

*Leave of Absence*

*Tuesday, February 18, 2003*

**SENATE**

*Tuesday, February 18, 2003*

The Senate met at 1.30 p.m.

**PRAYERS**

[MADAM PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

**Madam President:** Hon. Senators, I have granted leave of absence from today's sitting to Sen. Rawle Titus.

**PAPERS LAID**

1. Annual audited financial statements of Caroni (1975) Limited for the financial years 1991 to 1999. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]
2. Annual audited financial statements of Tourism and Industrial Development Company of Trinidad and Tobago Limited for the financial year ended September 30, 2000. [*Sen. The Hon. C. Enill*]
3. Annual audited financial statements of Property and Industrial Development Company of Trinidad and Tobago Limited for the financial year ended September 30, 2000. [*Sen. The Hon. C. Enill*]
4. Annual audited financial statements of Point Lisas Industrial Port Development Corporation Limited Group for the financial year ended December 31, 2001. [*Sen. The Hon. C. Enill*]
5. Annual audited financial statements of Small Business Development Company Limited for the financial year ended September 30, 2001. [*Sen. The Hon. C. Enill*]
6. Annual audited financial statements of National Helicopter Services Limited for the financial year ended September 30, 2001. [*Sen. The Hon. C. Enill*]
7. Annual audited financial statements of Trinidad and Tobago Solid Waste Management Company Limited for the financial year ended December 31, 2001. [*Sen. The Hon. C. Enill*]
8. Financial statement of the Trinidad and Tobago Postal Corporation for the year ended June 30, 2001. [*Sen. The Hon. C. Enill*]

9. Financial statements of the Agricultural Development Bank of Trinidad and Tobago for the year ended December 31, 2001. [*Sen. The Hon. C. Enill*]
10. Annual audited financial statements of National Enterprises Limited for the financial years ended March 31, 2001 and March 31, 2002. [*Sen. The Hon. C. Enill*]
11. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Trinidad and Tobago Civil Aviation Authority for the period August 11, 2000 to September 30, 2001. [*Sen. The Hon. C. Enill*]
12. The Freedom of Information (Exemption) Order, 2003 [*The Minister of Community Development and Gender Affairs (Sen. The Hon. Joan Yuille-Williams)*]

**Sen. The Hon. J. Yuille-Williams:** Madam President, the Statutory Instruments Committee met and considered the Order and the minutes were circulated to Members.

#### ORAL ANSWERS TO QUESTIONS

#### **Registration, Recognition and Certification Board (Applications)**

**12. Sen. Wade Mark** asked the hon. Minister of Labour and Small and Micro Enterprise Development:

Is the hon. Minister aware that applications for recognition at the Registration, Recognition and Certification Board (RR&CB) could take as much as two years to process? If so, could he indicate what measures, if any, he intends to take to urgently rectify this manifest anomaly?

**The Minister of Labour and Small and Micro Enterprise Development (Hon. Lawrence Achong):** Madam President, as a result of the operations of the Registration, Recognition and Certificate Board, amendments are being formulated which will form part of the package of amendments to the Industrial Relations Act. It is being proposed that the board will be granted the power to issue interim recognition certificates in instances of short term projects, especially in construction and Government direct development goods.

**Sen. Mark:** Madam President, through you, could the hon. Minister indicate any time frame he anticipates for the implementation of those recommendations?

**Hon. L. Achong:** Madam President, as indicated last week, the Government expects the Industrial Relations Act (IRA) to be ready during the fourth quarter of this parliamentary session.

**Sen. R. Montano:** Would the Minister please indicate whether these interim recognition certificates would have the full force of permanent recognition certificates?

**Hon. L. Achong:** Madam President, the intention is that in situations where there may be construction projects, as in the case of Bechtel in Point Fortin or Atlas in Point Lisas, where there are a number of unions vying for recognition, in order to bring some order to the whole procedure, the Minister, in his discretion, will select a particular union and give it recognition status.

**Sen. R. Montano:** The Minister did not, in fact, answer my question so I repeat it and, in addition to the question that I have asked, do I understand, from what the Minister just said, that these interim recognition certificates will be purely discretionary from the Minister? If the answer to that question is yes, what criteria, if any, will the Minister use to recognize a particular union or will he just, as it were, dip into a hat?

**Hon. L. Achong:** Madam President, I think that is a separate question.

**Sen. Mark:** I just want to ask my hon. colleague whether the democratic process, as it relates to the majority of persons who would like to have “X” union or “Y” union represent them, whether that mechanism would not be thrown out of the window and the Minister, personally, as a politician, now determine “X” union or “Y” should represent workers on an interim basis? Could the Minister clarify that for me?

**Hon. L. Achong:** I would think it is pretty obvious that in a situation where interim recognition has to be given, the democratic process will prevail and the union most favoured would, most likely, get it. Madam President, it is an attempt to prevent what is happening presently in Atlas and Bechtel—the confusion down there—which was initiated because of the extremely poor management by the former Minister of Labour.

**Sen. R. Montano:** Would the Minister not agree that his refusal to answer my question, and pretending that it is another question—when all could see that it is not—is simply a cover-up for the Minister’s own incompetence.

**Madam President:** Senator, please, I think this matter has gone far enough. Sen. Mark, will you please continue with the next question?

**Employees Employed by Contractors  
(Wages)**

**13. Sen. Wade Mark** asked the hon. Minister of Labour and Small and Micro Enterprise Development:

Is the hon. Minister aware that the Prime Minister during the 2002 General Election campaign gave a commitment and/or undertaking to raise the wages of employees of contractors in the construction industry? If the answer is in the affirmative could he indicate what steps have been taken by his ministry to give effect to the Prime Minister's commitment?

**The Minister of Labour and Small and Micro Enterprise Development (Hon. Lawrence Achong):** Madam President, I am not aware.

**Sen. Mark:** Madam President, would the hon. Minister of Labour and Small and Micro Enterprise Development indicate to this honourable Senate whether he intends to take measures and/or steps to address, what could only be described as "exploitative conditions" existing in the construction industry, in particular, where workers are employed by subcontractors or contractors?

**Hon. L. Achong:** Madam President, the Senator could have asked that question on the Order Paper. We will have to show the Senator how to ask questions because they are poorly phrased.

**Sen. R. Montano:** Please answer the question, or are you incompetent?

**Hon. L. Achong:** Madam President, we are aware of some of the deplorable conditions that exist on construction sites, especially, as it relates to wages. Yes, this Government intends to address those issues, primarily by having sectoral minimum wages, which will take care of the problems that Sen. Mark outlined. This is going to happen within the next two months. [*Desk thumping*]

**Sen. Mark:** Could I ask my colleague whether the Government intends, in the near future, to look at the introduction of a comprehensive labour code to consolidate all the various laws that relate to workers who are not organized under trade unions in Trinidad and Tobago, and who require social protection?

**Hon. L. Achong:** Madam President, the last time I was here, I did mention that certain pieces of legislation would be brought soon to Parliament, including the Basic Conditions of Work and Employment Injury and Disability Bills, so this will encompass and take care of all the concerns that Sen. Mark has outlined.

**Atlas Methanol Site  
(Wages)**

**14. Sen. Wade Mark** asked the hon. Minister of Labour and Small and Micro Enterprise Development:

Is the hon. Minister aware of the extremely unsatisfactory level of wages paid to workers employed on contract at the Atlas Methanol site? If the answer is in the affirmative, what steps does the Minister intend to take to alleviate the plight of this group of workers?

