

*Leave of Absence**Tuesday, March 07, 1995***SENATE***Tuesday, March 07, 1995*

The Senate met at 1.30 p.m.

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

Mr. President: Hon. Senators, I have granted leave to Sen. Stanford Callender to be absent from sittings of the Senate during the period March 5—19, 1995 as he is out of the country on official business, attending a parliamentary seminar.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have been advised that His Excellency the President has appointed Mrs. Norma Lewis-Phillip to be a temporary Senator with effect from March 7, 1995 and continuing, during the absence from Trinidad and Tobago, of Sen. Stanford Callender.

OATH OF ALLEGIANCE

Sen. Norma Lewis-Phillip took and subscribed the Oath of Allegiance as required by law.

PAPER LAID

Report of the Auditor General on the accounts of the Diego Martin Regional Corporation for the year ended October 01, 1991 to December 31, 1991. [*The Minister of Planning and Development (Sen. The Hon. Dr. Lenny Saith)*]

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper:

**Canadian Firm
(Tourism Development Plan)**

12. Could the Minister of Tourism state the qualifications and experience of the Canadian firm which is presently engaged in preparing a comprehensive tourism development plan for Trinidad and Tobago, the exact cost of this plan and the local companies/agencies which are involved in the formulation of the proposed plan? [*Sen. W. Mark*]

**Papouri Road, Esperanza Village
(Development of Land)**

- 27.** Could the Minister of Planning and Development please state:
- (a) Whether planning approval has been granted to develop a parcel of land at Papouri Road, Esperanza Village, San Fernando which was referred to on page 13 of the Annual Report of the Ombudsman for 1992?
 - (b) If the answer to (a) is in the negative, would the Minister give the Senate the reason for the delay? [*Sen. E. Dean*]

**Sir Solomon Hochoy Highway
(Planning Approval)**

- 28.** Could the Minister of Planning and Development state:
- (a) Whether those citizens whose lands, situated along the proposed extension of the Sir Solomon Hochoy Highway have been able to obtain full planning approval to develop their lands; and
 - (b) If the answer to (a) is in the negative, would the Minister give the Senate the reason for the delay? [*Sen. E. Dean*]

The Minister of Planning and Development (Sen. The Hon. Dr. Lenny Saith): Mr. President, I regret that the answers to questions Nos. 12, 27 and 28 are not yet ready, and I seek leave of the Senate to have these questions deferred for two weeks.

Questions, by leave, deferred.

**Public and Private Sector
(Severance/Retrenchment Scheme)**

- 14.** (a) Could the Minister of Labour and Co-operatives provide the Senate with the list of companies in both the public and private sectors which have severed/retrenched their employees utilizing the various schemes such as Voluntary Early Separation Plans, Voluntary Early Retirement Plans or Voluntary Early Termination Plans in the period 1991, 1992, 1993 and 1994?
- (b) The number of employees involved in these schemes, the quantum of money involved in each scheme and the quantum of money, if any, still owed to workers during the period 1991, 1992, 1993 and 1994? [*Sen. W. Mark*]

The Minister of Labour and Co-operatives (Hon. Kenneth Collis): Mr. President, I want to state that the answer to question No. 14 is not ready for the Senate and I ask that it be deferred for two weeks, please.

Question, by leave, deferred.

**Minimum Wages Orders
(Issuance of)**

15. Sen. Wade Mark asked the Minister of Labour and Co-operatives:

Could the Minister state when will the Minimum Wages Orders governing the conditions of employment of private security guards be issued?

The Minister of Labour and Co-operatives (Hon. Kenneth Collis): Mr. President, the Minimum Wages (Security Industry Employees) Order was gazetted in Legal Notice No. 10, dated January 24, 1995 subject to negative resolution of Parliament, and this was laid in the Senate.

Sen. W. Mark: Could the hon. Minister indicate to the Senate what systems have been put in place to monitor and to supervise the implementation of this Minimum Wages Order?

Hon. K. Collis: Mr. President, at the Ministry of Labour and Co-operatives there is a Labour Inspectorate Division. That division monitors all minimum wages orders.

Sen. W. Mark: Could the hon. Minister state whether he is satisfied that the number of labour inspectors to monitor the Minimum Wages Order is adequate, or, is there need to increase the number of inspectors?

Hon. K. Collis: Mr. President, at the Ministry of Labour and Co-operatives we are staffed with 15 labour inspectors and at this time we believe that it is adequate.

DEFINITE URGENT MATTER

Crisis at Royal Gaol

Sen. Muntaz Hosein: Mr. President, in accordance with Standing Order 11, I hereby seek your leave to discuss a definite matter of urgent public importance. This matter relates to the crisis at the Royal Gaol.

The matter is definite since it concerns the loss of the prison master keys for five days, and the possibility that duplicates have been made for all the major doors, including cell doors.

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The matter is urgent because there is now the very real threat of a massive jail break at the severely overcrowded prison.

The matter is of public importance because the security of the state and the general public is threatened. I believe that this matter is of crucial and critical importance and, therefore, warrants the Senate's attention.

Thank you.

Mr. President: I indicated to the Senator when he saw me before the commencement of the sitting that however important this particular matter might be, it cannot qualify under the Standing Order dealing with definite matters of urgent public importance. I do not have to give reasons, but I told him that the keys that were lost have been found. The matter ends there. If they had not been found at all, probably the matter would have been still existing.

Under urgent, the Senator talks about a threat, which means the matter cannot be definite. Later on, under public importance, he said the public is threatened, again, a threat is not a definite matter. As a result, it cannot qualify under definite matters of urgent public importance. I indicated to him, however, that he may give notice to raise the matter on the Motion for the Adjournment at any subsequent sitting.

1.40 p.m.

CALVARY REVIVAL CENTRE (INC'N) BILL

Question put and agreed to, That a bill to provide for the incorporation of the Calvary Revival Centre, hereinafter called "The Church" or "The Corporation", be now read the first time.

Bill accordingly read the first time.

ARRANGEMENT OF BUSINESS

The Minister of Planning and Development (Sen. The Hon. Dr. Lenny Saith): Mr. President, I seek leave of the Senate to deal with the following items of Government Business at today's sitting: Firstly, Motion No. 2 dealing with Land Acquisition, followed by the Committee Stage of the Tidco Bill and followed by Motion No. 1 on the Order Paper.

Agreed to.

LAND ACQUISITION

The Minister of Agriculture, Land and Marine Resources (Hon. Dr. Keith Rowley): Mr. President, it is my privilege to move,

That this Senate approve the decision of the President to acquire certain parcels of lands for public purpose.

Members would have in their possession the extensive appendices outlining the variety of parcels of lands. I propose to be extremely brief on this matter since it is largely a routine and procedural matter which we have been accustomed to over the years.

However, when I had the opportunity to move this Motion in the other place, it formed the basis of many misrepresentations and consumed much parliamentary time, and I am hoping that I can address some of the potential misrepresentations which had caused the lengthy debate in the other place.

Firstly, I want to draw the attention of hon. Senators to page one of the Appendix wherein it outlines that the following parcels of lands containing 7.4968 hectares, more or less situate at Point Lisas and Guayaguayare, in the wards of Pointe-a-Pierre and Charuma, in the counties of Victoria and Nariva and so forth. That acquisition dates back to January 23, 1987 and was executed by Order No. 32/83 and filed with the Director of Surveys. So it will be quite wrong for affiliate members to raise an issue here about this acquisition having anything to do with the proposed LNG plant in La Brea; all matters pertaining to the whys and wherefores of the LNG plant will have nothing to do with this particular acquisition. This is a process which the existing law permitted.

The existing law for land acquisition, as we all will be aware, allows for the Director of Surveys to publish a section 3 notice to indicate the intention of the state to acquire parcels of lands, then to publish a section 4 notice. Under those sections, entry is permitted and the land is put to use. As hon. Senators would know, from 1987 these lands have been acquired in that way. What we are doing today is another step in the process where the Parliament is asked to approve that action and subsequent to parliamentary approval a section 5 notice is published and the land becomes state lands. That is the existing legal arrangement.

Much heat and light were generated in the other place in the context of arguments that we were seeking to acquire lands under the old law when the new law exists. Mr. President, you would recall that this Senate and the House of Representatives did in fact, within recent times, treat with the issue of an

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improvement in the arrangements for the acquisition of private property by the state. What happened was that a new Land Acquisition Act was passed and that Act is in the process of being proclaimed; certain other procedures are being put in place, such as regulations and so forth. Subsequent to that, it will be proclaimed and at that stage we will have new law.

That fact that we did pass a new Land Acquisition Act in the Parliament does not mean that it is in force yet and we have no new law. If one takes into account that this process which we are winding up here now had commenced in 1987, then it follows that we are not, in fact, acquiring these lands under any new arrangement. It is the old arrangement which we have been accustomed to, and, hopefully, in the not too distant future, we will have a new arrangement wherein the new procedures for entry, payment and so forth would be put in place.

Mr. President, there is one other point that had attracted quite a bit of attention in the other place which, again, I expect might do the same thing here—
[Interruption]

Sen. W. Mark: Could the hon. Minister stop anticipating the Senate and referring to what took place in the other place. He is addressing this Senate and he is anticipating the Senate and making reference to the other place, so all his arguments are about the other place. I think that we need to have a ruling on this matter.

Mr. President: Hon. Minister, could you proceed to introduce the Motion as though it had never been introduced anywhere else. You have the assurance of good support from the Benches opposite.

Hon. Dr. K. Rowley: Mr. President, I was simply trying to save parliamentary time, but there are those who will have none of that. The point is that the appendices will show a large number of small parcels. The purpose of this acquisition is for the laying of a pipeline and all that was required was to establish a corridor which would have permitted the laying of the pipeline and acquiring sufficient lands to service the line as laid. It is basically a narrow strip of land leading from the source to the points where the pipeline will terminate and that will explain why such large numbers of small parcels are involved.

With respect to the ownership, this is not a consideration upfront, that becomes a consideration after the route for the pipeline has been identified; when the technical staff looks at the topography and chooses the most economic route for the land. When the routing is done, then the Director of Surveys will identify the owners of those parcels and the acquisition then applies to the land regardless of who is the owner. It is not a question of treating with individuals or whatever.

1.50 p.m.

Insofar as the Government is acquiring small parcels of land—and there is concern as to what the acquisition of small parcels may mean to persons who have lost a small piece of a small parcel—the whole process of acquisition takes into account what is left and if there were situations where the acquisition of these small parcels of land would have rendered the remainder useless to the owner, then that would have been taken into account and the acquisition would have been for a bigger parcel or the whole parcel as the case may be. I am advised that there were no situations where these small parcels have caused problems of usage to those who retain ownership of the larger parcels from which these lands have been acquired.

I also want to draw attention to item 2 on page 5 of the Appendix which points out that the acquisition commenced in March 1988 and April, 1988 and was executed under survey orders Nos. 32/83 and 31/77. We do not anticipate problems with the acquisition. It is the closure of a process. The state has been in possession of these lands for quite some time. What is required is to complete this process so that the owners can be paid. Under the current arrangement the payment is effected after section 5 is published. As I said earlier, that section is published after parliamentary approval is granted. I seek the approval of this honourable Senate to support the acquisition of these myriad parcels of lands for the laying of a natural gas pipeline. On the passage of this Motion today, we would proceed to publish section 5 and to pay all the owners who are listed here and to whom the state owes some compensation for these small parcels of land.

I beg to move.

Question proposed.

Sen. Wade Mark: Mr. President, my hon. Friend knows that on this side we have no difficulty in giving support to measures that are designed to improve the welfare of the people of Trinidad and Tobago. The acquisition of land, in many respects, depending on the nature, does in fact contribute to that particular area at times. We heard about a natural gas pipeline to be run, but the Minister did not tell us exactly who is responsible for this particular exercise. Is it the National Gas Company? Is it Amoco? In acquiring all these properties where there are about 180 landowners who are going to be affected in one way or the other, I think it is important for us to understand, as a Senate, which company is involved in this exercise and how we would benefit from this exercise.

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While it is a fact that the acquisition took place under the former Government—the NAR—in 1988, we would like to find out from the hon. Minister what kind of valuation exercise has been carried out and what is the assessment of the value of those various lots and parcels which he mentioned in his presentation. We would like to have some clarification on that particular point.

We would also like to know from the hon. Minister what is preventing the Land Acquisition Act from taking effect having regard to the fact that the Bill has been passed and he himself admitted that it has been assented to. What are the difficulties? We are anxiously awaiting the actual implementation of the Land Acquisition Act which took so long to be brought to fruition. That is an area we would like the hon. Minister to clarify to the Senate, so that at least we would know what is happening.

