

*Leave of Absence*

*Tuesday, December 15, 1998*

**SENATE**

*Tuesday, December 15, 1998*

The Senate met at 1.30 p.m.

**PRAYERS**

[MR. PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. President:** Hon. Senators, leave of absence has been granted to the following Senators: Sen. The Hon. Finbar Gangar for the period December 14—17, 1998 and Sen. Selwyn John for the period December 12—23, 1998.

**SENATORS' APPOINTMENT**

**Mr. President:** Hon. Senators, I have received the following communication:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON, T.C.,  
O.C.C., S.C., President and Commander-in-  
Chief of the Republic of Trinidad and  
Tobago.

\s\ Arthur N. R. Robinson  
President.

To: MR. ROODAL MOONILAL

WHEREAS Senator Finbar K. Gangar is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ROODAL MOONILAL, to be temporarily a member of the Senate, with effect from December 15, 1998 and continuing during the absence from Trinidad and Tobago of the said Senator Finbar K. Gangar.

Given under my Hand and the Seal of the  
President of the Republic of Trinidad and  
Tobago at the Office of the President, St.  
Ann's, this 11th day of December, 1998."

*Senators' Appointment*  
[MR. PRESIDENT]

*Tuesday, December 15, 1998*

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ARTHUR N. R. ROBINSON,  
T.C., O.C.C., S.C., President and  
Commander-in-Chief of the Republic of  
Trinidad and Tobago.

\s\ Arthur N. R. Robinson  
President.

To: MR. KELVIN RAMNATH

WHEREAS Senator Selwyn John is incapable of performing his functions as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, ARTHUR N. R. ROBINSON, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, KELVIN RAMNATH, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Selwyn John.

Given under my Hand and the Seal of the President  
of the Republic of Trinidad and Tobago at  
the Office of the President, St. Ann's, this  
15th day of December, 1998."

**JOINT SELECT COMMITTEE  
(APPOINTMENT OF)**

**Mr. President:** Hon. Senators, I have received this letter from the hon. Speaker of the House of Representatives:

"PARLIAMENT, REPUBLIC OF TRINIDAD AND TOBAGO

December 08, 1998.

Sen. The Hon. Ganace Ramdial  
President of the Senate  
Parliament  
Red House  
Abercromby Street

**PORT OF SPAIN**

*Joint Select Committee*

*Tuesday, December 15, 1998*

Dear Mr. President,

**Appointment of Joint Select Committee**

At a sitting held on Friday December 04, 1998, the House of Representatives agreed to the following resolution:—

*‘BE IT RESOLVED* that a Joint Select Committee of Parliament be appointed to consider and report on a Bill entitled: ‘An Act to Provide for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof, for the grant of permission to develop land and for other powers of control over the use of land and the design, construction and occupation of buildings, to confer additional powers for the protection of the environment, and the architectural and cultural heritage, and for the acquisition and development of land for planning; and to provide for purposes connected with the matters aforesaid’;

*BE IT FURTHER RESOLVED* that the following six Members of this House be appointed to serve with an equal number from the Senate on this Joint Select Committee:

Mrs. Kamla Persad-Bissessar

Dr. Adesh Nanan

Dr. Vincent Lasse

Mr. Chandresh Sharma

Mr. Colm Imbert

Mr. Jarrette Narine

The Resolution is accordingly forwarded for the information of the Senate.

Yours sincerely

/s/ Dr. Fuad Khan, MP  
Deputy Speaker of the House”

**GREETINGS**

**Mr. President:** Hon. Senators, this last letter is from the President of the Republic:

“President  
Republic of Trinidad and Tobago

December 11, 1998

*Greetings*

*Tuesday, December 15, 1998*

[MR. PRESIDENT]

Sen. The Hon. Ganace Ramdial  
 President of the Senate  
 Red House  
 St. Vincent Street  
 PORT OF SPAIN

My Dear Mr. President,

On behalf of my wife and myself, I wish you and other hon. Members of the Senate and your respective families good health and peace and happiness during the Christmas Holidays and throughout the New Year.

Yours sincerely,

/s/Arthur N. R. Robinson T.C., O.C.C., S.C.,  
 President of the Republic of Trinidad and  
 Tobago”

#### OATH OF ALLEGIANCE

*Senators Roodal Moonilal and Kelvin Ramnath took and subscribed the Oath of Allegiance as required by law.*

#### MEDIA (MISREPRESENTATION)

**Mr. President:** Leave has been granted to the Minister of Public Administration to make a personal explanation.

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, on December 08 in the debate on the Finance Bill, I made reference to a proposed amendment to the Constitution and I quote from *Hansard*:

“...that would establish, for the first time, standing committees that would have the power to investigate ministers, ministries, public officers, state enterprises and directors. So, for instance, people who have allegations, they can go before that committee. I understand that committee would have the power to have open hearings, where people can come in the gallery and take in the hearings and so forth. It is public, we can summon people, you can subpoena people, take the matter to the DPP and where the chips fall let them fall. The only thing about it, I do not want it to start in 1995, I want it to go back to 1956. So the vagabonds and scamps could be then resurrected, the real ones.”

The media have commented on my words in the following fashion. Mr. President, in the *Sunday Express* dated December 13, 1998 on page 10, Mr. Vernon Ramesar commented on this statement, and I quote:

“It seems that he...”

That is myself.

“is all for legislation to control and probe corruption by the Government...but only if the Opposition pledges its support and agrees to go back 30/40 years, even to Lockjoint days.”

In the *Newsday* dated December 9, 1998 on page 5, one Mr. Sampson Nanton commented as follows:

“Government Minister Wade Mark said yesterday that Government was ready to open up fair investigations into controversies surrounding the airport, the National Flour Mills and InnCogen.

But he said this will be done only if the Opposition agrees to support legislation to that effect, retroactive to 1956.”

Mr. George Alleyne in the *Newsday* dated December 12, 1998 on page 11, commented:

“Government’s declared position on charges of current State corruption, specifically that it is prepared to open up fair investigations into the airport expansion contract, National Flour Mills and InnCogen—providing that the Opposition agrees to support legislation to that effect, retroactive to 1956—is a disturbing cop-out.”

In the *TnT Mirror* dated December 11, 1998 on page 4, Raffique Shah wrote:

“...he all but echoed Desmond Carthey’s clarion call of a few years ago ‘All ah we t’ief!’. Because, in the face of universal cries for probes into several contracts awarded by government, Mark’s response was, yes, we have no problem with that, but let us probe as far back as ‘Lockjoint’...However, by openly calling for an across-the-board probe, Mark is admitting that there are scandals under his government that also should be probed.”

In the *Newsday* editorial of December 10, 1998 I quote:

“...it is nothing but a blatant and intolerable act of evasion for the Government to say it is ready to investigate allegations of corruption within its own camp

*Media Misrepresentation*  
[HON. W. MARK]

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only if the Opposition would agree to the same for previous administrations going back to the advent of the PNM in 1956.”

And, finally, the *Guardian* dated December 9, 1998 page 3, Prior Beharry wrote:

“Wade Mark, Leader of Government Business in the Senate, said that he welcomed any investigation into alleged corruption into the Airports Project and InnCogen, if there were also investigations into Caroni Racing Complex, T&TEC, Fertrin and Lockjoint.”

In other words, Mr. President, they were informing the population—the people—that the Government is ready to investigate allegations of corruption in its own camp only if the Opposition would agree to the same for previous administrations going back to the advent of the PNM in 1956. The press is also trying to say and is also saying that I have admitted that there are scandals under this Government that should be probed.

This is not what I said, Mr. President. On the contrary, this Government is clear that allegations of corruption of the administration be investigated and is prepared to establish, as I said, a constitutional standing committee for that purpose. Nowhere in any public statement, have I said that such action is conditional on retroactivity to 1956. Nowhere in any public statement I made in this Parliament, have I said that there are scandals under this Government. I did, however, state and I quote:

“I do not want it to start in 1995. I want to go back to 1956.”

This clearly means that in the interest of properly cleansing the society of the canker of corruption, one should go back to 1956. This is the only reasonable inference to draw from my statement. To find that the Government is on a cop-out in its fight against corruption from my statement, amounts in my view, to a bewildering distortion of the fact.

Mr. President, I feel strongly about the misimpression that readers of the these newspapers might have been given because of the manifest misrepresentation and inaccuracy which were made in the various comments by the members of the media, thus I am clarifying the matter for the record. Mr. President, I have every confidence that the media will report this accurately.

Thank you very much, Mr. President.

## ARRANGEMENT OF BUSINESS

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, I seek leave of the Senate to deal with “Public Business” as follows: continuation of the debate of the Second Reading of a Bill entitled an Act to establish the Trinidad and Tobago Postal Corporation and for related matters under “Government Business” followed by the continuation of Motion No. 1 under “Private Business”.

*Agreed to.*

## TRINIDAD AND TOBAGO POSTAL CORPORATION (No. 2) BILL

## [Second Day]

*Order read for resuming adjourned debate on question* [December 01, 1998]:

That the Bill be now read a second time.

*Question again proposed.*

**Sen. Rev. Daniel Teelucksingh:** Mr. President, a very important clause caught my attention which is clause 33 in the Bill. Clause 33 stipulates that Trinidad and Tobago Post will not be subjected to the Central Tenders Board Ordinance and further, that the board of the Trinidad and Tobago Postal Corporation shall make rules relating to the award of tenders.

Mr. President, I know there are other institutions and organizations that make their own rules, but within the last few months the question has been raised from time to time, as to whether or not we should follow tendering procedures. This has been a source of great controversy these days, whether it be about the airport—and let me just stop with that as the first one—but there are so many others—InnCogen, the buying of rice—and people in our society are asking what about the Central Tenders Board.

We are asking this question again because, Mr. President, you will remember in March 1997—and I am using this as an illustration—the selection of the NYC Consortium as the sole tenderer for the massive \$207 million contract for Package No. 6 of the Piarco Airport Terminal Project. It is as though the Central Tenders Board did not exist because the main area of query was, and the most significant objection was an absence of competitive tendering. Similar concerns were repeated in the new NYC contract for the smaller figure which was still massive—\$150 million.

**1.50 p.m.**

We ask ourselves: What is the significance, then, of the Central Tenders Board within our system? Is the Board too bureaucratic? Is the Board an obstacle? Is it inefficient and soon to be phased out, possibly ignored? Is the Board incapable of adjudicating in big contracts? Have we begun to see the phasing out of the Board?

With clauses such as clause 33 gradually getting into our legislation, is this giving legitimacy to the by-passing of the Central Tenders Board in matters like these? Our Central Tenders Board—and maybe this is one of the reasons for having it—is a sort of anti-corruption mechanism, a vehicle for transparency and maybe an instrument of justice for the business community. What is the real reason for the exemption of the Central Tenders Board in this legislation?

My next concern is about clause 36. It may be minor, but I understand that it is very important among workers. Options are available to public officers for continuance in the new postal system, if they so desire. Why are conditions voluntary and retirement from the public service to be individually determined? Why should there be individual decisions as far as retirement and re-employment are concerned? One of the conditions is voluntary retirement on terms and conditions agreed between the person or his appropriate recognized association and the Chief Personnel Officer. As far as I know, if there are discussions about conditions, let us say in the Teaching Service, whether or not a teacher is registered with the union, there is a particular way of arriving at a settlement. This is what I would like to raise with the hon. Minister. There may be need to delete the words “between him and the CPO” in clause 36(2).

On the question of staffing, over the years it has been a custom in Trinidad and Tobago to deal with the phenomenon of early retirement. Early retirement really means retrenchment. We have noticed over the years that early retirement has caused many social problems. We need to look at that. In a discussion with the regular postman in my area, he asked why, if he has served 20 years in the present postal service, should he lose his public service status in the new postal organization.

One area of very serious concern for me is Part V of the Bill, which deals with finance. It provides very generous conditions to the Trinidad and Tobago Post. What do these conditions look like? I would like to pick out a few—appropriations from the central fund. I would like the hon. Minister in his response to let us know what this will be for, say, the next three years. I



understand that for 1995, from the Consolidated Fund to the Postal Services of Trinidad and Tobago, it would have been approximately \$56.4 million. Between 1996 and 1997, it would not be less. Someone said it would be between \$65 million and \$70 million. What will it be for 1999? We are talking about the extremely generous provisions and conditions to the proposed Trinidad and Tobago Post.

Mr. President, the second item here comes from lending agencies. We are offering to the new Trinidad and Tobago Post appropriations from the Consolidated Fund, in addition to funds from lending agencies. There is a loan of US \$9.14 million, approximately TT \$55 million, from the World Bank, for technical assistance, financing capital improvements such as computer systems and fees for a private operator for managing our postal services for three years. I leave this question with the hon. Minister: Will this loan be increased? So far, in Trinidad and Tobago dollars, it will be \$55 million. Will it be increased by the World Bank from US \$9.14 million to \$14.8 million? Has this item been on the books? Will the Minister enlighten us?

Whether it be TT \$64 million or TT \$94 million, Government has secured World Bank's financing to cushion and feather the nest of any private operator.

What of the assets of the so-called, run-down post office we have right now? What of the assets of the present postal system? There is one estimate, and the Minister can correct us on this. It is estimated that the present assets of the postal system is close to \$2 billion. I understand that the Wrightson Road outfit alone is worth a fortune.

Look at the Bill. There is to be exemption from all taxes, duties and VAT, for three years, to a very lucky operator. This is a real Santa Claus Bill: so appropriate for the season. What a dream start for any investor!

Now that I have picked out a few items of conditions and offers to the new operator, I have to ask a question. This brings into focus the real bosses for whom this legislation is prepared for the next three years. If we are offering all of this, guarantors to the loan from the World Bank and so forth, what will the operators of the new system be contributing to match this gift? The sum of US \$1.27 million.

While I was discussing this with someone who is very aware of what is happening in the country, he said, "Maybe the US \$1.27 million brought in by the preferred operator will be to pay for their housing in the posh Bayshore Towers vacated by Acker and his team."

*Postal Corporation (No.2) Bill*  
[SEN. REV. TEELUCKSINGH]

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I hesitate to support this Bill. I am not sure that I should support it because its real intention is to pave the way for a non-local enterprise, when I am unconvinced that we are so incompetent.

**2.00 p.m.**

Mr. President, with the scenario I have created I believe this is a sad day for us as an independent nation of over 36 years. We continue to be—although the price of our precious commodity, oil, has been on the decline—one of the wealthiest countries in the Caribbean; a country with its university, very eminent with other institutions of learning and we have a surplus of people with Masters Degree in Business Administration. Some of the Caribbean's most successful businessmen are in Trinidad and Tobago, whether it is in insurance, manufacturing, industry, construction or in banking.

Mr. President, last week, did we hear from a Government Minister's contribution the term, "property owning democracy" used? I will repeat that term, "property owning democracy". Mr. President, here is a bit of property, and in this democracy why could not a small post office be managed with this kind of resources, both financial and personnel? Do not tell me we do not have the intellectual ability and the business acumen to run the post office.

Imagine a consulting firm being brought here to deal with a handful of—what people call—run-down post offices; a run-down system. A consulting firm got about \$5.2 million just to study the postal system of Trinidad and Tobago and I understand it is Boos Hamilton of Virginia, as if Trinidadians and Tobagonians are so incompetent. Mr. President, the amount of \$5.2 million allocated can build a few post offices, but someone has to come and do a study of how incompetent we are.

I have to ask the Government, as I asked the postal union, Natuc and all the other workers' unions in this country: What serious efforts were made to be a part of this democracy of owning and sharing this partnership in business; what serious efforts were made by the former administration and the present regime to source local management capabilities, instead of presiding over this disgusting and disappointing giveaway to a foreign operator? Why could not nationals be the principal stakeholders? This is bothering me, and this is what makes me so slow in wanting to approve of this legislation. The legislation is not to be seen as an entity by itself, it is really creating a launching pad for something else.

Mr. President, what about an ownership plan? What is really happening to us in this country? Have we studied an ownership plan? Were any offers made to the people who have served in the postal services all these years? Were any serious public offerings made of shares in the post offices? Mr. President, I do not know, but I heard someone spoke some time ago about some piece of legislation not being cast in stone. I do not know about the deliberations leading to this piece of legislation, if there is a preferred operator but, Mr. President, is this one cast in stone? Was the deal already set before this piece of legislation was put before us? If so, I wonder what we are doing.

I would not mind calling on the Government to scrap the deal for our post offices with the foreign operator. I think this should be the way to go to give locals a chance. I personally believe that we have the capabilities and the wisdom here. Did I read somewhere that the World Bank had suggested the use of external lawyers in the preparation of the final draft of this Bill to avoid any delays that may be encountered if the final draft of the new Postal Bill has to be prepared by our Chief Parliamentary Counsel? Am I just dreaming that this is how the World Bank thinks about us, that even in the final draft of a piece of legislation like this we do not have the ability? Is this what the World Bank and other such organizations think about us? I would not be surprised at all if they directed our Government as to where the list of operators should come from. Such humiliating conditionalities are designed to have us believe that we are incapable of governing ourselves and that, maybe, we cannot properly lick a postage stamp.

This is why I feel extremely sad in reading this Bill and understanding the background to it. I do not believe I am too wrong when I say that a foreign operator has already been accepted and that the nation knows this. It is a kind of deception, I do not know what should come first, but really and truly, there is some deception in bringing this legislation as if this is the first step, when it is not. I feel very disappointed about this.

I think the time has come when we need to really understand what independence is all about. I remember the last day in our debate and, since the time of the budget, when we realized that leading financial and economic institutions in the world starting with the International Monetary Fund, the World Bank and all those who planned economic policies for us, particularly, in the developing countries, they have made some very serious economic mistakes and this has been repeated in the course of 1998. It is not only discovered in the Indonesian countries, but also in South America; Mexico, Brazil and also in the Caribbean

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that, after all, those who have been planning policies and making decisions for us are partly responsible for the economic disaster in the world today. We need to look again at our conditions, needs and, as it were, take back our destiny from the hands of all these international institutions. This is what independence is all about.

The decisions that went before the Bill to look for a foreign operator have been to keep us in that kind of servitude where we will always be a Third World, developing country, and we have fallen for it.

The time has come, Mr. President, where this Government, the Opposition and all of us in this country need to define our position as far as our economic well-being is concerned. We must have a say. I know we do not have the capabilities as far as exploration for oil, natural gas and so forth is concerned, so we need the foreign investors and we need the wisdom and guidance of others, but do not tell me we cannot manage a handful of post offices in this country.

I am not convinced of this and, therefore, I hesitate very much in giving my support to this piece of legislation and the decisions that went prior to this, to go and search for an operator for our postal services.

I thank you very much, Sir.

**2.10 p.m.**

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, I would try to put the Trinidad and Tobago Postal Corporation Bill into some perspective, particularly, as it relates to public administration in Trinidad and Tobago and public management. Also, I would examine certain clauses in the Bill, particularly Parts IV and V, respectively. I also want to make some brief responses to contributions made by Senators—particularly by those on the Front Bench—on the last occasion we met as they relate to this effort by the Government.

Mr. President, seeing that Sen. Rev. Daniel Teelucksingh's contribution is so fresh in my mind, I think it is important that I completely disabuse his consciousness of some of the inaccuracies that he peddled here a short while ago. For instance, I would tell Sen. Daniel Teelucksingh that from my information, and the Minister of Public Utilities will also verify later on, this bid to operate the post office was advertised nationally, regionally and internationally. Everyone had an equal chance. It was not just something that went out and whereby someone was brought in from New Zealand or Canada. My understanding is that there was, in fact, an open arrangement and everyone had an opportunity to bid, including

nationals of Trinidad and Tobago. The Minister of Public Utilities will elaborate on that later on.

**Sen. Rev. Teelucksingh:** Can I respond to that now?

**Sen. The Hon. W. Mark:** No, keep your notes for when he is responding.

**Mr. President:** Gentlemen, please address the Chair so that we can have an orderly debate.

**Sen. The Hon. W. Mark:** Mr. President, I just want to indicate, too, that when he said that the assets of the postal services today in Trinidad and Tobago are well over \$2 billion—

**Sen. Prof. Ramchand:** Mr. President, I just want to know whether the hon. Minister can clarify one of his statements. Can he tell us whether prospective bidders knew what were the financial conditions under which this corporation would be operating? Did they know the source of funding, the degree of power they would have over the moneys to appoint and pay themselves or what share they would give the Government and so forth? In other words, were they privy to this Bill that is now before us?

**Sen. The Hon. W. Mark:** Mr. President, I would allow the hon. Minister of Public Utilities, when he is winding up, to provide further clarification on some of the concerns expressed.

What I would say, Mr. President, is that it is manifestly wrong to indicate that the assets of the postal services in Trinidad and Tobago amount to \$2 billion or thereabouts. My information—I just got it from the hon. Minister of Public Utilities—based on what was, in fact, done by Price Waterhouse is that it is about TT \$53 million. I do not know where he got his information from, but it is totally false, misleading, wrong and does not even come near TT \$100 million. So, to mention \$2 billion is a bit misleading.

**Sen. Daly:** Thank you for giving way. Mr. President, I asked whether or not this Price Waterhouse valuation of the assets can be made available to us. Why should it be a secret? I for one would like to know what value they put on the site on Wrightson Road, never mind the building. Perhaps they could make the Price Waterhouse valuation available to us.

**Sen. The Hon. W. Mark:** Mr. President, the Minister of Public Utilities is here and he would probably deal with that. I do not think—*[Interruption]* The Minister said he has no difficulty, Sen. Daly.

**Sen. Daly:** Mr. President, at the risk of being a pest, could we have it now so that we can have it while the debate is in progress instead of when the debate is finished? Let us have it.

**Sen. The Hon. W. Mark:** Okay, you will get it, Sir. No problem.

**Sen. Daly:** Thank you.

**Sen. The Hon. W. Mark:** Mr. President, I want to put this debate in some perspective so that Sen. Rev. Daniel Teelucksingh could appreciate the efforts that we in the Government are making, particularly in public administration, to bring about greater efficiencies in the delivery of services to the population of Trinidad and Tobago. The postal service is just one sector in a whole series of areas that we are focussing on to try to transform, reform and bring about greater efficiency in the delivery of quality services for the citizens of this country.

Mr. President, it is clear, from the Explanatory Note of the Bill before us that it:

“seeks to establish the Trinidad and Tobago Postal Corporation Act (hereinafter referred to as ‘Trinidad and Tobago Post’) for the purpose of effecting a more efficient postal service for Trinidad and Tobago.

That is the whole purpose of this Bill.

When we came into office three years and a couple weeks ago, we were given a mandate by the people of this country to bring about transformation of the economy and our society and, as you will recall, Mr. President, a number of things were in disarray. For instance, much had been advanced about change, but little had been done, effectively, to bring about the change. What we had to do was to focus much of our energies on developing what is called “infrastructural reform” so that the economic wealth of this country could be better distributed and, as such, subserve the common good. In so doing, we had to deal with the inequities which faced certain segments of the population, and our mandate remains to ensure good governance in Trinidad and Tobago and to implement, as far as possible, social and economic equity and justice in this country.

Mr. President, we therefore have to look at this Trinidad and Tobago Postal Corporation Bill in some perspective. For instance, I do not know if Sen. Rev. Daniel Teelucksingh has a copy of our *Policy Agenda for a New Public Administration in Trinidad and Tobago*. This was a green paper, as you know, which we tabled and was transformed into a white paper which then became Government’s policy. If he would take some time and look at that document, he

would see that the actual vision of a new public administration is consistent with the Government's philosophy on good governance when it states that our over-arching goal in this country is to ensure macro-economic stability, and of course, economic growth with social equity and justice. That is what it is about. This, therefore, is the ultimate focus of the public service. The public service has a critical role to play in ensuring the over-arching goal of Government is achieved; macro-economic stability, economic growth with social equity and justice for the people of this country.

Mr. President, in a country such as ours, we cannot compartmentalize the private and public sectors, but recognize that all of us are partners in this struggle for national development in Trinidad and Tobago. We are partners. There is, inevitably, a real, if not apparent, symbiosis and synergy between the public and the private sectors and we see strong alliances among all stakeholders: NGOs, public and private sectors, if necessary, for good governance and for sustainable development in Trinidad and Tobago.

We have devised various strategies to walk the talk. Amongst these are the medium-term policy framework. Mr. President, as you will recall only last week we held a very important discussion among the social partners where we were seeking to establish a national social compact comprising of business, labour and Government in Trinidad and Tobago. It was a major consultation and we are moving towards, if all goes well, the implementation of a social compact by June of 1999. We are going to focus on issues such as prices and incomes. We are looking at the whole question of inflation, productivity and employment. These are some of the issues that will inform us. So, integral to the success of this Government's vision of good governance is the retooling of the public service. We have to retool the public service as a model employer setting the standards for good human resource management to be followed by all enterprises, macro and micro, state and otherwise.

**2.20 p.m.**

We have a responsibility to ensure that the public service of Trinidad and Tobago becomes a model employer and, therefore, the Bill before us today must be viewed in a contractual framework. We are talking about good public administration, about sound public management, and we know the role of the postal service in this country and all the criticisms that that service has been subjected to over the years. When we came into Government, we identified

certain departments in the public sector which required urgent attention or surgery, because of the impact of their operations upon the development of our country. One of those was the Postal Services Division that we really focussed on in terms of radical transformation because of the critical importance of this particular agency or division of the Government.

Mr. President, no one can argue in this Parliament that the role of an efficient postal service has always been viewed as crucial to the state's responsibility of good governance to the people of this country. Postal services have customarily been viewed as part of communications and as a state responsibility over the years. Since the early 1980s and as part of the reassessment of the role of the state, there has developed an acknowledgment of the role of the private sector in the delivery of postal service, even so, the state still assumes a responsibility to ensure that postal communication between the citizen and itself and among citizens is, in fact, efficient. In addition, with the emergence and acceptance of the global village, the delivery of posts in the current global economy has taken on a new dimension with the impact of information technology.

It is imperative therefore, more so than ever, that our developmental and economic activity is not prejudiced by inferior communication of which an integral component is the quality of our postal service. We have to ensure that we remain relevant and appropriate to the times, otherwise we are going to become like the dinosaurs. We have to change, we have to be adaptable, flexible to survive in this hostile, economic international environment, and therefore we are aware from our own personal experience and other evidence and investigative reports that were conducted by the PNM over the last two decades, that our postal service—and it is a fact—has not delivered or met the demands required of it by the various sectors of this economy.