**The Minister of Labour and Small and Micro Enterprise Development (Hon. Lawrence Achong):** Madam President, the Government is at the moment examining the terms and conditions of workers of certain sectors in Trinidad and Tobago—including the heavy construction sector—to make appropriate decisions in accordance with the Minimum Wages Act and other relevant labour laws.

**Sen. Mark:** Could the hon. Minister indicate to this honourable Senate whether he is satisfied with the kind of terms and conditions that the workers at Atlas Methanol have been subjected to over the last few months, and if the Minister is not satisfied, what steps he intends to take to address these matters?

**Hon. L. Achong:** If the Senator would recall, about four or five months ago, I had to intervene in the dispute at Atlas. That intervention resulted in approximately 30 per cent increase for the workers, and problems like that will not happen in the future, once we have minimum wages by sectors. So seeing that in the absence of trade unions, there is a tendency on the part of employers to exploit workers, the Government will intervene. There will be Government intervention by having minimum wages by sectors. I would simply like this Senate to know that the problems with construction workers started at the beginning of the Bechtel project, when the former Minister of Labour wrote to Bechtel telling them what wages must be paid by the subcontractors and, therefore, Atlas followed suit by paying the workers, what we consider to be substandard wages. Thank you. [*Desk thumping*]

**Private Legal Services  
(Retention by the Government)**

**19. Sen. Robin Montano** asked the hon. Attorney General:

- (a) Could the hon. Attorney General provide this House with the following information:

- (i) The names of all attorneys-at-law in private practice and the private law firms that have been retained by the Office of the Attorney General and/or the Director of Public Prosecutions for the period December 25, 2001 to date?
- (ii) The matters for which the said attorneys-at-law and/or law firms were retained?
- (b) Could the hon. Attorney General inform this Senate about the number of all requisitions made to each attorney-at-law and/or law firm inclusive of any refreshers?
- (c) Could the hon. Attorney General further inform this Senate about:
  - (i) the amount of money paid to each attorney-at-law or law firm to date?
  - (ii) the amount of money outstanding to each attorney-at-law or law firm for each matter to date?

**The Attorney General (Sen. The Hon. Glenda Morean):** Madam President, I am constrained to request that the answer to question No. 19 be deferred for a period of two weeks. The reason for this is that the information relating to the answers to the questions is voluminous and, not only that, some of the information is not entirely accurate. As an example, I could give, there is information relating to fees requisitioned by Attorney Montano and Company, in the sum of \$5.2 million, yet it shows that \$4 million was paid, but when we had given the figures, the figures did not add up, they add up to more than \$4 million. So this is just one example of the information that is incorrect. So I would need some more time to go through all this to be able to give accurate figures.

**Sen. R. Montano:** Could I just reply to that? Madam President, could I just say something because my name has been called here? Could I just point out that the question relates to fees paid for the period December 25, 2001 to date. Now, is the Attorney General saying that I was paid \$5 million or \$4 million last year? That is simply not true.

**Madam President:** Senators, when the answer comes to the Senate I am sure that we will have that matter clarified.

**Sen. R. Montano:** Madam President, I wish to take objection here, because the Attorney General has cast a slur on my character, and she has made a statement that is misleading; is simply totally and completely inaccurate.

**Hon. Senator:** No, no.

**Sen. R. Montano:** Will you be quiet, otherwise I will report you. Madam President, in the past, when statements like this have been made—indeed, I recall when I made a certain statement Sen. Dr. Eastlyn McKenzie stood up and asked that my statement be expunged from the record. Now what the Attorney General has said here is not accurate. The Attorney General has cast a slur on me and, in any case, I state categorically that I received no moneys last year.

**Madam President:** I think the Attorney General said that it was inaccurate information and they were trying to get the correct information. But, as I have said, when we get the answer, surely, this matter will be verified, if not, then the Attorney General will have to withdraw the statement, but until we get that information, I do not know that I could do anything about it at this moment.

**Sen. R. Montano:** Madam President, would you hear me further, please? Madam President, when the shoe was on the other foot you expunged my statement from the record. I am requesting that you treat me the same way now that the shoe is on the other foot. I am requesting that I be treated the same way and that the Attorney General's statement be expunged and that it not be published because it is not correct.

**Sen. Dumas:** The chickens have come home to roost.

**Sen. R. Montano:** The chickens have come home to roost—when the Senator hears the story and he will hear it—that is a nasty lie.

[*Pause in proceedings*]

**Madam President:** Senators, I have listened to Sen. Montano and, I think that he has a genuine case, so I would ask the Attorney General to withdraw the statement until she brings the answer in two weeks' time—whatever was said.

**Sen. The Hon. G. Morean:** Madam President, could I have what I am withdrawing? What I recall saying is that I got information that is not totally accurate and I have given as an example—I am just trying to get what it is I am supposed to withdraw—I got here showing requisitions over a period for \$5.2 million—

**Madam President:** Attorney General, there was no need for that in the first place because you were not giving the answer. So when you bring the answer in two weeks' time we will have that conclusion. [*Desk thumping*]

**Sen. Mark:** Madam President, before we proceed could I get some clarification? Are you saying that you are directing the media not to print that statement and that it be expunged from the record?

**Madam President:** Words expunged.

**Sen. R. Montano:** Madam President, if I could save some time, I understand that the request is going to be the same for questions Nos. 20 and 21 and, in the circumstances, as I had already indicated privately, I have no objection to the questions being adjourned—actually, in reality, it would be for three weeks, because in two weeks' time it would be Carnival Tuesday, and I do not believe that the Senate will be sitting then. So, in reality, it would be for three weeks.

*Question, by leave, deferred.*

**Private Legal Services  
(Retention by State Enterprises)**

*The following question stood on the Order Paper in the name of Sen. Robin Montano:*

- 20.** (a) Could the hon. Minister of Trade and Industry provide this House with the following information:
- (i) The names of attorneys-at-law in private practice and law firms retained by any/or all State Enterprises during the period December 25, 2001 to date?
  - (ii) A brief description of the legal services performed or to be performed by these attorneys and/or law firms?
- (b) The total number of requisitions, bills or agreements for fees made by each attorney-at-law and/or law firm for the said work?
- (c) The total amount paid to each attorney-at-law and/or law firm, together with the amount/s outstanding to each attorney-at-law and/or law firm?

*Question, by leave, deferred.*

**Sen. The Hon. G. Morean:** I have the answer for question No. 21.

**Sen. R. Montano:** Madam President, I had explained to you that my information is—and if it is wrong I am quite happy to get the answer now. If the Attorney General could answer the question now yes, please, and if the Attorney General cannot—I was simply trying to save time.

**Madam President:** Well, shall we go back then?



**Condemned Persons  
(Status of Conviction)**

**21. Sen. Robin Montano** asked the Attorney General:

- (a) Could the hon. Attorney General state:
  - (i) The number of persons condemned to death and presently on death row and who can now be lawfully executed?
  - (ii) The names of those condemned persons and the dates of their respective convictions?
  - (iii) The number of persons condemned to death and on death row who can no longer be lawfully executed because of the ruling in the *Pratt and Morgan* case?
  - (iv) The names of those persons identified at (iii) above and the dates of their convictions?
- (b) Could the hon. Attorney General inform this House of the number and names of persons condemned to death who are expected to be executed during the months of February, March, April, May, June, July, August, September, October, November and December 2003 and January 2004?