One of the main areas I want to have clarified is the question of the natural gas pipeline. These lines are running through people's property. Is it organized by the National Gas Company? Who? We would like to get some clarification. That is an area which is of concern to us. I have been trying for some time now to get my honourable colleague to let us know more about the natural gas arrangements but that has been shrouded in secrecy. My colleague has refused to provide information. I hope that the hon. Minister of Agriculture, Land and Marine Resources will be able to shed some light on the questions which I have raised. We would not spend too much time on this matter; we would just like to get these matters clarified and I hope that the hon. Minister would do justice by providing us with the necessary information and clarification requested.

Thank you very much, Mr. President.

The Minister of Agriculture, Land and Marine Resources (Hon. Dr. Keith Rowley): Mr. President, with respect to who owns the land, I thought I had made the point that this is an acquisition of private land by the state, which, on passage of this Motion and publication of section 5 of the existing law, the lands would become state lands. Insofar as they are used for the laying of a natural gas pipeline, that would become an arrangement between the state and the National Gas Company.

With respect to the valuation placed on these parcels of land, there is an agency of the state which has the legal responsibility and technical staff whose job it is to identify these parcels of lands, to survey them, to apply the valuation procedures and arrive at the actual market value which the state will pay for these lands. It is a normal procedure carried out by the Valuation Division of the Government of Trinidad and Tobago.

I never mentioned anything about any former government and I raised no argument in the context of any former government. I said that it was a process which had started in 1987 where sections 3 and 4 were published which permitted entry and use of the land. That process is now being completed and on publication of section 5, the lands would become state lands, the owners would be paid and the lands would have moved from private ownership into state ownership.

With respect to the lines passing through people's property, it is precisely for that purpose the state acquires the route and then the line would then be passing on state property.

Mr. President, I beg to move.

Question put and agreed to.

Resolved:

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

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p>1. The following parcels of land containing 7.4968 hectares, more or less, situate at Point Lisas and Guayaguayare, in the Ward of Pointe-a-Pierre and Charuma, in the counties of Victoria and Nariva, described in the Schedule hereto and coloured raw sienna on plans of survey signed by the Director of Surveys and dated January 23, 1987 executed under Survey Order No. 32/83 and filed in his office.</p> <p style="text-align: center;">SCHEDULE</p> <p>Several parcels of land containing together 7.4968 hectares more or less situated at Point Lisas and Guayaguayare in the wards of Pointe-a-Pierre and Charuma in the counties of Victoria and Nariva and comprised as follows:</p>	<p>Natural Gas Pipeline</p>

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p><u>30" PIPELINE</u></p> <p><u>AN: 79D</u></p> <p>0.1831 hectare said to belong now or formerly to Hamilton Joseph;</p> <p>0.1829 hectare said to belong now or formerly to Dick Richards;</p> <p>0.1613 hectare said to belong now or formerly to T. David;</p> <p>0.208 hectare said to belong now or formerly to Simon Yoroba;</p> <p>0.1004 hectare said to belong now or formerly to P. William;</p> <p>0.1211 hectare said to belong now or formerly to L. Charles;</p> <p>0.1727 hectare said to belong now or formerly to Ramsaroop Ramlal;</p> <p>0.0858 hectare said to belong now or formerly to Edward Johnston;</p> <p>0.2324 hectare said to belong now or formerly to Ramsaroop Ramlal;</p> <p>0.3177 hectare said to belong now or formerly to S.E. Medford;</p> <p>0.5027 hectare said to belong now or formerly to Trinidad Cement Limited.</p> <p><u>AN:79E</u></p> <p>0.0933 hectare said to belong now or formerly to Daniel Halls and Hypolite Simon;</p>	<p>Natural Gas Pipeline</p>

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p>0.2054 hectare said to belong now or formerly to Trinidad Cement Limited;</p> <p>0.0217 hectare said to belong now or formerly to Caroni (1975) Limited;</p> <p>0.0877 hectare said to belong now or formerly to Chris Pooran and Pooran Maharaj;</p> <p>0.0700 hectare said to belong now or formerly to Pundit H. Sharma & K. Devi;</p> <p>0.0832 hectare said to belong now or formerly to Ramoutar and Daisy Ramdial;</p> <p>0.1410 hectare said to belong now or formerly to Caroni (1975) Limited;</p> <p>0.0217 hectare said to belong now or formerly to Caroni (1975) Limited;</p> <p>0.1351 hectare said to belong now or formerly to Caroni (1975) Limited;</p> <p>0.1070 hectare said to belong now or formerly to Caroni (1975) Limited;</p> <p>0.0747 hectare said to belong now or formerly to Caroni (1975) Limited;</p> <p>0.1252 hectare said to belong now or formerly to Caroni (1975) Limited;</p> <p>0.1286 hectare said to belong now or formerly to Caroni (1975) Limited;</p> <p>0.0003 hectare said to belong now or formerly to Joseph Isaac;</p> <p>0.1260 hectare said to belong now or formerly to Harripersad Sharma and Krishna Devi;</p>	<p>Natural Gas Pipeline</p>

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p><u>AN: 79F</u> 0.0805 hectare said to belong now or formerly to Caroni (1975) Limited; 0.3692 hectare said to belong now or formerly to Naroon Shairoon Abdool; 0.1252 hectare said to belong now or formerly to Winston Dennis; 0.0688 hectare said to belong now or formerly to Halash; 0.1112 hectare said to belong now or formerly to Hauroo; 0.1110 hectare said to belong now or formerly to Jhanoo; 0.1110 hectare said to belong now or formerly to Toophanee; 0.1129 hectare said to belong now or formerly to Buckoree; 0.1129 hectare said to belong now or formerly to Parauroo; 0.1129 hectare said to belong now or formerly to Aukaloo; 0.1446 hectare said to belong now or formerly to Perang; 0.1406 hectare said to belong now or formerly to Heirs of Pooneah; 0.1446 hectare said to belong now or formerly to Shaik Emonbox;</p>	<p>Natural Gas Pipeline</p>

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p><u>AN: 79F</u> (Cont'd)</p> <p>0.2083 hectare said to belong now or formerly to Jugoo;</p> <p>0.0870 hectare said to belong now or formerly to Dole Chadee;</p> <p>0.1812 hectare said to belong now or formerly to Wahid Hosein;</p> <p>0.0704 hectare said to belong now or formerly to Ringlall.</p> <p><u>AN: 79G</u></p> <p>0.2173 hectare said to belong now or formerly to Meer;</p> <p>0.2229 hectare said to belong now or formerly to Sejewan;</p> <p>0.1131 hectare said to belong now or formerly to Pultoo;</p> <p>0.1059 hectare said to belong now or formerly to Koylash;</p> <p>0.0072 hectare said to belong now or formerly to Andrew Mike;</p> <p>0.1051 hectare said to belong now or formerly to Bissessar;</p> <p>0.1131 hectare said to belong now or formerly to Etwaria;</p> <p>0.0451 hectare said to belong now or formerly to Kartie;</p>	<p>Natural Gas Pipeline</p>

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p>0.0575 hectare said to belong now or formerly to Edoo Khan and Nasiban;</p> <p>0.0022 hectare said to belong now or formerly to Chinebash.</p> <p><u>AN:79H</u></p> <p>0.1392 hectare said to belong now or formerly to Doorgaparsad and Budhai;</p> <p>0.0715 hectare said to belong now or formerly to Joseph Dindayal;</p> <p>0.0189 hectare said to belong now or formerly to Mahabir;</p> <p>0.0524 hectare said to belong now or formerly to Joseph Dindayal;</p> <p>0.0243 hectare said to belong now or formerly to Joseph Dindial;</p> <p>0.0737 hectare said to belong now or formerly to John Seelall.</p> <p>0.0111 hectare said to belong now or formerly to William Dookie;</p> <p>0.0036 hectare said to belong now or formerly to Rampat.</p> <p><u>AN.79I</u></p> <p>0.0121 hectare said to belong now or formerly to Kissoon;</p> <p>0.0375 hectare said to belong now or formerly to Youdith;</p> <p>0.00076 hectare said to belong now or formerly to Phowdhar;</p>	

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p>0.0661 hectare said to belong now or formerly to Peertee.</p> <p>These parcels are more particularly shown coloured raw sienna on survey plans filed as AN:79D—AN:79I in the vault of the Lands and Surveys Department, Red House, Port of Spain.</p> <p>1. The following parcel of land containing 11.9182 hectares, more or less, situate between Brothers Road Settlement in the West and the Maingot Trace Food Gardens Project on the East, in the wards of Charuma, Trincity, Guayaguayare, Naparima and Moruga in the counties of Nariva, Mayaro and Victoria, described in the Schedule hereto attached and coloured raw sienna on plans of survey signed by the Director of Surveys and dated 7/3/88, 5/4/88 and 13/4/88 executed under Survey Orders Nos. 32/83 and 31/77 and filed in his office.</p> <p style="text-align: center;">SCHEDULE</p> <p><u>Plan No.A.N. 76J:</u></p> <p>(1) 0.0218 hectare said to belong now or formerly to the heirs of Arjoonsingh;</p> <p>(2) 0.0178 hectare said to belong now or formerly to David Williams;</p> <p>(3) 0.0687 hectare said to belong now or formerly to Nathaniel Williams;</p> <p>(4) 0.0399 hectare said to belong now or formerly to Felix and Maria Sutherland;</p>	<p>Natural Gas Pipeline</p>

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p>(5) 0.3820 hectare said to belong now or formerly to Sheddens C. Henry;</p> <p>(6) 0.0367 hectare said to belong now or formerly to Dhanrajiah Deokienanan;</p> <p>(7) 0.0756 hectare said to belong now or formerly to Ragoobar Ramragar and Mohan;</p> <p>(8) 0.0147 hectare said to belong now or formerly to Rosie and Toomardaye Ramsaran;</p> <p>(9) 0.0444 hectare said to belong now or formerly to Cowlessar;</p> <p>(10) 0.0285 hectare said to belong now or formerly to Kimraj Ragoo.</p>	<p>Natural Gas Pipeline</p>
<p><u>Plan No. A.N. 79M:</u></p>	
<p>(11) 0.0212 hectare said to belong now or formerly to Adital Eccles;</p>	
<p>(12) 0.0100 hectare said to belong now or formerly to Wilson Rambaran;</p>	
<p>(13) 0.0486 hectare said to belong now or formerly to Nathaniel Stephen;</p>	
<p>(14) 0.1156 hectare said to belong now or formerly to Nathaniel Stephen;</p>	
<p>(15) 0.0556 hectare said to belong now or formerly to Kallakalal;</p>	
<p>(16) 0.0020 hectare said to belong now or formerly to Mohamed Isahak;</p>	

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p><u>Plan No. A.N. 79M (Cont'd)</u></p> <p>(17) 0.0403 hectare said to belong now or formerly to Ramdoolarie;</p> <p>(18) 0.0736 hectare said to belong now or formerly to James Degrilla;</p> <p>(19) 0.0128 hectare said to belong now or formerly to Louis and Simonetta Shryaostom;</p> <p>(20) 0.0502 hectare said to belong now or formerly to George Clayton Sylvester;</p> <p>(21) 0.1484 hectare said to belong now or formerly to Elias Pierre;</p> <p>(22) 0.0095 hectare said to belong now or formerly to Clifford Nicholson;</p> <p>(23) 0.0095 hectare said to belong now or formerly to S.A. Caprieta;</p> <p>(24) 0.0095 hectare said to belong now or formerly to Krishna Persad;</p> <p>(25) 0.0095 hectare said to belong now or formerly to Dowlat Bachu and Rampatie;</p> <p>(26) 0.0095 hectare said to belong now or formerly to Blondell Pierre.</p>	Natural Gas Pipeline
<p><u>Plan No. A.N. 79N</u></p> <p>(27) 0.0076 hectare said to belong now or formerly to Anicasia Ravello;</p> <p>(28) 0.0095 hectare said to belong now or formerly to Nelson Guerra;</p>	

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
(29) 0.0095 hectare said to belong now or formerly to Ramrattan;	Natural Gas Pipeline
(30) 0.0095 hectare said to belong now or formerly to H. Thompson;	
(31) 0.0095 hectare said to belong now or formerly to Hezekiah, Anthony and John Guerra;	
(32) 0.0095 hectare said to belong now or formerly to Theophilus and Madella Modeste;	
(33) 0.0094 hectare said to belong now or formerly to Thomas Hall;	
(34) 0.0094 hectare said to belong now or formerly to Quarman and Ackbar Mohammed;	
(35) 0.0128 hectare said to belong now or formerly Benjamin Richardson;	
(36) 0.2109 hectare said to belong now or formerly to Juan Lorenzo;	
(37) 0.3280 hectare said to belong now or formerly to Rohan Saisbhan and Sons Limited;	
(38) 0.0813 hectare said to belong now or formerly to Bhoskaranand and Lutchmin Hanooman;	
(39) 0.1375 hectare said to belong now or formerly to Abass Ali;	