We recognize this, and neither the social objectives nor the business operations of the postal services have been realized. These are realities which have been manifested in many reports which dealt with the postal operations of our country. And therefore, one of the reasons has been the infrastructural framework of the organization which is burdened with historical and cultural baggage. We have to deal with it. We have to bite the bullet and that is what we are doing in attempting to reform and transform the postal service in our country.

Mr. President, our postal service shares the same antecedence with countries like Britain, Canada, New Zealand, and Australia. These had their embodiment in



what is called the Post Master General, a civil service post and was very bureaucratic in its operational culture. This is a reality, this is a fact. However, increasingly, the necessary commercial imperatives operating in these countries drove people to look for speedier alternatives of communication to maintain the commercial competitive edge. Their experience is our experience. While they transformed their postal service over the period into what is called corporate institutions responsive to the commercial and social demands of their respective countries, we are still yet to do so and this is what this Bill is about. We are seeking to bring our postal services up to modern standards and levels and we have gone a particular path. Rev. Teelucksingh may not like it, I agree—because that is his democratic right not to like it—but we have a responsibility to transform not only postal services but our entire public service. We want it to become relevant, efficient, appropriate, responsive and dynamic to the cries and demands of the people of our country. We want when you go to the postal service or to a government agency or institution you are treated with dignity, courtesy and promptness. That is what the struggle is about in terms of transformation.

**Sen. Rev. Teelucksingh:** Mr. President, could I ask the hon. Minister: Do we have the resources to make the postal service, all those adjectives, “capable, efficient” and so forth, in Trinidad and Tobago for that? That is my thesis.

**Sen. The Hon. W. Mark:** Mr. President, whether we had the resources or not, good governance would suggest that you must be engaged in alliances. We have to be engaged in alliance, that is why the theme of National Public Service Week for 1998 was entitled “Building Alliances and Creating the Future Together.” We want the private sector to work closely with the public sector. Whether we have the money or not, is not the issue here. The issue is whether we can live in cocoons or whether we seek to borrow as far as possible, technologies from abroad by our Bill.

**Sen. Mahabir-Wyatt:** I thank the hon. Minister for giving way. I understand the point about alliances but is it not possible to build alliances between the Government and the local private sector?

**Sen. The Hon. W. Mark:** Sen. Mahabir-Wyatt, I do not know if you were here when I was speaking earlier, but my understanding is that every opportunity was provided to both nationals, private sector personnel in the region and internationally to be part of this process of transformation. The hon. Minister of Public Utilities will provide greater clarification on this issue when he does his winding up at the end of this debate, where he can provide greater details on what

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has happened in that particular area. The fact is that the hon. Minister of Public Utilities, in his presentation, recited these countries experiences in their transformation of moribund government departments into vibrant service agencies.

**Sen. Shabaaz:** Mr. President, I would like to know from the hon. Minister if there are no resources and even if you do not have the money; are you forming a bond with the private enterprise in order to raise that money? Are you saying that it does not matter whether we can afford it, yes or no?

**Sen. The Hon. W. Mark:** I did not say so. You are becoming like the press, and distorting what I am saying. Good governance, as we move into the new millennium, requires us to take all factors on board. I am simply arguing that the Government advertised publicly, nationally, regionally and internationally for persons, organizations, corporations or companies to come on board and in conformity with World Bank procurement, rules and regulations. It is not to say that we deliberately left out national interest or private sector interest in the country. We did not do it.

### **2.30 p.m.**

As I said the hon. Minister of Public Utilities will provide us with greater clarity as we proceed into this very important Bill. Mr. President, in the consultation from which this Bill has evolved, there is no doubt that the officials were aware that the post has a universal or international culture which requires an understanding, not only of issues affecting the postal service in our country, but also the global postal network.

Our experience with our postal service was not unique; acknowledgment, therefore, must be made of the assistance of the Universal Postal Union and its ready sharing of relevant experiences of the success and concerns of postal workers in other jurisdictions.

The challenge which this Bill resolved was to develop the appropriate infrastructure for an institution, so as to satisfy what some might view as conflicting objectives. On the one hand, the institution had to reflect the state's acknowledged obligation to provide a cheap and efficient delivery of post to people in all walks of life; while on the other hand, it had to be financially independent. We are trying to ensure that those agencies that continue to depend heavily on the state can become commercially viable. We are trying to imbibe a particular kind of culture that has been absent over the years.

The fact is, our people could no longer afford to bankroll the operations of an inefficient postal service. We have to take action on all fronts. The Prime Minister is on record as saying that we have to take action on Caroni (1975) Limited. We will be committing suicide if we continue along the lines of just supporting. It means that we have to take the bull by the horns, so to speak, and let everyone be involved in finding a solution to the problems with which we are faced.

I must compliment the hon. Minister of Public Utilities. This particular Bill before us has the consensus of all the major stakeholders. One of the major stakeholders in this exercise is, in fact, the Postal Workers Union. They were involved every step of the way. We did not leave them out. They were involved in all the consultations, unlike their government of the past. *[Interruption]*

**Sen. Yuille-Williams:** I myself had made the statement that the postal union was involved every step of the way. But I would say quite clearly, in that whole section—since the Minister of Public Administration was speaking on the terms of the workers—I am quite sure that the postal union is not satisfied with it. I would like to know, if they were there all the way and you had their confidence, how come it has reached a stage where there are three categories for the closing of this whole thing and they are not satisfied?

**Sen. The Hon. W. Mark:** That is a matter which is being resolved elsewhere, and, of course, if the Senator wants further clarification we could speak about it. I think the goodly Senator has missed my point completely.

I was saying that, for instance, in terms of the consultative process in the formation of this particular Bill, all the major stakeholders were involved in the exercise. That is the key point. This is one of the hallmarks of this Government: we have sought to perpetuate and promote a culture of participation, consultation and consensus in the decision-making process. This is why on every single state or statutory board today there is a trade union or labour representative. Even the Boxing Board of Trinidad and Tobago has a labour representative. *[Interruption]* Yes, there is a boxing board. You are probably not aware of it. We also have workers on the board of the Victoria Gallery Institute. In the museum, the art gallery, workers are also there.

The Government has ensured that whatever we do we want the stakeholders to be involved and participate. We are a very democratic government, we listen. Sen. Daly is a manifestation that we listen. He could tell us what happened here last Tuesday. It was a historical breakthrough as he mentioned. We listened! Never

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before in the history of our country has a Finance Bill been amended in this Senate. Sen. Rev. Teelucksingh you said so. I am repeating what you said, Sir. We listen to people, we are not arrogant. [*Interruption*].

Mr. President, the Government of Trinidad and Tobago acknowledges that the postal service is essential for the successful operation of all enterprises, particularly in commercial enterprises, in Trinidad and Tobago. There is no doubt in the mind of the Government that the institution needs to be retooled in the interest of good public administration. That is what we are doing, we are seeking to retool the postal service in our country. As I said, good public administration encompasses some fundamental principles such as accountability and transparency.

Accountability means that the decision maker is answerable for both the authority and the quality of the decision. When a decision maker in any institution acts with the highest standard of probity, this clearly affects the quality of the decision which in turn determines the reputation and success of the institution. Therefore, transparency, the sister of accountability means that the public, so far as practical, is aware of the processes that inform the decision. That is what transparency is about. Clear definition of responsibility of the various stakeholders, thereby mitigating the appearance of ambiguities to ensure that the institution operates in accordance with the principles of good public administration.

We are aware that many of our institutions in the public sector have a poor public image. We recognize this; we get complaints about it every day, and this includes not only those which fall under the purview of the Public Accounts Committee. To a large extent, this is so because the appropriate safeguards affecting transparency, such as clear demarcation of responsibility, have not been put in place. We do not desire this, of course, I assure you, for the postal service. We are on a new path, therefore, this Bill seeks to establish a statutory corporation to be known as the Trinidad and Tobago Post, with the responsibility for postal matters. We have attempted to avoid, for instance, pitfalls that we have been exposed to in the past.

In order to ensure transparent operations, the Bill provides for an annual report which is part of the transparency. I think it makes a revolutionary break from what we have grown accustomed to. If you study this very carefully it tells you what this report must contain, so when it is tabled in Parliament there is a greater sense of accountability and transparency involved.

For instance, if we look at the Trinidad and Tobago Postal Corporation Bill we will see that there is, in fact, a clear provision to ensure that the annual report

outlines the vision of the actual organization. So the Minister has to tell the country, the Parliament and the people, his vision and outline the strategies and policies including those which address its social and economic objectives. That is unheard of! We have not had enterprises in the past bringing annual reports to this Parliament detailing clearly what has been attempted in this particular Bill. Thus, the accountabilities are greater.

The Bill also talks about details of direction given in writing by the Minister. We also want details of its postal operations including postal delivery service and postal network. For the first time, the Parliament would put the postal service under severe scrutiny because it has to live up to those commitments it is making in those reports, both in terms of the past and as a projected future.

The annual report viewed in the context of normal annual reports in our country and in our current commercial environment may seem like an overkill but it is comparable in content to the annual reports of the reformed postal agencies of New Zealand—as Sen. Daly mentioned—Australia, Canada and Britain, whose results we seek to emulate, if not better.

We want greater accountability, transparency and speedier delivery of services. The Bill shows, for instance, the importance of the post in terms of the communication revolution and given the information age that we are in today. Mr. President, I think if we look, for example, at clause 33 of this Bill, we are talking about transparency. If Sen. Rev. Teelucksingh read this clause very carefully—he talked about the fact that the Central Tenders Board was not going to be part of this thing—look at the provisions involved in this exercise, read 33(1)—(6). I do not want to burden the Parliament, we have the Bill before us. There is a procedural approach to this whole exercise, a systematic approach, where we are ensuring transparency in the transactions of the postal service in Trinidad and Tobago.

I think it is clear for all of us to view. It is a manifestation of good governance and a benchmark for any public enterprise. Clause 33 of this Bill, as was said by Sen. Rev. Teelucksingh, would not be subject to the Central Tenders Board, but will make its own rules relating to the award of tenders and contracts.

In a modern, civilized society, if you want to decentralize—I mentioned this last week and I repeat: in the French experience there is a concept called "deconcentration" as opposed to "decentralization", and that is the philosophy where competencies move from the central into the communities, into the

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territories and villages. Decision-making has been deconcentrated, so they are moving away from the centralized control to allowing the masses to take decisions at the village and community level. To my mind that is a serious progress which we are seeking to record here. You do not want everything to be clogged up in the bureaucracy, that is what we are trying to get rid of, so there could be more speed and efficiency in the delivery of decision-making in the country. The quality of the decision-making would also be improved. There are also accountabilities in the process.

I think it is another revolutionary advance in terms of what we are trying to establish in the postal service of this country. I think it is a very far-reaching proposal that has been advanced here. The Bill contains what I call other checks and balances to ensure accountability and transparency which augurs well for this particular Trinidad and Tobago Post. To ensure this, if we go to clause 17 of this Bill, we will see what I am referring to. In this clause, for example, it requires the Minister, when giving directions on matters of broad policy to do so in writing. This is serious. It is another advance, because ministers would pick up the phone and call—Sen. Daly could tell us of his experiences elsewhere.

This Bill is saying that once you are talking about broad policy directives, you must put it in writing. This is an obligation, a check and a balance. We are trying to establish checks and balances to ensure transparency and greater accountability, and this is manifested in clause 17 of this Bill. Therefore, broad public policy does not envisage direct supervision, that is the responsibility of the board which is to manage the Trinidad and Tobago Post.

**2.45 p.m.**

Mr. President, we go on to Part IV of this Bill which is another innovation, a creative approach in terms of accountability. We will have in this Parliament, a report that will give us specifics on the corporate plan of the postal service, which is supposed to go into detail. I ask my Senatorial colleagues to look at clause 20(1) of the Bill which tells what a corporate plan will or shall include.

Mr. President, again, we are talking about where the board will have to prepare its plans and must be able to forecast a number of things, including environmental implications of its policies. I think Sen. Prof. Julian Kenny should be happy about that. He has been a tireless advocate for sustaining a serious environment for our people and, particularly, for future generations. Policy formulation must no longer be established in isolation of its environmental impact. That, to my mind, is a very

serious advance, Sen. Prof. Kenny. I would like to hear the Senator on this one. I am very happy about this one and I think it is a major advance for the country. When you talk about the corporate plan you are dealing with financial and operational strategies, performance indicators and targets. We are talking about forecast of revenue and expenditure, procedures to be followed in respect of acquisition of shares, evaluation, as I said, of the environmental implications of policies, proposals, plans and activities. That, to my mind, is a key element in the whole plan for the Trinidad and Tobago Post.

Mr. President, I feel that this clause 20(1) is in the national interest, it is in the public interest. I think it is an advance and, therefore, this particular agency has a lot of work. It is responsible for the appropriate development and supply of postal services to satisfy all reasonable demands, current and anticipated, of the people of Trinidad and Tobago and in the conduct of its business.

Mr. President, hear what it will do among other things: operate according to sound business practices and efficient human resource management practices; implement Government's policies as conveyed in writing by the Minister; conform with international obligations; avoid, mitigate or remedy adverse effects of its activities on the environment, Sen. Prof. Julian Kenny; and ensure its performance standards reasonably meet the social, industrial and commercial needs of our people. I think this is a far-reaching piece of legislation, if it was studied properly.

Mr. President, whilst we are aware that other countries have re-created or re-tooled their postal institutions by incorporation under the relevant company legislation, we here, in Trinidad and Tobago, took a conscious decision to create an institution, statutorily so, as to clearly endow it with the features which we believe from an analysis, will, in fact, bring about and put into context, not only our environment but will contribute to its successful operation and contribution to our national economy.

**Sen. Prof. Spence:** Mr. President, can the Minister say where it says that the plan has to be submitted to Parliament, because I cannot find it? Could he also say whether those persons who opt to remain in the public service would stay in the postal authority's operations or whether they go to other sectors of the public service? And thirdly, could the Minister tell me what the penalty is for non-performance by the Trinidad and Tobago Post?

**Sen. The Hon. W. Mark:** I guess all those matters will be noted and as we proceed we will respond to them, Sir. What I would like to say, and again, I do not know if Sen. Daly has received it as yet, Mr. President, for the record it is

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important to record it because it is here in black and white. The total assets of the Trinidad and Tobago Post Office Savings Bank—*[Interruption]*—is \$57,129,000. We will pass on this copy in a short while. I just wanted the Senator to know. If there is one thing Sen. Teelucksingh knows of me when I was on the other side, is that I was a very prolific researcher and always accurate; I have my facts.

Mr. President, I think that the Bill before us provides the appropriate legislative framework to promote, what I would like to describe, as a viable and economic and socially responsible postal service. That is what it is about. We want to have a situation where, as I said, there is a sensitivity to the commercial needs of our country. Mr. President, we in Trinidad and Tobago, as you know, want to establish ourselves, that is, the country as a commercial hub in the Americas. We envisage the postal institution playing a very important, supportive role in this particular vision that we would like to see. We envisage the Trinidad and Tobago Post as the new postal institution that will be known to the Caribbean and the Americas as, for instance, the New Zealand Post or the Canadian Post or British Post is known in their representative countries. Not only will it be in the business of communication but it will also be in the business of global transportation.

Mr. President, the Bill establishes this body, providing it with appropriate powers to enter sophisticated, commercial arrangements, including forming arrangements with subsidiary companies and joint ventures while providing the necessary checks and balances to safeguard the public interest and the public good.

Therefore, I think that the hon. Minister of Public Utilities has provided us with extensive detail on the process of the evolution of this Bill and, therefore, it suffices. For me I just want to say, insofar as the staffing of Trinidad and Tobago Post is concerned, we have learned some lessons from the Regional Health Authorities experience, thanks to the PNM. Therefore, we are trying to provide the necessary safeguard through appropriate consultations. As I said, Mr. President, consultation has been an integral part of the development of this Bill. We see it as being crucial to the management of change in the Trinidad and Tobago Post. The Trinidad and Tobago Post will arise like a phoenix light from the ashes of the old postal service division. We recognize that transformation and the consequent—

**Sen. Yuille-Williams:** I assume you were just going to wind up.

**Sen. The Hon. W. Mark:** I am not winding up. I have a long way to go. I have to respond to you. I cannot let you go unscathed.

**Sen. Yuille-Williams:** Okay, go on.



**Sen. The Hon. W. Mark:** Mr. President, what I am saying is that we recognize the transformation and the consequent management of change as an integral component of the Trinidad and Tobago Post's success. It is very important and, therefore, we are heartened by the contributions and the interest of the Public Services Association. I want to go on record as saying that we are very happy with the contributions made by the Public Services Association and the Postal Workers Union in this particular project and we gratefully acknowledge their contribution in the development of this Bill that we have before us.

Therefore, this Bill before this Senate represents what we believe, it is a successful balance between social and commercial objectives. Its preoccupation is with the creation of what we call the appropriate infrastructure to meet these objectives. We believe the operational matters affecting the delivery of post will continue to be subject to the Post Office Act and Regulations. In this regard, provision is made for the Trinidad and Tobago Post to step into the feet of the Postmaster General.

Mr. President, my intention really, was to provide some clarity in analyzing this Bill so that, for instance, our colleague here would be able to appreciate the contextual framework in which this was done. I think I have to compliment the presentation made by my hon. colleague who was able to provide so much clarification and clarity to this very important matter. But, Mr. President, I must say I was somewhat disappointed by the kind of apocalyptic utterances coming from the other side. Everything seemed to be very negative all the time. Both Sen. Montano and Sen. Yuille-Williams in their contributions criticised and chastised the Minister for bringing this piece of legislation. They felt it should not be brought to this Senate. I do not understand some of the contributions—*[Interruption]* Not you, you talk otherwise. I am dealing with Danny.

Mr. President, as I said, this Bill is a very important commitment. We are delivering on our promises. That is what we are doing here. One of the promises we made to our citizens is to bring about efficiency and effectiveness of the services which they access. This is part of our agenda, to translate our promise into a worthwhile reality.

Mr. President, we feel that this Bill is very—

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

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

*Question put and agreed to.*

**Sen. The Hon. W. Mark:** Mr. President, unlike our friends on the Opposition Bench who made promises and never delivered, we are translating our promises into reality. This is why, for instance, this Bill before this honourable Senate is about translation. It is about a commitment to deliver, as I said, speedy, efficient and effective services to our people and to allow them to have access.

Mr. President, you would remember the pie-in-the-sky promises made by the other side some time ago. You would remember some time in 1994, they spoke about a construction boom that would push start the economy and create thousands of jobs at the end of 1994. Do you remember that? I remember that. It never materialized. When I listened to Sen. Yuille-Williams in her contribution, speaking about protection of workers and pleading with us, virtually, to do so much for the workers, when, for instance, never before in our history has this nation witnessed so many agreements signed in such a short space of time, involving so many thousands of workers as was done under this UNC/NAR Administration. [*Desk thumping*] And the Senator is talking about protection of workers!

Mr. President, we, between 1990 and up to the present time, signed three separate agreements. When you talk about protection of workers' rights as the Senator has, we came in November 1995, inherited outstanding collective agreements for the period 1990—1995 which the PNM left unattended. Do you know what we were able to do? In less than two years, this Government was able to sign every outstanding collective agreement involving 16 public sector unions—over 100,000 workers—costing this country close to \$900 million, both in cash and in bonds. This is what we did, Sen. Yuille-Williams. So when you talk about protection, you were there. It is a pity you did not do so.

Mr. President, we talk about protection of workers and the Senator being concerned—

**Sen. Yuille-Williams:** I am just asking whether the statement the Minister referred to is specific to what I had asked in the Postal Corporation Bill. I did not speak generally, I spoke specifically of the workers in the Bill and I am wondering if that is a response to it.

**Mr. President:** Before the Minister responds, I just want to appeal to Sen. Mohammed that you seem to be taking over the responsibilities of the Chair. So please.

**Sen. Mohammed:** Sir, I do apologize.

**Sen. The Hon. W. Mark:** Mr. President, I was just responding to the cries that we got last sitting from the Senator who was, in fact, attempting to plead on behalf of the workers when we have done everything and the Minister has indicated that he is prepared to do everything to bring about a smooth transition. So the workers will have grievances, they will have problems, they have a union. Sen. Yuille-Williams should understand industrial relations procedures. We cannot resolve industrial relations matters in the Parliament in that sense. That is a matter for the parties to sit, discuss and resolve.

The Minister has indicated, for instance, that the Postal Workers Union is integrally involved in the exercise. So whatever outstanding matters, the Minister will, in fact, address those matters with the workers, not with Sen. Yuille-Williams. We have to do it behind closed doors. I am certain that, for instance, we will get somewhere at the end of the day. We listen, you know; we listen to people.

**Sen. Prof. Spence:** Mr. President, I remember the hon. Senator arguing very strongly from the seat in front of me, on previous bills that the bills themselves should contain the protection, not that it should be left to negotiations between the union and the Government.

**Sen. The Hon. W. Mark:** I must admit, Sen. Prof. Spence, that being over there, since coming here I have been a bit enlightened. *[Laughter]* I am certain my colleagues would take joy with me, being in a Government of national unity, that they too will become a little more enlightened and so forth.

Mr. President, we hear the pleas of Sen. Prof. Spence and the concerns expressed and we will take those things on board and the hon. Minister will provide greater clarity as we proceed.

### **3.05 p.m.**

As I said, Mr. President, I found it very strange because it was like a foreign concept to me when I heard about this protection coming from the Front Bench as I remember T&TEC workers, in 1994 were crying out for protection when their pension plan was being manipulated and they did nothing. Remember BWIA? They too were crying out for protection for their pension plans. That is when they

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wrote off a big loan for the former Chairman of the party and Minister of Planning and Development at that time. Remember that? No protection but at that time they were crying out. Mr. President, I do not want to get involved in that, we will deal with these people at the appropriate time.

This Bill is a very important piece of legislation and it is all part of our strategy to transform public administration and public management in our country. I think that the Government is on the right track in terms of attempting to transform the bureaucratic machinery that we have inherited. Rules that were made 100 and 200 years ago are still being applied today. We have to bring about changes, we have to make those rules more appropriate and relevant to our times so that we can take decisions at a speedier rate. That is what we are about and we want the Opposition, the Independents and the private sector to join us. We want an alliance of all forces so that we can better transform our country into the paradise that we all know it is capable of being. That is what this Bill is about. This Bill is about advancing the interest of the people.

Sometimes when I sit here and listen to the Opposition, it is as if they are not too sure or they do not remember. I do not like to go to the past because I want to deal with the future but at the same time when we think about what happened here, we must never forget. There is an old saying "Those who forget the mistakes of the past are condemned to repeat them". This is why sometimes we have to really whisper into the ears of our friends. When they talk about protection of workers, when they sunk \$256 million into a La Brea project that they knew the World Bank advised them that the subsoil was bad—*[Interruption]* No, I am just talking about protection of workers. I am talking about the allegation that has been made that they were so interested in protecting workers, yet still they were able to sink \$256 million down at La Brea. Remember the famous La Brea thing? They did it but I do not want to get into that.

I just want to let people know that this Government is about people. This Government is about advancing the interest of the people; the workers, the elderly and the young in Trinidad and Tobago. The elderly in this country are quite happy that in a short space of three years this Government has been able to bring their meagre pension from some \$425 or thereabouts up to \$625. That, to my mind, is an advancement.

Mr. President, I give my full support to this very important Bill before our Senate and I hope that I have been able to provide greater clarity to Sen. Rev.

Daniel Teelucksingh on this very important matter and some of his fears and apprehensions could subside. We will try to subside your fears and concerns because you have wrong information. It is not \$2 billion it is \$57 million, you know that. The other thing you mentioned about locals, we have made it very clear and the Minister will clarify further that it was open: national, international and regional people all went before the particular committee to submit their bids.

Mr. President, I thank you very much for this limited intervention on this very important matter. [*Desk thumping*]

**Sen. Martin Daly:** Mr. President, I thank the Government for putting into this Bill the very modest pieces of accountability to which my good friend, Sen. Wade Mark, has so proudly referred. He knows and I know and he knows that I know that is not going to deal with the objections which we have to Part V of this Bill.

I also thank the Minister for parting, somewhat reluctantly, with the Price Waterhouse valuation; but I am one who really, really believes in never looking a gift Minister in the mouth. On the two occasions on which I have been in the Senate with this Government and the previous government, it is a signal honour to be given the valuation. It is not a valuation but to be given what is called the valuation in the course of parliamentary debate. I thought it would have come a little more promptly but I think we must recall that, in my experience at any rate, we have never ever, ever, ever got a valuation from a government which is entering into any kind of joint venture arrangement. So late though it is, I am moved almost to tears that at long last we have been given some relevant information in one of these debates.

Of course, as we shall see, the Minister's concession has a downside to it and I will come back to this document in due course. But it is quite historic and, certainly, we are still waiting—we refer to the tearing up but the gentleman who tore up the documents which you gave him, we are still waiting on him to give us the T&TEC valuation so I have absolutely no doubt whatsoever that if I make a comparison between the willingness of this Government to part with financial information and any of its predecessors, you win by a long way; but, of course, in the kingdom of the blind the one eye man is king. We got it a little late but I really do not want to qualify my praise in my way, especially as the document will be so useful. I suspect that it is so useful that you have given it to me to help you in your negotiations with the foreign partners. We shall see.

This is the first occasion on which we are debating legislative change in support of a joint venture arrangement which the Government is in the course of

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making. I have had this experience before with the previous government where we debated changes to the Airports Authority Act in order to facilitate the joint venture that was then contemplated which has not come off under the two governments that have occupied office since we have been under the Act. We had to amend the T&TEC Act in order to accommodate the entry of PowerGen into Trinidad and Tobago and we had to debate the BWIA Act in order to accommodate the arrival of Mr. Acker into Trinidad and Tobago.

Now we have to debate the Postal Corporation Bill which is a whole new creature. It is not an amendment as far as I can see. It is a whole new creature. We now have to debate this Bill in order to accommodate the arrival in Trinidad and Tobago of a company whose name I do not know; but I know they are a foreign partner and rumour has it that they come from a long way. It would really be very nice to be told in clear and candid terms precisely who this partner is; give us their name.