**The Attorney General (Sen. The Hon. Glenda Morean):** Madam President, there are 86 persons in the condemned division of the State Prison, Port of Spain. It is the accepted legal position that no condemned prisoner could be lawfully executed while his or her appeal is pending before the domestic courts or the Judicial Committee the Privy Council or an application is pending before the International Human Rights Bodies.

The Privy Council in the case of *Pratt and Morgan v The Attorney General of Jamaica* laid down the rule that prolonged delay after sentence of death has been passed could amount to inhuman punishment or treatment in breach of section 5 of the Constitution. The general rule laid down in the *Pratt and Morgan* case is that execution must be carried out within five years from the date of conviction. However, depending upon the individual circumstances of the case, it is possible for an execution to be declared cruel and unusual even if it is carried out within five years.

Although the rule in the *Pratt and Morgan* case is a general rule, the courts have adopted the policy that once five years has elapsed from the date of conviction, the death penalty should be commuted. In such circumstance, it has been commuted to one of 75 years' imprisonment with hard labour.

The Privy Council, again, in *Thomas v Baptiste* held that any attempt to execute a prisoner before the determination of his petition by the International Human Rights Bodies would be unlawful. In the later case of *Neville Lewis and Ors. v The Attorney General of Jamaica*, the Privy Council again held that the human rights bodies must determine petitions from condemned prisoners before they can be executed. For the execution to be lawful, the International Human Rights Bodies must have determined the petitions within the five-year period laid down in the *Pratt and Morgan* case.

None of the 86 prisoners under sentence of death could be lawfully executed at the present time because they either have appeals pending before the domestic courts, petitions pending before International Human Rights Bodies and/or are outside the five-year time frame for execution laid down in the *Pratt and Morgan* case.

In that regard, Madam President, 34 of these persons are outside the five-year time frame for execution in the *Pratt and Morgan* case; six of these persons have petitions pending before the Inter American Commission on Human Rights. Thirteen of these persons have appeals pending before the Court of Appeal and 33 persons have appeals pending before the Judicial Committee of the Privy Council.

With respect to the names of these condemned persons, there is a list which I will supply to the Clerk at the end of the proceedings. The number of persons condemned to death and on death row who could no longer be lawfully executed because of the ruling in the *Pratt and Morgan* case is 34. Again, I have a list of names which will be supplied to the Clerk.

Madam President, at present, there are 52 persons under sentence of death with appeals pending, who are within the time frame for lawful execution laid down in *Pratt and Morgan*. Under the law, none of these persons could be executed until their appeals before the domestic courts have been completed, their petitions to the International Human Rights Bodies have been determined and their cases considered by the Advisory Committee on the Power of Pardon under section 89 of the Constitution for the Minister of National Security to advise His Excellency, the President, on the exercise of the prerogative of mercy.

It is therefore not possible to prejudge the decisions of the Court of Appeal and the Privy Council in these cases and pre-empt the exercise of the prerogative of mercy by His Excellency, the President. The specific information requested cannot be provided. Thank you. [*Desk thumping*]

**Sen. R. Montano:** Would the Minister please give the names of the various International Human Rights Bodies to which Trinidad and Tobago subscribes and to which these men and women have a right of appeal?

**Sen. The Hon. G. Morean:** If the offence was committed before we denounced the jurisdiction of the Inter-American Court on Human Rights, then the commission is still entitled to hear their cases, so that is one of the bodies. As far as other bodies are concerned, the major one is the Inter-American Commission on Human Rights. I do not have the complete list but, at least, that is the major one to which most condemned persons apply.

**Sen. Prof. Deosaran:** Madam President, given these figures, and before the country begins to feel that the death penalty itself is now dead, could the hon. Attorney General help us by indicating whether or not the Government is intent on reconsidering its policy on the death penalty or—let me put it in another way—whether it is approaching the consideration of abolishing the death penalty in these circumstances?

**Sen. The Hon. G. Morean:** As the Senator rightly says, it is a question of policy, and this is a matter which this present Government has not gone into thoroughly as yet.

**Sen. Smith:** Madam President, could the hon. Attorney General indicate what steps are being taken to remove the 34 persons who could no longer be executed from the condemned cells?

**Sen. The Hon. G. Morean:** This really should form the subject of a separate question, because this would require my getting information from the Minister of National Security.

**Madam President:** Senator, maybe you could put that question forward and you will get the information.

*Vide end of sitting for written part of the answer.*

#### **REGISTRAR GENERAL (AMDT.) BILL**

*Order for second reading read.*

**The Minister of Legal Affairs (Hon. Camille Robinson-Regis):** Madam President, I beg to move,

That a Bill to amend the Registrar General Act, Chap. 19:03, be now read a second time.

Madam President, from the outset, permit me to clear the record based on newspaper reports of the debate on this legislation in the other place. This Bill is not to allow the Registrar General to receive cash for 15 minutes after 3.00 p.m. That is what was reported when the debate ensued in the other place. In fact, this

Bill is to ensure that the Registrar General could proceed with all transactions after 3.00 p.m. once a member of the public is in the line and awaiting attention by the staff of the Registrar General's Department.

Additionally, this Bill is to ensure that whenever the office of the Registrar General is to be closed that it is obligatory that the public be informed that the office is to be closed by notice in one of the daily newspapers, and by notice in the *Gazette*. That is the intention of this legislation.

Let me also point out that this Bill seeks to amend Act No. 70 of 2000 which amended the Registrar General's Act, Chap. 19:03. May I also take this opportunity to point out that when the Registrar General Act was amended by Act No. 70 of 2000, it was found, at that time, that there was a need to allow the Registrar General to stop taking cash or proceeding with transactions in an effort to ensure—given the computerization of the department—that same day recording of transactions could take place. What we have found over the last two years, looking at the system, is that persons are coming to transact business, and because of the amendment that was made, at 3.00 p.m. they were forced to leave.

Madam President, as you are well aware, it is only at the Registrar General's office that certain transactions could take place. So if someone is in the line at three o'clock, as it stands now, that persons would have to leave and come back at some other convenient time. What we are attempting to do by this amendment is to ensure that once you are in the line at three o'clock, the transactions could, in fact, take place. So the amendment is to ensure that any hardship that would occur by telling people that they have to return on another occasion would be abolished.

May I also take this opportunity to indicate that whereas in the Registrar General (Amdt.) Act, No. 70 of 2000, the power of the Registrar General, in relation to the closure of the office, and the reduction of office hours on any given day is mandatory, the Bill before the Senate for debate today will make this power discretionary. It is also noteworthy that the Registrar General would be empowered, not only to reduce hours of work, but also to alter office hours generally. So the hours of work could either be reduced or increased. The previous legislation only allows for the reduction of office hours.

Furthermore, whereas Act No. 70 of 2000 gave the Minister a discretion regarding whether or not notice of the closure of the office or any change in office hours would be published in the *Gazette*, the Bill that is before the Senate for debate today seeks to make publication in the *Gazette* obligatory, since it was felt that it was imperative that members of the public should know when the office of the Registrar General will be closed, and when office hours will be changed.

Madam President, as you well know, that department houses the records of Trinidad and Tobago, that is: birth, death, marriage records, Muslim divorce records, records in relation to all land transactions, and records in relation to all company transactions, so it is imperative that the public is fully aware of when that office is to be closed. Essentially, that is the objective of the Bill that is before the Senate today.