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
(40) 0.0640 hectare said to belong now or formerly to Sukhdeo and Krishna Lutchmansingh;	Natural Gas Pipeline
(41) 0.801 hectare said to belong now or formerly to B.L.S Enterprises Limited;	
(42) 0.1243 hectare said to belong now or formerly to Gail Lloyd and others;	
(43) 0.0297 hectare said to belong now or formerly to Oli Mohammed;	
(44) 0.0095 hectare said to belong now or formerly to Margaret Clostel;	
(45) 0.0094 hectare said to belong now or formerly to Edgar Trinidad;	
(46) 0.0304 hectare said to belong now or formerly to Mohan.	
<u>Plan No. A.N. 79 O:</u>	
(47) 0.0302 hectare said to belong now or formerly to Sito and Veronica Fuentes;	
(48) 0.0350 hectare said to belong now or formerly to Robbie and Radica Persad;	
(49) 0.0910 hectare said to belong now or formerly to Sukur Mohammed;	
(50) 0.1273 hectare said to belong now or formerly to Saliman and Oli Mohammed;	

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
(51) 0.0115 hectare being portion of Lot No. 17 Sooknanan Maharaj's layout;	Natural Gas Pipeline
(52) 0.0456 hectare being portion of Lot No. 18 Sooknanan Maharaj's layout;	
(53) 0.0592 hectare being portion of Lot No. 19 Sooknanan Maharaj's layout;	
(54) 0.0986 hectare being portion of Lot No. 20 Sooknanan Maharaj's layout;	
(55) 0.0122 hectare being portion of Lot No. 21 Sooknanan Maharaj's layout;	
(56) 0.0137 hectare being portion of Lot No. 22 Sooknanan Maharaj's layout;	
(57) 0.0119 hectare being portion of Lot No. 23 Sooknanan Maharaj's layout;	
(58) 0.0155 hectare being portion of Lot No. 24 Sooknanan Maharaj's layout;	
(59) 0.0158 hectare being portion of Lot No. 25 Sooknanan Maharaj's layout;	
(60) 0.0201 hectare being portion of Lot No. 26 Sooknanan Maharaj's layout;	

LAND ACQUISITION

Description of Land	Public purposed for which to be acquired
<p><u>Plan No. A.N. 79O; (cont'd)</u></p> <p>(61) 0.0535 hectare said to belong now or formerly to Rahim Mohammed;</p> <p>(62) 0.0429 hectare said to belong now or formerly to Amina and Raffick Mohammed.</p> <p><u>Plan No. A.N. 79Z;</u></p> <p>(63) 0.0911 hectare said to belong now or formerly to F.B. Richardson;</p> <p>(64) 0.1743 hectare said to belong now or formerly to R. Hayes Sampson;</p> <p>(65) 0.3872 hectare said to belong now or formerly to W.T. Huggins;</p> <p>(66) 0.1013 hectare said to belong now or formerly to P. Besson;</p> <p>(67) 0.1870 hectare said to belong now or formerly to S. Hughes;</p> <p>(68) 0.0027 hectare said to belong now or formerly to E. Ahye;</p> <p>(69) 0.2100 hectare said to belong now or formerly to A. Chin Cham;</p> <p>(70) 0.0548 hectare said to belong now or formerly to the heirs of Richardson.</p> <p><u>Plan No. A.N. 82:</u></p> <p>(71) 0.0656 hectare said to belong now or formerly to Surjlal;</p>	<p>Natural Gas Pipeline</p>

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p><u>Plan No. A.N. 82:</u></p> <p>(72) 0.8385 hectare said to belong now or formerly to Caroni (1975) Limited;</p> <p>(73) 0.1174 hectare said to belong now or formerly to Jamoonee;</p> <p>(74) 0.2233 hectare said to belong now or formerly to Latchmansingh.</p> <p><u>Plan No. A.N. 82-A</u></p> <p>(75) 0.0534 hectare said to belong now or formerly to Brigpaul Banee;</p> <p>(76) 0.0242 hectare said to belong now or formerly to Seepersad Siedo;</p> <p>(77) 0.0255 hectare said to belong now or formerly to Ramlal Siedo;</p> <p>(78) 0.0652 hectare said to belong now or formerly to Baboonee;</p> <p>(79) 0.0457 hectare said to belong now or formerly to Rookmin Banee;</p> <p>(80) 0.0603 hectare said to belong now or formerly to Ramsaran;</p> <p>(81) 0.0001 hectare said to belong now or formerly to Soomanee;</p> <p>(82) 0.0842 hectare said to belong now or formerly to R. Seegobin and C. Ramlakhan;</p> <p>(83) 0.1805 hectare said to belong now or formerly to Sonia;</p>	<p>Natural Gas Pipeline</p>

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p><u>Plan No. A.N. 82-A:</u></p> <p>(84) 0.1515 hectare said to belong now or formerly to Seenath;</p> <p>(85) 0.0073 hectare said to belong now or formerly to Gheraw;</p> <p>(86) 0.0526 hectare said to belong now or formerly to Seenath;</p> <p>(87) 0.1016 hectare said to belong now or formerly to Pheerai;</p> <p>(88) 0.0194 hectare said to belong now or formerly to Sahadeo and P. Ramnarine;</p> <p>(89) 0.0198 hectare said to belong now or formerly to Koarsingh and Sundar;</p> <p>(90) 0.0890 hectare said to belong now or formerly to Ramphal;</p> <p>(91) 0.0890 hectare said to belong now or formerly to Suphal;</p> <p>(92) 0.0542 hectare said to belong now or formerly to Suphal, Mohan and Nasiban;</p> <p>(93) 0.0538 hectare said to belong now or formerly to Lowtee Mungaree;</p> <p>(94) 0.0587 hectare said to belong now or formerly to Matahee;</p> <p>(95) 0.0251 hectare said to belong now or formerly to Motilal;</p>	<p>Natural Gas Pipeline</p>

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p><u>Plan No. A.N. 82-A (cont'd)</u></p> <p>(96) 0.0251 hectare said to belong now or formerly to Motilal;</p> <p>(97) 0.0643 hectare said to belong now or formerly to Jagasar;</p> <p>(98) 0.0202 hectare said to belong now or formerly to Alladin Meah;</p> <p>(99) 0.0206 hectare said to belong now or formerly to Dookanee, Rookmin and Anor;</p> <p>(100) 0.0198 hectare said to belong now or formerly to Rookmin and Anor;</p> <p>(101) 0.0397 hectare said to belong now or formerly to Dookanee, Rookmin and Anor;</p> <p>(102) 0.0198 hectare said to belong now or formerly to Dookanee, Rookmin and Anor;</p> <p>(103) 0.0328 hectare said to belong now or formerly to Dowlat, Meah and Ojeeran;</p> <p>(104) 0.0716 hectare said to belong now or formerly to Isha and Ishmael Baksh;</p> <p>(105) 0.1157 hectare said to belong now or formerly to Ramsoobag;</p> <p>(106) 0.0906 hectare said to belong now or formerly to Neemal;</p>	<p>Natural Gas Pipeline</p>

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p><u>Plan No. A.N. 82-A (cont'd)</u></p> <p>(107) 0.0741 hectare said to belong now or formerly to Jaytoo.</p> <p><u>Plan No. A.N. 82-B</u></p> <p>(108) 0.3820 hectare said to belong now or formerly to Ramjattansingh and Dowlatia;</p> <p>(109) 0.0053 hectare said to belong now or formerly to Balkaran Jankiepersad;</p> <p>(110) 0.0004 hectare said to belong now or formerly to Chaitram and Danpattie Persad;</p> <p>(111) 0.1837 hectare said to belong now or formerly to W. Bannydeen;</p> <p>(112) 0.477 hectare said to belong now or formerly to Sookoo;</p> <p>(113) 0.2266 hectare said to belong now or formerly to Mohammed;</p> <p>(114) 0.0425 hectare said to belong now or formerly to Ramkissoon and Lackpatiah Balkaran;</p> <p>(115) 0.0639 hectare said to belong now or formerly to Margaret Depomte;</p> <p>(116) 0.0364 hectare said to belong now or formerly to Amirtee Ramlogan and Bissoondial;</p> <p>(117) 0.0344 hectare said to belong now or formerly to Bickram;</p>	<p>Natural Gas Pipeline</p>

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p>(118) 0.0210 hectare said to belong now or formerly to Wajadali Dowlat;</p> <p>(119) 0.0486 hectare said to belong now or formerly to Rookmadeen Dowlat;</p> <p>(120) 0.1914 hectare said to belong now or formerly to Doodnaught;</p> <p>(121) 0.3533 hectare said to belong now or formerly to Rampergrass Maraj;</p> <p>(122) 0.4059 hectare said to belong now or formerly to Ramnares Maharaj.</p> <p><u>Plan No. A.N. 820-C:</u></p> <p>(123) 0.0963 hectare said to belong now or formerly to Jailal;</p> <p>(124) 0.2282 hectare said to belong now or formerly to Latchmidath Ramkissoon;</p> <p>(125) 0.1085 hectare said to belong now or formerly to Sookai Ramdass and Dooknee;</p> <p>(126) 0.1206 hectare said to belong now or formerly to Harry and Basdeo Siew Sankar;</p> <p>(127) 0.0983 hectare said to belong now or formerly to Vishnu Radhaykissoon and others;</p> <p>(128) 0.0279 hectare said to belong now or formerly to Cuthbert Berment;</p>	<p>Natural Gas Pipeline</p>

LAND ACQUISITION

Description of Land	Public purposes for which to be acquired
<p><u>Plan No. A.N. 82-C (Cont'd)</u></p> <p>(129) 0.2060 hectare said to belong now or formerly to Seunath Maharaj;</p> <p>(130) 0.0874 hectare said to belong now or formerly to Juala Persad Singh;</p> <p>(131) 0.3076 hectare said to belong now or formerly to A.B. Mootoo and Company Limited.</p> <p><u>Plan No. A.N. 82-E:</u></p> <p>(132) 0.2064 hectare said to belong now or formerly to Elizabeth Placide;</p> <p>(133) 0.4249 hectare said to belong now or formerly to Ramdath Bhagwandeem and others;</p> <p>(134) 0.0761 hectare said to belong now or formerly to Agnes C. Rojas and others;</p> <p>(135) 0.1085 hectare said to belong now or formerly to Juanita Goba.</p> <p><u>Plan No. A.N. 82-G:</u></p> <p>(136) 0.1473 hectare said to belong now or formerly to Theophilus Alexander.</p>	<p>Natural Gas Pipeline</p>

**TOURISM AND INDUSTRIAL DEVELOPMENT
COMPANY LIMITED VESTING BILL**

[THIRD DAY]

Bill committed to a committee of the whole Senate.

Senate in committee.

Sen. Wade Mark: Mr. Chairman, before we get into the committee stage, I have seen on my desk a document coming from the Minister of Finance and a shareholder called Leacock. I have only now seen this document, Sir. I do not understand how they could bring a document like this. We are going into the committee stage and we have something here which is purportedly coming from the Tourism and Industrial Development Company and we ought to study this matter carefully to see if it makes sense. We only received this a short while ago—I do not understand how the Minister could want us to deal with this matter seriously today.

Sen. Huggins: Mr. Chairman, the matters to which Sen. Wade Mark is referring simply relate to certain amendments which were made to the Articles of Association and are not matters that are really properly before the Senate. Arising out of the debate, there were certain concerns expressed as to certain provisions in the Articles of Association. In particular, I think the ones that created greatest concerns were Articles 81, 82 and 83, which allowed directors of the company to enter into contracts with the company and retain the profits and so forth.

What we have done was to amend those provisions by deleting them and putting in a provision which, in our opinion, is more acceptable from the point of view that directors will not be able to participate in any meetings of the Board where they may have interest in contracts or in any matter relating to the subject matter, as well as to vote on those matters. Another one, Mr. Chairman, related to the concern as to the role which the Auditor General plays insofar as state enterprises are concerned. The amendment was made simply to make it very clear that the rights and powers of the Auditor General were not adversely affected by the article as contained in the Articles of Association. So, basically, it is certain amendments which we thought necessary, because of some of the concerns expressed in the debate on the Bill. They are not really amendments to the Bill that is before the Senate.

