (Local Government) Act Chap. 25:50, at section 4(2)(b) states that the Commission is required, in the case of reports other than the first report, to submit same—

> "...not less than two nor more than three years from the date of the submission of its last report."

It has apparently developed as a practice for the Commission to submit its reports as close as possible to the due date for the election of the Tobago House of Assembly, which falls every four years and, therefore, there is usually an intervening period between the maximum time permitted by law for the submission of the report and the actual submission of the report. It is for this reason, that we are here today to validate the Fifth Report of the Elections and Boundaries Commission, it having been submitted approximately one year out of time, at variance with the relevant legislation.

Most of us in the Senate, are aware of the importance of having clear and well-defined boundaries, particularly immediately prior to the holding of an

election. Some of us vicariously may appreciate the need for such a matter to be regularized; and I may indicate that in the actual report of the Commission, they have indicated that they saw no need to amend the existing boundaries. We are, therefore, seeking the validation of the Parliament in having this report accepted. I commend this bill to the Senate, and I beg to move.

Question proposed.

3.30 p.m.

Sen. Wade Mark: Mr. President, we have a bill to validate the Fifth Report of the Elections and Boundaries Commission on the boundaries of the electoral districts in the electoral area of Tobago. As the learned Attorney General has indicated, according to law, and we are not dealing with practice or convention, we are dealing with the law of Trinidad and Tobago—Under the Elections and Boundaries Commission (Local Government) Act, Chap. 25:50, section 4(2)(b) states:

> "in the case of any subsequent report, not less than two nor more than three years from the date of the submission of its last report."

The law states that the Elections and Boundaries Commission which deals with defining and reviewing of the boundaries of the electoral districts must submit, to the Minister—in this instance the Minister of Local Government—a report not less than two nor more than three years from the date of submission of its last report. We have a bill before us, and the hon. Attorney General indicated to us that the practice has been developed by the Elections and Boundaries Commission, to submit their report very near to the period of an election. We now have a dilemma. The law says "...not less than two nor more than three years", but we have the hon. Attorney General telling us that it is the practice, EBC to do its own thing.

The bill is to validate this so-called practice. We would like to inform the hon. Minister, that this practice should cease. Here it is, in the midst of a very important election for the people of Tobago—I am certain that it is for the people and they will decide at the appropriate time whether, for instance, they will choose the rattlesnake called the PNM or stay with their old forces. We have taken a strategic decision to ensure that the PNM remains where it is, to allow the people of Tobago an opportunity to maintain the present composition of the Tobago House of Assembly.

Mr. President, we believe this practice ought to cease. It is in violation of the laws of Trinidad and Tobago. The Elections and Boundaries Commission, whilst it is an independent Commission—and we are not casting aspersions on its integrity, nor the personalities that make up that Commission—we believe it is wrong to develop such a practice, to the point that the last report submitted by them on this question of the boundaries of the electoral districts in the electoral area of Tobago was done four years ago, in 1988, according to the hon. Attorney General. He comes after a date has been announced—stable opened, horses have bolted. *[Interruption]* Strategically.

The horses have been released and he comes to the Senate today—a mere two weeks before the people of Tobago make a judgment as to who would be their representatives in the Tobago House of Assembly for the next four years—to have this report validated.

Fortunately for us, the Commission in this report indicated that they see no justification for alterations of these boundaries. It means that it makes the task of the Attorney General easier. If the EBC were to redefine the electoral boundaries, I would imagine it would have changed its practice, and this report would have been here, maybe, two years ago.

We strongly advise that this practice, which is in breach of the law—and the Attorney General who is supposed to be the custodian of the law comes and says that this matter is a very simple and straightforward one. That is the kind of absolute contempt that the PNM has for the people of Tobago.

I believe that whilst the EBC have been complaining about some administrative difficulties and irregularities, we in this House can all agree that over the period of years that the EBC have been conducting election after election in Trinidad and Tobago, they have done a fairly good job. They have performed as best as they could. I think that a party that has been in power for 30 years could take a few cues, from the EBC. I think we need the EBC to conduct the PNM elections. Too much corruption, and so on, taking place right now. I think that it is a lesson for the PNM to learn. This kind of battle. In fact, this is the period of battles taking place. Battle in Tobago, battle in the PNM.

3.40 p.m.