May I take this opportunity to indicate that it is the Government's intention to propose at the committee stage of these proceedings, a further amendment to the Bill. Under the Bill as it is before the Senate, persons transacting business at the Registrar General's Department may only make payments in cash if they are already in the department at 3.00 p.m. We are proposing an amendment to the word "cash" in clause 2(2)(a) of the Bill where it says:

"Notwithstanding subsection (1), the Registrar General—

(a) shall not accept cash for any transaction after three o'clock..."

It is proposed that at the committee stage we will remove the word "cash" and substitute it with the word "payment" so that all types of payments—whether by cash or any other form of negotiable instrument—would be covered by the use of this term rather than limiting it to the word "cash". The intention is to ensure that we could facilitate the cashiers in the Registrar General's Department being able to balance their books before the end of the day.

Additionally, in the interest of fairness, the proposed amendment to the word "payment" rather than "cash" would require, therefore, all persons making payment for any transaction to be in the department no later than 3.00 p.m. So once you are in the line at 3.00 p.m.—whatever is your transaction—you could proceed with it. When the cashiers have completed the line then all transactions stop.

The other aspect of the amendment is to ensure that whenever the office of the Registrar General is to be closed, that notice will be given in the *Gazette* and in, at least, one daily newspaper. Madam President, essentially, that is the objective of this Bill.

I beg to move. [*Desk thumping*]

*Question proposed.*

**Sen. Robin Montano:** Madam President, nobody could be against legislation that seeks to improve the lot of the ordinary citizens, especially the ordinary citizens who have to deal with government bureaucracy. Too often we find that

the civil servants—inside the bureaucracy of Government—become sort of inured to the pain and suffering of the average citizens and they tend to treat the persons in line as cattle. I am not certain that this legislation would necessarily alleviate that kind of problem, but if this legislation—and I have listened carefully to the Minister—is intended to alleviate some of the problems that people have when being dealt with at the registry, then any reasonable person must be for it.

I looked at this legislation which is a simple amendment and I asked myself: Why is the Government wasting parliamentary time by bringing a Bill to amend the Registrar General Act with just this amendment? Why did the Government not come with a bit more and deal—in a sort of a one and done type of situation—with some of the problems that are being faced in the registry by persons who wish to register deeds?

For example, presently in Port of Spain, the Board of Inland Revenue Valuation Department is refusing to register a deed unless it is accompanied by a valuation and only certain valuers are being accepted, otherwise you have to get a government valuation. A government valuation takes six to nine months, so you are pretty well forced to go and hire one of the approved valuers. Why? This is not helping us and it is putting an additional burden on people, especially at the lower income level, and people who are taking a mortgage because the bank always requires a valuation. There are many transactions that go through without a mortgage and the Government is forcing people to hire valuers. It is unreasonable.

Take, for example, the Probate Department in the Registrar General's Department. Presently, it takes approximately five months to get a search done and one cannot apply for probate until the search comes through. In the Real Property Ordinance Section, again, to do things there it takes a long time. There is a whole host of things that could be done and ought to be done to modernize the Registrar General's Department, and there is a whole host of things that we could be doing here, rather than the Government come with a bit of legislation here and a bit of legislation there. The Government should come and have one debate that could fix things completely in that department.

Madam President, take for example, again, the question of conveyancing, the deeds that people use to buy their houses. All deeds must be registered in the Registrar General's Department. It is a blot on all of the past administrations from 1956 to date that the Registrar General's Department is yet to computerize its records so that a search could be done with authority, as it were, press a button and one could get what is the title on a particular piece of property.

I do not think that people understand what they pay for when they pay lawyers' fees for conveyancing. Basically, a lawyer when he signs his name "This deed prepared by me, John Smith, attorney-at-law..." what he is doing is certifying that the title is good and correct. Practising conveyancers will tell you that although they hire very good search clerks, the fact of the matter is, there is no conveyancer that I know of in Port of Spain, who has not, at one time or another, had a mistake made by a search clerk and has had to pay dearly for it.

I know of a big firm that paid out \$120,000 because of a mistake that its search clerk made. I know of a little firm that had to pay out \$50,000 and so it goes. Fortunately, it does not happen every day. Lawyers are careful by nature, but mistakes do happen. I hear some laughter—I think I should say that most lawyers are careful by nature. Madam President, it would not be all that difficult today, to computerize the registry so that an attorney could go and order a search, for example, on "123 Sesame Street, Port of Spain" and get the search back within a day or three days, as the case may be, and pay a search fee to the registry.

Now when the attorney gets the search the registry is certifying that up to the date and time of the search, the search is accurate. What that could and would do almost immediately is that it would remove the need for scale fees for attorneys—as scale fees have been abolished in England—and it would immediately reduce the price that lawyers charge their clients for doing a conveyance, and one could understand that. Lawyers would effectively no longer be at risk and they would not potentially have to pay out huge sets of money. If they do a million-dollar conveyance, they are at risk for a million dollars if that title goes bad. So this could be done and the abolition of scale fees could take place.

Now, this would have the additional effect of reducing cost, for example, to borrowers who have to go to the banks to borrow money and the banks charge legal fees for the mortgages. So if one goes to the bank and borrow \$1 million for a business or to buy a property—believe it or not there are many multi-million dollar transactions going through nowadays.

Speaking very roughly, the scale fees on a million-dollar conveyance are somewhere around \$7,000 or \$8,000. Scale fees on a million-dollar mortgage are the same thing. The person will be getting hit with a whole host of fees. He gets hit with huge stamp duties. Stamp duties on conveyances are above a certain figure—I cannot remember that figure now—I think it is \$350,000 where there is a house and it starts climbing at an enormous rate, and as soon as one goes into \$700,000 or \$800,000 for a business, the stamp duty quickly hits 5 per cent or 6 per cent and goes above a million dollars and you will have to pay close to 7 per cent. So it is a huge amount of money that you find that people have to pay out.

Madam President, anything that we could do or should do to reduce the cost to our citizenry is worth looking at. Anything that we could do to help the citizenry is worth looking at. In dealing with the question of stamp duty—I have said it before and I would say it in passing—a country’s wealth is measured at the end of the day, by the average person’s ability to own a home. The stamp duty levels in this country, while they are low or non-existent for the \$300,000 to \$350,000 transaction, the fact of the matter is, there are many middle income people who would like to move, but cannot afford the cost of the conveyance because they are moving into the \$400,000, \$500,000 and \$600,000 price range, and the stamp duty hurts them and hurts them badly.

When a person says something like this one tends to think, “Oh, but we must help the poor”. Of course, we must help the poor. Nobody is saying that the Government must not but they must also remember that the strength of our country will always be our middle class. If we do not pay attention to the middle class, and we do not pay attention to the young and up-coming professionals—the young people who have spent six, seven, or eight years studying to be a doctor or an engineer or a lawyer and so forth—are coming into the job market and they are beginning to make a little money and they want to get into the housing market. It is this sort of thing that the Government is not paying attention to in the country.

I am not trying here to be political because I do not regard this as a political matter. I see it as a failure of us in Trinidad and Tobago; a failure of the national community to pay sufficient attention to the problems of the ordinary person, and it happens. I see that this country cannot, and will not, succeed if the Government does not pay attention to or move to secure especially, our middle classes. That is why, as I said, a Bill like this, it is a pity that the Minister saw it fit to bring this amendment alone to the Senate. It is a pity that this has not been tied to a more omnibus type legislation; legislation that would revamp and revolutionize the Registrar General’s Department because that is what is needed—a complete revolution.