Sen. Hosein: Mr. Chairman, just having a glance at this—I have not had a chance to read the entire thing—it seems to me that by tabling this in the Senate today, the Government is now institutionalizing what we were discussing on the last occasion we met; and we had our concerns about the privatization of TIDCO. What I am seeing here, in item 6 of these Minutes of the Meeting is that the shares taken by the subscribers to the Memorandum of Association and those to be allotted thereafter, shall be issued by the directors with the written approval of the Minister of Finance. So they are institutionalizing the privatization of TIDCO and our worst fears are now being realized by this document being sent to us here today.

In the interest of the country, I feel that we should take no further part in these proceedings. The Government should withdraw the committee stage for the time being and give the Senate an opportunity to digest this document because I see here, just by a cursory look, that this is far-reaching and, therefore, throws an entire new ball into the whole picture of the debate which we concluded not so long ago.

Sen. Huggins: Mr. Chairman, the article to which the Senator refers is simply an amendment which is really to make the fact clear that the Corporation Sole is basically the sole shareholder in this company. As you know, with state enterprises, shares are issued to the Corporation Sole and to the Permanent Secretary in the Ministry of Trade and Industry so that there will be two persons, at least, to convene a meeting. But this is really consistent with a position where the Corporation Sole is the shareholder of the company.

In addition, Mr. Chairman, as I said before, this was simply laid here as a matter of information for the Senators, to let the Senate know that we, in fact, took into consideration some of the concerns they expressed and the Government acted accordingly to deal with those concerns. This is really laid here for information.

Sen. Prof. Spence: May I make a very brief comment? Really, this document means nothing in relation to the Bill, because the new provisions were put in by a resolution and so could they be taken out! So they mean nothing as far as allaying fears are concerned. They mean nothing as far as the Bill is concerned. If they wanted to allay some fears, they would have put it in the Bill. Really, it is a complete waste of time to even look at it.

Mr. Chairman: I was just going to remind the Senate that the purpose of my coming down here is to deal with the Bill clause by clause, but you know, I like to give a little liberty to Senators to express their opinions and their concerns. So could we proceed with the matter before the Senate now?

Mr. Valley: Mr. Chairman, just to allay the concerns of Sen. Prof. Spence, first of all, I think if we were to look at the incorporation of the EPZ one would see similar clauses in that incorporation, which was done by Act of Parliament as well as under the Companies Ordinance.

In the debate on the last day there were certain concerns expressed and having looked at them, we decided to make those changes. Now, you are correct that one can go back but, at least, one has to acknowledge that we took the points made by

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Senators and made the changes. More importantly, this can be done only by the Government, it is to be done by members—the shareholders—not by directors.

Sen. Prof. Spence: Is it going to be privatized?

Mr. Valley: This is not to be privatized. This is a state company which will perform a particular function.

Sen. Capildeo: Mr. Chairman, I want to take issue with the Minister. I raised all these points that this document is trying to correct. But, again, whoever advised the Minister, advised him badly because, you see, the EDC by law—not by Memorandum and Articles of Association which could be changed privately—spelt it out in section 11(1):

"A director whose interest is likely to be affected whether directly or indirectly by a decision of the Board on any matter whatsoever, shall disclose the nature of his interest at the first meeting of the Board..."

2.10 p.m.

That is law. That is not in the Memorandum or Articles of Association. It went on:

"(2) A disclosure under subsection (1) shall be recorded in the minutes of the Board and after the disclosure the member making it shall not vote on the matter, and unless the Board otherwise directs shall not be present or take part in the deliberations of any meeting when the matter is being discussed or decided by the Board."

So to say they amend to take care of this, they have not done that.

Mr. Chairman: I think they are getting away from the matter before the Senate.

Mr. Valley: Mr. Chairman, I agree with you. Let me just say that the EDC was incorporated by an Act of Parliament only, so obviously, whatever was stated in that Act had to be by law, and similarly, this is by law. This is under the Companies Ordinance.

Clause 1.

Question proposed, That clause 1 stand part of the Bill.

Mr. Chairman: There is a proposed amendment by the Minister to clause 1 contained in the first list of amendments circulated as follows:

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Short Title Insert immediately before the word "Limited" occurring in the second line the words "of Trinidad and Tobago".

Question put and agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clauses 2 and 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That Clause 4 stand part of the Bill.

Sen. Prof. Spence: Mr. Chairman, I raised an issue with respect to clause 4 on page 6 that does not seem to be addressed. It seems to me that unless clause 4 exempts management of loan portfolio, it may be that certain contracts which have been entered into and which are not going to be dealt with by this Bill, have to be dealt with by Tidco. I repeat it.

Mr. Valley: Could you repeat, please?

Sen. Prof. Spence: In clause 4, it says that all contracts now go to the new company. In clause 6, it says that loan portfolios and counselling do not go to the company. It seems to me that that creates a difficulty because first it was said that all contracts go and then it is said that some activities do not go. It can only work if there are no contracts involved in loan portfolio. If there is no difficulty, then—

Sen. Huggins: I discussed this with Sen. Prof. Spence last week and I am really having difficulty in understanding the point.

Sen. Prof. Spence: It seems to be quite straightforward. You have said that all contracts will go to the new company and there is something that all activities go to the new company, but you have said certain activities to do with loan portfolio do not go to the new company.

Sen. Huggins: That is the management of the loan portfolio.

Sen. Prof. Spence: So no contracts are involved in that?

Sen. Huggins: No.

Sen. Prof. Spence: Fine.

Sen. W. Mark: Mr. Chairman, before you go on, although I am not in support of this matter, on page 9, subclause (2), on the question of the Government shall, after the appointed day, be deemed to be the employer, I made the point that the Government has a very complex bureaucracy and if, for instance, we are talking

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about workers who have to settle their terminal benefits and their pension rights, they have to go to some agency and I made the point that it is better to clearly outline the agency of Government that the people would have to go to. I think the Minister himself admitted that they would have to go to the Ministry of Trade and Industry.

Mr. Valley: The Government.

Sen. W. Mark: But Minister Valley, you know how the bureaucracy works here. You are very well aware of it. There are people going from pillar to post to have their matters settled.

Mr. Valley: Let me just inform the Senator that up to this morning, some of those persons who were affected were at the Ministry of Trade and Industry. They know very well where to go. There is no confusion whatsoever.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Mr. Chairman: There is a proposed amendment to clause 6 by the Minister contained in the second list of amendments circulated, as follows:

- A. Insert immediately after the word "Association" in line two, the words "Subject to subsection (5)".
- B. Insert the following new subclause (5):—
"(5) TIDCO shall not sell, assign, transfer or deliver to any person any licence, power or authority conferred upon it by this Act."

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clauses 7 to 12 ordered to stand part of the Bill.

Sen. Mansoor: Mr. Chairman, before we go to clause 13, with your leave, I just wanted to raise with the Minister, the changes to the articles of the company with respect to 81, 82 and 83. These speak to the requirement of conflict of interest difficulties. However, there are no sanctions in this. What I mean is that

the articles by themselves do not impose any penalties or sanctions on errant directors, whereas in the normal circumstance where a company is formed pursuant to an Act of Parliament, there are sanctions that are clear in the law. I am wondering whether it might not be possible—I have not done it because I did not see this until now—to put into this Bill some sanction, so that directors would know that if they broke the conflict of interest rules, they would be subject to a sanction that was in the law. I do not know whether Sen. Daly would like to help me but I think there is some precedent for this.

Sen. Daly: Mr. Chairman, I had indicated in a very informal way to the Government that it might be useful to amend this Bill to insert, not only a new subclause (5) of clause 6 which it did, but also to insert the equivalent of section 11—I think it is in the Export Development Corporation Act—dealing with conflict of interest. I appreciate that they have to amend the articles, so that the Act will not say one thing and the articles something different, but I am a little disappointed that that suggestion was not taken. It is a copying job really. There is a very good conflict of interest clause in there and, indeed, we were supposed to be given certain undertakings about the Memorandum because there is nothing to prevent Tidco making beer or biscuits, or selling garments or anything else.

2.20 p.m.

I thought we were going to see a resolution about that. I think Minister Valley knows we have this difficulty with another company which I may have to resolve in another forum.

Mr. Valley: Mr. Chairman, I made the point on the last day that TIDCO would have some statutory powers as well as some commercial powers, the management of properties and so on. Yes, the articles are wide, but in terms of their commercial powers, I do not know whether we want to constrain them. But I take the point with respect to the conflict of interest and I do not have a difficulty including that.

Sen. Mansoor: The clause that Sen. Huggins is now reading, I think we must put in there [*Inaudible*]

Sen. Capildeo: Section 11(1) would have a \$5,000 fine. That is the sanction that the Senator is looking at.

Sen. Huggins: Where is the sanction?

Sen. Capildeo: Section 11(1)(4). If you read through the whole of section 11 you would see.

Sen. Daly: Conviction is important.

Sen. Capildeo: They also express the point about the directors and the indirect interest of a director via brother, spouse, parent, child and all that. What you should do is just copy it *en masse*.

Sen. Huggins: Subsections (1), (2) and (4).

Sen. Capildeo: Why not subsections (1), (2), (3) and (4)? Subsection (3) is the one that says your wife cannot take part in it.

Sen. Huggins: Mr. President, for this to make sense we are going to have to include that as a new clause 8 and therefore from clause 8 will have to be renumbered, because it will have to go under Part II.

Mr. Chairman: As it is a new clause being proposed we will have to conclude the other clauses and then come back to it.

Clauses 13 to 16 ordered to stand part of the Bill.

New clause 8.

Sen. Huggins: Mr. Chairman, I propose a new clause 8 which reads as follows:

"A. Add the following new clause 8 immediately after clause 7: -

- 8(1) Notwithstanding anything contained in the Memorandum and Articles of Association of TIDCO, a director whose interest is likely to be affected whether directly or indirectly by a decision of the Board on any matter whatsoever, shall disclose the nature of his interest at the first meeting of the Board at which he is present after the relevant facts have come to his knowledge.
- (2) A disclosure under subsection (1) shall be recorded in the minutes of the Board and after the disclosure the member making it shall not vote on the matter, and unless the Board otherwise directs shall not be present or take part in the deliberations of any meeting when the matter is being discussed or decided by the Board.
- (3) For the purposes of this Act, a director holds an indirect interest in a company or undertaking when his spouse, parent, child, brother or sister or the parent, child, brother or sister of his spouse, holds a direct interest in that company or undertaking.

- (4) A director who fails to make disclosure of his interest as required by this section is liable on summary conviction to a fine of five thousand dollars."

This is Chap. 85:53, the Trinidad and Tobago Export Development Corporation, Act, section 11(1), (2) (3) and (4) and we just added those few words at the beginning of subsection (1).

New Clause read the first time.

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

Mr. Chairman: Does everyone understand the amendment being proposed? It is proposed to add a new clause 8, that is at the end of Part II of the Bill which would correspond to section II of Chap. 85:53 dealing with the Trinidad and Tobago Export Development Corporation Act, at subsections (1) to (4). At the beginning of subsection (1) we have to insert the words:

"Notwithstanding anything contained in the Memorandum and Articles of Association of TIDCO."

Sen. Huggins: Mr. Chairman, we are going to have to add in a subclause (5) also, which will read:

"In this section, 'Board' means the Board of Directors of TIDCO."

2.30 p.m.

Sen. Mansoor: Mr. Chairman, just one more question that just occurred to me. Is there any merit—and I have not thought it through—in saying "board" and also "appointed officers of Tidco"? Because there are directors and there are also appointed officers, presumably. Are there any appointed officers in this proposed company? *[Interruption]* Yes, like the CEO or the secretary. I think we should make it very broad, both "directors" and "appointed officers".

Mr. Valley: Mr. Chairman, but the appointed officers cannot vote.

Sen. Mansoor: They cannot vote, but they can influence. *[Interruption]* This company, as we said before, has very wide powers. I think, out of an abundance of caution, we should have that sanctioned in there.

Mr. Valley: Sen. Mansoor, if you read this, it does not fit because we are talking about—

Sen. Mansoor: Do you think it is possible that an appointed officer—whether it is the chief executive officer, secretary or whatever—is in a more dangerous position if you will, in terms of affecting—

Mr. Valley: That is true of any employee! I thought what we wanted to do was to avoid a director voting on a matter in which he had an interest. I am saying that unless the CEO is a director, he cannot vote.

Sen. Mansoor: My point is that because of the influence he wields in such an organization he should declare that interest and he should, perhaps, be included under the sanctions in the new clause.

Mr. Valley: If Sen. Mansoor is talking about just declaring the interest, fine. *[Interruption]* He can declare the interest, that is all. I do not have a problem with it. *[Interruption]* He has an interest but he cannot influence it directly by voting.