Whilst the bill before us seeks to validate the Fifth Report of the Commission, we would like to find out from the hon. Attorney General why it is that this report which was submitted to the hon. Minister of Local Government on August 5,

1992 took so long to be tabled in Parliament, having regard to the fact that the Government would have been conscious that this report was four years late? *[Interruption]* Is it one year late? So what is this matter that you were speaking about? You indicated that it is four years and now you are telling me that it is one. Even if it is a year late how come this report was submitted on August 5, 1992, but only found its way to this Chamber on November 10, 1992? That is the date we have that the bill was brought to the Parliament.

We have much to say about the EBC. We would make it very clear that the EBC has in fact, been talking—if you would just look, as a reference, to what has been happening. We had a report a short time ago on the results of the 1991 elections. In that report, the Elections and Boundaries Commission bitterly complained about the short period they had to prepare for the last election. In this particular context we had a lot of administrative irregularities emerging. People's names were not appearing on the list of electors. *[Interruption]*

Mr. President: We are not debating that today.

Sen. W. Mark: What I am saying is that there is a link. We have a report from the EBC on the issue of boundaries in the upcoming Tobago House of Assembly Elections, because of administrative irregularities, as outlined by the very EBC in this report. People would go on that day to vote just as people went to vote—

Mr. President: Sen. Mark, I cannot assume that the Elections and Boundaries Commission would not have benefited from the errors they have had?

Sen. W. Mark: We want to hope so, Sir.

Mr. President: We are dealing with a bill.

Sen. W. Mark: I agree with you, Sir. The bill before us outlines electoral districts, and the number of registered electors. We are saying on this side that because of the difficulties that the EBC has complained about over the years, we believe that these administrative irregularities and difficulties are going to crop up again. It is against this background we say that there is a need for some kind of enquiry. We need to establish in this country a public commission of enquiry into the operations of the EBC.

Sen. Ojah-Maharaj: On a point of clarification. I should like to know whether the Member in calling for a public inquiry into the EBC, which is an independent commission, is stating that he has no confidence in the operations of the EBC.

Mr. President: He did not say he has no confidence.

Sen. W. Mark: That is why they have demoted you. Because of your incompetence.

Mr. President: Do you see what this is going to develop into? A battle of personalities. Leave that for the platform.

Sen. W. Mark: I am not into that, Sir. We are neither querying nor are we questioning the integrity of the Elections and Boundaries Commission. We recognize that it is an independent body and there are some very important personalities, citizens of Trinidad and Tobago, sitting on that commission. Because of the kind of irregularities that have emerged we feel that one of the things we should call for and the Attorney General should address, is a public inquiry into the operations of that body.

In developed countries even though the Commission is an independent body, it is still subject to public inquiry. We are talking about a democracy and the right of people to vote. And people are going to vote. Some are not but, those who are going to vote in Tobago should have the opportunity to do so. They should not go on that day—as so many thousands found out in the last local government elections in Trinidad—and find that their names are not on the list. We have a culture in our country where people look after their interest only as far as elections go. So we have to shape and fashion our policies and our laws to suit our culture. That is a problem with the PNM. The PNM are living in the sky. They do not fully understand the political reality of our country. That is why this question of understanding the culture of our people and seeking to promote our democracy is so important. It is against this background that we on this side urge the Attorney General to look at this question.

3.50 p.m.

Mr. President, I agree that we cannot anticipate what will take place in Tobago. We cannot assume that it will take place. What we do know is that based on the experience that we have had in Trinidad, there is every possibility of its repeating itself in Tobago. We serve notice and we want to give the Attorney General some advice on this matter, that if we want to promote, advance and encourage our citizens to participate in a meaningful and total way in the democratic process of our country, we need to focus on getting rid of those administrative irregularities and irritations with which we are confronted every election. The EBC has a responsibility to address that, but the law has to change.

We have been to the EBC as a political party, providing the EBC with evidence and information. We did not file petitions. How do they train those persons who will be poll clerks and presiding officers? How are these persons selected? These are areas that you must consider if you are talking about the EBC playing an important role in safeguarding our democracy. We have to ensure that every avenue is exploited and utilized to promote that democracy. If we recognize that there are limitations and deficiencies, it is our responsibility to bring them to the attention of the Government, and if necessary have the law amended so that people can participate freely and meaningfully in the democratic process. That is what we are arguing.

If we call on the Government to institute a public commission of inquiry into the operations of the EBC, it is not in any way to discredit the people who comprise the EBC or to challenge the independence of the EBC. We want to ensure that we promote and consolidate our independence in Trinidad and Tobago. That is what we are seeking to establish.

I do not want my friends on the opposite side to have any misleading view. I wish to disabuse such from their minds. *[Interruption]* He is going to—

Mr. President: Sen. Mark.