With all the systems that we have in the country, I ask the question: If, for example, somebody put a bomb underneath the health care system and blows it up so that we have to start from scratch, would the Government put back the identical system that we have now? The answer is no. So I ask a simple question: Why do we have that system then? If one puts a bomb under the education system and blows it up so we had to start from scratch, would the Government put back the same system? The answer is inevitably and invariably no. So why are we putting up with this system and just making piecemeal changes to it?



Madam President, I am not advocating that at all. I am speaking figuratively and not literally and, I think, Senators understand that. If someone puts a bomb under the Registrar General's Department so that we have to start from scratch in the morning, would the Government put the system that we have now? The answer is no, we would not. If that is the case, and if we all agree that we could change the system, if we had to start from scratch, then why are we not thinking "outside of the box"—if I could use these words. Why do we not start thinking this way? Why are we thinking always, "Oh, well, let's just make a little change here and we would not accept cash or payment—whatever—for any transaction after three o'clock and this is going to be useful, and it is going to help this person and that person and so on"? All right, but why are we tinkering? Rome is burning and we are fiddling.

There are so many issues that the Government needs to address and there are so many issues about which we need to ask ourselves fundamental questions that we are not addressing. I would have liked and I still would ask the Minister, if it is possible in her reply, to give us a comprehensive—the Minister could take her 45 minutes and go through a comprehensive programme of all the details of what is wrong with the Registrar General's Department. The Registrar General would be the first to tell us that there are things wrong in her department; what is wrong and what needs to be done. Do we need to throw a bomb in it and start again? What do we need to do? I would respectfully ask the Government to start thinking now, not in terms of piecemeal legislation like this because that really does not change the price of rice; that really does not do very much.

I have listened to the Minister but, with the greatest of respect to her, I do not think that this amendment is going to affect positively the average citizen in any meaningful way. I will like to see us, the leaders of our country—and we are the leaders; we are the Senate—start thinking and coming to the country in a meaningful way and saying, look, this is what we are doing for the citizens of Trinidad and Tobago; this is where we want to go; this is how we want to do it; and please, let us forget the sniping and the little petty partisan rubbish and deal with the issues. We can help and hear what we are going to do with the Registrar General's Department. We could turn it around and say this is what is going to happen. The average citizen would be able to get a search back in two days and it would be certified; cost of conveyancing would come down and so forth, but let us do something that would help our citizenry in a meaningful way.

Madam President, thank you very much. [*Desk thumping*]

**2.30 p.m.**

**Sen. Prof. Ramesh Deosaran:** Madam President, I respond to the hon. Minister's presentation in a way that I think will assist the public in meeting the requirements stated in this particular Bill. I stand in the name of an improved public service and I am happy that the Minister of Public Administration and Information is here for an improvement in the delivery of such services, much beyond the kinds of legislation and promises that we have been having.

I am quite aware that the respective Ministers really do not have the time to supervise and monitor as much as they would like to, the actual delivery of these services. In the context of a public that is frustrated over Government services for many, many years now, I take every opportunity that we have in this Senate to ensure and assist the Ministers in the improvement of such services. Such opportunities should be seized, and that is why I stand on this occasion. It has occurred to me, Madam President, that if, for example, you want to serve members of the public who are in the office at 3.00 o'clock, there must be a system in place. You cannot assume that, by magic, their presence would be acknowledged without any debate or controversy.

As I said, I know it is not within the Minister's time frame and administrative jurisdiction to oversee such details, but I would hope—as I have done in a previous bill to which I had referred—to support my point that the implementation stage be not neglected, as simple as it might seem. For example, I suggest, for the Minister's consideration, as an imperative to her officers, that there be a number system or a standard, whereby you can reliably establish that the person was there at 3.00 o'clock. Knowing government offices as we do, there are all kinds of scrambling going on. I would not use language that previous speakers used. Unfortunately, I do not have that breadth of vocabulary, but there are scrambles, confusion and controversy. I am saying, simply, to put some standards: maybe a numbering system. Since we are in the age of technology, there should be a computerized system whereby after 3.00 o'clock there will be a numbering system telling you that any numbers after this one will not count, so there will be little room for debate and harassment of the public service officials on the other side of the counter. It can be done very easily. So, in the interest of better government and to lessen the frustration that members of the public continuously experience at these counters, some effective system of monitoring should be put in place.

**Mrs. Robynson-Regis:** Madam President, to alleviate the concerns of the hon. Senator, may I point out that there is already a system in place—in anticipation of

what we are doing—for ensuring that those who are in line are served, and there is a cut-off mechanism. I would elucidate in my winding up.

**Sen. Prof. R. Deosaran:** Thank you very much, Madam Minister. You make my heart feel happy and I am quite sure thousands of our citizens feel the same way.

The other point that will be helpful to the national community refers to subsection (b), which talks about publishing something in the *Gazette*, and, of course, at least one daily newspaper, so as to satisfy public knowledge. I do not know how many people in the Senate even receive the *Gazette* as they do or actually read the *Gazette* for matters relating to public affairs. Joe Public, for whom I stand today in this Senate—customers' satisfaction, an improved public service—might never read the *Gazette*. He might read one daily newspaper. We do not know which one to read.

**Hon. Senator:** One daily.

**Sen. Prof. R. Deosaran:** I am sorry; at least one daily. That is not the point. I am on to a more fundamental point of using the resource capability that we seem to have. I have more to say with respect to Channel 4 when the time arises—which I hope will be very soon—in terms of community policing the educational system and putting these systems on track through an available television station. That is Channel 4. Certainly, I think we could use Channel 4 more effectively for such pieces of legislation, not only discussing them in a legalistic term, but also regularly letting the public know what are the changes, the expectations and, more particularly, I hope the Government would welcome the fresh opportunities of improved service. So Channel 4 could be effectively used in this respect, rather than depending on what is contained in subsection (b) alone.

There is another point I have about the prose that one used in these amendments and Bills. For example, with respect to subsection (a)—I do not know why—it seems as if lawyers like to stretch a word: where there is one word that could be used, there will be three words. I am always puzzled at the breadth of the vocabulary lawyers utilize. I am yet to know. Perhaps there is a reason. Probably, one day, a good lawyer will put me to sit and tell me why this expansive language has to be used so prolifically instead of fewer words. I would have put this in my own layman's terms, because this is for the public. This is what the British are doing now—simplifying legislation, not to make it trivial, but to make it more intelligible to the ordinary citizen. This is the appeal that the American systems are now using. All over the world—the European Convention is now trying to simplify its legislation, so Joe Public would have ready access to the rules and the laws, which purport to govern him.

I am saying that the Registrar General's Department shall accept payment from a member of the public once he was at the office at 3.00 o'clock, but then that is too simple. I am quite sure that the Minister will have to include some words as "whereas", "thereby" and so on, to make it look important. I am just giving a suggestion that perhaps with deeper thought I might have a more refined position to propose. However, I am just indicating to the Minister of Legal Affairs who, I believe, is quite aware of what I am saying, if she could, at a meeting, ask the draftsman to be a little more straightforward in the language, wherever it is possible to do so. All in all, I welcome the amendment. It is a small amendment, but I certainly could not resist the opportunity to speak on behalf of the ordinary citizens of this country.

Thank you very much, Madam President.

**Sen. Dana Seetahal:** Madam President, may I say that I agree with the substance of the legislation put forward by the hon. Minister. Actually, I differ from my colleague, Sen. Prof. Deosaran, because I think that the legislation is quite in plain English. The point he made that "the Registrar General shall accept payment until 3.00 p.m." as long as the person is there, in the interpretation of statute, that could mean she could also accept payment after 3.00 o'clock. That is why we need to put, "she shall not accept payment after that time." That is a matter for another time.