Sen. Daly: But at the same time, by the supervision of the board of directors and by a tenders committee. Because we do not know anything about Tidco; we do not know if it is going to have a tenders committee; we do not know if the Government tenders rules are going to apply to Tidco and if they decide to make garments—we do not know what is going to happen. Perhaps, Government can tell us: Are they going to be subject to the universal tenders rules used by the state enterprises?

Mr. Valley: Yes, Mr. Chairman. *[Interruption]* If Sen. Mansoor wants to say that the normal tendering procedures in state enterprises would obtain at Tidco—*[Interruption]* I simply want to give my colleague, Sen. Mansoor, the comfort that he desires.

Sen. Mansoor: Mr. Chairman, I think it is an important issue. This is a very powerful rocket we are putting in the hands of—

Mr. Valley: Why are you saying that? What is Tidco going to do? What is your fear?

Sen. Mansoor: In the normal statutory authorities, or in these companies that are formed under Acts of Parliament, there are normally provisions for a tenders committee; a committee, in this case, to deal with the economic policy and so forth. There are no such rules here. We just know that there is a private company. I am suggesting that having regard to the fact that this private company would be involved in a variety of very important matters; it seems to me necessary to ensure that its main operating officers—appointed officers if you will—are subject to a code of ethics; as of now, they are not and they are carrying out statutory functions.

Sen. Hosein: Mr. Chairman, I want to agree with Sen. Mansoor.

Mr. Valley: Mr. Chairman, if Sen. Mansoor would accept that we would develop a code of ethics for Tidco, that is fine. Tidco is to market Trinidad and Tobago, other than that, it is to advise the Minister. Tidco on its own has no powers.

Sen. Mansoor: It registers exporters.

Mr. Valley: The TTMA and the Chamber of Commerce want that. It may very well—

Sen. Mansoor: Even more than that, it co-ordinates the activities of exporting agencies on behalf of the Government.

Sen. Hosein: Mr. Chairman, I think Sen. Mansoor has a very important point. We made the very same point in the debate, that what occurred at the IDC in the past could very well occur at Tidco if we do not have these safeguards.

Mr. Valley: That was a statutory body incorporated by an Act of Parliament with all the protection—

Sen. Hosein: There were no safeguards.

Mr. Valley: No, but all the protection. If you look at the IDC Act, it contains all the conditions Sen. Mansoor is speaking about. If Sen. Mansoor would tell me what he wants—

Sen. Mansoor: What I need to know is what are the operating policies, rules and the code of ethics that would apply to the officers of this company? That is what I need to know. That is what is normally formulated under an Act of Parliament. As it now stands, the board of this company would develop its own rules, it is going to deal with statutory functions, as the Minister has agreed. I am saying that in the absence of some sort of provision in this Bill, neither the Government nor anybody would know what is going on here.

Mr. Valley: The Government would know, I can assure you.

Sen. Dr. Saith: Sen. Mansoor, WASA—

Sen. Mansoor: WASA is a bad example, as we all know.

Sen. Dr. Saith: If statutory authorities are not under the Central Tenders Board or the Statutory Authorities Service Commission, the commissioners develop procedures for tenders which are approved.

Sen. Hosein: Yes, but there is so much corruption involved in these places. Do you want the same thing to go on again? We are trying to avoid that. We hope you would understand that.

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Mr. Valley: If Sen. Mansoor would give me a draft—

Sen. Mansoor: Mr. Chairman, I do not have a draft because I am not a lawyer. It is for the Minister; it is his Bill.

Mr. Valley: Mr. Chairman, I am comfortable with the provisions. I feel we have sufficient protection to guard against the eventualities that Sen. Mansoor seems to be suggesting may occur. I do not have a problem with the Bill as is.

Sen. Mansoor: Would you, as Minister, ensure that there are appropriate rules and procedures—an operating manual, if you will—for this company?

Mr. Valley: Mr. Chairman, I would do more than that, I would file it with the Public Accounts (Enterprises) Committee.

Sen. Mansoor: That is a waste of time, but—

Sen. Hosein: Would you have it laid in Parliament?

Mr. Chairman: I believe we are settled now on the content of the proposed new clause 8, but we have certain formalities to go through as are required by the Standing Orders.

Question put and agreed to.

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

Question put and agreed to.

New clause 8 added to the Bill.

Question proposed, That the existing clauses 8 to 16 be renumbered as clauses 9 to 17 respectively.

Question put and agreed to.

Clauses 8 to 16, renumbered 9 to 17, ordered to stand part of the Bill.

First and Second Schedules ordered to stand part of the Bill.

2.40 p.m.

Preamble

Question proposed, That the Preamble stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move the following amendment.

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In the second recital, insert immediately before the word "Limited" occurring in the second line, the words "of Trinidad and Tobago".

Question put and agreed to.

Preamble, as amended, ordered to stand part of the Bill.

Long Title

Question proposed, That the long title stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move the following amendment.

Insert immediately before the last word "Limited", the words "of Trinidad and Tobago.

Long title, as amended, ordered to stand part of the Bill.

Senate resumed.

Bill reported, with amendment, read the third time and passed.

**PRIVILEGES AND IMMUNITIES
(MULTILATERAL INVESTMENT GUARANTEE AGENCY) ORDER**

The Minister of Foreign Affairs (Hon. Ralph Maraj): Mr. President, I beg to move,

Whereas it is provided by section 9 of the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Chap. 17:01 (hereinafter referred to as "the Act") that the President may by Order declare that any international or regional organization or agency named or described in such Order shall, to such extent as specified in the Order, be accorded the privileges and immunities set out in the Fifth Schedule therein;

And Whereas it is also provided by section 9 of the Act that every Order made under that section shall be subject to affirmative resolution of Parliament;

And Whereas it is expedient that the Order now be affirmed:

Be It Resolved that the Privileges and Immunities (Multilateral Investment Guarantee Agency) Order, 1994 be approved.

Mr. President, I am very pleased to bring to this honourable Senate the Motion standing in my name, which seeks to give approval to the Privileges and Immunities (Multilateral Investment Guarantee Agency) Order 1994. Amendments to the original Order have been circulated, and in moving the Motion, I would wish to do so subject to these amendments.

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In May 1984, the management of the International Bank for Reconstruction and Development, the World Bank, presented to member governments a concrete proposal for the Multilateral Investment Guarantee Agency (MIGA), and in October 1984, the bank submitted a first draft convention for the establishment of such an agency to member governments of the bank reflecting the comments that were received on the original proposal.

The draft convention served as the basis for wide-ranging discussions held by the bank with member governments, business and professional associations and international organizations. In the light of those discussions, a draft convention was submitted to the executive directors of the bank in March 1985. That draft was discussed at a meeting of the whole in June 1985, and in September of that year, the bank approved the plans to establish the MIGA. It was anticipated that this convention would be ratified and go into operation before the end of 1986. It was not until April 1988, however, that the convention was indeed ratified by eight developed countries and 20 developing countries and the MIGA came into force at that point in time.

The MIGA was established with the objective of encouraging the flow of investment into developing member countries, primarily by issuing to investors guarantees against non-commercial risks in respect of investments made. There are four categories of these non-commercial risks which I will point out later on in my presentation.

In addition to the provision of these guarantees, another aim of the MIGA is to provide information about investment opportunities, as well as to provide advice and technical assistance to interested members on measures which are required to attract foreign investment. In this regard, I am sure, the immediate relevance of this to this country is very well noted.

In general terms, the MIGA will issue long term guarantees against four broad categories of non-commercial risks. These are the categories:

Firstly, the transfer risks resulting from host government restrictions on transfer from local currency into another currency. That risk clearly does not apply to Trinidad and Tobago at this point in time, but that is one of the areas.

Secondly, the risks of loss resulting from the legislative or administrative actions and omissions of the host government which have the effect of depriving the foreign investor of substantial rights, or reducing the benefits of the investment. We are referring here to executive action concerning the confiscation of property and so forth.

Thirdly, the risk of armed conflict and civil unrest.

Fourthly, the breach of contracts. That is, the repudiation of government contracts in cases where the investor has no access to a competent forum, or if he faces unreasonable delays in a court of law or is unable to enforce a legal decision issued in his favour.

These are the four categories of non-commercial risks which MIGA acts as an insurance for investment flowing into a particular member country.

MIGA's coverage focuses on equity interests and will also extend to other types of investment corporations such as management and service contracts, licensing and franchise arrangements, turnkey contracts and arrangements involving the transfer of technology. MIGA meets its viability from premium income and other revenues such as the return on its investment.

In addition to the non-commercial risks already pointed out, MIGA also covers the non-commercial risks to be considered on a case by case basis by both the organization and the host country based upon a joint request, and which meets with the approval of a special majority of the board of MIGA. These risks will include acts of terrorism, for example, directed at the investor, kidnapping, politically motivated strikes and so forth. These additional risks, as I said before, will only be allowed to be considered based on a mutual request by both MIGA and the host country as well as a special majority of the board of MIGA.

Membership of MIGA is open to all members of the World Bank and to Switzerland, as well. The activities of MIGA supplement those of the World Bank, IFC and other development financial institutions. MIGA's capital base is comprised of special drawing rights, \$1 billion share capital and each member of MIGA is required to subscribe to shares in accordance with its share allocation in the capital of the World Bank. Twenty per cent of a member's subscription will be paid in, half of which will be payable in cash and the other half by promissory notes, and the rest of the subscribed capital is subject to call.

2.50 p.m.

MIGA was formed by 42 World Bank member countries that subscribe to 33 per cent of the agency's authorized capital of US \$1,082 million. During the year ended June 30, 1992, MIGA issued 21 investment insurance contracts. These had a combined maximum coverage of US \$313 million and the amount of direct investment associated with the contracts totalled approximately US \$1,000 million. I bring these figures to give an idea of what has been happening since MIGA came into operation.

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Trinidad and Tobago's membership process in the MIGA was initiated by the signing of the convention establishing the agency on January 17, 1991. The convention was then ratified on September 10, 1991, and on July 2, 1992, Trinidad and Tobago became the 86th member of the MIGA. As I said earlier, given this country's desire and plans and programme to attract foreign investment, membership in this organization is of particular benefit. Such membership, through the availability of guarantees and particularly the promotional and technical assistance services will, of course, lead to enhancing the investment climate in Trinidad and Tobago.

The convention establishing MIGA provides that the agency possesses full juridical personality and, in particular, the capacity to contract, acquire and dispose of movable and immovable property, and to institute legal proceedings. At present MIGA does not enjoy this juridical personality in Trinidad and Tobago, and as such, the convention has not been fully implemented by this country.

The Privileges and Immunities Act, Chap. 17:01 was amended recently by Act No. 8 of 1994, in order to make provision for conferring the legal capacity of our body corporate on any international organization of which Trinidad and Tobago is a member, such as the MIGA, in addition to the other privileges and immunities conferred by the Act.

Under the terms of the convention which establishes the MIGA, all signatories agreed to accord certain privileges and immunities. Mr. President, you would remember that sometime ago, I brought to this honourable Senate, a similar motion dealing with privileges and immunities of the European Commission. We are seeking to accord certain privileges and immunities to this organization, and to make the necessary changes in our domestic law to give effect to these privileges and immunities.

In summary these privileges and immunities are as follows:

- (1) immunity from the property and assets of MIGA from search requisition, confiscation, expropriation or seizure;
- (2) inviolability of the archives of MIGA;
- (3) immunity from taxes and custom duties of MIGA and its directors, alternates and employees other than nationals;
- (4) immunity from legal process of staff for acts performed in an official capacity.

Most of these immunities and privileges are those that we accord to international organizations already operative in Trinidad and Tobago and, of course, to the foreign missions in our country as well. These are the normal practices in international relations.

Chapter 8 Article 43 of the MIGA Convention provides as follows: To enable the agency to fulfill its functions; the immunity set forth in this Chapter shall be accorded to the agency in the territories of each member, so that the convention requires that these immunities and privileges be accorded the agency. In signing and ratifying the convention, we did agree to these privileges and immunities.

Section 9(2) of Trinidad and Tobago Privileges and Immunities Act, Chap. 17:01 empowers the President, by order, to confer specified privileges and immunities on international and regional organizations and their representatives and employees. As I said, the enactment of the Privileges and Immunities (Multilateral Investment Guarantee Agency) Order 1994 will ensure the full implementation of the convention establishing the MIGA which, in turn, would redound to the benefit of this country, as we seek to attract foreign investment and to get further information to develop the technical expertise to attract the investment into our country.