Sen. W. Mark: Yes, Mr. President. You have always indicated to us that this is not a Sunday school. It is not a picnic and we have to expect the give and take from time to time. I know that you always seek to guide us on that matter, but sometimes we have to save the souls of people who are lost, and we have one such person across there.

We are saying that whilst we have no choice at this time but to support the bill, we support it because we want the election to go on. We want the people of Tobago to decide, and therefore we cannot stall this process. It is a pity that our good friend Sen. Callender is not here.

Sen. Ojah-Maharaj: He is working.

Sen. W. Mark: I know he is working very hard. I hope it is not in vain. I know that you have already predicted that you will get a little more than two. You are very careful. You said a little more than two. It is clear that he is not going back there.

Therefore, we would not stand in the way of the Government and the hon. Attorney General in this matter. We believe that the people of Tobago are

confused. The PNM has brought on the confusion. We know that the people of Tobago will be going to the polls on December 7, 1992 and there will be no change or changes in the boundaries governing the various electoral districts that comprise the electoral areas of Tobago. We hope that the people of Tobago would know that if they are to advance their interests and maintain their course of self-determination, they cannot do so with a very backward administration, which is located in Port of Spain.

We feel that the people of Tobago will act wisely and decisively in defeating this regime that is on a mad course of development. We shall have an opportunity in the budget debate to deal with other extraneous matters which I wanted to introduce here. Mr. President, I know that you will guide me and we shall deal with that at the appropriate time.

Mr. President: I am glad to hear that.

Sen. W. Mark: We feel that there is need for the Government to pay some attention to the integrity of this process.

You know there is a supplementary list that you get when you are involved in this process, and that list is sometimes produced by the EBC two days before an election. It frustrates the process to some extent. It is the same thing that is going to happen in Tobago, because the law is framed in such a way that even the EBC are complaining about it. They are given 28 days in one instance to organize a national election and the Government gives them almost the same amount of time, as far as the Tobago election is concerned. The only difference is that the Tobago electorate is smaller involving about 30,000 people.

The question we always have to address is: How are we going to promote and advance the democratic process? We believe that some of the things that are taking place under the EBC at this time are not the fault of the EBC. It is the fault of the law. We are calling on the Government to revise the law, and to do that it needs to investigate the complaints and the various irregularities which are pointed out by the people election after election.

This is why we are calling on the hon. Attorney General to a public commission of enquiry into the operations of the EBC, so that when we call the next election, or when the next election is called—I know that the hon. Senator got a bit uneasy. He wants to know if we are going to have an Abu Bakr. No. We are not having an Abu Bakr. We are not having any kind of development. We do not know what the situation is going to bring.

As I said, we shall talk about that on another occasion given the policy framework that we have seen, tabled in this Senate today. We hope that the Attorney General would assist us in that area, and not only assist us, but the whole country. There are too many complaints. The PNM boast about democracy—one man, one vote and fairness—although they do not have one man, one vote in their very party.

Mr. President, what I was seeking to lead to—

Mr. President: There are other Senators who are anxious to speak.

Sen. W. Mark: I was going to say that we hope that on Saturday when the PNM party elections are held, that our good friend, poor Nello Mitchell, would get some justice in that process.

4.00 p.m.

We have in fact made our point. We have indicated that we shall not stand in the way of the Government with respect to this bill. We should like the democratic process to be executed speedily and efficiently in Tobago. We should like the people of Tobago to have the opportunity to vote for the candidates of their choice. We are also calling for an assurance that we do not have a repetition of the administrative irregularities and irritations that have haunted the electoral process in Trinidad and Tobago for several years. We want to ensure that the process in Tobago is a clean, free and fair one.

We hope that at the end of the day whatever the administrative humbugs that may crop up during the process, the hon. Attorney General would recognize that if he were to look at the last two or three reports of the EBC, whether it is the General Elections report or the Tobago House of Assembly Report or the Local Government Elections Report, he would find a common thread of administrative hiccups, irritations and irregularities running through them. We wish to call on the Attorney General at least to give democracy a chance in the country and stop denying and disenfranchising hundreds of thousands of people.

Do you know, Mr. President, that during the last general election close to 70,000 persons did not vote because their names did not appear on the list.

Hon. Senator: You all would have won.

Sen. W. Mark: We are not dealing with that now. That is passé. We are now preparing for the future. We are laying the administrative and infrastructural framework, but the PNM are attempting to lay a different foundation, by getting rid

of persons who are very loyal and committed, printing new ballot papers and engaging in corrupt activities within the party—

Mr. President: Sen. Mark, we are not carrying on a convention of any particular party here.