Madam President, my concern is two-fold. One is the question of the change of the legislation so that now there is no discretion in the advertising of the closing hours. Now, it is mandatory that the Registrar General's Department advertise that there is going to be a closing off of the hours. Suppose there is an emergency? I am to understand that sometimes there could be flooding; there could be a breakdown of electricity, and matters of that kind. Some of these may not be called acts of God, and it may be considered that there is a breach in the legislation and the law if, for some reason, the hours have to be reduced. I do not know if subclause (b)(2) would cover that. If it were a day-to-day alteration then the legislation would have adequately addressed my concern.

With respect to the second matter, it seems to me that the Registrar General's Department, which is actually one of the few money-making ministries or departments, also has fixed hours. That means you always need to have staff there. Even if persons are ill; stayed at home; go to cricket; are on vacation, or what not, there must be staff at this office. You cannot say that we will close at lunch today; we have Christmas; we have birthdays and so on. In light of that, it seems to me that there should be adequate provision for staffing in that

department. This ties in with the initiative announced by the Prime Minister in the budget speech, and which has been pushed by the hon. Minister, that there should be free birth certificates for citizens of this country. As we all know, the Registrar General's Department dispenses those birth certificates. My concern then is whether or not, there is staff to promote the provision of these certificates? Also, to meet with the statutory hours that there is, which is more rigid than in any other department. That really is what I would like the Minister to address partially when she responds in this debate. That is all I have to say.

Thank you, Madam President.

**Sen. Brother Noble Khan:** Madam President, perhaps I may be running the risk of repeating some of the statements that were made by the previous speakers, but even before, I had made some notes here and I will share them with the honourable Senate.

Those of us who use the facilities of the Registrar General's Department—and I am one who does it pretty regularly—know that there is a general feeling, as has been expressed, for a reform system. Now, this calls for a reform that I had proposed in the budget debate, with respect to the civil service mechanisms, and the Registrar General's Department, which is before us now, is maybe one of those classical areas to which reform might be addressed.

We also know that for quite some time attempts have been made, towards this end, in bringing it to an element of modernity. We have heard talks of computerization; we have heard talks of microfilming and what have you. Nevertheless, there seems to be no end effect of improvement in the system. There may be a host of reasons for that. I would like to suggest—and this may apply across the board in the general organizations that exist in our country and elsewhere—the area of funds. We know that there is an area in the legislation that is before us for funding and the collection of funds. This is a very important aspect.

We know that long ago there was a question of using stamps that have since been done away with, I guess, because of TTPost and the new systems. Some of the older people who come into contact with the system still feel that it was a system made for easy use while collecting revenue. Even now we know that there has been a system of cashiers and the whole system of control as far as collecting funds has been put in place. That, obviously, must carry a cost factor. Nevertheless, there is definitely need, as we expressed here, for the review of the whole system of the charging of rates, revenue and so forth. In other words, when the public interacts with the Registrar General's Department, the charges that are there, some may be very ancient and archaic.

Recently, we heard one of our colleagues making our plea on behalf of certain sectors of the middle-class society, and how the charges have more or less climbed as far as cost is concerned. If that is allowed, I would like to make a plea for those who are below the middle class, in respect of charges when they come to bear.

Another area that has been mentioned here is the question of personnel. Now, for myself, as I have indicated, I have interaction with the Registrar General's Department, and I am indeed very happy to say that particularly the young people with whom I come into contact, there is a general way about them that makes you feel satisfied as an older person. They seek to give you good service, which is a very good thing. Not very often we hear that praise being given to our younger people. I think that this is one thing which I, myself, who have come into contact with their service, need to mention. Also, on the whole, the staff of the Registrar General's Department deserves to be commended. I see a new section of security too: very personable and helpful.

Thirdly, with respect to the question of the systems—this may tie in with the other two, the allocation of funds and personnel—that are employed, as far as I know, the mechanisms, particularly the records of the deeds, go back to very ancient times. Maybe, it goes back to the century with Governor Woodford and those persons who had established systems, and they continue to persist. There might be something good in them, but again there is always room for the question of reform and overlooking what we have in place.

During the budget debate, I had made a plea for the review of reforms in the public service. We know in the past that this has been going the classical way. I am not aware that in the individual departments, there might be ongoing overlooking of what is taking place. Even what is before us, is merely piecemeal or just because of a legal requirement that we see this one page or two-page matter before us. Again, I would definitely like to see some cogent attempt being made towards the application of reform of the system involving funds and personnel.

With regard to the building—we have been hearing about bombs underneath the building, and I think my colleague here on the Independent Bench made reference to the question of flooding. When the building was being put up, I know of people who worked on it, and one of the problems of the building that was told to me was that there was a well and the water just kept coming up. I have been to that new office and I had to be turned back because of water emerging in the building, possibly, not from below but from floods as a result of the rain.

To this end, I would definitely support—sometimes when you think of what is before us—if you were to go to any bank, when 2.00 o'clock reaches, the gate closes. I expect that the hon. Minister would explain that to us. The question here before us is: Why this length of time for the system of computerization, microfilming the big books and all of that? There seemed to be no haste in this. I do not want to be sarcastic here of leaving the system as it is so that at some time we might be delaying or using valuable time as we are. Obviously, if we were to develop the political will in getting things done, particularly when we are at a new beginning of a term, we would not be hard on it at this time. Definitely, if we do not put these things into place and make them happen, I guess, again, a next generation would come and there would be a re-echoing as I am doing now.

Thank you, Madam President.

**Sen. Wade Mark:** Madam President, I am very happy to join this debate on a very important—yet it might appear to many of us, a simple measure. I would really like to look at the question of this particular amendment from the perspective of efforts on the part of many administrations, including ours, to bring about transformation and modernization of the public services in our Republic. Madam President, it has to do with the inheritance of a very archaic, colonial-ridden public administration that, for centuries, has imprisoned, stymied and stifled innovation and creativity, and it has not helped in exercising the imagination, because of the rigid and very cold at times, I would say, rules and regulations that govern the entire system.

Therefore, in this particular instance of the Registrar General's Department, which is a very important arm of the State of Government, it is very important that we look at this amendment in a framework where the hon. Minister is seeking obviously—and I would argue that the object of this amendment is to try to improve efficiency levels at this particular department. Therefore, an amendment is brought here, which speaks to the Registrar General's Act to permit the Registrar General to receive cash from persons who are in line and awaiting service in the Registrar General's Department at 3.00 p.m. and later on week days.

This department, as you are aware, provides very critical and vital services to this nation. Thousands of our citizens have to access these services on a daily basis in our country. As you are aware, this particular department houses a number of divisions. You know for a fact that we have the Land Registry Division; we have the Civil Registry, which deals with births, deaths and marriages and then the Companies Division. Of course, as part of the international economic environment, we have now been charged with the responsibility of

legislating Intellectual Property Rights. I understand that there is also a division within that particular department that addresses this issue of Intellectual Property Rights.

So when we look at the Registrar General's Department, and the question of an amendment in the context of a couple of minutes being proposed here, we have to take into account the many divisions within the Registrar General's Department. It is a very important economic engine, virtually, of activities in Trinidad and Tobago. Many activities take place in that particular area. As I said, it touches the lives of thousands of citizens, from purchasing and mortgaging to registering of properties. Madam President, whilst we were there, we were trying to improve the level of efficiency and delivery of services to the population of Trinidad and Tobago.