I want to take the opportunity, as I make my contribution, to invite this honourable Senate to approve this Order with the amendments which have been circulated and which are as follows:

Add after the word "approved" occurring at the end of the Resolution the following words:

"Subject to the following modifications:

- (a) in section 3 delete the numbers "11 and 12" occurring in line 1 and substitute the numbers "13" and "14" respectively.
- (b) in section 4 delete the number "12" occurring in line 1 and substitute the number "14".
- (c) in the schedule—
 - (i) renumber paragraphs 5 to 12 as 7 to 14 respectively, delete paragraph 4 and substitute the following:

"4. Subject to paragraph 5, to the extent necessary to carry out its operations under the Convention, all property and assets of the Agency shall be free from restrictions, regulations, controls and moratoria of any nature.

5. Property and assets acquired by the Agency as successor to or subrogee of—
- (a) a holder of a guarantee,
 - (b) a reinsured entity; or
 - (c) an investor insured by a reinsured entity,
- shall be free from applicable foreign exchange restrictions, regulations and controls in force in Trinidad and Tobago.
6. The privileges granted to the agency under paragraph 5 shall not exceed those to which the person referred to in paragraph 5(a), (b) or (c) was entitled to prior to the subrogation."
- (ii) in paragraph 10, as renumbered, delete the words "on or" occurring in line 3;
 - (iii) delete paragraph 11, as renumbered, and substitute the following:
- "11 No taxes under any written law shall be charged or levied on—
- (a) the income derived from any investment guaranteed or reinsured by the Agency; or
 - (b) the income, including premiums, derived from any insurance policy reinsured by the Agency,
- where the sole basis for taxing such income is the location of an office, branch or other place of business maintained by the Agency in Trinidad and Tobago."

Thank you.

Sen. Prof. Spence: Could the hon. Minister mention the cost of the subscription?

Hon. R. Maraj: The initial share capital, as I said before, is comprised of certain special drawing rights and each member country is required to subscribe to shares in accordance with its share allocation in the capital of the World Bank. I have the exact figure for Trinidad and Tobago; it is 203 shares. Our subscription in terms of millions of special drawing rights is 2.03.

Sen. Prof. Spence: What is the cost in TT dollars?

Hon. R. Maraj: I cannot give that exact figure here, but that is what it is in terms of the millions of special drawing rights. The information I have is that 20 per cent of the subscription will be paid in, and half of that is payable in cash. I really cannot say. One is required to pay 25 per cent of the paid-in cash contribution in TT dollars. I do not have the exact figures; we can provide that later.

Question proposed.

Sen. Wade Mark: Mr. President, this is a very important Order for which the Government is seeking approval in this honourable Senate. In fact, in terms of debate, of all the orders I have engaged in, this one, to my mind, has extremely far-reaching implications for our country. I would really like to engage in some serious discussions on the question of the link between this creature that is called the Multilateral Investment Guarantee Agency and the various international lending agencies.

3.00 p.m.

I have a document here which comes from the *Journal of World Trade Law* and which goes back to 1927, Volume 21. There is a particular article which deals with the issue of this institution called MIGA. One of the things it outlines—and I would like to quote—is:

"The establishment of MIGA will be a major landmark in the World Bank's efforts to play a catalytic role in fostering foreign investment flows to developing countries for productive purposes. It is in line with the creation, under the World Bank auspices, of the IFC in 1956, ICSID in 1966 and the recent expansion of the Bank's co-financing techniques as well as its focus on private investment in its energy and industrial policy."

The point I wish to make here is that MIGA is not an innocent creature. Even though this matter was the subject of ratification by a convention, we need sometimes to reflect on matters like these before we take decisions. I will go into some detail later to show some of the implications, and some of the problems we on this side foresee developing if we are to grant blanket privileges and immunities to this particular creature called MIGA.

I followed very closely the information provided by the hon. Minister in terms of the background to this particular organization. This MIGA is really a leg of the World Bank, and we have to ask ourselves whether we would like to grant these kinds of immunities. Mr. President, when I outline to you the kinds of

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immunities and privileges that we have been provided with in this Order to cover this agency, you will realize the extent to which Trinidad and Tobago, as an example, is comprising its interests.

It was extremely difficult, even though this particular Order has been on the Senate table for some time, even to locate a copy of the Convention, but we were eventually able to obtain a copy. One of the Articles of the Convention, that is Article 2, states, and I quote:

"The objective of the Agency shall be to encourage the flow of investments for productive purposes among member countries, and in particular to developing member countries, thus supplementing the activities of the International Bank for Reconstruction and Development ... the International Finance Corporation and other international development finance institutions."

It indicates that:

"To serve its objectives, the Agency shall:

- (a) issue guarantees, including coinsurance and re-insurance, against non-commercial risks in respect of investments in a member country which flow from other member countries."

It goes on to outline the other areas.

This creature called MIGA is being accorded a number of privileges. First of all, as the Minister said, it is being given a kind of coverage that one has to be very concerned with at the moment. In other words, it is immune from any legal process and the cumulative effect of this is that this agency cannot be sued and no legal proceedings instituted against it.

Secondly, the properties and assets of this agency shall be immune from all forms of seizure, attachment or execution before the delivery of the final judgment against the agency. Its property and assets shall be immune from search, requisition, confiscation, expropriation, or any other form of seizure by the executive and legislative arms of the state. All property and assets of the agency shall be free from restrictions, regulations, controls and moratoria. As the hon. Minister said, the archives of the agency shall be inviolable.

Also, MIGA, its assets—property, income—its operations and transactions shall be immune from all taxes and customs duties and it will also be immune from liability for collection or payment of any tax or duty.

Well, this is a normal one. I must agree with the "poisonous" Minister. All non-nationals will not be taxed on salaries or other emoluments.

The question which is of concern to us here—and the hon. Minister will have to clarify this—has to do with the fact that there will be no taxation. I would like him to tell us if this is a normal procedure when it comes to granting privileges and immunities to international agencies. Is it the normal practice to grant international agencies the privilege of levying no taxation of any kind on any investment, guaranteed or reinsured by the said agencies, including any earnings on any insurance policies reinsured by the agencies?

Mr. President, I would like you to listen to this very carefully. It is the first time I am privileged to be part of a Parliament which is seeking to give exemptions to an agency that is an arm of the World Bank, from which we have borrowed some \$40 to \$80 million some time ago and which is partly responsible for the social chaos we are experiencing in Trinidad and Tobago; the structural adjustment programme and all its social fallouts. This is an agency which lends money on interest. The World Bank does not give money, Mr. President, it lends money; and it lends money on interest. We have to pay it back, so how can we now grant its sister privileges to the point that no taxation is paid. This agency is organizing investment flows for Trinidad and Tobago in this so-called new global order which is one of domination and suppression of small developing countries by the MIGA countries. We, on this side are trying to understand the rationale for granting such an agency such exemptions.

3.10 p.m.

Do you know what comes to mind immediately, Mr. President—what is the link between bilateral investment treaties that we are entering with the United States on the one hand, and this so-called MIGA on the other? The bilateral investment treaties that we have entered into with a number of countries, including the United States of America, provide certain safeguards and guarantees.

We have this MIGA organization—is it going to envelope and overtake this whole bilateral arrangement that we have with the United States of America? There appears to be some contradiction in this arrangement. If you are inviting foreigners to Trinidad and Tobago to invest, they have to enjoy a reasonable rate of return on their investment; I have no problem with that, but they have to pay taxes. How can we bring foreigners here to Trinidad and Tobago and not allow them to pay corporation tax? *[Interruption]* This is why I am seeking clarification. Are we saying that when these people come here to invest in our country, in terms of taxation, there is an element that says that no taxation of any kind—

Mr. Maraj: Let me clarify, Mr. President. What is happening is that MIGA itself would be free from the taxation, but the investment that it encourages and which it ensures, will be subject to taxation and levies and so forth.

Sen. W. Mark: I understand you now. So MIGA, the creature, is not going to be taxed by Trinidad and Tobago. *[Interruption]* Through you, Mr. President, why would we not want to tax the profits realized by this international agency operating within our framework?

Mr. Maraj: Mr. President, because it is an international organization and like most international organizations within the tradition and the context of international relations and so forth, it enjoys certain privileges and immunities. We had a similar instance here when we brought the Privileges and Immunities Order for the European Commission. That is really the plain and simple answer. It is a norm in international relations that privileges and immunities are granted, not only to countries, but to some of the international organizations as well.

Sen. W. Mark: Mr. President, we would like the hon. Minister to recognize, and we are raising these issues because they are of concern to us in the Opposition. We would like to know from the hon. Minister, at the same time whilst guarantees are being provided by this agency to foreign investors who are coming to invest in Trinidad and Tobago, why does the Government of Trinidad and Tobago not establish simultaneously, to ensure the retention of our integrity as a nation, some code of conduct for the operations of these multinational corporations or transnationals that are going to come here?

In other words, we invite them to Trinidad and Tobago through MIGA, through bilateral investment treaties and through individual contacts, but the Government of Trinidad and Tobago should have a responsibility to ensure that these multinational corporations, these transnational giants, who are really the agents driving globalization—and they are the ones who are going to benefit at the end of the day, not the small, developing countries and the masses of people. That is why I cannot understand why the Prime Minister refused to go to the social summit, to discuss poverty, unemployment and integration. But, Mr. President, that is another matter which we would address at another time, in another place.

What I am concerned about at this time, is that whilst we are seeking to grant privileges and immunities to agencies that are coming here purportedly to encourage investment because we have so much investment—so far we have had close to US \$1,000 investment in Trinidad and Tobago; more murders in our country than ever before. I am posing this question to the hon. Minister: Is the

Government of this country prepared—outside of probably some international code of conduct for the operations of these transnational corporations—to implement its own code of conduct so that when they come here they can at least recognize and understand that they are coming to a civilized nation and that they need to conduct their operations in a proper manner? *[Interruption]* That is what I am saying, because it is not taking place. These people are rampaging and plundering our assets and our human capital.

Mr. President, the information is there for you to see. There is a litany before us, all the incentives that we give these people; all the tax holidays that we give these people; they leave our country high and dry. Texaco did it; Amoco will do it; Enron will do it, and therefore, we need to put mechanisms in place to protect our national integrity. That is the point we are making on this side, insofar as that question is concerned. Now we have all the wagon-riders, these people who have come very late and have gripped onto this gravy train that is moving. But moving where?

This is why the problem with the PNM, as one writer said in the *Sunday Guardian*, is that it is anti-intellectual and it is philosophically bankrupt, because it has no vision for Trinidad and Tobago. If it had a vision, then at the same time, in seeking Parliament's approval to grant privileges and immunities to this cousin institution of the World Bank, it would have provided this Parliament either with some assurance, or with some indication that this Government intends to establish a code of conduct to regulate the behaviour of transnational corporations in their day-to-day transactions and dealings with our country. That is an area we would like the hon. Minister to answer: code of conduct, the link between the bilateral investment treaty and this MIGA. We want to get some clarification on this matter.

Mr. President, this Order has some implications. As you know, we are very concerned about our national sovereignty. We know that the PNM has given it all up, but we in the Opposition that is edging very quickly and rapidly to government *[Interruption]* are extremely concerned about the question of these orders and their implications for our national independence and our sovereignty as a nation. This is one of the things that we would like the hon. Minister to look at in a very serious way. That is an area we would like the hon. Minister to clarify for us.

When we look at the concept and features of this agency and we examine it in conjunction with what is being sought here, it gives us the impression that if we

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are not careful, MIGA can become a law unto itself in our country. This is why we have some concerns and we want to ensure that there are certain mechanisms and organizational forces in place to ensure that our rights and freedoms are not unnecessarily infringed by such an agency.

When we look at the fact that this agency is going to be immune from search, requisition, confiscation, expropriation, and any form of seizure by both the executive and legislative arm, what do we mean by this? If this agency is involved in drug trafficking or money laundering as we would see when we come to the Strategic Services Agency, that despotic thing you are seeking to bring here, then we will deal with that in a more detailed way.

3.20 p.m.

We are asking the question: If this agency is going to have all these exclusive privileges and immunities; one cannot seize anything from them, one cannot expropriate them, you cannot confiscate anything, they are immune from search from this Parliament, so they are higher than the Parliament of Trinidad and Tobago; they are higher than the Cabinet of Trinidad and Tobago. Are they immune from executive and legislative powers or actions? These are some of the concerns that we have, because there are so many sophisticated transnational corporations today that are involved in money laundering, and in the drug trade.
[Interruption]

Mr. Maraj: I thank the Senator for giving way. If he reads Article 2 of the schedule he would see that the property and the assets of the agency are immune from all forms of seizure, attachment or execution before the delivery of the final judgement against the agency—so that action can be taken against the agency. If you look under Part 3 of the schedule dealing with privileges and immunities he would see that actions other than those within the scope of Articles 57 and 58 of the Convention may be brought against the agency only in a court of competent jurisdiction in Trinidad and Tobago. So that it is not really true to say that the agency is a law unto itself and it can do anything it wants and violate the laws of Trinidad and Tobago. It is not true to say that. There are restrictions set within certain parameters.