**Hon. G. Singh:** I thank the Member for giving way. If the Member would recall in the other place over three months ago, on August 14, 1998, I indicated who the preferred proposer was and what was the course of action. It is not a secret nor is it kept under cover. The whole country knows it is New Zealand Post International which is the preferred post.

**Sen. M. Daly:** I wonder if the Minister would also tell us whether the negotiations are complete or whether they are still ongoing.

**Hon. G. Singh:** The negotiations are not completed, they are still ongoing. I indicated to the honourable House and the national community who the negotiating team was and I can make that information available to the Senator.

**Sen. M. Daly:** That is why it is the same khaki pants because we were debating amendments to the BWIA Act while the government was negotiating with Acker and we were debating the amendments to the T&TEC Act while the government was negotiating with PowerGen in the Anthurium Suite which I have made famous.

It was because in the course of that debate that Sen. Mansoor was insisting that we see the valuation of the T&TEC assets a meeting was arranged between the Independent Senators and the government team and we had understood that we would get to speak with the management of T&TEC, but when we got there we

were confronted by the management of T&TEC, various Ministers of government, various members of the T&TEC board and they began by trying to show us a slide show. The first slide was “What is a utility” and the second slide was “What is a public utility” and being very robust I kicked Sen. Spence under the table and said, “John, I did not come here for this you know. We came for the valuation.” To the eternal credit of Mr. Andre Monteil who was then the Chairman of T&TEC—I think there is a Senator in front who was there at the time. She had no business there but any way—he said to the slide man who was the general manager of the company—I will not call his name, I will just say John. John is a good name in New Zealand so let us use John. He said, “John, no, no come. They really did not come here for this” and they squished the slide show. They then tried to show us some of the relevant financial information so we are well versed in this.

The vice of what we are doing is this: we are being asked to approve legislation in support of negotiations about which we have absolutely no information. I am sorry to say it, but it is the same khaki pants and this Government is repeating the mistake of the last in asking us to approve legislation which is the underlying support for a negotiation about which we have absolutely no information. That is the problem. It is rather ironic that it is this Minister who criticized some of us and I quote, “in relation to the T&TEC matter for running up like Holding and delivering like Dowe.” What he meant was that we severely criticized the PNM government for not giving us the financial information and when the vote came three of us, including myself, abstained and thereby, by default, the legislation passed.

I have the same difficulty now. You are the elected Government, I am here to provide constructive criticism which I am eminently fit to do, but I have the difficulty—I think the finance sections of this Bill amount to pick pocket legislation. I feel that strongly about it. I know it is said that I am less than gracious in my comments but the finance section of this Bill is pick pocket legislation. So I have the same dilemma with this Government that I faced with the PNM.

I really cannot tell you not to privatize the post office and I really cannot tell you not to marry with this partner because you are the executive of the country; but I really do not know what you are doing because I have not got one shred of relevant financial information except what I was able to glean from this

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document—and it is not a valuation—which you were gracious enough to give me 20 minutes before I rose to speak.

The debate here—where is Sen. Wade Mark, my good friend?—is not about ideology. It is not about whether we should retain state control of the post office or whether we should give it wholly to the private sector or have an alliance with the private sector; neither is the debate about whether the post office has been efficient, whether it has met its social, business or commercial objectives. It manifestly has not. The post office is irrelevant to large sections of the population so the debate is not about that. The debate is not about whether to provide surgery and cut out historical and cultural baggage; none of those things.

**3.20 p.m.**

The debate is whether we are passing legislation to facilitate a negotiation about which we know nothing and what will be the effect on those negotiations of the legislation we pass. It is the same debate we had with the PNM that we are now obliged to have with this Government.

Now, we really have to be very careful when we fling around words like “transparency” and “accountability”. It is absolutely no use to me to have you provide an annual report that declares my wallet empty after my pocket has been picked. I want to report about the contents of my wallet before it is picked. So, while it is all very well to have an annual report and so on, we need full disclosure about the terms and conditions on which we are entering into a joint venture with New Zealand Post. That is what we need. It cannot be said that we are going to bank roll an inefficient post office if we pass legislation that means, as I say, that we are bank rolling the preferred partner. I see clear evidence in this legislation that we are going to bank roll the preferred partner.

Now, maybe we have to. Maybe the post office is so unattractive that that is the only way we would get it off our hands, but if we have a justification for bank rolling the foreign partner, come and tell us what is the justification and what it will cost.

Let me repeat. This debate is not about state control versus private sector control about the post office. It is not about whether we should not attempt to make the post office more efficient, or whether the post office needs surgery. It is about whether we can pass legislation in support of a negotiation which the Government is conducting without full or, at any rate, necessary disclosure about the terms and conditions being negotiated. That is what the debate is all about and,



to this day, we have never seen the valuation of the T&TEC assets and, therefore, we can make no judgment about whether the price and the arrangement with PowerGen was a good deal or a bad deal.

That is the dilemma in which I find myself. I am not going to make some knee jerk reaction and say, "This is a bad deal and I am going to vote against it". It may be a great deal. Maybe if I saw the valuation of the T&TEC assets, I would be happy to have anything called "Gen" generating in the country. I simply do not know, so I cannot responsibly say, "Well, ah voting against this". It might be a great deal. I do not know. I simply do not know. That is the dilemma in which we are placed and that is why we have to run at the wicket hard but be very careful how we deliver, because we have to deliver fairly. And, now the Minister is in the same position in which Minister Valley was, in the last government; he has to defend this.

Against that background, I would like to look at some specific provisions in this Bill which worry me. But, what worries me even more is the suggestion that this [*Holds up Price Waterhouse Report*] provides an answer to the assertion of Sen. Rev. Teelucksingh about the value of the assets in the post office. I appreciate that Sen. Wade Mark probably—well, by the time he saw it, he was already on his legs. This is not an answer to Sen. Rev. Teelucksingh's assertion about the value of the assets of the post office. Really, it is very incautious and, not in the case of this Government—let me repeat, not in the case of this Government—it is very incautious for politicians to keep saying, "Why are you complaining about the worth of the assets? Price Waterhouse gave us the value". Or, "What?" Booz Hamilton—did they not feature in PowerGen, too? Or, "Sultan Khan gave a value of the EMA", and so forth. That does not take us very far, to tell us that. We have got to see what their valuation is and we have to examine it.

It is quite incautious to say that this is an answer to Sen. Rev. Teelucksingh's assertion. His figure might be wild. I do not know. I do not know him to be wild but, his figure might be wild; his informant might have been misinformed. The fact is, unless I had seen this document, like the rest of the public, I would have had to swallow the assertion, "Well, it is not the figure that Sen. Rev. Teelucksingh gave. It is \$57 million because Price Waterhouse gave it". Says who?

Price Waterhouse began this report and this is precisely the problem of negotiating, or passing legislation in the blind. Price Waterhouse began this report by setting out its assumptions. This is what it said and I will repeat, *ad nauseam*, my gratitude to the Minister. I think he really wants to let New Zealand Post know

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that we are not as stupid as we look. Significant assumptions. It said at page 4, paragraph 1.5 of the executive summary:

“Throughout the exercise and in accordance with the agreed terms of reference, the post office’s records and representations from its staff, have been relied upon to generate the balances presented in this report.”

Then, they underlined this.

“There has been no verification or audit of information presented to us by the post office as we have assumed that the information can be reasonably relied upon to generate the balance sheets for both the post office and the savings bank.

We, therefore give no undertaking whatsoever regarding the accuracy or completeness of the information presented.”

That, I believe, is a very qualified report, Sen. Montano—environmentally unsound report.

**Sen. Rev. Teelucksingh:** My own is just as good.

**Sen. M. Daly:** That means, therefore, that they are giving no undertaking whatsoever that the true value of the assets of the post office is \$57 million so we are back on track, Mr. President.

**Sen. Rev. Teelucksingh:** Mine was just as good as Price.

**Sen. M. Daly:** You are just as good as Price, but you did not qualify yours. At least you stood behind yours.

So, this tells us nothing about the value. This is what we would call management accounts, or management information. That is what the management says it is worth, so that does not tell us anything, independently, about the value of the assets of the post office.

Moreover, as we can see—and I am a fast reader; I have to be; because people—well, you are not my opponent, but in many places, opponents give things very late. Moreover, when we look at page 37, at paragraph 7.5, we find out that included in that \$57 million are really assets belonging to the Government which are being treated as though they were the assets of the post office for the purpose of constructing the balance sheet.

Now, I am not offering any criticism of the contents of this report. All I am saying is that it does not represent an independent valuation of the assets of the post office. They have disclaimed any responsibility whatever. I make no criticism of Price Waterhouse for doing it, but I am just showing that it is incautious to say that Sen. Rev. Teelucksingh is wrong because some independent person has told them these things.

There are many other features of this report which I have observed very quickly and, time permitting, I will come back to them.

I know now that when other Ministers told us—not of this Government—that Booz Hamilton said this and this one said that, I hope it was not of the same quality. I hope there was no “Booz” clause, or “Boozie” clause in relation to the valuation of the assets which they gave.

Why this is so important, Mr. President, is we have to look at Part V of this Bill and, in particular, the interaction of clauses 25 and 28. Once we pass clauses 25 and 28 in this form, the Minister has a blank cheque to give New Zealand Post anything it wants.

Now, please, I am not suggesting anything other than a negotiating strategy that needs to be revisited. I say nothing when I say that—the Minister knows me well enough; we belong to the same profession; I am describing here methodology and a methodology which must be changed. Once we pass this Bill, New Zealand Post knows you have plenary power to do certain things. It knows that. So, they can no longer be told, “Well, boy, I am not going to be able to justify this to the country”; or, “Boy, you know Mansoor going to ask me about it in the Senate”; or, “Daly might make ungracious remarks about it”. They know now that you can go to the table and you do not have to justify anything to the country because you have the powers to do it already. Let us look now and see what I mean by that.

First of all, there is to be established in clause 25 a Trinidad and Tobago Post Fund and clause 25(2) at page 20 says that:

“The money of the Fund shall comprise—

(a) appropriations by Parliament from the Consolidated Fund;”

Now, there are very experienced financial analysts here. To my little reading of that, that means that Parliament can appropriate—that is to say, through the budget—a revenue stream for Trinidad and Tobago Post. So, we take it out the taxpayers’ profit and we hand it to the foreign partner. That is what we are doing

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here. In local parlance, tell them, “In Trinidad, we do not like to buss”, so anytime they “buss”, say because, as Sen. Rev. Teelucksingh says, the rent in the towers is too high for the executives, they could come and say, “But Minister, appropriate some money for we. Put it in the budget”.

The vice of that is, and I do not say this in any way pejoratively of the Minister, when we get the budget documents, we may or may not see that we are giving New Zealand Post X amount of money. It might be under some general head or some general rubric of the allocation to the Ministry of Public Utilities. So, we would not even know if that money is for Beetham Sewerage Pipe or for New Zealand Post, if somebody wanted to disguise it lightly.

But, what is worse is they know that the Minister can give them the money, so there is no budget; there is no target. Any time they need money, the Minister can give it to them and we cannot go into negotiation with the Minister having that kind of power. We cannot.

Then, we go now to the capital and in clause 25(d), the Fund includes the capital. I do not see the financial analysts blanching yet so I must be getting somewhere. When we go to clause 28(1):

“The assets of Trinidad and Tobago Post shall be equal to the sum of—

- (a) the amount of...initial capital...determined by the Minister under subsection (2).”

Let us leave that for a minute. Let us leave clause 28(1)(b) for a minute—liabilities converted into capital. Then clause 28(1)(c) says:

- “(c) any amounts paid to Trinidad and Tobago Post by way of Parliamentary appropriation for the purpose of providing capital.”

So, we are giving them capital, too. What is that? Operating capital, money to run the business. So, they are coming in here; I do not know what they are bringing and we are giving the Minister power to give them a revenue stream, as well as capital to set up and work the business. That is crazy. That is a blank cheque. Understand what is happening here. [*Interruption*] Please, Sen. Shabazz, through you, Mr. President, we are talking methodology.

What I am saying is, this is the Anthurium Suite all over again. Whenever negotiations are resumed, you are going back to the table with the other side knowing you are soft because you now have the power to give them what they

want and, they will always have some good reason why they need more money out of the Government and out of the Consolidated Fund, so we are, in effect, bank rolling—what is it Sen. Wade Mark said? We must not bank roll an inefficient post office. Never mind inefficient. We are bank rolling the post office. So, nothing has changed. It is still really a state corporation in disguise because we are paying for it under this legislation.

Therefore, that is why there should be full disclosure of the terms. Are there projections for the revenue stream for which the Government will be responsible? Let us see the projections, so we will know how much they are and, if it is too big, we will say, “Jeez, the post office is not worth this”. Let us, on the computers which Sen. Kuei Tung is so kindly making available, give everybody e-mail and internet at a price subsidized by the Ministry of Finance and forget this, because we have no budget; we have no projection. What is the projection of the revenue stream that is going to be made available to the foreign partner under this legislation? Sen. Marshall is not looking embarrassed yet, so I must be going all right.

Then, we have under clause 28(1)(d), our own friend:

“(d) a valuation of all the assets vested in Trinidad and Tobago Post under section 61.”

But, we do not have the valuation. We have this report on the balance sheet, which is really a reconstruction of the post office’s balance sheet because its accounts are so bad, nobody can make them up.

### **3.35 p.m.**

So then we have a valuation which we never get to see. I am not lacking in gratitude for this, and I know it is the only copy and I will return it, although in the jurisdiction in which we operate I should be allowed to inspect and take copies.

I am not satisfied that we must have a valuation which is secret. So the purpose of the amendments which I have circulated is not to tie the executive authority of the Minister. Let me discuss clause 28(1)(b) quickly. Liabilities—that is the money the post office owes the Government—can be converted into capital at the direction of the Minister, and indeed Price Waterhouse made certain suggestions about the conversion of those liabilities to which I would refer when it is time. I am not in any way trying to tie the hands of the executive authority of the Government. They are the executive of the country, and, just as the media are free to comment fairly or unfairly on anything that Sen. Mark says, the Government is free to make a good deal or a bad deal. That is what freedom under our

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Constitution means. The media can comment fairly or unfairly on anything Sen. Wade Mark says, and likewise, the Government can make a good deal or a bad deal. In fact, it is a pity that we are so modern now we do not have to rely on the post office.

The Marchack pictures, that is the pictures of Mr. Marchack being taken out with his daughter, the Chief Personnel Officer of the Government, stricken by the senseless death of his son and the picture in the *Daily Express* of his son being carried out head first for doing only one thing, taking his hard-earned money to the bank. Those pictures have already gone around the world and nobody would be able to get up here and make a personal statement and say that the media concocted that. We should be ashamed! It should be a day of shame!

Sen. Rev. Teelucksingh spoke last week about the young man being crushed to death scavenging in the la basse and we are more concerned about the price of cement than we are about the young man being crushed in the la basse, or the Marchack family, salt of the earth, being stricken for putting his hard-earned money in the bank. Dare I use the “Q” word “quality”—I heard it today, you know, I heard it today. Let me see what statement the Government would make about that picture on the front page of the *Trinidad Guardian* with Miss Marchack hooking her father, and his son being carried out head first. We should have a national day of shame that that could take place in our country. And then we are told that citizens must take steps for their own protection?

The relevance and the link, Mr. President, is that I am reminiscing about the fact that in the days when we were dependent on the post office it would have taken seven days by air mail and longer by sea mail for the world to see those pictures. They are on the Internet now, Mr. President. So the price of progress is indeed very high. When this post office becomes modern and opens up the electronic media to everybody, all those in the village where people get killed would be able to send it by Internet to everybody else all over the world. So be very careful when we make these statements to try to dilute the truth.

Mr. President, this is my concern about this Bill and, therefore, I am suggesting without in any way tying the hands of the executive authority of the Government, I suggest that in clause 28(1)(b), (c) and (d) that Parliament be involved. Albeit, after the fact, after the negotiation. I suggest to the Minister that these are amendments which this Government would readily accept for two reasons. First of all you have said repeatedly and indeed in the *soir dissent* correction in the media today, reference was made to parliamentary committees and the greatest scrutiny

of Parliament and that is what this is designed to do. So, perfectly consistent with this Government's idea that Parliament should have greater scrutiny over the commercial affairs of the country, I have put in these amendments and I would explain how they work. It also means that when the Minister has completed his transaction he would have no choice but tell us what has happened in those negotiations. Knowing this Minister as I do, being the first Minister in my experience ever to give me financial information, he would be very happy to tell the country what he has done in the negotiation and he could watch the New Zealand boys across the table and say, "Fellas, you know I would have to tell them what we did."

**Hon. G. Singh:** I want to indicate to the hon. Senator that I am not participating in the negotiating process.

**Sen. M. Daly:** We know that. I am coming to that. You have not been as foolish as some and I compliment you for that too. You did not bring Mr. Acker in his spats. Do you know Acker wore spats? I saw him in a cocktail party, at a very good address—I would not identify where—in his spats, when he was persuading people to become one of his investors in BWIA. You have not made that mistake. I assume you have not carried these people around to picnics at Mayaro, or to cocktail parties in good homes, or to parang in Arima. You have kept your distance and I compliment you for that. Do not make that mistake, because if you do, you would get commercial Patti Herst syndrome, you would come to like your captors, and the last government had commercial Patti Herst syndrome bad, bad. When they went to see the management of T&TEC, they sent three Ministers and four board members and a man to show slides, because by then they were so bamboozled. You have to be careful with these things. That is why the court martial went around in 1970, but I do not want to stray, Mr. President. The Hilton was so comfortable—anyway, let us stay on the Bill.

Of course, the Minister is not in the negotiation, but he is accountable for taking our assets and putting it in the hands of negotiators to deal with, and if they make a bad deal—I am really trying to reform, Mr. President, but I have such a good political memory—he is in a position where he has to account and if his negotiators make a bad deal while he is standing up in the Parliament accounting for the bad deal, he may or may not be in a position to say that the head negotiator has returned to his Cambridge college to give some lectures. *[Laughter]* I do not want him in that position, but I have a good political memory. The Minister is accountable and he would not want to tell us he has converted far too many

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liabilities into capital because you are never going to get it back once you have done that. I am reliably informed and I have independent advice that you would not get it back. So you do not want to tell us that you gave away or converted too many liabilities into capital. You do not want to tell us that you have given them 10 zillion dollars capital for a run-down old post office which was only worth \$57 million. This would help you, Minister, and that is why you should accept these amendments readily. They are consistent with the Government's mandate and they would help you because you would resist the temptation in the unlikely event that you go to the Anthurium Suite to dinner. You would resist the temptation over dinner and—is it the G4 or the G5 the latest private plane?

One gets quite giddy when one rides in a G4 or G5 I am told. In fact, Sen. Kuei Tung is looking amazed that I am so well-informed about executive travel. You will notice of course, that I use the correct term, G4 and G5. Nobody is so vulgar to ask whether the “G” stands for Gulf stream. So when you go on a G4 or G5, you get giddy and the fellas say, “Add another \$100 million liability to the capital.” And at the same time, the snifter of brandy is in front of you on the G5 and your guests are laughing because they must have planned that for you. And they hand you the snifter and the G5 is leaving a white trail of haze and they hand you the snifter of brandy and say, “Minister, be a good chap, put in another hundred million of liabilities into the capital.” And when the plane comes back down to earth, and the brandy wears off, you have to come and tell us about it. So this is for your own protection.

Mr. President, I have the same dilemma, but I want to stick to the reference to Holding and Dowe. I do not feel able to bring my references any more up-to-date because I feel even more shame in front of the New Zealand Post than I talk about our critic now. So let them stick with Holding and Dowe. I have the same dilemma looking at Part V and feeling like Holding, whispering death. You see the whisper goes with the Gulf stream, but I do not want to bowl you like Holding, because you are the executive authority of the country and I should not interfere with your deals, but I want us to have some protection and some real accountability.

I do not like the word “transparency”, the word I like is “disclosure”. I do not like the word “transparency”, I do not know what that means. I like “full disclosure”, and I know Sen. Kuei Tung likes that too. It is a much better word than “transparency”. I appreciate that in many of these transactions, you cannot disclose everything because things might be price sensitive and while I am on the subject of price sensitivity—this would be a good time—I must do it because I



have had commercial interaction with him when he held a certain office—to welcome back to the Parliament of Trinidad and Tobago, Sen. Ramnath. Our experience would be considerably richer.

In fact, in my early days of involvement in the state enterprise, I remember well a meeting which he held jointly with another Minister when the then government had not yet worked out who was really going to be in charge of the energy sector enterprises. I remember making certain points which he seemed very pleased with at the time. Unfortunately, we subsequently both lost the battle and I am sure he has not forgotten the particular meeting. Anyway that was a long time ago and another time.

If you have price sensitive information like the price at which you are selling gas, you may not be able to make full disclosures, so I do not want to be misunderstood. Sometimes you cannot tell us everything but where you are creating a monopoly, there cannot be anything price sensitive because there is no competition.

Sen. Mark was a little rough on my colleague and this is the last thing I would like to refer to—the inconsistency of what governments do when they are under manners from foreign agencies. Do you know what we are doing in this Bill? We are not only creating a monopoly, and sometimes there is justification for it because it certainly would be a loss-making enterprise to deliver letters to those places where people's bridge breaks away so maybe you have to give them a monopoly so that in Goodwood Park we could pay for the letters to go to Ravine Sable. So perhaps I have to pay for a letter to go to Ravine Sable which is fine, so I do not have a problem with the monopoly. But I see water—do not let us start talking about that, because that is where you end up like Holding and you bowl underhand.

Like Sen. Mark said, they would never bless that agreement and they turned around and blessed it and they had every grounds to repudiate it because the Government gave a guarantee in breach of the request for proposals. A first-year law student could have told you how to get out of that agreement, but the big boys came in the Gulf stream and tell you “Minister Singh, if you break that agreement, the country’s international reputation gone.” You should have said, “No, I am going to call Dr. Ramsahoye who is an international Caribbean lawyer and he would tell me that there is a blatant breach to the request for proposals, that we are not signing and if you are rude to me I would sue you in the United States and go to the SCC or whatever they have in England.” You would see how quickly they

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would run and negotiate with you. But that is forgivable. So do not end up like Holding and bowl underhand.

**3.50 p.m.**

The last thing I want to mention is the inconsistency of what our governments do, and they were very rough on my colleague Sen. Teelucksingh when he talked about nationals. Okay, we are both somewhat emotional. We really do not like to see people getting killed for nothing, as my colleague here does not like to see women getting killed for nothing. We get emotional. They must forgive us.

Sen. Teelucksingh is quite right when he raises this question about nationals because we are constantly being told we must liberalize the economy and open up everything to competition, whatever the cost to our manufacturers. Indeed, Sen. Kuei Tung, I believe—and he is not in a position to confirm it—is fighting a rearguard action to keep our export allowance which the foreigners want us to get rid of to kill Angostura bitters. Let me declare my interest. I am a director of Angostura. That is why I know about the export allowance. They want to get rid of the export allowance to kill Angostura bitters. They could have no barriers, they cannot subsidize anything. They must be clean.

So, we clean up everything but Bowen is in trouble because the European countries subsidize the air bus and they are making Bowen ‘buss’ but they are telling us we must get rid of all tariffs. They tell us open up everything to competition, so we do that and, in fact, I cannot remember the name of the Bill, but we had a Bill here where there was a clause that was so liberalized, I felt that our courts could not enforce it. I was able to persuade the Minister of Legal Affairs to remove it, and when we went into a committee room, I was threatened that the country would face sanctions because we had removed this clause that was liberal towards competition.

Then, we are opening up everything. Everything is wide open and if our manufacturers are dead, everything is wide open. The international doctrine of the liberalized economy is the pill we are swallowing, but how come we are turning around in this Bill and making competition a criminal offence, pardner? *[Laughter]* I am sorry, Mr. President. Criminal offence, Mr. Minister? I said it for emphasis. This is to be moved in the committee stage by the Minister. I believe it was moved already:

“A person other than an employee or agent of Trinidad and Tobago Post who carries any letter weighing two kilograms or less for hire or reward...within

Trinidad and Tobago commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars.”

People do not keep homing pigeons in Woodbrook again, but a man with a homing pigeon will be committing an offence under this clause.

What are we really doing? Are we liberalizing? Is it when we are told open up, we open up, and when we are told close up, we close up? We are trying to close up here tighter than a *ti marie*. I do not understand it. What are the international agencies telling us? Open competition, or when it suits one particular preferred partner, we are doing it this way, and when it suits another particular preferred partner, we are doing it another way?

Let me end as I always do in these debates. I have no ideological problems with the objective of this Bill. I believe as Sen. St. Cyr showed us a long time ago, we have to approach each matter on a case by case basis and that is what I am doing, but I am in the dark with regard to relevant information and I have no projections. There are provisions here for the taxpayer to provide revenue stream and capital for the preferred partner, and I have absolutely no idea what it is going to cost.

I am sure that the people who did not want to give them this to give me probably also have the projections in their brief-case and maybe they would like to share them with us, so we could look at them and say, “This is outrageous!” I know they have it because I saw from where this came. When I asked him for it, he promised it to me and I kept putting out my hand. I saw the route that this took. I am not blind. The same route this came by—they have the projections. Just stand up and do so and they could give them the projections. Maybe we could look at them during the tea break. *[Laughter]*

Mr. President, I am sorry to have been so long about this, but this is a pet topic of mine. That is to say, use of public assets as the subject matter of a joint venture. Assets are being used in a way in which the people of the country, through the Parliament, are not given one iota of relevant information, but as the people's representatives, or as persons placed under the Constitution with the responsibility of giving constructive criticism, we can make no useful judgment. So, they are going to get a Uton Dowe ball again. It is either that or I go the whole hog and say, let us have a division and make it look bad. There is a similar dilemma and the same way they were able to tease this out of the brief-case, they should be able to tease the projections out of the brief-case.

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I cannot accept these finance provisions. They are too open-ended and they place us at much too great a disadvantage in the current negotiations. So, those are my misgivings, and regrettably, despite the fine speech of Sen. Wade Mark, it turns out that we are not really conducting our business in joint ventures with foreign investors any differently than we did before with any less risk to the assets of the country. Thank you, Mr. President.