Make no mistake about it, if you have a well-oiled, well-managed and effectively run public administration, there is going to be a high-performing economy because the public sector is organically linked to that national economy. It affects the private sector and it impacts on the economy. Therefore, if we have an efficiently organized and managed public administration there is going to be a high performing economy. And in the world in which we live today, there is no substitute for improving your levels of efficiencies in an effort to compete with the global giants that we have to confront on a daily basis. Therefore, it is clear that the attempt being made here is to improve the level of efficiency and, at the same time, to reduce the amount of hardships that the population obviously suffers on a daily basis in our country.

Madam President, the hon. Minister referred to Act No. 70. I would probably touch on that in a short while. The question here really is: To what extent is this particular aim or goal going to be achieved? As you know, the famous Lloyd Best once remarked that, in Trinidad and Tobago, we continue to wallow in symptoms, and we do not get to the root and the real causes of our difficulties and problems that we experience in Trinidad and Tobago. What we are dealing with, essentially, is a situation where, I would like to submit, when we look at the old parent Act, No. 19:03, we would see, under section 10(1a), where the Attorney General has the authority to make rules for the management of the Office of the Registrar General. The Attorney General of Trinidad and Tobago has that power.

I am wondering to what extent it really could not have been addressed administratively, at the level of the Attorney General's Department, rather than consuming very important parliamentary time on a very mundane, innocuous and routine amendment that could have been addressed elsewhere. I pose this



particular question, maybe, because this matter, which is now before us, has not been properly studied or digested by the other side. Probably, they have been too busy addressing other matters so this particular issue has not really seized their imagination, properly speaking.

It is my view that what we are dealing with is a symptomatic administrative problem at the level of the Registrar General's Department, and I think we need to focus on that issue. As I said, with respect to the question of the issuing of births and deaths certificates, we know that it is a cash transaction. The Minister now says that she wants to amend it for payment. So apart from cash, other means and instruments can be utilized in order to accomplish this matter. We still have to ask the question: whether by simply making an amendment to increase the time for persons who are in line at 3.00 o'clock in the afternoon—and we are told by the hon. Minister in this amendment that at 3.15 p.m. the exercise should be concluded—Is it at 3.15 p.m., Madam Minister? Or, is there a special time to close off?

**Mrs. Robinson-Regis:** Madam President, could the hon. Senator repeat the question? Maybe, I can answer it now.

**Sen. W. Mark:** I am asking: whether the amendment that is being proposed, is going to have the effect of a cut-off period? For example, when persons are in line, is it going to be from 3.00 o'clock right down to 3.15 p.m.? Or, could it be from 3.00 o'clock to 6.00 o'clock? Or, it does not matter?

**Mrs. Robinson-Regis:** Madam President, as I said when I introduced the Bill, once you are in the line at 3.00 o'clock you would be served up to 10.00 o'clock, if that is necessary. Madam President, the hon. Senator is making the same mistake that was made by his colleagues in the honourable House. At 3.00 o'clock, once you are in the line you would be served until the end of the line.

**Sen. W. Mark:** Madam President, I want to determine whether this measure is going to entail overtime payment for workers. As you know, there is a collective agreement between the Public Services Association which represents these workers and, of course, the Chief Personnel Officer (CPO). The point that I am making is whether there is need for us to employ more cashiers. In other words, we are talking about dealing with a problem, and whether the Government has really studied this question properly. That is what we are trying to determine. How seriously have they studied this question?

Madam President, we believe that the Government has to look at the whole question of computerization in this department. We started this exercise and we

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would like the hon. Minister to indicate to this honorable Senate, where we have reached with this particular exercise. Whether we like it or not, the workers who are employed in that department were experiencing extremely difficult circumstances prior to the entry into office of the UNC. You recall, Madam President, that the Registrar General's Department was right downstairs this Red House. You recall also that those workers were crying out for, at least, assistance and help, and because of the fact that we wanted to ensure that all the divisions of the Registrar General's Department were under one roof, it was the UNC that established something that is now known as the Registration House on Independence Square.

Today, as I understand it—and the hon. Minister could tell me if I am wrong—all the units of the Registrar General's Department are supposed to be housed in the Registration House. I think that is a very important step, because it is a one-stop shop for the citizens of this country. Rather than have a situation where—like before 1995, some persons had to go to the Singer building on Frederick Street; some people had to come to the Registrar General's Department in the Red House, as the case may be, and all over the place persons had to go. So we are quite happy that, in terms of trying to bring about a kind of centralized approach to citizens having access to services, we were able to accomplish that particular task. I think it is a very important accomplishment.

We were also involved in a very important exercise, that is, the computerization of the records of the Registrar General's Department: births, deaths and marriages. It started but it was never completed. It was like the postal reform exercise; you started but you got nowhere. It was the United National Congress that completed that particular exercise in a very serious way. I would like the hon. Minister to indicate to this honourable Senate where the computerization project is at this time. Are we populating the database? Has it been completed? Where are we? When are we going to get, let us say, a birth certificate, a marriage and a deed on line? Electronically driven, Madam President. That is where the world is today? The world is wiring! We are connecting electronically, and there was a backward regime that was in power for a number of years, and had \$70 billion to \$90 billion and they left the public service totally in shambles! It was the UNC that attempted to modernize many aspects of the public service. Today, we can boast that we have an automated human resource information system in the country. It was the UNC that initiated it, and sought to execute it, but because of circumstances, we know what has happened. We hope that the PNM would, in fact, continue to effect that particular measure.

I want to come back to the question of the computerization project. Where are we with that exercise? I understand that it has cost the taxpayers millions and millions of dollars. So we want to get an update from the Minister of Public Administration and Information. I do not know what he is doing, but I think the Minister of Legal Affairs can tell us. He is supposed to be in charge of public administration and the Registrar General's Department is supposed to be an aspect of the hon. Minister's operations. So the Minister of Public Administration and Information is supposed to be giving us some explanation here this evening as to where is the effort of the public service reform. As I said, we want to know what is taking place in the area of computerization.

We were also on the issue of a unique identifier; a personal identification number. That is all part of the computerization exercise; a personal identification number that is all part of the process of reforming, revolutionizing the Registrar General's Department. That was important in the context of ensuring that we get away from passport numbers, driver's permit numbers, and that could be one particular number for citizens throughout the country. I believe it is an issue that we need to get some clarification on. We would like the Minister to let us know exactly what is happening in that regard.

Madam President, before I deal with security, fraud and corruption at that level, I want to address the issue of searches. You know there are search clerks and title clerks, and we need more accommodation. They need to be online. They need to have access to modern computers, so that when they go in search of deeds and titles, they can access that online in the Registrar General's Department. I understand that we have over 100 search clerks in this country, but when you go to the Registrar General's Department the quality of accommodation is very poor.

When I was in another incarnation, I did in fact—[*Interruption*] and the government did approve at that time—maybe, the hon. Minister of Public Administration and Information can tell us—the decentralization of Government's office accommodation out of Port of Spain into the St. Joseph Administrative Complex. We need proper accommodation, so that when persons go to search for documents, titles and deeds, they must be comfortable. What is happening, Madam President, is that if you go to the Registrar General's Department—I was there doing some searches on companies some time ago, and also to see what interest Sen. Dr. Saith has. I do not know if he declared all his interest, so I went to check his records.