Sen. W. Mark: We are having our assembly in 1993 and we shall issue an appropriate invitation.

We shall support the measure even reluctantly, and wish the Government to take note of our concerns. We should like the Attorney General to tell us if the law is not relevant when it comes to the EBC. Can an independent commission take it upon itself to develop a practice where reports would come in later than normal? We should get some clarification from him because it is a practice to submit a report about two or three months before elections. Is practice greater than the law? The Attorney General has to address that question.

I was going to close when I came across this newspaper article headlined "Bad Ballot stops PNM Polls", on which I have to comment. I know it is not before us, but it has just cropped up.

Mr. President: If you are through making your contribution to the bill you should give way to others.

Sen. W. Mark: Whilst I might be laughing, this is a serious matter here. This is not a jocular matter here, Sir. We are talking about accountability, democracy and consolidating our future as a nation. Here it is that we are seeing, in a party that is governing the affairs of this country, bad ballots. We cannot escape that, Sir. This is not a jocular matter. I know that you would know that from experience. Even if I am smiling, I am "grinding". I am very, very, serious. You know that I am a very serious person. I smile little, but when I do smile, I smile big.

Sen. Ojah-Maharaj: In the light of the statement made by Sen. Mark, I should like to inform the Senate that there were no irregularities in the preparation of the ballots; it was a printer's devil that stepped into the whole thing. I can give the assurance to the nation that proper electoral processes will be observed on Saturday.

Sen. W. Mark: I did not seek that clarification but you allowed it, so I would probably have to respond.

Mr. President: I have heard you talk about lost souls and now I am hearing about the devil. Sen. Mark, I think that you have said all that you wanted to say on the bill before us.

Sen. W. Mark: I am winding down, Sir. Please give me two minutes. It is not often that we have these jocular exchanges and I think that you yourself have enjoyed them. At this time I want to make it very clear that whilst we would be advancing our points in a jocular fashion, we take our contributions very seriously.

We appeal to the Attorney General to work towards the establishment of a public commission of enquiry into the operations of the Elections and Boundaries Commission. We wish him to address the question of the administrative irregularities and irritations. We on this side would not stand in the way on this particular question.

We should have liked to be in Tobago to take part in the elections, but we felt that in the interest of the people of Tobago, we should not, for strategic and political purposes participate at this time. We will continue to lay our foundation blocks so that come 1995 and the big day in 1996, we shall be contesting the entire 12 Tobago House of Assembly seats. Mr. President, if you do not know, let me inform you that we had 15 candidates lined up in Tobago; 12 willing and ready to go, but we simply withdrew on strategic and political grounds. We are laying the foundation for the next round in 1995 and 1996.

Sir, on those few points, I know that you have in fact exercised your normal patience. You know that when I rise to speak, I am always on course. I was on course today. The fact of the matter is that this is a very serious matter before us and we urge the Attorney General to give it the kind of consideration it deserved based on our submissions here this afternoon, so that in future we would be able to have more free and fair elections in Trinidad and Tobago, which would allow the people of our country to participate in a very full and free manner in that process.

Thank you very much.

4.10 p.m.

Sen. Hydar Ali: Mr. President, the main purpose of this debate is to validate the late submission of this Fifth Report to the Parliament. I think this has arisen, from my reading of the report, because there is some inconsistency in the period

between reporting and the interval between elections. By that, I mean, according to the stipulation of the Elections and Boundaries Act reports, except the first report, ought to be submitted within two to three years.

According to this report by the Elections and Boundaries Commission, the election in this particular case is held every four years. I agree with them that it is easier and better for all parties concerned that these reports be produced nearer the time of elections. I do not construe it, really, as breaking the law, if, as the tenor of the report indicates they are accustomed doing this thing, and it apparently has been accepted in the past. However, I feel steps should be taken to rectify this.

Rather than saying that they are breaking the law—the practice seems to have been established—we ought to consider amending that particular section which says that the EBC must report within two to three years. That is my point on the recommendation that is made there.

In supporting it, I should not like to see in another report that the EBC has to beg Parliament to validate this thing, that in future it be done under the amended section of the Elections and Boundaries Commission Act. We should now be debating whether the assumption is valid as opposed to comparing what they have done in the interval between reporting.