**The Minister of Finance (Sen. The Hon. Brian Kuei Tung):** Mr. President, I am not going to say that I did not intend to speak, but I definitely did not want to make a contribution until Sen. Daly teased and tickled me. I do not sniff brandy, so I am not one of those who will have any difficulty with G4 or G5. *[Laughter]* That does not mean to say I will not one day sniff brandy. I just have not acquired it yet. For the time being, it is not one of those inducements to which I will be able to say I have succumbed.

What I hope to do is give an idea as to what I understand this whole Bill is about. I believe we have been a little bit off track by trying to compare what we are doing here today with what has been done with BWIA and the famous Mr. Acker, as well as T&TEC and PowerGen. I say that without casting any aspersions whatsoever on what has been done with BWIA as well as what has been done with PowerGen. I am standing here in the hope that I might be able to make what Sen. Daly regards as full disclosures and I am hoping that I can provide some sort of explanation as to where the comparison went wrong, and in so doing, provide further answers to some of the misinformation that seems to have been spread.

The Minister has taken very great pains to try to explain where he is coming from, where he has reached and where he is going. In the first case, we had a post office that seemed to have run stale. It had run stale for many reasons. It was pure drudgery, the value of stamps, the revenues collected and so forth were making the post office more and more archaic. He felt that one of the things he needed to do was pull it out of the public service. I am not going to debate the merits or demerits of the arguments he has used to say why he is pulling it out of the public service. Suffice it to say, he feels that a converted operation is going to become more current in the sense of the services being provided by modern day postal services throughout the world, and in the hope that he can revamp it to make it at least profitable, if even it offers a more readily social service to the people of Trinidad and Tobago.

His idea—and we at Cabinet have bought into his idea—is to convert it into a private corporation. Again, I do not want to get into an argument about the advantages and disadvantages of private vs public. It may be said that we, as a policy, have decided we want to make it private so that hopefully it can become not just more relevant and current, but it can be reactive, increase productivity and, as I said, some of the ideas that came up. What we did, therefore, was come up with an idea of incorporating it; moving from the realm, jurisdiction and purview of the public service into a private corporation. And today, it is a public corporation.

Even though it is a public corporation, it is more akin to private corporations in the way it will operate. So, it gets the advantages of being a private corporation that is held in public, and that is why one could say it is a public corporation. Presumably, he is seeking to get the advantages of how the private sector works but it still remains in the domain of the public; not in the way the whole scrutiny is for public service.

We know the public service laws. It will be subject to the Public Service Commission and many of the other public service rules which seem to have hampered the progress of the postal service over the years. It means that the shares that are being incorporated from this postal service are going to be held by the Government. The shares are going to be held fully by the Government on behalf of the people of Trinidad and Tobago. The shares will be held entirely in the name of the Corporation Sole. I may get into trouble for this one. We are not getting into a joint venture where people have to buy into the shares of the company, and I see this as no more than a management contract that the New Zealand Post International Limited Company will have to manage the postal corporation for us, and that is under negotiations at this point.

**Sen. Prof. Spence:** I am terribly sorry to interrupt, but the hon. Minister really is confusing me. There are no shares to this corporation. Are there shares? Why talk about shares? He really is confusing us.

**Sen. The Hon. B. Kuei Tung:** I am trying to liken it to the shares. I said it is owned by the Government of Trinidad and Tobago, just as how shares are owned in other companies—*[Interruption]*

But WASA may not be the most appropriate example, because WASA has not benefited from the advantages of a private sector type organization. That is what I am saying. Just how shares are owned by a Corporation Sole on behalf of the Government, this Postal Corporation will be owned by the Government. That is

why it is a public corporation. But, it is going to have the benefit of operating as quasi-private/quasi-public and have the benefits of both. I assume it may also have the disadvantages of both, but that is the Minister's approach to making it work outside.

It means, therefore, that New Zealand Post is not going to be the owner and, therefore, the question of a valuation, I was about to say, whilst it is important, is not going to assume the kind of importance it would have during the question of BWIA and PowerGen. In BWIA's case, we were selling 51 per cent of the shares owned by the Corporation Sole to Acker, and Acker was putting together a group which was buying the shares. Therefore, the question of valuation takes paramount importance. It must. If it is undervalued, it means that the Government is being cheated, and if it is overvalued, it means that the incumbent shareholders or investors are being cheated. So valuation takes more than paramount importance in a transaction of that kind.

Similarly, with PowerGen, T&TEC was selling 49 per cent of its power generating assets in a new company and valuation must take paramount importance, but in this case, the valuation—whilst, as I said it is always important to have a valuation—is not as critical as in the case of BWIA or PowerGen. So, the finance provisions really are being generated to give this open-endedness more for the Government; not towards the management contract. I have not seen the details of the management contract and I can assure them that ultimately when it is finally negotiated, that management contract will be laid in the Parliament for the benefit of full disclosure. Therefore, once it is finalized, the management contract will obviously require that we make certain assets available to the manager, because the only way he can fulfil his responsibility under the management contract is if he has the required resources.

From what I understand, the postal service will be allowed to get into other areas of delivery of other things. I could sit here and dream. I am not the person responsible for the management contract, but I would imagine that a management contract would allow them to negotiate other areas that are similar in terms of a product line to the postal service so that they can expand and go into other areas where there may be opportunities.

**4.05 p.m.**

Maybe one day they will own a G4 because it might be providing similar services as DHL or Federal Express or one of them. Maybe they will remain there. I

do not know. I do not know where this thing is going to reach and I do not know who is going to carry the full vision or range of product lines that can be similar to the question of postal services. I do not know whether to get into the question of running their own Internet or computer services. All that could be considered as within the same range or product line. I have no idea. I am not part of the negotiations.

**Sen. Daly:** But we would need to know: Are we paying them a management fee? Are they going to earn that management fee in relation to performance? Or are they going to get a management fee whether they bus' or not?

**Sen. The Hon. B. Kuei Tung:** I think the Minister is going to get into those kinds of details in his winding-up.

I merely was wanting to set the record straight with respect to how unfair it would be to attempt to compare the postal corporation with BWIA or PowerGen, because it is not quite the same animal—I hate to use the word “animal”, but I think that drives my point home.

Mr. President, with these very few words, I hope I have been able to, at least, clear the air with respect to the fact that this is nothing more, in my view, than a management contract, and that it really only provides a mechanism for us to be able to achieve where, the management contract, instead of them managing a part of the public service, as it were, is being taken out of the public service, called a postal corporation, so that the management contract can be specific. But I am sure the Minister in his winding-up will provide us with some ideas as to where the deliverables, where the performance would be expected.

**Sen. Yuille-Williams:** I went along with the fact that this is a management contract. When I was reading this, and I think I spoke about it during the debate, this is the Trinidad and Tobago Postal Corporation (No. 2) Bill. It seems to me that somewhere along the line this was being specially tailored to suit what you are doing with the New Zealand Post, rather than making this postal corporation an end in itself. Probably you could have used any other management team that you make in it. When I look through this, it does not give me the feeling that it could go on continuously. Everything seems to be over an end of time, like a three or five-year period. So I am saying that, you know that you are taking New Zealand Post down the line, and therefore, within this, you have done certain things tailored to suit New Zealand Post rather than this being an end in itself and then any other

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management team could benefit from it. That is why, when I talked about a manager being on a contract and not something with security of tenure, and not just the corporation; we own this thing. I am wondering why is it done in such a way that it does not seem to be a permanent arrangement and something just for a short time. I hope you have got the point I am trying to make.

**Sen. The Hon. B. Kuei Tung:** Mr. President, through you, I thought that incorporation actually puts an indefinite time zone to anything. One of the things I have been told as a student is that once you incorporate, you create a legal entity that surpasses even the lifetime of a normal individual and that gives it some permanence. So what I see here is a fairly permanent structure that can be managed on contract by literally anyone. Yes, there may be one or two little kinks that appear as if it is favouring the New Zealand Post, but there may very well be some things that the New Zealand Post may have pointed to and said, "This would assist us in being able to carry out—" I am not sure what specifically you are talking about. I would certainly see this as being something that could withstand the test of time and be managed, literally, by anyone who has had the experience and training of running a post office. I think it is more permanent than you are suggesting.

Mr. President, with these very few words, I thank you very much for the opportunity to make this intervention.

**Sen. Mahadeo Jagmohan:** Mr. President, hon. Senators, I am glad for the opportunity to make a contribution on the Bill before the Senate.

Before I do so, on behalf of the members of the People's National Movement in the Senate, I recognize that our friend, Sen. Roodal Moonilal, was away. He only came back into the country last week and he is here in the Senate this week. This is something remarkable. We congratulate him. We welcome him.

Very importantly, I have never had the opportunity to meet with the venerable Sen. Kelvin Ramnath, a former Cabinet Minister, a Member of Parliament who served for years. He is senior to everybody here in continuous service for any given period. He was always very vocal and versatile in the Parliament and he has made a name for himself. He was a firebrand. I hope he still has that. Then he became a Cabinet Minister and he went through the difficulty of going through some hardship with his Prime Minister in his own time. Despite all of that, he still maintains his equilibrium in order that he can return here. I am wondering if that is



a sign of big things to come, because I am advised that he is a very senior technocrat in the oil industry. So we welcome Sen. Ramnath to the Senate.

Before I say a few words on the Bill, Sir, with your kind permission, I pay public tribute to all the public servants, employees and workers presently in the postal service and those who have gone before. These people have made a tremendous sacrifice in running the postal service—if I take a small period—for the last 50 years. They have done yeoman service. We commend them. We congratulate them. There are many civil servants—like the civil servants in the post office—who sit at a desk and have it much better, but there are so many civil servants who work in the postal system who have to stand doing many things, simple things as selling stamps, weighing letters, registering letters, weighing parcels, arriving at the price for postage and things like that, and they do it very graciously and they have not complained. They chose that career and we particularly compliment them.

Many people in the cities and some of the bigger towns of Trinidad and Tobago do not know the predicament and hardship people go through. Those who deliver letters, either you call them letter carriers, postmen or postwomen, they have several odds to face and they do their job well. They are now in the centre of all that is happening with regard to this Postal Corporation Bill. So we congratulate them for a job well done over the years.

This Bill is a significant one. We cannot doubt it. We wish that everything works out well for the postal service officers, employees and workers, or however we care to refer to them.

Earlier on, the Leader of Government Business made many statements. I am not questioning those statements, but I have found that during the course of his contribution, he lambasted the press or the media, and he attempted to show them in a bad light. It is not good for a Parliament to be carrying on in that kind of way. The press is an integral part of the democratic framework that exists in every democratic country and as a result—

**Mr. President:** Senator, on personal explanations, no comments or debate is allowed.

**Sen. M. Jagmohan:** I thank you very much for your guidance, Sir. I am advised accordingly.

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As we are talking about the Postal Corporation Bill Sir, with your kind permission, this is on a light note. Those members here who pay some attention to North American political history would recall that the great, late, former President of the United States, Abraham Lincoln, before he became a lawyer, he did all sorts of work like refereeing cock fights and wrestling, but then he was also a postman. He had a particular kind of hat and in it he hid the letters and put it over his head—there were not many letters then to deliver. Whenever he saw people he pulled off his hat, found their letters and gave those letters to them. That was the way letters were delivered over a century ago back in Missouri in the United States. I say no more on that.

Mr. President, a number of Bills are brought to the Senate after recommendations are made by commissions or advisors. Quite early in his presentation, the hon. Minister spoke about a rescue mission. The rescue mission he referred to here is the rescuing of the postal service. I have no doubt in my mind that he found results of studies done on the post office and he might have taken them or he has, in fact, taken them and he is running with them up to this point. There is no question of a rescue mission. The post office was not in any situation that needed a rescue mission. It needed improvements, I admit.

The Bill seems, to me—and I am saying this very cautiously, at the committee stage, if I am required to, I will point out certain things—to be replete with errors, notwithstanding that legal drafting experts dealt with the Bill. For example, the last paragraph under “Explanatory Note”, permit me to read Sir:

“Finally, Part VII of the Bill would, *inter alia*, empower both the Minister and the Board to make regulations. It would also provide for the partial repeal and consequential amendment of the Post Office Act, Chap. 47:01.”

This is confusing. The Minister will be empowered to make regulations and the board will be empowered to make regulations. But this does not differentiate what kind of regulations and at what level. I am wondering why this did not say that the board will be empowered to make regulations that will need the approval of the hon. Minister. Both will make regulations, and who will approve them does not seem to be clear to us.

In Part VII, clause 41, reference is made to delivery of mail by way of depositing them into letter boxes and things like that, but no reference is made to electronic communication, or will there be electronic communication at all? We need to have this re-examined and thoroughly explained.

At clause 9(2), why so high a rate for competitors of the Trinidad and Tobago Post? Sometimes I am confused, I want to say New Zealand Post, but we would come to that later on. Why was another figure not quoted, like \$2 or \$3, or another rate? The disparity of \$1 and \$10 is not really to encourage competition.

**4.20 p.m.**

Clause 14 is saying several things. This point was already made by a distinguished Senator. Page 14, Part V, under Finance, why have we involved the Government's Consolidated Fund with a private company? Some of us understand that the Consolidated Fund is to be used under special circumstances for particular reasons, and just like that in a very simplistic manner, the Treasury and in particular the Consolidated Fund is opened to this new company which is going to run the post office. This is fraught with danger.

I think Sen. Daly—with respect I say—went to town in dealing with a matter that has nexus with this point that I am raising. I also wish to point out on page 15, clause 26(3), in setting out the ownership of this new corporation, it says several things. It says:

“fees for the services of consultants;”

I have a problem with this. It has not been explained but some of us are wondering if these are going to be consultants sourced by the new agency or corporation or whether these are going to be local consultants. I am of the view that this should be spelt out and explained because some gentlemen from somewhere could be called in and spend a few days here, leaving a bill for millions of dollars when the very type of consultancy services can be obtained right here from people who served the post office for a number of decades. I wish the hon. Minister will pay some attention to this.

On page 7, clause 14(vii), with respect to how the board members would be put together to serve and the question of their having to declare their interests, whether pecuniary or otherwise, with different boards or different kinds of businesses in the country. I believe that is a retrograde step in terms of how boards are put together in Trinidad and Tobago. In other words, it is giving the impression on the outside, that these board members will be paid very big allowances or salaries so that they may not have to consider any other form of income for themselves. It could mean that. That has to be explained.

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On a very important point, on page 29 of this Bill, it is the first time I have seen this in a bill or any proposed legislation. I see as usual on the Government Bench, very experienced trade unionists who have had the experience of similar situations, but not identical.

Mr. President, with your permission I want to read subsection (5) on page 29 which reads thus:

“In the event of an equality of votes on a resolution proposed at a meeting of the Board, the resolution shall be taken not to be passed but if the same resolution is proposed at the first meeting of the Board held after the date of that first mentioned meeting and there is again an equality of votes, the member presiding has a casting vote on the resolution.”

On the first equation if there is an equality of votes on both sides, why cannot the chairman be empowered to use a casting vote? This is delaying progress because there is another provision which says the board shall meet not less than once in two months. There can be a very urgent, important matter for which a final decision is needed at the first meeting. This subsection is authorizing the board to take it back and come back a second time with it. This kind of arrangement is done in a number of organizations in Trinidad in determining a quorum for a meeting. The trade unions have it all over the place and my friends here who are active and inactive trade unionists know that—not where voting is concerned. I am hoping that the Minister will pay some attention to this because it looks like a backward step.

Then on page 28 under the Second Schedule, 1(a) reads thus:

“The Chairman or, if for any reason the Chairman is unable to act, the Deputy Chairman—

(a) shall, not less than once every two months convene such meetings of the Board as are necessary for the efficient conduct of its functions;”

This is surely a retrograde step. So many organizations that do not experience crises and are not as large as the post office network in Trinidad and Tobago which will now become a private corporation, make it mandatory in their rules or constitution that the board shall meet at least once per month. My lawyer friends tell me “shall” means “must” in cases like that. The Minister needs to immediately take this point on board because he described a crisis situation in the postal system.

As I am on that, subsection (3) under the Second Schedule reads thus:

“The quorum of a meeting of the Board is five members.”

The Minister needs to change the construction of that statement or that sentence—however he cares to call it.

Mr. President, this point was also made by a distinguished Senator: the proposal to remove the operations of the new postal corporation in terms of dealing with certain business away from the jurisdiction of the Central Tenders Board, is fraught with suspicion. I say this because of other things that have happened before which I do not care to elaborate on at this time. But what I do wish to mention, Mr. President, is this could give the layman, much less intellectuals in the country, a certain kind of impression: “Well why do they not want the Central Tenders Board in it? They want to do their own thing in a particular way.” It could mean that and to do your own thing has a lot of implications. I have a lot of problems with that.

The best way to go is the Central Tenders Board. We had legislation previously by another Minister from the other place, and the Bill insisted in a number of its sections, that all the powers will be in the Minister's hands or pocket or in his brain, and with pressures coming from all quarters they were changed or withdrawn. We are urging—

**Mr. President:** I think right now will be an appropriate time to break for tea. This sitting is now suspended until 5.00 p.m.

**4.31 p.m.:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

**Sen. M. Jagmohan:** Mr. President, I wish to return to clause 9(4) with a comment. The formation of a separate company does not by itself create a condition of profitability. There can be financial problems there. Only two factors can contribute to the profitability of the new company:

- (1) postal rates; and
- (2) containing operational costs and being efficient.

To control operational costs in any enterprise or commercial activity is a very tall order for management. We wish to look at this closely and see what will happen.

Mr. President, my colleague Sen. Montano, described the condition of the Canadian Postal Corporation which has racked up losses of Can. \$440 million since coming into being in 1980. Also, we have only recently seen the cement company in Trinidad increased prices in a monopolistic situation in order to cover

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its operating inefficiencies despite increased sales. Without the real threat of competition, what is there that will drive the new postal corporation to contain the increase in postal rates? There is where the danger lies; the continuous increases imposed by the new postal corporation.

Clause 9(4) in its original form limits the competitive rate for letters under 2 kilos, to 10 times the postal corporation's rate; but the amended clause 9(4) bans competition altogether. We need to consider this very seriously.

Continuing in a slightly different vein, the transfer of public servants to the new postal corporation does not, by itself, change the terms of employment but would most certainly change the conditions of employment. I repeat, it will not necessarily change the terms of employment but will surely change the conditions of employment. The general conditions of work in the private sector are significantly different from the public sector. We all know that in this country in which we live we have a very viable, progressive and successful private sector. The people who drive the private sector to profitability and efficiency where these exist, should be congratulated.

This device of forming a new company would allow biased, unscrupulous and prejudicial management to change the complexion of the postal service. No longer will they be protected from the vagaries of political bias and discrimination. The manner in which the Bill is put together, the language used by the legal drafts people, will be giving the new corporation a free hand to do manoeuvring and manipulation that the workers will have no way of defending themselves. We need to be always conscious of that. While I support any legitimate move to efficiency, I worry for my compatriots who will be victimized and discriminated against, as has happened so many times before in certain private corporations.

Mr. President, permit me now to deal with a few small points regarding the staff of the postal service, more importantly, those who work with the post office. All the workers there chose the post office as a career in the civil service, years of dedicated and loyal service. They are now career public servants, and I emphasize, they must be allowed to continue their chosen career. Under the Constitution of Trinidad and Tobago they should be entitled to that without any hindrance. It is your duty, Mr. Minister, through you, Mr. President, to provide the avenue for them to remain and be happy in the public service. Please do not attempt to hound them out. The hon. Minister and the Government will never be forgiven. Telling people about VSEP and voluntary retirement is a way of retrenching them, and we must be careful.

Owners of jobs are deemed casual, regular or permanent for varying periods of time; as such, permanent civil servants or any other worker who owns the job they hold. I am stressing the question of ownership of jobs. Anyone serving in any capacity, if you are casual and have years of being called to do the same work periodically, you are the owner of that job. That job is their property, therefore, they have legal rights to that property. That is the ownership of their jobs and they should never be deprived of enjoying their property without the due process of law.

A civil service job gives the holder of the said job immense benefits in terms of security of tenure in many regards such as casual leave, maternity leave, sick leave, extended sick leave, vacation leave, in many cases study leave with pay, and at times study leave without pay. Many officers avail themselves of both these last two types of leave. They take this leave to better themselves.

We are sincerely hoping, notwithstanding that there have been so many statements, that things would be done for employees of the postal corporation with the consent of the Chief Personnel Officer or the Public Service Commission. There are so many other aspects of this Bill which I can go into with some detail, I have no difficulty with, but it seems as though the board will have sweeping powers to deal with the lives of the employees. Thus, the ownership of jobs for workers is of paramount importance to persons owning those jobs.

**Sen. Cabrera:** Mr. President, on a point of clarification, I am happy that the Member gave way. Dealing with these industrial relations matters, the Senator had earlier complimented the entire workforce of the post office. I ask the hon. Senator, does that compliment include the approximately 100 postmen who were dismissed from their service in 1976?

**Sen. M. Jagmohan:** Mr. President, in continuing, it is of paramount importance that the Minister, his ministry and the new corporation, place highest on their list the lives of the officers. I see a section—but I would not bother to turn to that page—where the Minister wants to change the designation "officers" to "employees". I am wondering whether this is not a ploy to downgrade the status of the workers in the postal system. I take strong objection to that because the civil servants chalked up their service in a particular system where they are accustomed to a certain kind of condition. Since you now do not wish to call them public servants but employees, this must be viewed with suspicion.

There is a clause which says that the moment the postal corporation starts operations and for a given period, the public service or the Public Service

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Commission will have to see if there is a post available somewhere commensurate with the service, range, skill or whatever, of the officer. I am reading into that, that they will not find any post commensurate with that experience, service or whatever. Then that means suffering and humiliation.

There is another clause—I have them all marked out and so forth, but I wish to save time—in the Bill on page 27, clause 47 which I seek your permission to read. It states:

"A person who without reasonable cause or excuse opens or causes to be opened any postal article which is not addressed to that person commits an offence and is liable on summary conviction to a fine of five thousand dollars or imprisonment for a term of six months."

The legal authorities who drew up this clause have not thought this out properly. Why do I say that? Everyone present in this Chamber knows that a number of people, officers, clerks or whoever, do make mistakes in how they may spell or state a name. In some cases, they may use the surname first and the first name last, as happens regularly, or they may use either the first name or surname on a letter, or yet another name, and send it to a given address where the person receives it. Very curiously, one may want to open this letter to find out from whence it came and what it is all about. Should this clause not be revised or drafted to make it an offence on the part of the person delivering the letter?

There are a number of persons living in a particular location and they may go to another place in the country, or may leave the country, for that matter, and the letter would then go to the person living where the former person lived. This is a mass of confusion and could put innocent people with good intentions in trouble. To be charged \$5,000 or imprisonment for six months for trying to ascertain whether the correspondence is yours, when there is ambiguity in the manner in which the address or name was written? No, Mr. Minister this has to be gone all over again. It should be gone all over again. I am likely to hear the argument that if anyone feels strongly about a particular clause he or she should submit his or her amendments, but I am urging the Minister to rethink this clause.

**5.20 p.m.**

Having said that, Mr. President, there is this clause in the Bill—and my friends who have an eye for human resource management or industrial relations must have thought of this over and over—that within two years of the postal corporation



coming into being, officers or employees must be placed in the pension fund plan. This is ridiculous. Two years? That should be within the first six months of their being hired or, if even you had stretched it to one year it would have been okay. There is going to be immense rumbling and difficulties the moment the corporation comes into being.

If this Bill, with its amendment, is passed here, becomes law and goes on the statute books, it will be available to anyone to study that this pension fund scheme will only be effective after two years—that is for those who are employed now—or if a new person is being hired he has got to wait for two years in order to access the pension plan. No, no, no, this is not good at all. I do not want to use strong language and say it is ridiculous and so forth or that the people who structured this do not like the workers in the lower strata. It could mean all of that.

Mr. President, I have looked at some sections of the Bill and I have made my comments to the Senate. My colleagues, as well as distinguished Senators on the Independent Bench have also made their contributions; but what I have observed is that it is now becoming chronic, except in some cases when the Members on the Opposition Bench here, Members of the People's National Movement Senators do contribute. I am waiting with bated breath to see how this hon. Minister will respond. Many Ministers have come here and have shown scant regard for our constructive criticism which is often very enlightening and helpful to the Government. Sometimes some of us can speak from experience and it happens that the Minister presenting never had that experience and yet, no question is asked, no comments are made and the impression being given is that what we say is immaterial or of no consequence. That being so, Mr. President, we are going on the record saying these things and some day, somehow the records will speak in this fair land of ours.

Mr. President, I am coming to the end, give me one minute more. I am getting the impression that this is the last sitting for the year. If the Leader of Government Business can give me a nod of the head, at least, for me to be satisfied that this is so, I would be glad. I think, reasonably, this is the last sitting of the year.

Sir, may I, with your permission, extend to all Members of the Senate, the staff, the security service, and all others Season's Greetings and wish the media also, Season's Greetings, very significantly [*Interruption*] You would be surprised to know what I am looking at.

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I am also taking this opportunity to wish all Members of the Muslim community across Trinidad and Tobago who will be observing the month of Ramadan when they will be going through the strictures of fasting and praying in the very near future. We wish all of the Muslim community well in that regard.

Sir, I take this opportunity, on behalf of my political leader, the distinguished hon. Mr. Patrick Manning and Members on this Bench to wish every Member of the Senate, the staff, technical advisors and everybody else, the media, the security service and their loved ones a holy and joyous Christmas and hope that they will have a peaceful and productive 1999 with good luck all around.

I thank you very much, Mr. President.

**Sen. Prof. Kenneth Ramchand:** Mr. President, thank you for allowing me to make a few remarks on the Trinidad and Tobago Postal Corporation (No. 2) Bill, 1998 the purpose of which, according to the Explanatory Note, is: “To establish the Trinidad and Tobago Postal Corporation (hereinafter referred to as New Zealand Post)”—I beg your pardon—(“hereinafter referred to as ‘Trinidad and Tobago Post’”). [*Laughter*]

Mr. President, my mind is in a ferment these days about the attacks on nationalism coming from places like Europe and America and about the way in which people in countries like ours follow fashion and attack nationalism. Europe has had many wars over nationalism. Europe has exploited people because of nationalism. That is not our experience. We should not inherit the attack on nationalism just because Europe and America tell us it is not good. We have had no wars of nationalism, not even a national war of liberation against our colonial oppressors so our record is clean about wars arising from nationalism. Therefore, if I misread my script sometimes it is because my mind is in a ferment about the degradation of nationalism that is taking place and the degradation of nationalism that I see in many of the globalizing policies of governments in countries like ours.