Sen. W. Mark: Mr. President, the fact of the matter is that this agency is going to have extreme power. *[Interruption]*

Mr. Maraj: Nothing more than any mission or any international organization has.

Sen. W. Mark: There are some limitations, but the fact of the matter is that I recognize that the Minister has brought an amendment to the initial Order. *[Interruption]* He did in fact, bring an Order here. I have looked at it, and I have noted some elements where there were some minor changes, but the essence of it remains almost the same. I have looked at it.

We on this side are of the view that there is need for the Government to pay some attention to the question of the kind of privileges and immunities that it is going to grant to this agency, and to ensure that the rights of our people are not violated in this regard. In all of these orders there is a particular clause or section that deals with the question of personnel. I would like to ask the hon. Minister in this particular instance—seeing MIGA can be taken to court—the question about contract violations—

Mr. Maraj: If the Senator reads (c), it is a party to legal proceedings.

Sen. W. Mark: Well, you know Cardi is my favourite. I have not dealt with that, yet. We need to have some clarification on some of these matters that I have mentioned and I hope that the hon. Minister would address these matters in detail as we proceed on this matter.

One of the areas that we on this side are very concerned about—especially me—is the question about the protection of our citizens' rights in the context of these organizations' presence in our country. We have received many promises from the hon. Minister to look into these matters and this is where the question about the contractual arrangement becomes very important.

Personnel matters: If one looks at Part 3 of this Order one would see—and there is no amendment to this section as far as I know—it says:

"No such action against the agency shall be brought—

- (a) by members or persons acting for or deriving claims from members; or
- (b) in respect of personnel matters."

Mr. President, through you, could the hon. Minister indicate to this Senate whether citizens working with MIGA, who are aggrieved or who have been abused, or who have been denied their fundamental rights in terms of enjoyment of property, can take MIGA to court in Trinidad and Tobago—to the Industrial Court—in this instance? We are talking about personnel matters; we are talking about citizens employed on contract, and who are dismissed after having worked for ten years and they are not given their severance and their gratuity. What

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recourse do we have in this Order to safeguard the interest of our citizenry in Trinidad and Tobago? Does the Minister want to answer that when he is winding up? Otherwise he would just interrupt me as I proceed and eat into my time. I want the hon. Minister to take note of this and to ensure that these matters are, in fact, addressed in the interest of the country. That is an area the hon. Minister would know that we are very concerned about and we have always been arguing to ensure that a kind of respect for personnel matters be established in these agencies.

I do not know why it is taking this Government so long to bring its influence to bear on the international community to revise some elements of these international treaties to ensure that the rights of citizens, whether they are in Africa, Asia, Latin America or the Caribbean, are protected by these agencies. We cannot use the cover of international law all the time to deny people their basic human rights, whether they are in America, Britain, France or Trinidad. Every time we come to debate and discuss the question of personnel and workers' rights, we get this foolish argument coming from the Government side that it is the international treaty; it is the Vienna Convention and we have to follow this and follow that and so forth. Take the initiative!

3.30 p.m.

The Government had taken the initiative sometime ago when it went to the Summit of America to get a witness protection programme going. The Prime Minister of this country boasted that he was the one who raised it and he got support. He took the initiative. Sometimes his priorities are all mixed up. This is one of the issues that is crying out for some attention on the part of the Government and the region as a whole. For too long people have been taken advantage of by agencies. That is an area we believe the Government should address in a very serious way. I have seen no action; no action has been taken. Mr. President, I am certain you have heard me on many occasions propound on the issue of the workers' rights at CARDI.

Hon. Senator: Oh yes!

Sen. W. Mark: I shall not desist from advancing that particular viewpoint. Every time an order comes here, my heart bleeds. Every time I see an order I feel hurt because there are citizens of this country working for agencies within this region, formed by Caricom, and they are not given the human rights that they are entitled to under the respective constitutions. That is an area I would keep repeating. *[Interruption]* We want to represent all workers. I would not get into

details here. I emphasize the need for the Government to pay some attention to the question of workers' rights. As a nation, we have to try to avoid being gripped or seized by the free zone mentality.

Mr. President, you would recall some time ago when we were speaking on a particular matter, I referred to a report and my good Friend, Sen. Ainsley Mark, found it strange that I was referring to a document of an international agency which was giving credence and advancing ideas as to how the Government should run the country in a particular area of its operations. This particular agency is the Foreign Investment Advisory Service which is another cousin of the world group. This agency advanced in its report that the Government of this country needs to revisit the whole incentive framework that it offers to these international corporations when they come to Trinidad and Tobago. Whether it be transnational corporations or international agencies such as MIGA, the Government needs to examine this question to determine whether it can continue to grant all these privileges and concessions to these international organizations.

Mr. President, you would be surprised that if an objective and calculated analysis is made of the incentives and concessions that have been granted to agencies and multinational corporations between 1960 to the present time, it runs into billions of dollars. We have given these people all kinds of incentives at the expense of the population. That is why today in Trinidad and Tobago we can boast of an unemployment rate of close to 25 per cent.

Hon. Senator: Eighteen per cent!

Sen. W. Mark: Officially, it is eighteen per cent. When one checks the numbers, one would see that almost 150,000 persons in this country are unemployed. I hear talk about dog wages here—we talked about that last week. We are talking about meaningful, productive, permanent and sustainable employment with which people can live. That is what we are talking about; not slave zone; not free zone employment.

The point I am making is that if one assesses the kind of incentives that have been granted to these agencies and international transnational corporations, one would realize that if half of that had been kept in our country, today the situation would have been different. The PNM has no answers to our problems. It is a bankrupt regime. It is a tired and fatigued arrangement. In dealing with MIGA we are debating an Order which seeks to grant immunities to this agency—exempt it from X, Y and Z—and while that is being done, our people cannot eat food in this country. I have not heard anything about ATAC.

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One day we were discussing a particular matter in this Parliament but 24 hours before that discussion, mayhem took place at Westmoorings and everybody in this country, including the Minister of National Security, was upset. From the newspaper reports, within the last 24 hours, six people, including four children, have been murdered in this country. Structural adjustment giving away the country! Domestic violence brought about by economic frustration because of the structural adjustment programme of this Government is responsible; but today we are giving away more incentives, more concessions to MIGA and the other monsters which are coming to devour us; and our own people cannot get the kind of sustenance in this country.

We have our priorities wrong. Sometimes when I rise to speak on occasions like these and I realize what we are dealing with and what is actually the reality in our country, I realize that the Government's agenda is all confused. It does not have a clue of what is taking place in our country and it just operates by remote control. If Sydney comes and tells Patrick that everything is okay, then everything is okay. But in the country everything is not okay.

We have raised some important areas of concern and we would hope that the hon. Minister would address those areas that we have raised here today. I would not say that we are not supporting the Motion, but we have grave reservations about MIGA. It is not that we would not support international agencies; we are going to support them but we want to ensure that there are checks and balances to safeguard the integrity, sovereignty and independence of our country. It is not that we are against the IMF, the World Bank and so forth. The Government can negotiate with them but it needs people who have the interest of the country at heart. Too many parasites in this land and too many people who are just eager to sell out the country! That is why the Americans in their report of March 1995—and I have a copy of it—could accuse this corrupt regime of not even investigating allegations of corruption against Ministers, politicians, people in the Judiciary, enforcement agencies personnel. They would not even go so far to investigate these matters; but we would deal with that when we come to the Strategic Services Agency. We know why the Government has brought that.

We feel that the Government has its agenda and priorities upside down. This is why we believe it is important for us, as a Senate, to focus on the human condition. We must be concerned about the human condition in our country; and that calls for food, clothing, shelter, education and health. These are some of the basic requirements that we need, as a people, to sustain and to gallop into the

twenty-first century, if we are serious. We cannot gallop into the twenty-first century under the PNM. The PNM is a dead horse, therefore, we must whip it out of existence. The Government has a mandate to rule, but it is destroying the country. The sooner the people of this country open their eyes and see that there is a monster called the PNM, and rid the country of it, the better it would be for our country. That is why the UNC is standing by. It is not in exile, like the PNM. It shall never be in exile; although our citizens in Trinidad and Tobago seem to be in exile in their own land. *[Interruption]*

I never do that. I speak the truth and the truth shall set us free. I have no problem with that. If people support, they support on the basis of truth, not falsehood. That is why the American Government will investigate this Government. The Government will be investigated for drugs. A big investigation will take place shortly in America. We would not have much to say on this matter, the US Congress I understand will decide on this matter at another time.

We would give critical support once we can be given assurances by the Minister based on the areas of concerns which we have mentioned. Once we are satisfied that these things can be checked, we would have no difficulty. If we cannot get the assurance, we would not be able to support this particular Order that is before this Parliament at this time.

Thank you very much, Mr. President.

The Minister of Foreign Affairs (Hon. Ralph Maraj): Mr. President, I thank the hon. Senator for his contribution to the debate on this Order. In our view the Multilateral Investment Guarantee Agency is by no means a mechanism to give away the country or to grant unrealistic, untraditional or new concessions. The privileges and immunities that we are seeking to grant MIGA are those which we have grown accustomed to in international relations and it is not something extraordinary that we are doing in Trinidad and Tobago.

3.40 p.m.

In fact, Mr. President, what we are seeking to do, by membership of the MIGA, is to attract investment into this country. Let me say, Mr. President, that no investor is waiting outside there to rush into Trinidad and Tobago. We have to develop the mechanisms to ensure that they come. There is very severe competition for investment all over, as countries open up at the same pace as globalization hastens; investment is flowing into countries like India at a fantastic

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rate; China, Thailand, even Vietnam today, Mr. President, are attractive locations for investment. So that we cannot sit down and say that we will continue as though nothing has changed and we do not have to adopt mechanisms to attract the investment to make our country a favourable climate for this investment. That is what we are doing essentially with this MIGA.

As I said before, it acts as a kind of insurance for this investment coming into a country like ours and, in addition, it provides information about investment and helps the country develop the mechanisms and know-how to attract the investment. So with respect to the last point that the Member made, I just want to make that observation. He has also repeated a concern that he had voiced the last time I was here with respect to the Privileges and Immunities for the European Commission; and that has to do with what he considers to be the citizen's rights being violated, as he says, within some of these international organizations.

Mr. President, I share some of the concerns that the hon. Member has, and it is something that, I think, needs to be revisited. It is possible that we are operating on a tradition that is obsolete and maybe we need to revisit it, but Trinidad and Tobago cannot do it alone. It is not something that a country can do unilaterally. To act unilaterally in a case like this, Mr. President, is to create enemies and to ensure that your country is eventually alienated in the international arena. I want to assure the hon. Member that it is something that is in my own mind and whenever I see the opportunity arise to take it up and develop a consensus with other countries within the region, I am going to pursue it—as we have done with Haiti, the plutonium shipment and so forth. We are looking at that and I want to let him know I share the concern.

He also talked about MIGA being a law unto itself, but I think in my response to him whilst he was speaking I ought to have cleared that up. In fact, if we look at the schedule, the first article, 1(c), indicates that MIGA shall have the capacity to be a party to legal proceedings. "It shall be immune from all forms of seizure, attachment or execution, before the delivery of the final judgment or award against the agency." Clearly implying, Mr. President, that action can be taken against the organization and, as I pointed out in 13—

"Actions other than those within the scope of Articles 57 and 58 may be brought against the agency only in a court of competent jurisdiction in Trinidad and Tobago."

So, again, it is not really true to say that the organization is going to be acting as a law unto itself, but really it is going to be operating within the parameters, norms and tradition of all international organizations that operate in this country.

He made a valid observation, I suppose—well, not valid, but an understandable observation about the implications for national sovereignty. That is understandable, Mr. President, because we live in a world of globalization, but I think what we need to understand when we talk about national sovereignty is that we need to balance that against global interdependence, Mr. President, because as countries interact more and more with one another, as we become more globalized; as the integration processes proliferate throughout the world, it has implications for our sovereignty. When one cooperates with people, when one gets oneself into organizations, one has to make certain sacrifices, make certain arrangements whereby one is able to cooperate; and to the rigid view, the inflexible view, it may seem that one is jeopardizing one's sovereignty when, in fact, one is being pragmatic enough in a world that is becoming increasingly interdependent. I just want to make that point in response to what the hon. Senator said about national sovereignty.