I should like to understand a bit more the rationale for recommending changes or increasing electoral districts. They have pointed out in the report that the total electorate has increased by 315 and that the average number of electors per electoral district has increased by 26. Then they go on to say that these increases and variations—I presume that these are the variations, the 315 and the increase in the average of 26—these are not significant enough.

Now, Mr. President, what is significant? I do not know what is significant. If this average had been increased by a bit more or if the total number had been increased by a bit more—I do not know what magic number would have allowed the Elections and Boundaries Commission to consider changing or increasing the number of electoral districts. It is not quite clear and I do not know whether it is clearer in the Elections and Boundaries Commission Act or in the Tobago House of Assembly Act, but from what they are stating and the way they have put it here, it is all taken for granted.

When I see these numbers, I do not know whether 315 is significant or insignificant, whether an increase of 25 is significant. So since the matter of changing of boundaries and increasing of electoral districts is a sensitive one, I

think this ought to be made clearer by somebody, whether it is the Attorney General or the Elections and Boundaries Commission.

Mr. President, I thank you very much.

Sen. Rev. Daniel Teelucksingh: Mr. President, since this bill comes to us on the eve of the 1992 election to the Tobago House of Assembly, permit me to make a few comments of a more general nature, which I consider to be extremely significant in at least my own understanding of the electoral process as it applies to Tobago.

Earlier this year a group of persons from Tobago, referring to themselves as "Group With Tobago at Heart" outlined in a seven-page document certain matters concerning the relationship between our two islands.

I noted a few comments which would have created in many of our citizens a feeling of sadness, although we have heard such expressions before. Mention was made of a Trinidadian-Tobagonian hostility; also, the need for greater representation by Tobagonians at national and international levels; furthermore, that the relationship between Trinidad and Tobago currently was at an all-time low and that the mutual trust between the two island peoples had now become deeply entrenched.

One can simply argue that this may not be the expression of a popular view and just dismiss it, but how can these sentiments be ignored, Mr. President? For I have heard similar views before and people continue to speak this way, some in Tobago.

The preservation of the unity of our twin-island Republic is very dear to my heart and to the hearts of many of us. Certainly, this Senate needs to endorse the plea to promote, maintain and strengthen the unitary statehood of these two islands.

They anticipate that all efforts at resolving constitutional issues will come to fruition to alleviate fears and anxieties of Tobagonians such as expressed in that document and providing for them the kind of security and confidence for which they are searching.

In recent days in preparation for the forthcoming election of the Tobago House of Assembly, there has been much activity by political parties. I am disturbed, not only now, but for a long time at the approach of certain political parties. One of them assessed the Tobago situation and the election like this:

"It is clear that a lot is at stake in the Tobago House of Assembly."

That is one assessment. Again, another party said:

"The battle is on for Tobago."

It is not the first time we have heard such comments concerning an interest group in Tobago's election. Other parties have expressed similar views before.

To determine the nature of their involvement, one party recently sent emissaries to inquire how the natives think about them.

Electioneering brings to Tobago political parties based in Trinidad. Of this, we are all too familiar. Tobago has become a battleground and the attempt today is the political conquest of the Tobago House of Assembly.

In the history of that island, for three centuries, it was the scene of a regular state of warfare. The English, the Dutch and the French occupied centre stage. Until 1803, its turbulent history was marked by raids, counter-raids, conquest, treaties, recapture and repossession.

The language and ideology of conquest continue to be heard today with political parties based in Trinidad rolling their political machines into Scarborough in an attempt to gain control of the Tobago House of Assembly. We have not changed much. No longer the Dutch, the French and the English—

Sen. Dr. Saith: Mr. President, if the goodly Senator would give way. I can only speak for my own party: We are not based in Trinidad, we are based in Trinidad and Tobago.

Sen. Rev. Teelucksingh: Yes, I should like to continue. I should like to continue because of my introduction, my earlier comments and reference to that very important document which makes many people in Tobago think that there is somebody else out there in another island. This is where I began and this is how Tobagonians have been saying it.

This is not my document; it is not the first time I have heard Tobagonians talking about somebody else in another island. We have to bear in mind—and I think that in that same document reference was made to the idea—the picture is drawn of two islands separated by water. This is the reality. This is what I am talking about; this is the basis of my contention about political parties based in one island and rolling their political machines into Scarborough, into another island in an attempt to gain control of the House of Assembly or the seats in the Legislature there. We have not changed much.

As I said, no longer the Dutch, the French or the English, but in the past years—Mr. President, you notice I have not mentioned the names of any parties, even the party that sent emissaries to Tobago to find out if they are wanted. I am not even talking about the present scenario, but over the years, we all know this, looking at the history, political activity has been directed from here and this is what we are talking about. We are talking about several Trinidad sponsored political forces that have landed in Tobago with conquest in mind.