Now that I have mentioned New Zealand Post, Mr. President, I hope that the Minister will let us know whether the body I called New Zealand Post is a government company. Do they represent the New Zealand government? How come they are called New Zealand Post? Are they a private company? I want to know if we are going back to government-to-government arrangements of the sort that gave us the Mount Hope complexity.

I also have, Mr. President, some questions about the relationship between the board and the Minister. I hope the Minister will clarify that but, more importantly,

some questions about the relationship between the board and the preferred management partner. I would like to know whether members of a managing group are eligible to be members of the board. I have built that question into one of my amendments.

I am going to leave my crease a bit and ask some questions on financial matters. I think they are commonsense questions but I have checked them with one or two technical people. We are in a very difficult situation in the Senate that we cannot really argue about the value of the proposed management contract and, therefore, we cannot argue about some of the specifications in this Bill. There are a lot of questions that need to be answered. For instance, what is the forecast operating financial performance? What revenue do we think the new management team will bring in and how much would the new assessment cost be and what would be the difference; the profit or the loss? We have no information about that.

We know the Minister gave an estimate for 1999 about the present operations. Postal services revenues will come up to \$32 million in 1999, whereas expenditure will come up to \$72 million and, therefore, there will be a loss of over \$40 million. That is the present situation. We want to know what is the forecast. We do not want to know the forecast for one year only, we want to know the forecast for the extended period of three years so that we will be able to calculate what is the benefit difference over the next three years.

Mr. President, we would like to know, also, what is the cost of the management contract. We still do not know how much these people are getting in salaries. We do not know whether they are getting tax-free salaries. We do not know what perks they are getting. Are they getting housing and transportation? We know nothing at all about the terms and conditions of their employment. We do not know if there is a clause that says if they do not perform they are not getting paid. We know nothing at all so we need to know the cost of the management contract in terms of salaries and perks.

I do not know what kind of financial thinking was done before these provisions came to us. What would be the cost of severance if people are going to lose their jobs? What would be the cost of transfers from the public service to the corporation or from this branch of the public service to another branch of the public service? We already know that all the costs, including the costs of refurbishment and so forth, will be borne by the Government. We are not sure who will pay the interest on loans that the Bill is now authorizing the board and the corporation to make. Who will pay the interest? We are in the dark with respect to

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vital information which would have helped us to make more accurate contributions to the debate.

I come to some of the arguments that the Minister has put forward. Sadly, I have to commend him for making a most devastating and accurate critique of the operations of the postal service. He has done his research well, he has looked at all the reports since the early 1960s and he has reported faithfully to us about the kinds of things that have gone wrong with the postal service. The question that arises, Mr. President, is that if you can make a survey of all the things that have gone wrong, that have been wrong and are, at present, wrong and if you know what needs to be done, what work are you leaving for the people who are coming in with this management contract? If you have done this basic groundwork and all the analyses, you know now what is wrong, you know what is to be done, why do you have to import managers? If I were a graduate in management studies, a professor in management studies or anybody with that kind of training and a national of Trinidad and Tobago I would consider it the profoundest of insults that we have to go outside to get managers to do a job of work when we have already worked out what has to be done.

Why? To the extent that the critique and the analysis are good, to that extent, the Minister is arguing away the necessity to bring in management experts.

**5.35 p.m.**

Mr. President, there are certain fallacies. We cannot just look at how much money a thing is losing and say we are bringing in management experts. People say that the Ministry of Agriculture, Land and Marine Resources spends between \$200 and \$300 million per year; its research division spends \$40 million per year and many people say they are inefficient. So, we will bring in some New Zealand farmers to run the Ministry of Agriculture, Land and Marine Resources. Just because a thing is inefficient is not justification for bringing in aliens to run it.

The analysis and the critique—*[Interruption]* I do not mind. You can say I am being—the Minister uses a big word every time I talk. I cannot remember it. He does not go quite so far as to say chauvinistic, but it is a little bit before chauvinistic. *[Laughter]*

The analysis should be a basis. Incidentally, during the budget speech, I think I heard the Minister say that management consultants are going to come in to run the Ministry of Education and I did not get a chance to reply to that, but that is

something that would upset me very much, too. An analysis of the ills is a basis for remedying the ills. But, you do not just remedy the things that are wrong. Things will continue to go wrong if every time you get a cut you put a plaster on it and you do not get fundamental and find out what it is that causes cuts, bruises and bleeding. There is something wrong in our vision of the postal service. It is here, too, that I feel that the calling in of a foreign management team is not going to produce the results required. These people do not know the mores of the country; they do not know our culture; the conditions under which we live; they do not know our various habits.

Mr. President, when I was a little “fella”, if someone wanted to send a letter to Point Fortin, the person went out the road at 6.00 o’clock when the taxis were going to “Point” and said to the taxi driver, “Mr. Garib, yuh could carry this letter by Sieunarine Roti Shop? Meh brother will come to collect it.” Mr. Garib would take your letter and drop it there and the people in Sieunarine Roti Shop would send back the message by Mr. Garib. If I wanted it to go to San Fernando, I would say, “Garib, you have a pardner on the taxi stand in Point, give him to drop this by Dymally’s Drug Store on High Street for me, please.” My letter reached. And if I had a letter to go to town and I wanted it to go in one day, I know that shop closes on Thursday, the “Chinee” man is going to buy goods in town on Thursday, so once I meet him there on Thursday, my letter is reaching to town on Thursday and my family is collecting it.

I have been thinking about that kind of postal service. I am not saying we should use the taxis, but if the maxi-taxis can be used to deliver school children to school, I do not see why some kind of arrangement cannot be worked out for the delivery of mail that involves the public transport system.

We cannot think about the delivery of mail or the post office, unless other needs of the community are thought of and it will be found that there are many overlapping needs that can be served by a cluster of institutions. If one is interested in community development and I think we are interested in the development of communities, I feel that anybody who is devising a postal service for Trinidad and Tobago has to think in terms of what is the relationship between the post offices, the schools, the hospitals, the wardens’ offices, the community centres and so forth. We have to think about institutions or buildings in the community that become the focus of the community, the nerve centre of the community and, if one day you wake up and find that nobody is writing letters anymore, you would not say my post office gone defunct; you would say, “I have this complex here, this

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communications centre and people are not sending letters, but they are sending other things and we can adapt”.

If you are putting all your eggs in one basket—give one set of fellas the contracts to build hospitals; another lot is building schools; another lot is building post offices; another lot is doing so and so; a lot of fellows will get rich. Men will get contracts to do work, but you will not be serving the community. You will be delivering a set of separated services to the community when, in fact, the needs of the community require a gathering together of all the things that serve the community. You build the community by developing your institutions in this way.

That is not how it is done in New Zealand, or Argentina, or England, because they are not us. We have to think about our people and their needs and we have to develop a postal system in relation to other institutions according to the internal needs of the country. I am not saying we cannot learn from what other people do, but the base and basis of what we do, the heart of what we do, is from within the community and things devised to serve the needs of the community.

So, Mr. President, although I find the analysis and critique of the ills of the postal service to be very just, nevertheless, I do not think that the remedy lies simply in trying to overcome those defects by bringing a management team to do it. What needs to be done is to revise the whole postal service and revise it in connection with lots of other things that have to be thought about.

In fact, Mr. President—and I am not attacking the Minister for this because this is the way the world is going—the vision of the kind of post office or postal service we should have is determined by two things. One, something the Minister refers to as the global challenge and, secondly, what he refers to as market liberalization. I think it is perhaps useful at this point to look at what the Minister says about globalization because I, for one, need to take it into account sometimes because I try to think that we should be *sui generis* and do our own thing and I like to shut out their influences, so I would just punish myself and say what he says about globalization. I quote from the Minister’s presentation in the Senate.

“The classical postal administrations which remain virtually unchanged for decades are giving way to postal corporations of different colours. The postal sector must clearly recognize its position as part of the overall communications market with changing customer requirements and must adapt to the on-going communications revolution.

Technology has revolutionized the whole business of communication. Already, fax machines, e-mail, *et cetera*, have drawn millions of customers away from postal services worldwide.”

That is true. I do not wish to deny. He also says:

“The global market liberalization process is pulling down trade barriers and is leaving postal services more vulnerable to competition.”

That is one perspective from which the postal services would need to be revised. There is no doubt about that. All I am saying is that there is another side to the equation and that is, consideration of the peculiar character and needs of our communities, consideration of the question whether in countries like ours it is possible to think of schools, hospitals, community centres, post offices, police stations, *et cetera*, as separate entities and have plans for them separately, whether we should not do a kind of global community planning and, if that is so, we have to realise that none of the models in the wide, wide world would suit us. We would have to do our thing and then rake in whatever clues, hints, suggestions and devices may prove useful to us.

I need to just briefly suggest that none of the evils in the postal services, as outlined by the Minister, is necessarily to be solved by bringing in management teams.

He spoke about heavy operating losses. Why are there heavy operating losses? He tells us that there are too many people employed and they are not generating enough revenue. We do not need management teams to come from outside to tell us that if we have heavy operating losses, we have to cut down on the number of persons employed and expenses, as well as try to generate revenue. He tells us about heavy operating losses; poor quality of service and lack of public confidence; inefficient operation, partly due to inefficient logistics and overstaffing; crucially, he tells us about underinvestment in and neglect of the postal network.

Now, the most comforting part of the Bill, the most comforting conclusion which can be drawn from the Bill is that for the first time, a government has said it is willing to spend money on the postal services. That has been the fault—no money; neglect of buildings; bad salaries; no vans to deliver; no money. So, if the money is had, if the money is going to be voted, why throw it away? We have people here who can run the postal service if it gets the kind of funding that the new management team is going to get.

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If the Postmaster General and his officers are called in now and told, “Look boy, we are giving you money now to spend on the post office. Charge how much you want for stamps”. Because that is what they could do; they could charge what they like for stamps; they could increase charges; the Minister just has to agree; they do not have to come to Parliament for approval. If all that money and all that leeway are given to the Postmaster General now, I feel he could certainly do as well as anybody who is imported from outside. The real problem is the problem of money and the Government is now willing to spend money.

Now, there is a point that the Minister makes, that I really cannot in theory or in practice support.

“Institutional capacity is weak and there is a serious lack of managerial capabilities.”

If there is a serious lack of managerial capabilities in the postal services, fire them and hire new people.

“The post office is managed by staff whose average do not have the prerequisite qualification and suitable management experience.”

How did that situation come about? How do people get work in this place?

“Due to lack of commercial and business skills, there are no initiatives for identifying where the opportunities are for growing traffic.”

I always thought people could lose their jobs for incompetence; I always thought that people could be demoted for incompetence and if they cannot be demoted or fired, then the laws have to be changed to be able to demote them or fire them.

### **5.50 p.m.**

Then we hear that the Post Office Savings Bank is ineffective as a channel for savings mobilization and funds transfer. I guess a whole generation now growing up never cared about the Post Office Savings Bank. My mother had money in the Post Office Savings Bank and she could have gone to the post office from 9.00 am to 4.00 p.m. I feel that it is a very valuable thing to have a Post Office Savings Bank in the village where I could put in and take out my money five days a week from 9.00 a.m. to 4.00 p.m.

The fact that the Post Office Savings Bank is ineffective as a channel for savings mobilization and funds transfer, is not for me a good reason for abolishing it. It seems to me from what I have read here, that the Postmaster General has



gone through and the Post Office Savings Bank has gone through. Again, you have to think about what the post office means especially in our rural communities. That is where people meet, the post office is a social institution. It is not an ATM machine which is what the present Bill would like to turn it into. The post office is a very human and humane institution in countries like ours which is part of a complex serving the whole community.

Mr. President, I have looked at the Minister's very accurate criticisms of the existing postal services and I do not see that bringing in a new management team is the solution to any of these problems. The solution lies with us and within us. I think there is a vision of the postal service which, for me, is very frightening. The Minister talked a lot in his presentation about the post office as a public service working for community and so forth, but if you analyze what the Minister says and you analyze the Bill, the Bill is a very serious attempt to replace a public service by a commercial establishment or corporation. But notice, this is a very peculiar hybrid—this particular commercial establishment or corporation—because it is a corporation entirely funded by the people and Government of Trinidad and Tobago, yet it is supposed to be run like a private independent business doing what it likes. That is a major contradiction at the heart of the legislation. I do not know the terminology, but commonsense tells me this is being paid for by the people and Government of Trinidad and Tobago and it is getting the powers and the autonomy of a private corporation of rich fellows running a business for profit. They do not own the assets but they can mortgage them. They can borrow money and make Trinidad Government owe.

I have submitted an amendment which says that the chairman of the board should be a national of Trinidad and Tobago thereby making myself eligible, but more importantly, making many other people ineligible.

Mr. President, I like to read things like this Bill; sometimes I read poems to terrify myself, I read novels to frighten myself, I look at movies to frighten myself, because we all need to be frightened out of our complacency so I have read the Bill a couple of times, which reminds me of something I forgot to say when I was talking about the Post Office Savings Bank: you are throwing out the Post Office Savings Bank and putting business in the hands of the commercial banks.

Mr. President, the hon. Minister—I meant to check it in a dictionary, but I am so sure it is not a word that I did not do so. Maybe it is a word in an American dictionary. There is a very obzokie word called "corporatization". Mr. President, I do not know from where he got that, it must be from the latest American

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dictionary, but in the British tradition in which I grew up as a serious, solid, Western intellectual using the *Oxford English Dictionary*, we do not have the word “corporatization”. So every time I read that, and my tongue stumbles, I get frightened. I say, “Wow, the monster is coming, some strange beast is slouching towards Jerusalem.”

Corporatization converts the postal sector from one with official governance to one with corporate governance. Corporatization is a device to grant the postal service the necessary independence and flexibility to meet commercial challenges. With corporatization comes the opportunity for a responsible, experienced and decisive board to behave like a business, to become commercial. Commercialization which we have all survived, although it is making inroads, is the process of introducing market principles into postal administration, a feature that is not common to the public sector.

There is no doubt at all that this is a plan to replace a public service by a commercial enterprise. There is not really, and there ought not to be a hostility between the two entities, but when I read the provisions in the legislation, I think that service is given very short shrift indeed. Public service does not seem to me to be a primary concern.

Mr. President, the proposed corporatization/commercialization is going to destroy a number of important things about the postal services as we know them. I went through a little exercise looking at the Post Office Act, Chap. 47:01 and comparing it with the proposed legislation that replaces it. This is a very drastic piece of legislation which says that all sections of the Post Office Act, Chap. 47:01 will be repealed except clause 24 which deals with packets not in conformity with the Act; clauses 31—40, application of customs laws, and clauses 47—66, post office offences. It seems to me that this means that clause 27 which deals with regulations, and a whole pack of subsidiary regulations are now kicked out.

I am not sure, I wish the Minister would clarify whether the subsidiary legislation under “Regulations” is also being kicked out with clause 27. It seems to me to be a very drastic savaging of the Post Office Act, Chap. 47:01 and it might have been far better to have repealed the whole thing and come with a new Post Office Act. An amendment implies you are keeping the parent and adding things to it, but this is like cutting the tree down to the stump and hoping things would sprout back afterwards. It is really trunking the thing entirely. Why not come with

a new Post Office Act in which you avoid some of the overlaps which exist in spite of all the lopping and pruning?

Mr. President, I have a couple of amendments concerning some of the clauses and I do not want to be too long on it, but I do want to look at a couple of the clauses for which amendments are being proposed. And those particularly concern clauses 49, 50 and 51. Clause 50 needs cleaning up because it says:

“A person who posts or causes to be posted any article containing any indecent material or representation of any kind, any material contrary to the Customs Act or any protected flora or fauna...”

The grammarians would tell you that this set of lexical items is really a discordant set, but if you want to deal with indecent material or indecent representation of any kind, that is one thing and then that opens the question of what is indecent material. How is it defined? Certainly, you need to separate that from protected flora and fauna because you cannot have protective flora and fauna in the same bracket as indecent material unless you want to say that the flora and fauna which we have are indecent too. There is a bit of a mess up there.

Clause 49 says:

“A person who posts or causes to be posted any postal article containing any noxious substance or thing, including a dead animal...”

When you say “including a dead animal”, can I send a scorpion, a centipede or a cockroach? Why are we specifying a dead animal? Suppose I am an obeah man and I want to send a few cock feathers.

I think the clause about dangerous enclosure needs spelling out as well. What I have done, is to go back to the Post Office Act, Chap. 47:01 and try to restore a very clear provision relating to these matters.

I come to a part of the Bill to which I have already referred and that is the provision relating to finance, Part V. I suppose I am asking questions more than giving answers, although the distinguished Sen. Prof. Kenny tells me I must never ask a question unless I already know the answer, I do not know all the answers, but I certainly want to ask the question.

A layman looking at Part V realizes that this corporation is receiving massive funding from the taxpayer, from the current assets of the post office and from future sums it may borrow from international organizations, multilateral or bilateral

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lending agencies and so forth. This corporation also has the authority, it seems, to borrow money on its own. So, not only do we have to give them the money and borrow the money and give them, but they can raise loans themselves.

There are some items of expenditure such as clause 26(e) about which other Members have already asked.

Supposing the managing director of the board was a member of New Zealand Post, would the board decide how much he, the managing director of New Zealand Post, as a member of the managing team, would get? Will "himself" determine "him ownself" salary? Who are the other consultants to be brought in for whom provision is being made that the board may pay fees for services to these consultants? Although the financial provisions here are very detailed as I said before, we do not know anything about the salaries, and the tax status and there was a very peculiar provision which I do not think I understand because if I understand it, it has to be crazy.

Clause 30(1) says:

"Within three months after the end of each financial year, the Board may recommend by written notice to the Minister that Trinidad and Tobago Post pay a dividend to the Government according to principles determined jointly by the Minister and the Board. "

I am just a literary man so this looks to me as if the board is going to pay a commission or a dividend to the Government.

**6.05 p.m.**

The board is running this and it will tell the Government one day, "We did not make plenty, but take five cents". This seems to be preposterous! Who is the owner? They say they are making a separation between the owners and the managers, but now the managing board is getting on like the owners. "I am the owner. They are driving my maxi taxi. How much did they make? I want \$9,000 per month; they could keep \$2,000. Run the taxi into the ground if they want. Just give me my \$9,000." How can the driver come and tell the owner, "Take this"? If that is what it means, I find that is madness.

Mr. President, there is also the exemption from taxes and stamp duties. If the management team decides that it wants to buy 500 Suzuki vans, we have to pay for the 500 Suzuki vans. Any kind of equipment they want, we have to pay for it. So, after I read all these financial provisions, I was reminded of a character in a Sam Selvon's novel who is arriving at Waterloo station and a friend called Moses

has gone there to meet him. Everybody came off the train with their big suitcases and their overcoats, they were freezing and they had their two bottles of rum and their cartons of cigarettes, and Moses could not find the newcomer he was supposed to meet.

At last when everybody had got off the train, a fellow came off the train in his shirt and pants and a “washecong” and he was swinging his hand. Moses said, “Are you Galahad?” and the man said, “yes”. The man come with no suitcase, nothing at all. He wore a pair of pyjamas under his shirt and pants, a toothbrush in his back pocket and a pair of “washecongs” on his feet, and that is exactly how this management team is going to come into Trinidad and Tobago where the streets are paved with gold! *[Laughter]*

**Sen. Daly:** New Zealand Galahad!

**Sen. Prof. K. Ramchand:** New Zealand Galahad is riding in. Mr. President, I would like to commend the Government for declaring willingness to spend money on the postal service and to think of a revision of the postal service. I would like to suggest that this revision cannot take place in isolation. It has to take place in relation to the other kinds of institutions around which our communities are built. I would like to suggest that the analysis and critique of the postal service at the present time offer a very good beginning for outlining the task for any native management team or even for telling us who we have to send abroad for one to three years to learn certain things. They could develop a training scheme based upon the needs analysis implicit in the critique of the postal service that has been done.

I asked earlier on and I want to repeat the question because I would like an answer to it: Did those people who were tendering for the contract to manage Trinidad and Tobago Post know in advance about the provisions built here? Did everybody know? Because if I did know, I would have got Sen. Dr. St. Cyr and Sen. Daly to form a local company and register and offer to run the postal service. So, if everybody knew that this was a bonanza, I am surprised that they said they did not get many people applying.

Mr. President, I thank you very much for allowing me to go on and on about this and I just want to say that if this Bill were to be passed in its present form, it would be yet another act in the surrender of independence, in the surrender of sovereignty, more nails in the palm, further crucifixions and further assaults upon our integrity and sovereignty as a people.

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**PROCEDURAL MOTION**

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, in accordance with Standing Order 9(8), I beg to move that the Senate continue to sit until the conclusion of the matter now before the Senate.

*Question put and agreed do.*

**TRINIDAD AND TOBAGO POSTAL CORPORATION (NO.2) BILL**

**Sen. Dr. Eric St. Cyr:** Mr. President, I make just a few very brief remarks. I think we should begin by conceding that the postal service is in dire need of an overhaul and the proposal before us is probably to be welcomed. Let me say that some of us who were fortunate to cross the Atlantic in the 1960s or thereabouts travelled by boat and at the end of the full tour, returned by boat. We communicated back home by mail; air mail, if it was urgent, and surface mail if it was not. But, times have changed and those who go now probably cross the Atlantic two or three times a year. They never write. They telephone and communicate by e-mail or the occasional fax, if they use it. So, we want not to think that the world is static.

What I am seeing before us here is the re-organization of the organization to provide the services and the basic elements. I see the entire ownership of this corporation would be public ownership, the state, and I glean that there is a proposal to have it managed by some foreign managers. I am going to concede, as well, that perhaps the most important thing we are going to get from the managers coming in is the experience they have had in updating their own postal services and perhaps their access to the technology. So, it is technology access and experience in that direction rather than expertise, *per se*.

That having been said, Sir, I think that anything we do, we must do properly, and certainly, we must do it in our own interest, looking at the environment in which we work and exist and looking a long way into the future. Let me say that if we are going to incorporate this organization in 1998, we must get it right, so that the valuation of our assets must be accurate. I just want to give two or three reasons. I do not even need to give a reason for that. If I am going to do something, I must do it accurately and correctly, but since we are going to be making incremental additions of capital and assets to an asset base, if we do not

get the initial asset base accurate, then the financial integrity of the corporation could be compromised.

We have had at least one example I could think of where we had some management expertise coming into a place in Point Lisas which they subsequently bought. So, it is very critical that we get our book values correct at the start. Certainly, if we are going to use any proper measuring rod for performance evaluation of the management team, the rate of return could only be properly assessed if we had the proper capital asset valuation initially. I am fully in support of Sen. Rev. Daniel Teelucksingh's intervention and am also very supportive of Sen. Daly in his comment that the report we have is not, from what I have been able to glean, a proper valuation, and I am urging that the Government makes it part of this exercise that we value the assets that we are to put into that corporation properly.

My next comment would be to join the debate at two points. I want to comment very briefly on clause 9. Even taking into account the proposed amendment that I see from the Minister, I am not in agreement that there should be such an exclusive monopoly given. So, while I know that where we deal with the rural areas, we want to allow cross-subsidization of the more viable to the less viable operations, I was inclined to prefer the old clause 9(4) to the amended one, possibly not saying 10 but reducing the number 10 to probably a factor of three or four. In other words, I do not think that we should go the whole hog and create a total monopoly in this area, but, that we could argue when we come to the committee stage.

My main comment would be on Part V. In Part V, I am reading that in clause 25, we see the sources of the fund that we are creating. In clause 26, we see the uses to which these funds will be put, and in clause 28, we see the component parts of the assets of this corporation that we are creating.

**6.20 p.m.**

It does seem to me that we are going to be very generous to this company, this corporation, but since it is ours, then we should not be that bothered. Where I want to come in is to ask what incentive are we building in here, so that the management team that we are hiring would be impelled to performance? That is the issue that I want to raise. Perhaps, one way is to consider a small fee plus a share of the profits. Another possibility is to cause the management team to put up a performance bond of sorts. We need to make sure that in a monopoly situation where the management team has no equity in the organization, if it performs they

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do not benefit and if it does not perform they do not lose. We have to find a way to force the very efficiency that we are going after in this total organization out of the changes we make.

I was very pleasantly surprised by clause 30. My question there was: do we really and in truth anticipate these substantial earnings? Remember, the postal operation here is a relatively small operation and, perhaps, the only way we could anticipate that substantial surpluses would be generated, which could then be distributed to the shareholder, the Government, would be if we could anticipate also substantial increases in postal rates. I would like to ask the hon. Minister: do you anticipate, Sir, that the rates for postal services are likely to be increased and, if so, how substantially?

I am also concerned about the Post Office Savings Bank. It was not clear to me whether the Post Office Savings Bank would be wound up at this stage or whether it would be continued by the Trinidad and Tobago Post. If so, would this new organization then need to get a licence to operate a bank and how would this work?

One final comment, under clause 28, the list of assets, I think at least one is omitted. I see from clause 27 that surpluses would not go back to the Consolidated Fund, but would constitute reserve funds. So it would seem to me that under clause 28(1) there should be an (e), namely accumulated reserves; those would form part of the assets of the company.

As I said, the time is late and I do not want to repeat any of the comments made by my many distinguished colleagues, so I would like to end there.

I do not know, Sir, whether you will permit me, on behalf of the members on the Independent Bench and on behalf of all of us here to convey to you season's greetings and, through you, Sir, to the rest of the Senate, the officers and the public at large.

I thank you very much, Sir.

**Sen. Kelvin Ramnath:** Mr. President, I thank all the hon. Senators for welcoming me for this short period. I think I would disappoint you if I did not make a few comments before my term has expired.

I want to say that I have not had sufficient time to go through the details and I appreciate the education that I have received today from the speakers with respect



to the details of the Bill before us. But I want to make some comments that introduce a bit of politics into the debate. As you know, that is my profession.