He talked about the transnationals and the development of a code of conduct. Let me say that our view is that the transnationals, the multinationals are no longer perceived as the bad boys in the international arena. It is a view that is dated to a certain extent, Mr. President. It is not to say that we ought not to be careful when we engage the services of these multinational corporations, but the fact is everybody is seeking to attract them to their countries. They have the technology, the markets, the know-how. They have personnel, as well, because all of the qualified professionals are going towards these multinationals, so that they are a necessary and, in fact, an essential fact of modern day industrialization taking place in the world. I want to make that point.

However, we have to be careful and I am sure that any country that is worth its salt; any country that has developed the experience in dealing with these multinationals will, in any particular or specific contract that it is developing with any one of these, have built-in the security and protection of its environment, its peoples and have built into these, those aspects of a contract that would avoid exploitation of the peoples and their resources.

3.50 p.m.

We have to be able to negotiate. We have to be able to go out there and deal with these multinationals. We have to develop the expertise. By now, we ought to

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have developed the maturity to deal with the realities of the international arena. I do not know how realistic is the development of a code of conduct. What I am saying is that his concerns are well founded but can be also extreme, but in the negotiation of contracts and in the dealings with these multinationals on specific matters, we have to ensure that our interests are very well protected.

Mr. President, the Senator made the point about whether this multi-lateralization of trading or economic arrangements, as it were, are represented by the MIGA, and whether they will overtake the bilateral investment treaties that we are negotiating with various countries. I say no, they will not overtake them, they will not make them obsolete. I have made the point over and over that whilst we live in an age of multi-lateralization, we also have to focus on the bilaterals in all aspects of our relations, because it is our view that the strengthening of the bilaterals is what, in the final analysis, strengthens our position in the world and makes us able to maximize on the opportunities out there to develop, and to take advantage of the opportunities that arise as a result of our international relations. It is not our view that something like MIGA will make obsolete or dated the bilateral investment treaties.

I answered the point made about the taxation system. The levies and taxation will be applied on the investors into a particular country; the investors who seek insurance from the MIGA are the ones who will be subject to corporation tax, whilst the MIGA, as an international organization, will enjoy immunities that other international organizations in the country enjoy.

It is clear—and I was glad to hear the Senator say it—that he is not rigidly opposed to the Order, that once he has the assurances from us, he is willing to support it. I hope I have assured him. We feel that this is something that is in our best interest. We feel that it will help us to attract the foreign investment that we so sorely need. As I made the point earlier on, nobody is waiting to rush into Trinidad and Tobago. We have to create the climate and the conditions in the kind of world in which we live. Therefore, I want to thank him for his contribution and to invite hon. Senators to give their support to this Order as amended. The amendments have been circulated.

I thank you, Mr. President.

Question put and agreed to.

Resolved:

That the Privileges and Immunities (Multilateral Investment Guarantee Agency) Order, 1994 be approved subject to the amendments circulated.

*Adjournment**Tuesday, March 07, 1995***ADJOURNMENT**

The Minister of Planning and Development (Sen. The Hon. Dr. Lenny Saith): Mr. President, I beg to move that the Senate be now adjourned to Tuesday, March 14, 1995 at 1.30 p.m. at which time we will start the debate on the Strategic Services Agency Bill.

Mr. President: Before putting the question for the adjournment, three Senators have been granted leave to raise matters on the Motion for the Adjournment for some time. The first one was by Sen. Barrack but he has indicated that he is unable to proceed with that today. The second one is by Sen. Hosein. The subject is the need to enforce legislation which prohibits the driving of motor vehicles under the influence of alcohol and other stimulants.

**Driving under the Influence
(Enforcement of Legislation Against)**

Sen. Muntaz Hosein: Mr. President, we are into an era now where the drivers of Trinidad and Tobago are driving more and more under the influence of alcohol and other stimulants. If one looks at the statistics, one would see the need for the Government of Trinidad and Tobago to put mechanisms in place to save people from themselves and also to save them from hurting and killing other citizens of Trinidad and Tobago.

The statistics from 1981 to 1986 showed that we had six years of very high incidences of road deaths.

Year	Number of Road Deaths
1981	188
1982	225
1983	199
1984	199
1985	203
1986	186

Then in 1987, 1988, 1989 and 1990, we had a period where road deaths accounted for considerably less than the six years in question. In 1987, we had 169 road deaths; in 1988, 124 road deaths; 1989, 123 road deaths; and 1990, 127 road deaths. Since then, if one observes, one would see the numbers have been

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creeping up again. If one looks at 1993, road deaths totalled 161 and in 1994, 143. It seems as though these road death figures are climbing once more, therefore, there is need for us to look at this matter carefully so that we can put mechanisms, in place to be more vigilant, to save people from themselves and to save the citizens of Trinidad and Tobago from the carelessness of certain drivers in Trinidad and Tobago.

Mr. President, the data itself is not as impressive as one would like to see. With regard to getting data regarding drivers using alcohol and other stimulants, it is not easy to get that kind of data.

4.00 p.m.

If one checks the police one would see that they do not always have the above classification regarding the incidents of drinking under the influence. There is no legal requirement in Trinidad and Tobago to test for persons drinking and driving or using other substances.

The breathalyser, as you will remember, was an instrument that was imported into this country years ago. I do not remember the year it was introduced. However, in searching to find out why we were not using the breathalyser, it seems to me that the law has not kept pace and the necessary amendment to the law to use the breathalyser was never really made. Therefore, I do not know how many—perhaps the Minister could tell us—breathalysers we have in Trinidad and Tobago; if we have any at all at this point; whether it can be used, and so forth.

The police cannot ascertain whether a driver is under the influence unless some blood test is conducted. As you know, that is extremely difficult to come by under the present circumstances. Policemen are now working under really severe conditions and to get something like a blood test taken timely enough to be used, is very difficult. Very often, according to the police, this classification is not even included in the reports of individual stations. Some stations include it; other stations do not, so we do not have that kind of pattern throughout the country. Therefore, the statistics that the CSO will collect, will not be accurate, because in many stations this is left out of the report itself. Therefore, there is a need to have some uniformity with regard to collecting data of people driving under the influence of alcohol and other substances.

The individual station simply does not have the capability to ascertain the state of the driver when an accident occurs, or in the case where a driver is seen

not to be in control of his vehicle and the police may stop that vehicle prior to an accident. They do not have the capability to do it.

At the present time, this kind of testing is only done on an *ad hoc* basis. Some stations may do it while others just do not have the ability to do it and therefore it is not done. So that the statistics that we get are quite unreliable. The true figure is not known as to what our present statistics are regarding driving under the influence and other substances.

Hon. Senator: Ask Russell!

Sen. M. Hosein: I do not want to respond to that and I do not want to say how many persons on the other side fit that kind of bill; that is not the purpose of this Motion. But it may be instructive for us to look at what obtains in other countries and to see the experiences. For instance, in Canada, where popular bars are located the police will stay within a block of these bars, and when the drivers of motor vehicles leave the bars, the police would approach them and test them on the spot. If they are found to be under the influence, their vehicles are impounded immediately. They are arrested and are not allowed to drive. The vehicles are taken to the police station and kept there and, in many instances, they are not given bail until the next day. They keep them in a cell to protect them from themselves.

That is what obtains in places like Canada and the United States. I wonder why we are not doing that kind of thing in Trinidad and Tobago. Perhaps the Minister could tell me. That kind of preventative policing is necessary in Trinidad and Tobago. There were many accidents which took place prior to carnival. I think it was during the carnival weekend that we had a major crash on the Priority Bus Route at 5.00 a.m. We were not sure it was—because we know what could happen coming from fetes. It may very well be that one or both drivers in the accident might have been under the influence of alcohol or other substances.

I am saying that it is necessary for us to arrest the situation before it gets out of hand. We need to put psychological pressure. In Canada and the United States as well, when the breathalyser is not available to the police, what they do also, they make the driver walk the white line to see if he is steady on his feet. In many instances when they are not steady on their feet, walking the white line is very difficult for them and, therefore, they fail the test and they are arrested and taken into custody to protect them from themselves.

I am very concerned about the number of people who die as a result of road accidents, whether it be pedestrians crossing the road, cyclists being hit, or whether it is two vehicles colliding as a result of this.

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I want to call upon the Minister in charge to bring the breathalyser to Trinidad and Tobago, as we do not have sufficient now; amend the laws to accommodate that and have more police patrols, doing their jobs in trying to prevent accidents and to save people from driving under the influence of alcohol and other substances.

I saw on television where a lot of good public relations work was being done by some companies informing people about the dangers of drinking and driving. I thought that was commendable and perhaps this ought to be encouraged. But the Government must do its duty, as that is not sufficient. I am afraid that we may be going into a period where there will be many more road deaths as a result of what is happening at present in the country.

I wish to call on the Minister to institute the breathalyser; make the necessary amendments to the law if that is necessary, and to institute more police patrols to save people from themselves.

I thank you, Mr. President.

The Minister of National Security (Sen. The Hon. Russell Huggins): Mr. President, I must start by saying that I could not agree more with the hon. Senator for the need to do something about the—I would not say the drunken driving or driving under the influence of drugs, but the irresponsible driving on the roads of Trinidad and Tobago. I would even venture to say that from my information the majority of the accidents has absolutely nothing to do with people being under the influence of alcohol or drugs. It is just plain and simple crazy driving and they just do not seem to care.

4.10 p.m.

Mr. President, I would simply say that I do not agree that the police do not seek to enforce the legislation as it relates to driving under the influence of alcohol or other substances. It is just that there are two basic problems—I must say first that the entire Motor Vehicles and Road Traffic Ordinance is at this time being reviewed to take into consideration the breathalyser, also to make provisions for the appointment of traffic wardens to remove the regular police officers from doing the run-of-the-mill traffic duties, so that they could be out on the beat, the highways and so forth.

The legislation is under review. It is a very arduous exercise and I am hopeful it will be completed before the end of this year.

Insofar as the method of determining whether someone is driving under the influence of alcohol or drugs, there are basically two methods used at present. One is that if the police stops someone and in his view the person appears to be under the influence, there are two options open to him which are regularly used.

One is that the person, in some cases, is taken to the District Medical Officer where he is asked to give consent to have a blood test done. Invariably, the person would refuse, and the officer would then simply request the District Medical Officer to write a report on his observations of the person. This report is then used by the police officer in court. The information coming to me is that magistrates are very reluctant to convict on the basis of the doctor's report as well as the officer's observations.

The other method is the tried-and-tested one to which the Senator made reference, where the person is either asked to walk the line or to stand on one foot to check his balance and that sort of thing. This is a method which is used internationally and it is one on the basis of which many convictions are obtained abroad. In the United States of America, for example, I have seen evidence where many convictions for driving under the influence of alcohol have been obtained, simply on the basis of a person being asked to go through certain paces—walking a white line, standing on one leg or being asked to block one eye or checking their reflexes and so forth.

That is tried here also, but from the information submitted to me by the police, again the magistrates—of this country at least—are very reluctant to convict on the basis of that evidence given by the police officer.

So, this in fact, really brings us down to why not use the breathalyser? As I said, the legislation is being looked at in that context.

One of the other points made by the hon. Senator is that it appears to him or to those who have advised him, that the police are not certain as to what methods to use to determine whether somebody is under the influence of alcohol or other substances. This is part of the normal police training. Before a policeman comes out of training, he is given training on the procedures I have just explained. If police officers or somebody told the Senator that they are not trained, that is totally untrue.

Insofar as dealing with the problem also, there are many educational programmes that are run by the public affairs unit of the police service through the schools, and there are many educational programmes sponsored by the state enterprises dealing with the dangers of driving under the influence of alcohol or

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drugs. I am certain, particularly at carnival time, one sees many of these programmes being aired on television.

All in all, it really redounds to the individual to display some sense of responsibility, knowing that being in charge of the vehicle when one is under the influence of alcohol or drugs is very dangerous. In my view, one can have as many laws as possible, but unless one is prepared to display some sense of responsibility, then no matter what law is placed on the books there would be a problem.

The hon. Senator made mention of police officers abroad—and I have seen it done—where they park a Black Maria outside a pub, wait until the last bell at 11 o'clock and as chaps come out and go behind the wheels they take their bikes and throw them in the van with the riders, or they ask them to lock up the cars and carry them down to sleep it off in the station. That is one method, but because of the culture of Trinidad and Tobago, I am not sure we would have sufficient accommodation, even with the newly built stations, for some of these people—probably on a Friday night in St. James to rest off. *[Laughter]*

It is a serious matter and I give the hon. Senator the assurance that we are looking at other ways and means of dealing with the problem. Yes, the Government regards it as a serious matter and one which we would take all necessary steps to address.

Thank you, Mr. President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.16 p.m.