I consider, in my interpretation and understanding of the political history, that there is something repulsive about traditional electioneering on Tobago soil.

Mr. President, I conclude by saying that I hope the day will soon come when Trinidad-based political groups will remain at home and keep out of the elections to the Tobago House of Assembly or that island's seats in the legislature. I speak about all political parties based here in Trinidad.

I say, give to our brothers and sisters there a chance to form their own political parties internally. This is possible. I hope for the day when there will be internal self-rule for Tobago. That is long overdue.

Sen. Dr. Kuarsingh: Mr. President, on a point of order. This goes to a fundamental issue—and it is Order No. 35—that we should discuss the matter before the Senate. I seek your guidance on this, Sir. I think that all this business about people from other islands landing and trying to conquer, is irrelevant to the subject under discussion. Would you please guide us, Sir.

Mr. President: That particular aspect has been adequately dealt with by the Minister of Planning and Development. We have a little time on our side; you must make certain allowances on certain occasions.

Sen. Rev. Teelucksingh: Mr. President, I try my best never to be irrelevant. I have listened to all kinds of comments and that observation should have been made about an hour ago. Not only an hour ago, it should have been made more frequently in debates in this honourable Chamber.

I conclude with this: As I talk about a kind of internal self-rule and the interference that I see that is almost immoral as far as Tobagonians are concerned, I hope that this kind of self-rule for Tobago will not necessarily threaten the unitary statehood of the two islands.

I believe that it is possible for those framers of the Constitution, who are interested in reform, dealing with all the constitutional issues, to hold together in

perspective and keep these two important issues in proper harmony: One is the recognition of the need for Tobagonians to have this kind of self-determination and at the same time that must not in any way threaten the unitary statehood of these two islands.

Mr. President, I thank you very much.

The Attorney General and Minister of Legal Affairs (Hon. Keith Sobion): Mr. President, when I saw the word "elections" appearing in this bill, I did expect my friend the Leader on the Opposition Benches to talk at length on the matter before the Senate. I was even more certain that he would do so when I saw the word Tobago because this is perhaps the only chance that he would have of speaking on the Tobago election, for which this bill prepares us.

I would want to deal very briefly with the relevant points, as I understood them, and I think one question was raised with respect to the delay in laying this report. Sen. Wade Mark referred to the fact that the report was dated August 25 and is only now before us in November. There are administrative processes which take place when the report is received, and, in fact, this report was laid in Parliament on October 9, 1992 and this bill has already come up in the other place. So I do not think that there is too much to quarrel about in relation to the delay.

I think the most significant and relevant point that has been made throughout the course of this debate, however, is the question of the need for having this validation exercise done, having regard to what has developed as a practice by the Elections and Boundaries Commission. I have been able to discover, that it appears that this section is under the local government provisions relating to elections and we now have a situation where some of the local government elections are at three-year intervals and the Tobago House of Assembly is at a four-year interval. Perhaps a recommendation will have to be made for an amendment to the legislation to provide that in the case of the Tobago House of Assembly election, the report shall be made not more than four years or some such suitable amendment.

I trust that Senators on the other side, in particular the Senator opposite me, on that occasion will not wave it as being a titillating titbit when it comes, but as we can see plainly here, it is a necessary titbit in order to remove the possibility of accusations made against the Elections and Boundaries Commission that they are operating outside the law.

There was one other point which was peripherally relevant and it had to do with the electoral reforms and the insistence on the part of Sen. Wade Mark that something be done about ensuring the setting up of a public commission of inquiry into the Election and Boundaries Commission. There was a debate in the other place and I do not think that the motion as framed was accepted, but an amended version of the motion essentially saying that the Government should provide the necessary financial and administrative back-up services to the Commission in order to deal with what he himself has described as administrative errors et cetera, but that there is no need to investigate an independent commission on the basis of mere administrative errors.

So that all in all the signal that has come from the Senate, Mr. President, is that there is support for this piece of legislation and in the circumstances I know that it will facilitate a very important event in the next few weeks, and even though some of my friends will not be present for that event, I want to urge their support for this bill.

I therefore beg to move that the bill be now read a second time.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 and 2 ordered to stand part of the bill.

The Preamble 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.

Motion made, That the Senate do now adjourn to Tuesday, November 24, 1992 at 1.30 p.m. *[Hon. L. Saith]*

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.34 p.m.