I want to say at the outset, that I am of the view that the primary purpose or one of the main purposes of Government is to provide a service and to ensure the political mandate given to the Government. That is to provide services, whether it is the area of postal services or other services in a timely, expeditious and efficient manner.

While we must not lose sight of the fact that the provisions in the Bill must ensure that we do not leave room for the kinds of difficulties that have been associated with the establishment of various corporations, we all agree that the state of the postal service is currently very undesirable for a developing country like ours at this time.

I have heard suggestions coming from the other side that if we were to give the postal service the funding, the bicycles, the uniforms and the vehicles, and we were to give them the cash, we would see an improvement on what we have. That might be so to some extent, but it is clear that the institutions which must subserve the transformation process in this society must be radically overhauled. By that, I do not mean that one has to always bring in people from outside in order to radically overhaul a particular service.

I think the substance of the Bill is very refreshing in that it provides a framework for creating an efficient postal service. I do not see anything in the Bill here, as Sen. Daly has, in fact, pointed out, which deems an organization which will manage the service. My assumption is that that is deliberate, because that is subject to negotiations. What I see before us is the structure of an organization that is intended to provide an efficient service.

I know much has been said about nationalism, the concern that countries like ours tend to move too far into globalization or corporatization—that is a new word I picked up today myself—I sympathize with that, I feel so myself. I think we, and the developing world, have had a lot of difficulties with these prescriptions which have come from the North, but there is no doubt in my mind that radical reforms are necessary in the shortest possible time to provide our country with efficient service.

I was, at one time, sitting on that side for many, many years. I was young, very idealistic and very inexperienced. As a result of which, I was very critical of the

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governments of the day for their conservatism and so forth. We always felt at that time that we ought to be concerned about foreign take-over, the fear of the multinationals and transnationals, the fear of losing our independence, as one Senator is very concerned about. I want to humbly disagree; this legislation is farthest from losing our independence and giving up our control over Trinidad and Tobago, and in particular, the postal service.

I work for a state enterprise, Petrotrin, and I am very proud to be part of that organization. That is an example of a state organization which is going through a major transformation, making it an efficient organization, run along the principles of private enterprise, with the management having considerable autonomy over its business and with the board negotiating externally for joint venture arrangements. In fact, today we are involved in tendering and bidding on joint venture arrangements in South America and, more recently, in Suriname, for drilling of wells and production facilities. I believe that there can be a good compromise between having a state-owned or a local organization having a joint venture with foreign partners. I agree that the checks and balances must be introduced and we must make sure that people just simply do not run away with what we have.

But we cannot continue with the postal services as they are in this country today. In fact, the postal service has become very irrelevant as far as internal mail is concerned. Even in the United States, Federal Express, UPS and DHL: all those private postal services are now making US Post very irrelevant, if not extinct, in the near future. So much so they have to inject new blood, capital and ideas into making the post office very competitive. We are not going to make our postal service competitive by simply continuing with the current arrangement and providing funding under those conditions and circumstances.

I want to suggest that the proposal before us here today will, in fact, ensure that in a few months' time, people can be confident that there will be a more efficient postal service. I am concerned, as I am sure all members of the Government and the Minister responsible are concerned, that that will not be a draconian measure that will simply put people out of work. In fact, it is not intended to put people out of work; it is intended to rationalize the service, to make it more efficient and, therefore, it is something I feel that we should support.

**6.35 p.m.**

I would also state that the current state of infrastructure is one about which we cannot be proud. There are communities that are well known to my former

minister, Sen. Rev. Teelucksingh—who ministered to me for many years—rural communities that we know very well, in which, what passes for postal services is a national disgrace. These postal agencies should no longer exist in Trinidad and Tobago as they are today, where you get no service, perhaps because you do not pay for it either, but that is not what taxpayers expect. Taxpayers who voted for Minister Singh and others who are present here today, expect that they will get efficient and better services from the Government.

I suggest to the hon. Minister of Public Utilities that while we are in the process of establishing this new arrangement, some urgent measures should be put in place to improve, in the meantime, the very poor quality of service that exists particularly in the rural areas. We can no longer depend on some fine and gracious old lady who runs a postal service, convenient to her, at her own speed and rate of delivery, when fax machines are becoming irrelevant and people are using Internet mail and Internet telephone calls to transmit the messages. In fact, by the time this board is established and this service is put in place, this also might not be very relevant to our times. I think that goodwill should prevail in facilitating the establishment of a service that is much better than the one we have today.

I do not want to say anything about the Penny Bank or the Post Office Savings Bank, I do not know how many people make use of that anymore, even in Cedros or Couva where I live. I think the commercial banks are so well established throughout Trinidad and Tobago that you see them where you least expect. Therefore, to expend a great deal of money in refurbishing a bank like the Post Office Savings Bank, in my view, would not redound to the benefit of the community.

I fully support the idea that we should ensure, if we are bringing people into the country to manage our services, that the Minister of Public Utilities and the relevant authorities in the Government would ensure that we are not ripped off, as we have been. This is the nature of business, people coming here would try to get as much as they can get out of us. I think what we need to do is improve our own competence in negotiations so that we will get the best for our money.

I think there can be no doubt that the joint ventures we have entered upon—and not this Government alone, I mean previous governments as well—have brought significant benefits to the quality of service to the country. I get a more reliable supply of water in the country, and I live in a place where we never got water.

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That is a fact. I was very angry with Minister Singh when for seven days we were without water. I said to him that he should demand more from the people who he has put to manage. There is no excuse for an area being cut off for that length of time.

What we need is a greater vigilance in the writing up of the management contracts and in ensuring that they, in fact, perform with respect to what they are paid to do. We need to provide these organizations with a structure that allows them the greatest possible autonomy to do their work. We will not get good quality service if the people who are supposed to manage these services do not have the power to make decisions. There should be no argument with the removal of the Central Tenders Board's provision in this Bill or for retaining the Board. It is not that the Government does not wish to be accountable or that the level of accountability is going to be reduced. What you are doing is ensuring that there is expeditious award of tenders when those tenders have to be awarded.

I do not have the experience, since I have been out of the government for a very long time. I do not know how much more efficient government has become since I demitted office, not voluntarily, but involuntarily a few years ago. *[Laughter]* But I can say that the Central Tenders Board was highly irrelevant to a developing society. It just did not work, and it has nothing to do with accountability. It has to do with an archaic, antediluvian system and organization that is not relevant to our needs, and we need to update it.

In my company we generate sales of about \$6 billion and we do not have to go to the Minister of Finance or to Cabinet to award tenders to the value of billions of dollars. It is done by our tenders committee. My humble suggestion is that what we need to do is ensure that these tenders committees are properly monitored so that while the intention is to ensure expeditious settlement of these issues, that the problems that we are all concerned about that hit the newspapers and the media from day to day, are not repeated.

I think that what we need to ensure now is that we improve on the efficiency of the organizations that are being established, as in this case the postal service. Rather than to try to go back and keep those institutions which were relevant to a particular time and try to improve on them, I think our best bet would be to modernize the institution, always ensuring that accountability is an important consideration.

Thank you.

**Sen. Muhammad Shabazz:** Mr. President, it seems as though the position of the hon. Minister and the Government that we need to do something to reform the postal service may, indeed, be an honourable one, in the sense that, as we go along with all the things we have in the country, we need to look at them to make them better and have them working in the best possible order.

Of course, we have heard the question of the financing of this new corporation coming in, and almost every speaker has put forward the position that somehow the financing really is far too liberal. The question of how this new company is going to be financed has taken a certain point in some people's mind. How are we going to finance this thing? Why are we spending so much money in order to do it?

Not only that, there are certain questions that must be asked. I would really like to know, who is New Zealand Post? Where did it come from? How are we going to guarantee that these are the people that will do this thing? We are taking a chance. I think one of the Senators made the point that it is the Government's right to get into businesses that would succeed or fail. Whether this one will succeed or fail is what we need to look at, and that is why we are advancing these points and making these kinds of contributions. In truth and in fact, we would really like it to succeed, but when we look at the conditions and the financing we want to know, could New Zealand Post do this? What is the record of New Zealand Post? What has given this Government so much confidence in New Zealand Post to give them what we are now understanding to be a management contract, to do this job? If the Government is clear that based on their record, New Zealand Post has a record that would let them make this venture successful, I think there is no need really to disagree with bringing them here.

I guess their management contract would be to handle the human resource. Would they now be able to motivate the postal workers in a better way? Is there a guarantee that they could? What is their record as far as managing people under the postal conditions that we now have in Trinidad and Tobago? All the figures might be correct, but at the end of the day the human resource is what is the valuable asset to ensure that you get the results you are looking forward to. Could they guarantee that?

What are the Minister's projections? How much money are we going to lose? When are we going to start making money? How much money are you going to have to spend before you make money? These must be important concerns. The Senate should be told that having brought New Zealand Post for the next five years, we do not expect to make money for the next two and a half or three years,

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but we will make "x" amount of dollars, and these are our projections. At least let us hear what is happening, how far or how quickly this service would be brought to being a profitable service. I think that is very important to us.

Of course, the Minister of Finance made a good case to show where we need not study the assets, but we would like to know what is happening with the post office. He said that we need not study the assets because it is a different situation to PowerGen and BWIA because we were selling the assets, thus, there is no real need to worry about what the assets would be in this situation. [*Interruption*] I gathered that we needed to know what the assets were. We need to know at this point in time what we now have, where we are taking it to and how we are going to be dealing with it in the future. I think we should be told that.

To say that because we are maintaining the thing it is not important at this time. Yes, we are bringing in somebody to manage something, but we want to know what they are going to be managing, what is the worth of it, so that in the future we could say, "Yes, you have done better," or at least, "You have not done better."

Mr. President, under the contract, what is going to happen with our resources at this point in time:—dwindling resources, economy having dropped by 0.5 per cent in the last quarter. With all these things, should we still go this way and be as liberal and free as we are to this New Zealand Post? I think that is an important consideration. There are times when something would be very good and viable to do at a certain point in time, but at another time because of economic and other conditions, it is not the proper thing to do.

Should we renegotiate? Should we ask New Zealand Post to look at the different conditions here? It is not just a freeness, because this is a Government that hits at the dependency syndrome. So do not give the dependency syndrome to a foreigner or have him depending on something in a very easy way. Let us look at it and probably it might be time to reconsider or renegotiate the contract with these people, if we believe indeed that they are the people worthy to do the job. There might be a methodology in the whole setting that we need to look at.

**6.50 p.m.**

I need to look at the question of the workers. The workers seem now to have three options:

- “(2) A person to whom this section applies may, within three months of the date of assent of this Act, exercise one of the following options:
- (a) voluntarily retire from the public service on terms and conditions agreed between him or his appropriate recognized association and the Chief Personnel Officer;
  - (b) transfer to Trinidad and Tobago Post with the approval of the Public Service Commission on terms and conditions no less favourable than those enjoyed by him in the Public Service; or
  - (c) remain in the Public Service provided that an office commensurate with the office held by him in the Public Service prior to the date of the assent of this Act, is available.”

If the person chooses to voluntarily retire I do not think we might have a problem. If most of the people decide to retire maybe this new post may be able to get people who they can bring in who can do the job. They may be starting over and this may create new problems.

What happens in truth and in fact if this new management team that is coming in decides we must downsize? What kind of room have they been given? Suppose they say in order to run this thing effectively we have to downsize and fire X number of workers and cut staff by half, what are we going to tell the workers if they decide they would go that way? Does the Government have a say in it? If they decide to remain in the public service would there be an office and if there is none what is the position? The question of the workers, the people in this, every decision that has to be taken the people must be considered and I will always stand here as an advocate to consider what is happening with the people because you make all these decisions.

What are the salaries of these people who are now coming in going to be? Would the salaries be at such a level that when you ask people to go home they may want to question and consider why we have to downsize? What kind of money are you going to pay these people? Tell us these things up front so we will know the managing director will be working for US \$42,000 a month or whatever your figures are going to be. It may not be that much, it may be US \$36,000 or \$25,000. Whatever it is going to be because I am certain they are either going to be working for US dollars or New Zealand dollars. I do not think if you are paying them \$26,000 it is going to be in Trinidad and Tobago dollars.

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The point is, let us know these things so that when we are coming to make an agreement with you we can say yes, it should be done because we are saying it is a noble thing to lift all the state-owned things and make sure they are working properly, but let us know under what conditions and what, indeed, is going to be the position of the workers. I think that is something that the Minister should tell the country because that is where it is at. Many workers, although they are saying that they have spoken with the workers all the time, are not sure what their position is and what it is going to be. They are not sure and these three clauses here still do not make it very sure. The only sure option is probably voluntary retirement.

Do you have places in the public service if most of your workers did not want to go to New Zealand Post and would you have places in the public service that are equivalent to the places that these people now hold in the post office? Again, I want to go back, could New Zealand Post really motivate? You understand this country—Sen. Ramchand made a very valuable point—and there are people here who could do—I think not saying—I think Sen. Ramnath has made the point that yes, maybe you should look at the people here but he feels there is no problem with going to some foreign people who understand the thing but let us be sure they understand it.

He said it is time to move away from the gracious old lady holding the post office in the country. Maybe it is time but move away graciously. Give her some kind of consideration in moving away from her because she has held that position for a number of years. What conditions are you going to give to these people who have sacrificed, managed and ran this thing for so many years because you are giving it real nice to people whom you are now bringing.

**Mr. G. Singh:** Is the Member aware when last the “gracious old lady” got a pay increase for running that postal agency?

**Sen. M. Shabazz:** Mr. President, I heard Sen. Ramnath say that he is a politician by profession and that is my only profession. I will answer that question. You see you all keep going too much back into what happened before. I told you all that. It is not what happened before, it is what is happening now and what you intend to do in the future that will take this country forward. What is happening now and what will happen in the future are the things that will take this country forward. We are talking about now. They keep going back all the time into what had happened before and try to talk about that. That has nothing to do with it



because what happened before is what has kept this country balancing properly and effectively as it is now, regardless of how much they deny it. It is what happened before that has this country as stable as it is now. It is where they are going now.

I ask the Minister, when he gets up to answer, what are you going to do with the “gracious old lady”? What are you going to do with these people who have been taking care of the postal services in these areas? As you said, we did not do much for them but we did. What are you now going to do with them to balance off what you are now going to do with New Zealand Post who have not been here all the time, have not contributed anything to Trinidad and Tobago and who you are giving these beautiful financial privileges? What are you going to do with them taking that into consideration? Mr. President, I would really wish that at the end—because the Minister has the opportunity to sum up—he does that.

The next thing is, if New Zealand Post succeeds, fine for Trinidad and Tobago; I would be happy. The Government is succeeding in some ways and failing in some. I heard Sen. Ramnath say that water pressure has gone up in his area and I am extremely glad for that because I would say it has gone down in my area and I would like to say that categorically and truthfully. Water pressure has gone down in my area so they are succeeding in some ways and they are failing in some. If they will succeed with the New Zealand Post, I will be happy; but what happens if they fail? Is there any penalty? How much time are you giving them to decide whether they will fail? You have them on a three-year probation, what will happen at the end of that three years? Suppose they do not succeed, will the hon. Minister just come back and tell us, “oh yes, I approved them”—as you did with Severn Trent—“but they are not succeeding” but just leave them there and continue to pay them and see how it will go on. Trinidad and Tobago cannot afford those luxuries again. There was a time when we could have afforded them.

You have come at a time when you have to be much more stringent. Remember there was a time—you see, you need to remind them because they like to go back—when the oil price was at \$9 and we managed this country effectively to have it here for you at this point in time. In this time where it is less than \$10 will you be able to do the same thing? What happens if New Zealand Post fails? Would the Minister be able to tell us that in these hard times where we are asking everybody to take stringent measures and to tighten up? If this company comes

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and fails, what are the penalties? Are there any penalties? What will happen? Mr. President, that is what I would like them to answer.

There is a certain question that was asked here and I would like to ask it again. All these loans that are going to be honoured and all the money that is going to be coming from the people of Trinidad and Tobago for the post, and since there are more people at a certain level, it means that a lot of the people who are at that level are going to be putting out their money—the interest that you are going to be paying back on this loan, who really is going to be paying it back? That question was asked here and I would really like it to be answered. Is it the Government to pay the interest or is it New Zealand Post, if they did not manage well, will that be part of the penalty? The thing is what is this guarantee that New Zealand Post will manage well? Where have you worked that out? What are their records?

I have seen something here that I need to ask. They are saying that the post people can put up a post office box in any building. I would like that to be cleared up a little. In any building? Any passage way as long as it does not humbug the free traffic or free movement? But why any building and what type of a room is the company given as far as putting up these post boxes? I would like that to be answered by the Minister.

Mr. President, those are my main concerns. My main concerns are the people, the kind of financing that they have given to this company and the record of this company. In that light I would like to wish this Government a very merry Christmas, firstly. I would like them to begin the new year happily because what I see happening with the economy I think there are going to be some problems in the new year. I am not glad about it but I would like them to start the new year very happily. I wish the hon. Minister of Finance, who is my good friend, to start the new year properly but I know he is under some pressure and I wish that he can withstand it and do like Mr. Chambers and the PNM government and bring us out of it successfully. Of course, if he does not it will be to our benefit.

To Mr. Ramnath I would like to say it is nice to see you there, Sir, but I do not know how long you will be there at the rate things are going over on that side. We may be back there quickly but I wish you a very good 1999.

To the Independent Senators, thank you for all the knowledge, edification and good, beautiful contributions that you have made. I wish you all a very Merry Christmas and a bright and prosperous new year.

Tonight we will be celebrating with the media. I do not know if they deliberately kept this session long to keep us away from the media but tonight we will be celebrating with the media and to them all the best for the season. To the workers and staff and to you, Sir, a very positive Christmas and happy New Year. God be with you all and peace until 1999.

**The Minister of Public Utilities (Hon. Ganga Singh):** Mr. President, I thank hon. Members for their second day of contributions in this very important Bill for the postal sector reform in Trinidad and Tobago. I want to start off by paying particular homage to my good friend the former Member of Parliament for Couva South, Sen. Kelvin Ramnath, for his cameo performance here this evening. He clearly still has the fire within him and he clearly understands the issues of the day.  
*[Desk thumping]*

Mr. President, it is clear to me that having regard to the contributions of hon. Members on this side and hon. Members opposite, both the Independents and the Opposition, that there is no problem with the concept of a postal corporation. It is recognized that we have to move the post office from the realm of the public service and into the more flexible and commercialized autonomy of a postal corporation; it is clear. It is, perhaps, but one Senator, Sen. Montano, who really does not appreciate the necessity for this and one can understand that having listened to his contribution on the last occasion and his fixation with Canada Post. I thought that he was, for a minute, thinking of his boarding school days and he was dreaming of a white Christmas. I want, for the benefit—in his absence; I am disappointed he is not here—to point out the kind of problems we have with the post in the public service. On the last occasion he said:

“I am an accountant by profession and one thing I know is that a person can change a shirt or jacket as often as he or she likes but it does not make anybody more profitable. What has to be done is decide how a business should be managed and decide on how it should be gone about. In other words, it is a management function. It has nothing whatsoever to do with legal structure, it is a question of management. That is all.”

I think Sen. Marshall captured it best when he said it is a systemic problem. We have a systemic problem in the post and, by extension, I think my colleague Sen. Wade Mark pointed to the larger necessity for systemic reform in the post. Sen. Marshall also spoke of the need for culture change but I will go on to that subsequently.

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Let me give an appreciation of how the post office operates right now, Mr. President. All the moneys collected have to be deposited into the Consolidated Fund. Then you are required to apply for monthly releases and many times these moneys are not released on time and, when they are released, they are insufficient. That is why there is the necessity for the legislation to have its own fund for the new organization so that the board and the management will have the autonomy, with the necessary accountability, to manage the fund.

In the current post office under the public service, all capital expenditure has to be budgeted for and agreed to by Government in advance of procurement. The Ministry of Works and Transport is responsible for the maintenance and repairs of post office buildings. The Ministry of Works and Transport determines the final priorities for repairs and maintenance amongst several competing government ministries and departments.

Obviously, Mr. President, this leads to long delays, therefore, in the current system, you do not have that kind of maintenance component, preventive or otherwise. That is why we have the postal infrastructure being in such a parlous state; that is why Price Waterhouse, when it did the analysis of the principal assets of the post, came up with \$57 million. Because of the parlous state of the infrastructure that is the post, notwithstanding that we have premier locations, the buildings are in a terrible state.

Another point is that the post office is part of the public service and if any attempt at discipline is made, then one is subject to the regulations of the public service. I heard Sen. Prof. Kenneth Ramchand talk about if there is the lack of institutional capacity, if there are people who are managerially incompetent, then they must be fired. That is not easy in the public service.

I heard my colleague, Dr. Hamza Rafeeq, talk about the ambulance driver who had abandoned his duty to carry a sick person to the hospital. When the story about that is heard, after many months there is suspension on full pay until such time that the matter is resolved. In a situation like the post, it is no different; there is that kind of delay in the process and then there is, subsequently, the lack of ability to respond to the commercial and competitive pressures.

So, Mr. President, there are serious problems associated with the post and that is why we raised these points with respect to giving it the necessary financial autonomy, the necessary flexibility, its own autonomy to manage its affairs. Now, there is agreement in that area. In that sense, there are other points within the body of that raised with respect to exclusivity by Sen. Dr. Eric St. Cyr.

In order for the post to survive, whether or not it is under what kind of management, it must have in this transition phase, a secure monopoly for letter mail. Currently, 80 per cent of its revenue comes from the letter mail and from the sale of stamps. There continues to be competition in the express mail.

Mr. President, how much does it cost to post a letter in Trinidad and Tobago? Internally, 50 cents. There is the private sector pony express operating charging \$30 and \$40 to take mail around this country, therefore, if you take the approach that you should only use a multiplier of three times the cost, or 10 times the cost, what will happen is pony express will be operating in competition and you will not have exclusivity, because of the parlous condition. So, we will be institutionally attempting to deal with that problem but, clearly, the mechanism has to be exclusivity at this stage.

**Sen. Prof. Spence:** I take it then that the hon. Minister will have no objection to putting a time limit to that exclusivity, because he is saying repeatedly “at this stage”. So, we can say for three years.

**Hon. G. Singh:** It is envisaged that it will take about five years. We can deal with that at the committee stage. I have no problem with that because I want to use a time period as a kind of compelling driving force to bring about the change required. I have no problems with that, but, clearly, at this stage, we require that exclusivity.

Now, if we are in agreement in this honourable Senate with the concept—and I really listened to Sen. Joan Yuille-Williams and I will respond to her contribution because I spent some time dealing with her contribution. The point I want to make is that I claim no paternity for this concept of corporatization. Paternity clearly lies with the Alexander Commission of 1973, which can lay claim to the paternity of determining that what should run the post office was a corporation.

I will quote from it, Mr. President. At recommendation 34 of the Report by the Commission of Enquiry into the Postal Service of Trinidad and Tobago dated August 1973, the Alexander Commission, reads:

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“The Post Office shall be organized as a State Corporation with Government as the sole shareholder but with a Board of Directors empowered with all the necessary freedom of action to operate the Post Office within the framework of the general communications and fiscal policies of Government laid down for their guidance in enabling legislation.”

In 1973, paternity; but 1994, during the term of the hon. Senator, when she was a member of Cabinet—in her contribution she said that they were at the stage of implementation. Mr. President, nothing could be further from the truth.

“The diagnostic report on the management and operations of the postal service of Trinidad and Tobago—August 1994.”

It was started in 1973 and they reported in 1994. At page 9:

“Transformation of the organizational structure.

The reorganization of the post office from a government department to a public corporation:

Streamline and strengthen management structure and the post office’s legal framework would clearly emphasize the commercial role with activities based on principles of economic efficiency and financial viability;

Within the post office ownership management and regulatory oversight would be clearly defined and separated.”

So, understand the scenario—1973, establish paternity; up to 1994, no fruit of that paternity. No fruit! It is one thing to desire, but it is something else to take action to fulfill that desire. We, on this side, recognize the merit of the Alexander Commission and all the reports and also the diagnostic report and what is before us today is the fruit of that kind of recognition.

Mr. President, the point I wish to make is that we have gone on to the stage where we have action in place and it is clear that Senators have agreed with the concept; they have agreed with various points raised with respect to that and they have made certain recommendations which will be taken on board.

Senators have also gone further in the contributions here, Mr. President. They have said, “Look, we recognize this is the model that must be taken on board but, as a government, you have gone even further. You have reached the stage where you are, in fact, negotiating a management contract with a preferred proposer.”

I wish to indicate to this honourable Senate that on August 14, 1998 I made a statement in the other place about the Government's proposal in dealing with the post and I will read the recognized parts of the statement because I find at times that there seems to be in a sense, notwithstanding all the press releases, notwithstanding the enormity of communication arising out of this process, there exists a gap of knowledge.

It is clear to me from my experience in this honourable Chamber that if there is a statement made in the other place, there ought to be a commensurate statement here. [*Interruption*] I do not know if it could be at the same time but, certainly, in close proximity. I do not know whether we can have the simultaneous transmission because this honourable Senate will not be sitting.

Mr. President, in many of the contributions of Sen. Prof. Ramchand and other hon. Senators, the point was raised as to the lack of information in coming up with a decision as to how we are proceeding. In this statement, I pointed to the information available to us and I made a clean breast, in a sense, full disclosure. This is consistent with the approach we have taken in public utilities.

You will recall, Mr. President, that when we came into office, we laid in the other place the PowerGen contract, power purchase agreement. We did that, with an executive summary. Because it was not part of the desire of the other side so to do. We also laid in the other place the Severn Trent contract with an executive summary and so, too, consistent with that approach, once the negotiations are completed, we will lay in the honourable House, the completed negotiated agreement between the Government of Trinidad and Tobago and the New Zealand Post International.

But, prior to that, on August 15, I placed before the other place, the level of information available to me at that time and I will read it, because Sen. Prof. Ken Ramchand wanted to know whether or not the level of information which is in the body of this legislation was made available to all the parties. He could have gotten together with his colleagues in Parliament—and I want to congratulate him for his entrepreneurial ability. There would be other areas and I hope he would take the option to proceed, but because this process is far gone, unfortunately he cannot enter into this process at this stage.

**7.20 p.m.**

I want to give an appreciation of what I said on August 15, because I want to be quite clear. When we recognized that there was the need to embark upon a

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certain process to corporatize the post office, we had to first gauge whether or not people would be interested in running the post office. I was told by Members on the other side, in the other place: “You are lucky you get people to come and run the post.” The first thing we had to do was to gauge whether or not this project was feasible, whether or not people were interested in the management contract for the post office.

So under the aegis of the World Bank, we held a two-day workshop in July 1996 throughout the country. The print media, the electronic media and invited persons were there to gauge interest. The local private sector came, the competitors of the post came Fedex, DHL, Pony Express, there were people like Amalgamated, Securicor. There were presentations by the World Bank, both unions, the PSA and the Postal Workers’ Union, the Ministry of Public Utilities giving their appreciation. So we recognized there was some measure of interest. Once there is a measure of interest and the unions were part of the process, and they had been part of the process from conception and would be a part until the resurrection of the post.

We had workers’ fora articulating the position of the workers. At one forum we had 1100 persons at Holiday Inn Ballroom taking questions from the workers every step of the way and we recognized their fears.

Mr. President, I do not know how many Senators of this honourable Senate ever worked in the post office. I certainly did. I worked in the post office, it was my first job after my A’Levels. I worked as a mail sorter at the Ajax Street Post Office and I know of the conditions because I experienced them and, therefore, in a sense, I came with a mandate. I came with a purpose to reform so as to ensure that the workers who come after me would enjoy the kind of environment in which they would be happy to work. That is our historical purpose—to bring change to the sector. That is why we have the moral authority, trust and confidence of the workers. That is why we have taken an interest in the reformation of the process.

Mr. President, we had similar meetings with the postal agents. Sen. Shabazz talked about the gracious old lady. The pittance which was paid to these postal agents, the mere pittance after their last increase prior to 1997 was 13 years prior to that. We are talking about the days of plenty when you talk about 1973 that was the beginning of the oil boom, when they said corporatize the post. In 1998, you are talking about the change in economic circumstances. The burden that has been borne with the years and the decades of carrying the post, without any



improvement in quality and service, has been a burden borne by the people of Trinidad and Tobago. It is time we change that.

I know you have already bought into that process so I would not belabour that point, but I want to deal with the methodology of the openness, the full disclosure. We are dealing with the workers: workers forum, postal agents forum, Trinidad and Tobago. Subsequently, we held prequalification in conformity with the World Bank requirement. We advertized in the three daily newspapers and also in the *New York Times*. It was totally open. Anybody who wanted to make some kind of strategic alliance could have done so.

Mr. President, then there was a bidder's conference at the Holiday Inn so qualified persons were chosen. The workers were present, they asked questions, they interacted with the unions, and the media was a part of the process too. There was interaction taking place every step of the way. Then there was technical and financial evaluation with the unions participating in that.

I would give an appreciation to the Senators of the members of the negotiating and technical team. Subsequent to that we had strict prequalification criteria and the people who prequalified. Sen. Shabazz talked about the background of the people who bid for this.

In my statement on selection and evaluation process I quote:

“Based on the strict prequalification criteria which is designed to limit the bidding to firms with strong technical and financial capabilities, and to ensure that only experienced operators could participate, on September 8, 1997 a committee comprising of the Ministries of Public Utilities, Finance and Public Administration, the post office and the consulting firm of Boos, Alan and Hamilton shortlisted the following firms: 1. New Zealand Post 2. Deutsch Post Consult with Circle Services and Amalgamated Security Services, two local firms. Canada Post Systems Management Limited, Nee Postal, SNC Lavalin, Blackmill Corporation British Post combined with Swiss Post.”

The Spanish Post failed to qualify, so we had four prequalifiers.

Mr. President, the request for proposals was issued on March 20, 1998 and the closing date was June 05, 1998. The technical proposals were opened on June 29, 1998 and the evaluation was finalized on July 13, 1998. The financial proposals were opened on July 30, 1998 and finalized on July 31, 1998. The proposals were judged against set technical and financial criteria which I would read because it is important for the record.

Technical Criteria

Specific experience of bidders in their own operation—6 points.

Adequacy of the business plan for Trinidad and Tobago Post, including targets to be achieved—40 points.

Qualification and experience of key staff—15 points.

Change management strategy—5 points.

Detailed human resource plan, training plan, compensation plan and manpower plan—14 points.

Proposed organizational structure—5 points.

Management information systems—5 points.

Capital investment plan—10 points.

The Financial Criteria

Financial projections for five years linked with the business plan was an absolute requirement.

Achievement of financial viability within three years, was an absolute requirement.

Management fees including percentage of fees being risk against the achievement of targets—70 points.

A percentage of profit being shared with Trinidad and Tobago Post—15 points.

Operating shortfall for the first two years—15 points.

The ranking of the proposals was based on the combined technical and financial scores using equal weights.

Mr. President, the members of this evaluating team were: Mr. Ash Saigal, Chief Executive Officer First Citizens Merchant Bank Ltd; Mr. Mark Chan, Financial Controller, TATIL; Mr. H. S. Atwal, Director Economic Research and Planning, Ministry of Public Utilities; Mr. Osborne Ashby, Human Resource Adviser, Personnel Department, Ministry of Public Administration; Miss Jillian Mc Intyre, Senior Research Officer, Ministry of Public Administration; Mr. John Mulligan, Consultant, Booz-Allen and Hamilton; Mr. Richardson Franklin, Consultant, Booz-Allen and Hamilton. Also participating in the discussions were Mr. Everard Samuel, Trinidad and Tobago Postal Workers' Union and Mr. Bernard Cropper of the Public Services Association. It was open, a mix of

personnel from the public and private sectors with a mix of skills in order to bring the best for the country.

Mr. President, in dealing with that, another point has been raised in the debate and which is recognizably cause for concern because of the information lag, so to speak. On August 14, I articulated the highlights of the New Zealand Post proposals and at that time I indicated they were still in the negotiating process, as follows:

Management fees for five years—\$28 million.

Working capital shortfall only for the first year—\$6.4 million.

Government's share of profits from the third year—70 per cent.

Net cash flow, first year negative of \$6.4 million, but positive from year two and reaching \$21 million in year four.

Revenue projections from present \$43 million to \$90 million in the fifth year.

Income before taxes, \$2 million in the third year and going up to \$17.2 million in the fifth year.

Guaranteed delivery of letters within 24 hours of the principal centres and within 48 hours the rest of the country.

Real revenue growth, 30 per cent over five years.

Tariff increase proposed, 20 per cent in the first year, 14 per cent, second year.

Voluntary separation of employees, about 500 employees over the first three years and then recruitment of employees in the fourth and fifth year.

Capital expenditure, about \$70 million over three years, computers, \$794,000 in the first year.

Motor bikes for postmen—\$3.5 million over five years.

Post offices and buildings—\$36.3 million.

Improved mail security—\$2.6 million in the second year.

New vehicles—\$3.4 million in the first two years.

Training \$648,270 in the first year.

**7.35 p.m.**

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That was what I said on August 14, 1998. The process has gone further away because that was the raw proposal and then the negotiating team which included Mr. Ash Saigal, Mr. Atwal, Mr. Ashby, Mr. Raymond Philip, representatives from the Ministry of Finance and the Ministry of the Attorney General, Mr. John Mulligan, Mr. Mark Belcher, Mr. Richardson Franklyn and Miss Carol Balkaran. They formed the negotiating team to negotiate together with assistance from the World Bank and they are in the process of negotiating. That was the raw proposal.

Mr. President, the point raised by hon. Members is what are the targets we have to reach in the first five years. I understand the concern of the hon. Senators. In management contracts, especially in management contracts in enterprises in which one has a lot of capital works to do, a management contract is the inappropriate conceptual model for that, but in areas in which there are services in which there can be clear benchmarks and clear deliverables, a management contract is an appropriate conceptual model. Therefore, for the post, a management contract is an appropriate conceptual model.

What are the kinds of deliverables we want to achieve utilizing this way of paying management fees and having a management contract? We want to have the universal delivery, to move from where we are located right now to a situation within the time period of the management service contract to have an appreciation of universal delivery. What is universal delivery? Everybody getting mail at their home. That is the social service where one has the comfort of receiving mail at one's home.

In year one, under the management contract, we are looking for 60 per cent of households receiving universal delivery service; in year two, the projection is 69 per cent; year three, a movement to 85 per cent; year four, 90 per cent; and year five, 94 per cent. How does one judge that and ascertain whether or not one has reached these benchmarks? Clearly, that is why this legislation is coming now and it did not come before. It is only when we set up the regulatory framework—the Regulated Industries Commission, which we did in this honourable House, which received the support of this honourable House—one can have an independent body that will monitor and be able to independently benchmark the kind of service delivery that one has.

So, the RIC will be doing the kind of independent benchmarking as to whether these targets have been achieved. In addition, what will emerge in the private sector is that there will be organizations that are geared for this being able to be

hired in order to determine whether or not these targets are achieved. There are two checks and balances. The independence of the RIC and the independence of the private sector will be dealt with, therefore, the management contractor will not be able to say, "Okay, I have achieved this". That is a clear deliverable.

In other words, we are moving from the arena where one is able now in the new post, as envisaged, to move into an appreciation of customer satisfaction. What is that? We want to move to certain benchmarks at 50 per cent, 55 per cent, 65 per cent, 75 per cent, and 84 per cent; in a sense, an appreciation of the increase in customer satisfaction with the affairs of the post. One will achieve the desire that my colleague Minister Mark spoke about: prompt, efficient and courteous service, but that will not be merely in words. It will be benchmarked and independently surveyed.

Time sensitivity is a critical area. Mail must be time sensitive and reliable and we must be able to achieve and benchmark time sensitivity. Transit time. Delivery within 24 hours, 80 per cent in the first year of operation; 85 per cent subsequently; 93 per cent in the third year; 95 per cent in the fourth year; and 96 per cent in the fifth year. Also, within 48 hours in remote areas in the same kind of schematic. So, in the principal centres we are moving this way within 24 hours and all the remote areas within 48 hours. That is the kind of delivery network and time sensitivity and reliability we want to achieve—clear benchmark deliverables.

They are also required to provide revenue from new business. New business, new products on stream. Certain growth from revenue from new business is required so they would not sit back on their letter mail monopoly. They have to generate new business and enter the market as an entrepreneur and aggressively create new business. In the first year they cannot expect to generate that; they are getting the grasp of things, but in the second year, 6 per cent of the revenue must come from new business; in the third year, 10 per cent of the revenue must come from new business; in the fourth year, 8 per cent of the revenue must come from new business.

Mr. President, Senators spoke about the projections having regard to the fact that we are making some significant capital expenditure and investment through multi-lateral funding through our own funding into the post office. What are the projections? In year one, there will be a projected loss of \$6.5 million; in year two, there will be a profit of \$774,000; in year three, a profit of \$10 million; in year four, a profit of \$16.5 million; and in year five, a profit of \$23.4 million.

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The above figures that I have quoted, I am advised, include interest payments and depreciation. In year five the postal corporation will begin the process, when we look at their net cash flow projections—so there will be a profit and a cash flow—there is a loss of \$956,000; year two, cash flow of +\$11,421,000; year three, cash flow of \$22,229,000; year four, \$24 million; year 5, \$9.4 million, and in year five we begin the process of the payment by the postal corporation of the World Bank loan payment included with the interest.

It is projected in year one that the return on capital will be a deficit of 9.1 per cent—I am not an accountant, so I do not know the jargon—year two, 0.76 per cent; year three, 9.4 per cent; year four, a 16 per cent return on capital; and year five, 23.6 per cent. Progressive penalties in the event of a failure. As I said, Mr. President, conceptually, it is because the management contract is well suited for the service industry, conceptually, because they are measurable deliverables, penalties are important. We must do that. It has been my experience that management contracts are not appropriate in areas where there is significant capital expenditure, but it is appropriate for the service industry where there are benchmark deliverables.

There are progressive penalties being built in the contract. Between 0 to 5 per cent, between 5 to 7 per cent and over 10 per cent. In the event of failure to reach these deliverables, 40 per cent of the management fee will be withheld in each particular area. There is also a security bond. So, in addition to penalties, one has to put up a performance bond acceptable to the Government of Trinidad and Tobago, equal to the management operator fee. They are not getting away. We are doing it right. It is clear. We know what we are about. We are doing it right.

Mr. President, there are also other exit clauses that will ensure this is not going to be a nebulous agreement as we had in the past. There is an agreement with a real difference. I want to give an appreciation. We have to know what we want to get out of this, what kind of post office we want to see, exactly what we want for our people in the future as the year 2000 beckons; compelling as it is, the millennium. I was talking to a good friend of mine and everything she speaks about is about the millennium. She is a single woman and she was talking about finding a millennium man.

**Sen. Mohammed:** I hope you did not offer yourself.

**Hon. G. Singh:** I really want to talk about what we want out of the millennium post office:

1. Introduction of modern point of sale devices and processes capable of automating postal and financial transactions, including the computerization of back office account.
2. Replace or rehabilitate current post offices to achieve an image of a modern, pleasant and businesslike service provider.
3. We want to construct, if found feasible, a new sorting centre or a central mail exchange in an optimal location to serve the long range need of the Trinidad and Tobago Post.
4. To introduce a state of the art bar code based track and trace system to automate the accounting and tracking processes for express mail, parcels and registered mail. No longer will the post be able to tell someone that his mail is lost without telling him who did it.

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

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

*Question put and agreed to.*

**Hon. G. Singh:** Thank you, Mr. President, and I thank hon. Members for their gracious extension. As I was saying, state of the art bar code track and trace hand held terminals which will determine who received one's mail. It is a common practice in all communities and families that people receive mail and not tell the other person whether or not they have received it. We will be able to tell by virtue of our track and trace.

- “5. Introduce modern equipment into the cancelling, sorting and distribution function of the post to improve productivity.
6. Refurbish and replace the current vehicle fleet.”

**7.50 p.m.**

7. Where feasible, introduce motorized transportation delivery service.
8. We will introduce, design and implement modern management information systems so that we can have an appreciation of such information as mail volume, operating costs and other relevant workload data which will make the benchmarking work easier.
9. We will design and implement an appropriate universal post code for Trinidad and Tobago.

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10. Implement a human resource plan which employs an organizational development approach in ensuring that employees understand business codes and strive to achieve them. Align human resource management policies and practices in recruitment, staffing, training, compensation benefits and rewards with desired business results.
11. Implement a system that assures security and safety of items entrusted.
12. Design and implement a change-management strategy that takes cognizance of the change in the organizational culture that will be required to transform a traditional government department into a commercially viable operation.

To answer the question of the hon. Members with respect to the Post Office Savings Bank, under this management contract, it is the intention to analyze the current postal savings programme and present recommendations to the board outlining how the Trinidad and Tobago Post can best contribute to achieving the objectives of expanding financial services to the public, whether or not the Post Office Savings Bank is a viable option in the financial services world today. That is all. We have to do the work required of us.

Mr. President, Sen. Yuille-Williams, in her contribution on the last occasion, wanted to know why clause 14(b) was necessary. It is clear that there must be a high ethical standard when one operates within the post. There must be the legislation to ensure that there is no conflict of interest. One must not carry on an activity that is in competition with the organization. Clause 14(b) becomes absolutely necessary.

Another point raised by Sen. Yuille-Williams also says that the Minister's actions can interfere with profitability. The law takes that into account. Clause 21(3)(d) provides for an annual financial plan to include the cost of implementing any directions given by the Minister under section 17. So therefore, if the Minister gives a direction that has a cost associated with it for the provision of services, then that cost has to be borne and expressed.

Another point was made on the last occasion—not so much this time—as to why the permission of the Public Service Commission is necessary, and that a transfer means to reapply. The second option in clause 36 provides for persons not in the post office to take up employment in the Trinidad and Tobago Post if they wish so to do. It is clear that employees must have the choice of doing what is best



suited for them, their individual circumstances. It is my information, from my interaction with the employees, that many of them are looking forward to having an enhanced voluntary separation plan. Many of them want to get involved with the tourism sector, they want to get involved in other areas, they want to get on with their lives, so that, we must provide as wide a range of options as possible. So it is the three options.

Now, it is better than what we had in the Regional Health Authority. The third option, that is if one seeks to remain within the public service, means therefore, that one must have the necessary qualifications to work at certain levels in the public service. One cannot want to go and work as a customs officer if one does not have the prequalifications for that job. Granted that governmental departments are not proactive in that sense, and we, in our approach, have had meetings with the Director of Personnel Administration, the Chief Personnel Officer, the Ministry of Public Utilities and the employee representatives, with a view to fashioning a plan to deal with that. We are not going to—as I said on the last occasion—allow workers to be flotsam and jetsam, floating all over the place, jetting from point to point, not knowing where they are going. We are very sensitive to that issue. What happened in the Regional Health Authorities must not happen in the post office and we have put the necessary mechanisms in place so to do.

There is always concern and I empathize. I share that concern because I interact with them. We are giving the workers a certain period to make up their minds as to what they want to do. Whether they want to continue to work in the post, stay in the public service or get VSEP.

Now, a lot of hue and cry has been made by Members on the Opposition Bench about: why leave room for individual bargaining? I want to say, we have had, and continue to have, excellent relations with the employees' unions throughout this process and it continues. In fact, as I sat here, I received an invitation from the Postal Workers' Union to attend a function on December 21, 1998. Why did we leave room for the individual bargaining? I am advised that there are two judgments of the Industrial Court, both arising out of allegations that the employer had committed an IRO offence in connection with a VSEP matter. The matters were the Essential Services Division, ESD IRO No. 2 of 1993 between the Public Services Association and Water and Sewerage Authority. The latter one was IRO No. 17 of 1996 between the PSA and TIDCO. The court stated in both these matters:

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“So that while such an employee is required to negotiate in good faith with a union about the quantum of such a gratuity, he is free to come to his own decision on it if he is unable to secure the agreement of the union.”

The Court referred to gratuity as any sum the employer was willing to pay over and above what he was legally required to pay. So that, the law provides for that kind of option available and, as a Government, under the rule of law, we must provide for that option and that is why we have that kind of situation. But it is our intention and we have demonstrated that intention, to negotiate with the unions first, in good faith; negotiate for enhanced packages for those who want to take VSEP.

I just want to deal quickly with some of the contributions of hon. Senators today. I think I have captured many of the concerns already. But really, it would be remiss of me if I do not make some passing comments with respect to the contributions of Senators today. With respect to Sen. Teelucksingh, who spoke first, all I can say hon. Senator is that when I heard you speak about the \$2 billion, ill advised as you were, subsequently, I realized that, it reminded me of an expression called “barracat”. Barracat means that if you put your hands on anything, it multiplies. If you were to open a drink and the drink takes long to finish, then you have barracat. *[Laughter]* If you turn the pot and the food feeds a lot, like the parable of the two small fish and five barley loaves, it is like that, if you turn the pot and many people eat of it and they are filled, sated, then you have barracat. So when I heard that the hon. Senator could transform \$50-plus million into \$2 billion, I said, “He has barracat”. *[Desk thumping and laughter]*

Sen. Daly spoke about the issue of accountability and we have brought—because we have been very open in this process and we continue so to be in the affairs of governance—his recommendations on board and we have incorporated them in the amendments, which we will deal with at the committee stage. But, I want to congratulate Minister Kuei Tung for the distinction. This Trinidad and Tobago Post is going to be run by the people of Trinidad and Tobago through a board. It is going to be owned by the Government, which is the representative of the people of Trinidad and Tobago, but in order to infuse the necessary systemic change, the necessary culture change, to move the post office from the age of the donkey cart into the millennium age, there is need for a first class operator, and that is where the management operator comes in, and that is where we have articulated how we have arrived at that management operator. We are not selling our national patrimony. We are not giving any quarter. We are paying for services,

as I have indicated, that are totally benchmarked, that are deliverable, and will be made available to the people of Trinidad and Tobago. If they cannot provide, well then, there are penalties associated with it. So that, we are not in any way bankrolling the private sector; not at all. We have had full disclosure throughout this process.

I want to congratulate Sen. Ramchand for his amendments. We will be incorporating some, there are some which have been incorporated in the language of the legalese, but I particularly like the extension of clause 9 and I feel that it really affirms the legislation, it is consistent with that which we are thinking.

I have dealt with the question of cost of management, *et cetera*. I agree that we need, as we begin to develop our country, the cluster of communities approach, but I think that Minister John Humphrey is dealing with that approach. I do not have the time to deal with that.

All I want to point out is that the malady in the post is great and the systematic problem is great and we cannot say that our mores and our culture preclude development, in a sense, that if you bring in a management operator, they would not be aware of that.

Mr. President, I think I have dealt with the issues raised by Sen. Dr. St. Cyr and I think that I have dealt with issues raised by Sen. Jagmohan already, with respect to incentives, penalties. In your absence, Sen. Shabazz, I dealt with issues that you had raised. I hope that your media conference was as good as the absence of information which you did not have in your contribution. *[Laughter]*

Mr. President, I really want to commend this Bill to this honourable Senate and I want to thank Senators for their contributions. I want to take this opportunity to wish all members of this honourable Senate a happy and joyful Christmas and Yuletide Season and all the best for the New Year.

Mr. President, I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Senate in committee.*

**8.05 p.m.**

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**Mr. Chairman:** Hon. Members, this is a Bill that contains 66 clauses divided into eight parts and four Schedules. Rather than go through the Bill clause by clause, I seek your permission to deal with it in parts, and where there are proposed amendments to any of the clauses, we deal with those separately.

*Agreed to.*

*Clauses 1 to 8 ordered to stand part of the Bill.*

*Clause 9.*

*Question proposed, That clause 9 stand part of the Bill.*

**Mr. Chairman:** There are proposed amendments by both the Minister and Sen. Prof. Ramchand.

**Mr. G. Singh:** Mr. Chairman, what we sought to do was to incorporate the sentiments of Sen. Prof. Ramchand in our amendment. It is in the language of the legalese, but it carries the exclusivity, which I, from a policy perspective, desire, and which he has incorporated. I beg to move the amendment as follows:

"In subclause (1), insert after paragraph (c), the following paragraph:

'(d) perform for hire or reward, all incidental services relating to receiving, collecting, sending, dispatching and delivering any letter referred to in paragraph (a)'"

**Mr. Chairman:** Do you withdraw your proposed amendment?

**Prof. Ramchand:** Yes, I withdraw my amendment.

*Amendment withdrawn.*

**Mr. Chairman:** Do you want to make any further statements on clause 9?

**Mr. G. Singh:** I congratulate Prof. Ramchand for the effort he made in clarifying this.

**Dr. St. Cyr:** Mr. Chairman, in the debate we sought to have a five-year limit on the exclusivity. I was wondering whether we could not put it, "Trinidad and Tobago Post has for five years from inception the exclusive right?"

**Mr. G. Singh:** I anticipated that and we have an amendment, because I had been thinking in that way also. *[Interruption]* Always ahead of the game. Mr. Chairman, I wish to include in clause 9(1):

"Insert after the word 'right' the words 'for a period of five years'.  
[*Interruption*]

Mr. Chairman, thank you for your indulgence. We also propose that we delete subclause (4) and substitute the following clause to read:

"A person other than an employee or agent of Trinidad and Tobago Post who carries any letter weighing two kilograms or less for hire or reward within Trinidad and Tobago commits an offence and is liable on summary conviction to a fine of one hundred thousand dollars.

**Mr. Chairman:** Any comments?

**Dr. St. Cyr:** Are we sure we want to go with this?

**Mr. G. Singh:** Yes. Understand from our approach: we are granting exclusivity for a definite period of five years, but the exclusivity has to be clear. It must not be one in which you would have an enforcement problem. Thus, if the couriers want to—and they would be involved in the express mail sector, the parcel post sector and other areas—piggy back and also be engaged in letter mail, then we must have a punitive sanction. If we do not do that, then the monopoly would be to nought. As I indicated, it must be economically punitive for them not to engage in this business, otherwise if the fine is small, they would pay it and continue in the business, because it would be a continuing offence.

*Question put and agreed to.*

*Clause 9, as amended, ordered to stand part of the Bill.*

*Clause 10 ordered to stand part of the Bill.*

*Clause 11.*

*Question proposed, That clause 11 stand part of the Bill.*

**Mr. Chairman:** There is a proposed amendment by Prof. Ramchand.

**Sen. Prof. Ramchand:** Mr. Chairman, the argument that I would make for clause 11 is the same I would make for clause 12, that in many of these corporations and within the university, the normal rule is, that all things being equal, positions go to nationals of Trinidad and Tobago. That is the normal procedure. If a suitable national cannot be found—and this practice exists in other countries as well, so when they see that we are doing it, they cannot say that we are acting in favour of our own people. In Canada, the United States or anywhere,

a search is made for a suitable national, and if there is not, then and only then can a non-national get the job.

I would like our legislation to reflect that normally, all things being equal, these positions would go to nationals of Trinidad and Tobago. It does not mean that the a non-national cannot get it, but a search has to be conducted first for a national of Trinidad and Tobago.

**Sen. Kuei Tung:** I would like to intervene. I think that it is bad legislation for us to write into law that a national must get a job because it means that a non-national cannot get it. Procedurally and administratively you can deal with it to ensure that nationals are given preference, and that in the absence of being able to get a national, then you seek a non-national. But if you write into law that a national must get something, there is absolutely no way that a non-national could get it. You have tied the administration's hands, so that in the event you cannot get a national you have no choice, you cannot fill that position.

**Sen. Prof. Ramchand:** I take the Senator's misgivings there by arguing for the insertion of a "normally". Amend the amendment by inserting the word "normally".

**Mr. G. Singh:** There are two issues. Does Prof. Ramchand really want autonomy for Tobago, or to decide which Tobagonian or somebody residing in Tobago would sit? By putting the requirement "a national of Trinidad and Tobago" may suggest that a Trinidadian who is resident in Tobago can sit on the board. Then it would not be the inclusive type of approach we want, where specifically somebody resident in Tobago or a Tobagonian, would sit on the board.

I do not know whether or not saying, "somebody shall be a national of Trinidad and Tobago who resides in Tobago", would capture the requirement that we want in that area. That is in clause 11(3)

**Sen. Prof. Ramchand:** One, he should be a national and, two he should be residing in Trinidad and Tobago.

**Mr. G. Singh:** It is really up to the judgment of the Tobago House of Assembly (THA). Having regard to Act No. 40 of 1996 and the way we are going with respect to greater autonomy for Tobago, I want that flexibility to reside.

**Sen. Prof. Ramchand:** Mr. Chairman, I would be willing to withdraw the amendment to clause 11, knowing that the THA would be able to take care of it.

**Mr. G. Singh:** I think it is necessary that we may want to delete "normally resides in Tobago" and just leave "at least one member of the board shall be a person who is appointed by the President after consultation". That would make for cleaner drafting in that area.

**Sen. Prof. Ramchand:** I am happy with that.

**8.20 p.m.**

**Mr. Chairman:** The proposed amendment is 11(3):

At least one member of the board shall be a person who is appointed by the President after consultation with the Chief Secretary of the Tobago House of Assembly.

**Sen. Yuille-Williams:** Mr. Chairman, I ask your guidance whether it is here or in the First Schedule. I wanted to ask something about revocation of a member of the board and I am wondering whether it is at this point or at the point of the First Schedule I should raise it. Which one? Because later on in the schedule it says where the President revokes the appointment.

**Mr. G. Singh:** I researched that point with the Solicitor General and she indicated to me that the legislation should be left as is with respect to the point of revocation rather than the specific clause for revocation because currently the practice is that they use section 49 of the Interpretation Act in order to deal with issues of that nature. The point you had made was a peculiar problem which was in the previous administration but it had nothing to do with generic legislation like this.

*Question put and agreed to.*

*Clause 11, as amended, ordered to stand part of the Bill.*

*Clause 12.*

*Question proposed.* That clause 12 stand part of the Bill.

**Mr. Chairman:** There is a proposal from Sen. Ramchand.

**Sen. Prof. Ramchand:** I am not really happy to remove the suggestion that normally this should go to a national of Trinidad and Tobago. That is the law in every other country. We should not be ashamed of saying it or afraid of saying it. We would not lose any trade or custom, they might just feel we are smartening up a little. They do it in America, Canada and England.

**Mr. G. Singh:** I empathize with the sentiments expressed by Sen. Prof. Ramchand with respect to the view that we utilize nationals wherever you want to create a position. However, in the peculiar situation of the post where we are in transition it really creates a kind of managerial problem.

When I received your amendment around one o'clock I began to toy with ideas as to how can we practically achieve what we want. We want locals to run this institution eventually but we must have some kind of management structure, but I could not come up with a formula that would allow me to achieve the kind of deliverables I want to achieve and keep the management contractor benchmark and yet, at the same time, not give them the power. That is the kind of practical dilemma in which I found myself at that stage.

**Sen. Yuille-Williams:** Mr. Chairman, through you to the hon. Minister, is the managing director one of the positions that you think the management team will fill with a New Zealand Post person?

**Mr. G. Singh:** I am no management expert but I am sure Sen. Marshall will tell you if you are going to bring about culture change in the organization, if you are going to bring about the kind of systemic change that is required, then you must have the leader of the organization emanating the values and validating the kind of values that you want coming out from the system. You cannot have somebody "chinksin" on you in that position in order to achieve the kind of deliverables you want. That is the practical difficulty I find myself in so while I sympathize, unfortunately I cannot agree at this stage; but fortunately for us it is only for a five-year period and in the meantime we will put the management team in place in order to bring the transition that we want and desire.

**Sen. Prof. Ramchand:** How can that be registered?

**Mr. G. Singh:** I would tell you what I am doing. I think that you have to do it administratively. I am doing it in PowerGen and I am doing it in WASA. I have indicated that this is the way we approach that; we have people who are training in order to displace those there; so that there would be no renewal of work permits, for example, in PowerGen when the current manager leaves.

**Sen. Prof. Ramchand:** Presumably, if a non-national gets it he or she would get a work permit which will state what they usually state: that this person has done the job for five years but in the meantime we expect him to train a national to take over.



**Mr. G. Singh:** I do not think any work permit is granted for an extended period of five years in the first place. There is a continuous review process but one of the requirements is that you train. What is required is the political will and the mechanisms to be put in place in order to train people and we are doing that. That is the undertaking I can give.

**Mr. Chairman:** Okay with you Senator?

**Sen. Prof. Ramchand:** I cannot fight. Yes, Mr. Chairman, I withdraw it. I will take the promise and the undertaking. I have a good memory and I can always bring it up again. I withdraw the amendment on the understanding that this is not a permanent state of affairs.

**Sen. Yuille-Williams:** Before you go further, on that same 12(1) that last clause there “and who has an understanding of the welfare of the employee” I wish that will go for everybody we have in this organization, not only for the managing director. I hope it is for the board and everybody. I am still wondering why you particularly stuck it next to him. By putting it there I do not want to believe it is only the managing director we want to have this characteristic. In fact, everybody you put into this organization will have that so I do not think you need to put that, it is just superfluous.

**Mr. G. Singh:** If it is implicit that everybody should have that, then you should have no problem with it being expressed.

**Sen. Yuille-Williams:** For one person?

**Mr. G. Singh:** This one person is the person who will allocate the values of the organization.

*Question put and agreed to.*

*Clause 12 ordered to stand part of Bill.*

*Clauses 13 to 24 ordered to stand part of the Bill.*

*Clause 25.*

*Question proposed, That clause 25 stand part of the Bill.*

**Sen. Prof. Spence:** Mr. Chairman, I withdraw my proposed amendment to clause 25 which was circulated.

*Amendment withdrawn.*

*Question put and agreed to.*

*Clause 25 ordered to stand part of the Bill.*

*Clauses 26 and 27 ordered to stand part of the Bill.*

*Clause 28.*

*Question proposed, That clause 28 stand part of the Bill.*

**Mr. Chairman:** There are proposed amendments by the hon. Minister and by Sen. Daly.

**Mr. G. Singh:** Mr. Chairman, the amendments which were proposed to clause 28 incorporate the amendments which Sen. Daly had circulated and he indicated that he was, in fact—I do not know whether he gave any brief to hon. Members but he was pleased with the amendments we had incorporated. Those were the sentiments expressed by him so that our amendment has his support and he was willing to withdraw his amendment.

**Sen. Dr. St. Cyr:** Yes, that was the understanding when he left.

*Amendment [Sen. Daly] withdrawn.*

**Mr. G. Singh:** The amendment circulated is as follows:

Insert after subclause (2), the following subclause:

- (3) The Minister shall lay in Parliament as soon as practicable after the date of assent of this Act, a report which shall include -
  - (a) a statement of the amount of Trinidad and Tobago Post's initial capital referred to in subsection (1)(a);
  - (b) a statement of the liabilities converted into capital pursuant to subsection 9(1)(b);
  - (c) a statement of the amounts paid by way of Parliamentary appropriation pursuant to subsection (1)(c); and
  - (d) a copy of the valuation referred to in subsection (1)(d).

*Question put and agreed to.*

*Clause 28, as amended, ordered to stand part of Bill.*

**Sen. Dr. St. Cyr:** Mr. Chairman, just through you to the Minister, the suggestion that under clause 28(1) we add an (e) accumulated reserves. Is that useful?

**Mr. G. Singh:** I am no economist and I lay no claim to be one but I am advised that they will come under the post office fund rather than at this stage.

*Clauses 29 to 40 ordered to stand part of the Bill.*

*Clauses 41 to 45.*

*Question proposed, That clauses 41 to 45 stand part of the Bill.*

**Sen. Dr. Mc Kenzie:** Mr. Chairman, I also had a problem with 42(1) “in any building” whether we wanted to say public building. I also would like to know in 42(1) whether we meant just any building or any public building because you could come and stick one in my house.

**8.35 p.m.**

**Mr. G. Singh:** What will happen is, this is not going to be a kind of situation where they could come in and stick one, really. What is going to happen is the post office is now going to operate very commercially oriented so that where there are apartment complexes, there is going to be mail located in boxes in the apartment complexes, but the post office must have the legal authority to do that, consistent with working out terms and conditions for the contractual agreement.

**Sen. Dr. Mc Kenzie:** Thank you. Then, in clause 46—

**Mr. Chairman:** No, we are not on clause 46 yet; we are on clause 45.

**Sen. Prof. Ramchand:** Mr. President, before you put the question, could I say something about clause 45. I just noted something about clause 45. If you compare Chap. 47:01, the provision in the old Act, it seems to be a little clearer than the present one. The present one says:

“Where the sender of a postal article fails to pay the required rate of postage for the transmission of the postal article by the Trinidad and Tobago Post, Trinidad and Tobago Post may return the postal article to the sender for correct postage...”

—required for non-prepayment or insufficient prepayment. The original runs like this.

“Where the postage or any other sum chargeable on any postal packet is not prepaid by the sender or is insufficiently prepaid, the postage or sum or the deficiency as the case may be shall be paid by the person to whom the postal packet is addressed on the delivery of the postal packet to him and if the postal packet is refused or the addressee is dead or cannot be found by the sender.”

So, it gives the person receiving the letter an option to receive it and pay the postage.

**Mr. G. Singh:** What we will do—

**Sen. Prof. Ramchand:** Why are we changing that? It seems to me if a letter comes to me that is underpaid, I would like to get the letter. Why are you sending it back?

**Mr. G. Singh:** Mr. Chairman, can we defer clause 45 and come back to it whilst we move on to the other clauses?

*Clauses 41 to 44 ordered to stand part of the Bill.*

**Mr. Chairman:** We will revert to clause 45 at a later stage of the proceedings.

*Clause 45 deferred.*

*Clause 46.*

*Question proposed, That clause 46 stand part of the Bill.*

**Mr. Chairman:** There is a proposed amendment by the hon. Minister.

**Mr. G. Singh:** Mr. Chairman, as this clause stands, it is very punitive and what we are seeking to do, by virtue of the amendment, is:

In subclause (2), delete the words “neglect or” and substitute the word “knowingly”.

So, it imports a certain mental component.

“A person who knowingly fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars.”

**Sen. Dr. Mc Kenzie:** Mr. Chairman, my query is with clause 46(1):

“Where a postal article has been delivered to the addressee but comes into possession of a person...”

I wondered whether there was any time-frame for the return to Trinidad and Tobago Post because, if I got it today and I did not carry it in by tomorrow, whether there was not a time-frame for it to be taken back to Trinidad and Tobago Post within a week or within a month.

**Mr. G. Singh:** I take your point, but I think that the operative thing here is “within a reasonable time”.

**Sen. Dr. Mc Kenzie:** Well, whatever.

**Mr. G. Singh:** Because, if you seek to stipulate a time period, then it might not be a measure of convenience. So, reasonableness is something to be judged on the basis of the particular circumstances and, therefore, in that sense, that is why it has to be open, as is.

**Sen. Dr. Mc Kenzie:** You cannot put in “within a reasonable time”?

**Mr. G. Singh:** No. But the interpretation will be “within a reasonable time”.

**Sen. Dr. Mc Kenzie:** Okay. That was my query, because it was so open.

**Mr. G. Singh:** But the Interpretation Act says that. That is what is meant. I have been advised that the Interpretation Act says that: “within a reasonable time”.

*Question put and agreed to.*

*Clause 46, as amended, ordered to stand part of the Bill.*

*Clauses 47 and 48 ordered to stand part of the Bill.*

*Clause 49.*

*Question proposed, That clause 49 stand part of the Bill.*

**Mr. Chairman:** I think there are proposed amendments by Sen. Prof. Ramchand and by the Minister.

**Mr. G. Singh:** Mr. Chairman, what we have sought to do—

**Sen. Prof. Ramchand:** Mr. Chairman, I take the explanation. We could save time. I withdraw my amendment to clause 49.

**Mr. G. Singh:** Appreciated.

**Mr. Chairman:** Sen. Prof. Ramchand has withdrawn his amendment to clause 49. Does the Minister want to proceed?

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**Mr. G. Singh:** Mr. Chairman, his amendments were well thought out and, clearly, we have incorporated that into our amendments and we are grateful for the effort he has placed in this. The amendment is as follows:

Delete the words “containing any noxious substance or thing, including a dead animal commits an offence” and substitute the following words:

“containing any—

- (a) substance, the possession of which contravenes the Dangerous Drugs Act, 1991;
- (b) Noxious substance or thing including a dead animal or filth, commits an offence.”

**Sen. Prof. Ramchand:** Mr. Chairman, I would withdraw my amendments noting that the one that has not been dealt with is the whole problem of indecent material and the amendment I had proposed, coming out of the original legislation was quite specific:

“...consisting of or containing any indecent or obscene print, painting, photograph, lithograph, engaging photographic or cinematography film, book, card or written communication of any indecent or obscene article, whether similar to the above or not, having on it or on the cover any words, mark or design which are grossly offensive or of an indecent or obscene character.”

It seems to me that that attempts to clarify what we mean by indecent and it does not just leave it to some magistrate or some policeman to decide what is indecent. There is a whole list of things there to be looked at, but I do not want to waste time if the Minister and the Government are happy. I will just withdraw.

**Mr. G. Singh:** I felt that in the short period I had to look at your amendment, that it was quite extensive, but I am advised that any article containing any indecent material will give the necessary flexibility to incorporate all that and anything new that may emerge.

**Sen. Prof. Ramchand:** I guess what I was getting at is that it allows arbitrariness.

**Mr. G. Singh:** In a sense, in the period of time, what is indecent today may not be indecent tomorrow, so that the values may change; or what is decent today may not be decent tomorrow. So, it allows that flexibility.

**Sen. Prof. Ramchand:** You are not unhappy about the mixture of lexical items like indecent material/protected flora and fauna, appearing in the same thing.

**Mr. G. Singh:** I am advised it has to do more—and your point is taken on board—with the penalty associated, rather than with the categorization.

**Sen. Prof. Ramchand:** I withdraw my amendments, Mr. Chairman.

*Question put and agreed to.*

*Clause 49, as amended, ordered to stand part of the Bill.*

*Clause 50.*

*Question proposed, That clause 50 stand part of the Bill.*

**Mr. Chairman:** There is a proposed amendment by Sen. Prof. Ramchand. Have you also withdrawn?

**Sen. Prof. Ramchand:** And clause 51. I accept the Minister's amendments to the amendments.

**Mr. Chairman:** Proposed amendment to clause 50 by Sen. Prof. Ramchand withdrawn.

*Question put and agreed to.*

*Clause 50 ordered to stand part of the Bill.*

*Clause 51.*

*Question proposed, That clause 51 stand part of the Bill.*

**Sen. Yuille-Williams:** Mr. Chairman, I would like the Minister to give a legal point on this, because I raised it and I would appreciate his input.

**Mr. G. Singh:** I think it is, in essence, quite self-explanatory.

“Without prejudice to the right of an aggrieved person to apply to the High Court for the determination of the matter.”

So you have that right. You can go, but pending the adjudication of the matter by the post, then it is final.

**Sen. Mohammed:** So, should a decision of the court not be more final?

**Mr. G. Singh:** No. No. Without prejudice to your right. When the court makes its judgment, it is the court's decision that will be final, but the post, for purposes of its administration, will have to say, “Okay, this is a letter or this is not a letter. This is a postal article”—

**Sen. Mohammed:** So what would the court be ruling on?

**Mr. G. Singh:** Whether it is a letter or not.

**Sen. Mohammed:** So, why should the post prevail over the High Court?

**Mr. G. Singh:** No. No. It is without prejudice to the right of an aggrieved person. So, you have the right to go to determine if you feel aggrieved and then, the court's decision will be final, but until such time, "Doh interfere with meh business". That is basically what they are saying. Let me get on with running the affairs of the post while I will be subject and will submit to the ruling of the court—without prejudice to the right of an aggrieved person.

**Sen. Mohammed:** But that section does not suggest that you will be subject to the ruling of the court. It makes a mockery of the court.

**Mr. G. Singh:** It says:

"Without prejudice to the right of an aggrieved person to apply to the High Court for the determination of the matter."

So, the High Court determines the matter.

**Sen. Mohammed:** And the last line?

**Mr. G. Singh:** "Where the question arises...shall be final..." Let us look at it in practical terms. This is what it is saying. We are saying in TT Post, "This is a letter"; you have a problem with that, take us to court, we will defend our position.

**Sen. Mohammed:** Well, then, qualify it, and a decision of Trinidad and Tobago Post shall be final until such time as there is a ruling from the court.

**Mr. G. Singh:** It really does not help. When the point was raised by Sen. Joan Yuille-Williams, we received advice on this matter and we are comfortable with it from the point of view of not precluding the right of the court for a determination. It does not preclude it at all.

**Sen. Mohammed:** But one would think that a court's decision would be more final.

**Mr. G. Singh:** It is more final. This is not an ouster clause. This is not ousting the jurisdiction of the court. What it is doing is submitting the decision of the post to the court and not interfering with the right to go.

**Sen. Mohammed:** So, what would be the remedy in the court? For what is one going to the court?



**Mr. G. Singh:** To determine what is a letter if one feels aggrieved.

**Sen. Mohammed:** But the post shall be final?

**Mr. G. Singh:** No, final subject to the court. It is clear.

**Sen. Mohammed:** But, that is it.

**Sen. Prof. Ramchand:** Mr. Chairman, the amendment we accepted to clause 49, the original had:

“...commits an offence and is liable on summary conviction to a fine of ten thousand dollars or to imprisonment for a term of four years.”

That part seems to have been left out in the Minister’s amendment. I am sure it is a typo because I do not think there is anybody arguing that the penalty should be removed. It is stopping at “commits an offence”.

**Mr. G. Singh:** I am advised that it is retained. All that is done is the deletion of certain words.

**Sen. Prof. Ramchand:** Oh! All right.

**Mr. Chairman:** There is a proposed amendment to 51 which we did not deal with.

**Mr. G. Singh:** This is consistent with what Sen. Prof. Ramchand had indicated in his amendments and I think it has his agreement.

Insert after subclause (2), the following subclause:

- (3) The detention in Trinidad and Tobago Post of any postal article on the ground of its being in contravention of this section shall not exempt the sender thereof from any proceedings which might have been taken if the postal article had been delivered in due course.

**Sen. Prof. Ramchand:** I withdraw mine.

*Question put and agreed to.*

*Clause 51, as amended, ordered to stand part of the Bill.*

**8.50 p.m.**

*Clauses 52 to 57 ordered to stand part of the Bill.*

*Clause 58.*

*Question proposed, That clause 58 stand part of the Bill.*

**Mr. G. Singh:** Mr. Chairman, the proposed amendment seeks to establish a limitation period and is amended as follows:

“Notwithstanding the provisions of any other enactment, any information shall not be laid in respect of an offence under this Act after five years from the time when the matter of the information arose.”

We sought to narrow it down because clause 58 is much too wide for our purposes.

*Question put and agreed to.*

*Clause 58, as amended, ordered to stand part of the Bill.*

*Clauses 60 to 66 ordered to stand part of the Bill.*

*First Schedule ordered to stand part of the Bill.*

*Second Schedule ordered to stand part of the Bill.*

*Third Schedule ordered to stand part of the Bill.*

*Fourth Schedule ordered to stand part of the Bill.*

**Mr. G. Singh:** Mr. Chairman, there is a list of typographical errors and it is necessary for good governance that they be incorporated in the amended Bill before this honourable Senate.

*Clause 5*

Delete the word “Tobago” and substitute it with “Tobago”.

*Clause 7(2)*

Insert before paragraph (b) the following paragraph:

“(a) set prices, including discounts, for non-reserved services;

*Clause 18*

Delete the words “shall immediately given” and substitute the words “shall immediately give”.

*Clause 26(h)*

Delete the word “dividend” and substitute the word “return”.

*Clause 64*

Insert immediately before the words occurring between clause 64(3)(b) and clause 65 the following words:

Delete the words “Post Office of Trinidad and Tobago” and “Postmaster General.”

Mr. Chairman, by way of explanation the changes with respect to clause 26 were already approved in the other place but they were inadvertently omitted in the consolidated Bill.

Also, the changes proposed in respect to clauses 7 and 64 call for the insertion of words which again, were already approved in the other place but were inadvertently not reproduced in the printing of the consolidated Bill due to technical problems.

I think we have to return to clause 45 and we are still getting advice. We need your indulgence for two more minutes.

**Sen. Prof. Ramchand:** The Post Office Act, Chap. 47:01 section 7(1) is implying that the Post Office has the option of telling the addressee if he pays the money he can have it.

**Mr. G. Singh:** In our contact with the Postmaster General he has said that is the flexibility that they may give the post office the option.

**Sen. Prof. Ramchand:** I would like to have the option as the addressee.

**Mr. G. Singh:** Exactly. But I am still trying to find a way so that it could be explicit that the addressee has the option because you may have some people sending mail to you, not paying it and it comes back to me and it is really meant for you.

**Sen. Prof. Ramchand:** The original legislation is very clear.

*Clause 45 revisited.*

*Question proposed, That clause 45 stand part of the Bill*

**Mr. G. Singh:** Mr. Chairman, I think we have arrived at a compromise. After the words “personal article” in clause 45 remove the full stop and put a comma. It reads as follows:

“Where the sender of a postal article fails to pay the required rate of postage for the transmission of the postal article by Trinidad and Tobago Post, Trinidad and Tobago Post may return the postal article to the sender for the postage prescribed for non-prepayment or insufficient prepayment of the postal article, where the required postage is not paid by the addressee.”

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So they may return it where the addressee does not pay the postage.

*Question put and agreed to.*

*Clause 45, as amended, ordered to stand part of the Bill.*

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

*Senate resumed.*

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

#### FELICITATIONS

**The Minister of Public Administration (Sen. The Hon. Wade Mark):** Mr. President, may I take this opportunity on behalf of my senatorial colleagues on the Government Bench to warmly and sincerely extend greetings for a very holy and happy Christmas to you and your family and to all Senators here, a very healthy, rewarding, productive and peaceful 1999.

We also take this opportunity to extend greetings to the President of the Republic of Trinidad and Tobago, His Excellency A. N. R. Robinson and his family on the occasion of Christmas and the best of health in 1999.

Mr. President, we take the opportunity to extend our love and collective appreciation on this side to the Clerk of the Senate and her assistant. We also extend greetings for a very joyous season to the Sergeant-at-Arms and his family, the orderlies and their families, the Hansard staff and their families, the policemen and policewomen who have protected us for the entire period that we have been here and their families; the members of the media and their families. We want to ensure they have a very joyous Christmas as well and we extend greetings to the entire staff of the Parliament of Trinidad and Tobago.

**9.05 p.m.**

Mr. President, as you know, greetings are also in order to the Muslim community. We were reminded of the occasion of the commencement of the holy month of Ramadan over the coming weekend. As we know, Muslims fast from dawn to dusk, reminding themselves of their less fortunate brothers and sisters and they also engage in special congregational prayers on a nightly basis. We want to take this opportunity to extend those greetings accordingly.

We also want, on this side, to record our appreciation to Sen. Kelvin Ramnath on his maiden contribution today and to let our colleagues know that we have provided some light hors d'oeuvres and refreshments. May I also remind all our colleagues that the CPA branch of the Parliament of Trinidad and Tobago will be hosting a function on Friday at 6.30 p.m, so all of us are invited.

On this note, I want to move that the Senate do now adjourn to Tuesday, January 12, 1999 at 1.30 p.m.. We are going to have a very hectic period before us and we want our colleagues to be prepared all round for maybe long sessions in 1999. I beg to move.

**Sen. Nafeesa Mohammed:** Mr. President, we on this side would certainly like to endorse the remarks made by my colleague, the hon. Leader of Government Business in the Senate, in extending greetings to you and your family and, of course, to the President of the Republic of Trinidad and Tobago and his family, and certainly, to the entire staff of the Parliament, the Clerk and the Assistant Clerk, the Sergeant and, of course, the *Hansard* reporters, the security, and the media as well.

As my colleague just pointed out, the holy month of Ramadan is fast approaching us and on behalf of the People's National Movement, we too extend best wishes to all Muslims in Trinidad and Tobago for a very holy month of Ramadan.

**Sen. Rev. Daniel Teelucksingh:** Mr. President, on behalf of the Independent Bench, I, too, would like to join with the Opposition and Government Benches in extending Season's Greetings to you and your family and to the President of our Republic and his family, and to all the supporting staff—all of those who have become a part of our family: the media, parliamentary staff, the security personnel. We have been as a family and these have been wonderful Tuesday evenings and nights spent here with all of them and with their support.

I pray that God's blessings will be with us as the year comes to an end and that his grace will be leading and guiding us in the new year. The entire nation must be speaking at this time about the season of goodwill and feels very concerned about the incidents of crime and violence in this country. It is a prayer that during this season, particularly for the business community, that God's grace will support and guide them. They seem to have been the target of the criminal elements, but all across this country, I think we need to have a time of prayer for peace and goodwill and not only to send postcards. Let there be an abundance of everything in the new year for us, but this is a time of serious reflection for us.

*Felicitations*  
[HON. W. MARK]

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I would also join with all the others in the Senate to extend to the Muslim community God's grace and guidance during this very special period.

Thank you very much.

**Mr. President:** Hon. Members, I too wish to express my thanks to His Excellency the President for the sentiments which he conveyed to us in his letter of December 11, and on behalf of Members of this Senate, I will send an appropriate letter of thanks to him, and at the same time, conveying our warm greetings to him and his family and wishing him particularly and Mrs. Robinson a very healthy 1999 and prosperity at Christmas.

I wish to thank Members of this House for the good wishes expressed to my family and me, and I wish to reciprocate ten fold to each and every one of you. *[Desk thumping]* To members of the staff, particularly those who interact with us on a daily basis when we sit in this House: the Clerk of the Senate and Assistant Clerk, the Sergeant-at-Arms, the messengers, the *Hansard* reporters and all other members of the Parliament, together with the security personnel, the police officers and the media who all contribute to the effective functioning of this Parliament, I want to wish them all the best for 1999 and a happy and holy Christmas.

To the Muslim community, I extend my greetings to each and every one of them for a holy month of Ramadan. I finally wish to thank temporary Sen. Ramnath for his maiden address in this honourable Senate. Congratulations.

*Motion made and question proposed,* That the Senate do now adjourn to Tuesday, January 12, 1999 at 1.30 p.m. *[Hon. W. Mark]*

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 9.11 p.m.*