Again, as a member of the public and as a citizen of this Republic, I saw the difficulties that people are experiencing. There is not sufficient space. The

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accommodation is very limited. We have to provide quality service to our people, and this is an area that I feel the Government needs to look at. Maybe, the hon. Minister can tell us when they intend to really construct a modern Registration House, to ensure that when the public of this country go to access births, deaths, marriages and other titles, they can, in fact, have the appropriate accommodation in order to do their work.

Madam President, this department is so important that the Minister would know—because we had experienced it when we were there—that there is much fraud and corruption there. We had to take certain security measures in order to reduce the level of theft, fraud and corruption at that particular department. I cast no aspersions. What I can tell you is that the record would show that you have to deal with security at that department. We understand that there are still many activities of an illegal nature taking place at that Registrar General's Department, where pages are being removed, and files disappear, and we need to find out what kind of security measures the Government is taking to safeguard the interest of the public in this matter.

That was an area where the former Attorney General, I recall, had to call in the Fraud Squad. There was a special squad to get into that department to deal with the question of corruption, fraud and all kinds of illegal and irregular activities that were taking place there. If we are talking about the Registrar General's Department, it is an area that we need to pay some attention to, and that is the question of security of documents. We would like to know, as I said, what is happening to the state of these books at the Registrar General's Department. We know that these books are very old, and they are very huge. That is why we said that we have to computerize. Some of these books are so huge that a table is being taken up and one cannot function. I am saying that if the Minister is really serious about transforming that department, she has to go on a fast track to modernize this department, because it is a very important area of economic activity in our country.

Madam President, I would like to see the day—I do not think it would happen under the PNM regime because they are incompetent; they are inept; and over the years they have proven to be a failure. So I do not think it would happen under that regime. It would have to wait for another UNC progressive administration to really effect this particular matter. I am thinking of the day where a citizen would not have to leave Cedros and come to Port of Spain to register a marriage, and it will take six weeks, one month, and two months to obtain it. The idea is to ensure that Trinidad and Tobago citizens, in a modernized state, can access a birth certificate or a marriage certificate in less than five minutes. That is what we are

after. But right now persons leave all different parts of the country. How are you going to relieve hardships when an ordinary citizen, who has to travel from Matelot or Toco, has to come to Port of Spain because in her district there are no outlets? And there is nothing online. That is what the Government should be dealing with; not fixing themselves—one hundred per cent increase in salary. The hon. Minister is talking about easing up the hardships of the poor people but they have taken two salary increases in less than one year.

We should introduce into this Parliament a mechanism or a concept called “pay for performance.” Madam President, one-quarter of those hon. Members across there would not get anything. But we would deal with that on the platform on Friday. We are having a private meeting where we are serving notices and so on.

This measure is supposed to help the poor. Madam President, through you to the hon. Minister, is this measure not to help the poor? It is to help the ordinary people to, at least, relieve the level of hardships that they are experiencing. That is the purpose of it. I am not seeing, at the end of the day, this objective being achieved in the way that it ought to be achieved.

Madam President, I would like to suggest to the hon. Minister that we look at this question of space; we look at the issue of security; we look at the issue of computerization; we need to get some answers to these questions, because we believe it is very important for the purposes of modernizing that registry, to deal with that question. As we deal with the question of the Registrar General's Department and the land division, I think it is important for the Minister to tell us in this Parliament, why the regime has failed to proclaim certain vital pieces of land legislation which, if proclaimed, would assist very much in easing the crisis and improving the efficiency levels at the Registrar General's Department. Why is that not so?

I refer to the Land Adjudication Bill which was passed in both Houses. We are talking about the Registrar General's Department, which deals with Real Property Ordinance (RPO) and the common law, and what we were trying to do is bring all land titles under the RPO and get away from unreliable titles as there are under the common law. So we would like to know what the Government has been doing with the Land Adjudication Act. What has the Government been doing with the Land Tribunal Act. What has the Government been doing with the Registration of Titles Act, 2000? We believe that these are very progressive pieces of legislation, and that the intention of all this legislation—

**Sen. D. Montano:** Madam President, on a point of order. I was asking my colleague, a few minutes ago, whether I should intercede, and she said, no, give

him some leeway. But at this point the hon. Senator has really stretched so far away from the issue, could you ask the Senator to come back to the issue at hand?

**Madam President:** Any particular point of order?

**Sen. D. Montano:** Madam President, the hon. Senator must be relevant to the issue.

**Madam President:** Hon. Senator, could you please come back to the legislation before us, which deals with payments after 3.00 clock at the Registrar General's Department.

**Sen. W. Mark:** Madam President, this is about the modernization of the Registrar General's Department, which continues to be a vital department of the state, in relation to crucial economic circumstances, and in terms of activities it is very important. I would like the hon. Minister, who has been in office for almost 14 months, to tell us this afternoon, in an effort to transform that particular department, what are her plans and programmes. What are the policies of the Government in the context of that department? This is a very important department for the working people and the citizens of this country. Therefore, we hope that the hon. Minister would tell us what is taking place in her department, and what are the policies and programmes that are taking place in her department.

Madam President, I think we all recognize that Trinidad and Tobago needs to get online. We think that the Minister of Public Administration and Information should become more proactive, less reactive and inactive, because I do not think the Minister has done anything of substance since he has been appointed. I think he needs to really take up the baton that I left, and begin to roam. [*Laughter*] I left a baton and he has not yet taken it up, and we think that he ought to do that. Whilst I understand that it is from 3.00 o'clock—which is a good effort on the part of the Government, to ensure that the population is properly serviced—I think that is a very important development. [*Interruption*]

**Sen. Dumas:** Madam President, I was wondering if the hon. Senator would like to tell us whether the baton was hanging in the air since he left the position.

**Sen. W. Mark:** Madam President, because we have so many things to talk about and I do not think I would have the time to continue, when I deal with the postal administration we would talk about that a little later on.

In closing, Madam President, I would advance that we need to do a couple of things. I would like the hon. Minister to speed up the computerization process and project, and if she can tell us where that project has reached. We believe that there

is need for more administration; more management and less legislation. We do not believe that this particular measure needed to come to this Parliament. Maybe, the Attorney General could have looked at this Act and made appropriate rules for the management of that particular department.

We also believe that there is need for the Minister to look at training of workers. We need to train these workers; we need to redeploy wherever there are excess workers. I think someone raised the issue of the free birth certificates that the Government has, in fact, indicated, are to be issued to the citizenry of this country. We want to know what kinds of steps are being taken to address that issue because at the end, people will, in fact, approach that department to have that particular service made available. What kinds of activities are taking place to ensure that when that demand reaches that department they would be adequate to the occasion? We are also advancing that there is need for the Government to improve the quality of accommodation for not only the workers but also the members of the public.

I really want to compliment publicly the staff at the Registrar General's Department. I think that they have done yeoman service. I think they went beyond the call of duty. Madam President, are you aware of what these workers did when they had to move their department from this building to the Registration House? They had to work night and day to put that in place. I think they must be highly complimented. [*Desk thumping*] They worked very hard. All public officers, to me, are great people—like in anything; in the police service, there are some bad eggs and sometimes it impacts on the entire public service.

I think that improved quality accommodation is required. I think the Minister of Public Administration and Information, who is responsible for the property and real estate services division which he has now inherited, should run with the plan that I left and take up that accommodation. I would like the hon. Minister of Public Administration to tell this Parliament today, whether it is the intention of the Government to decentralize government offices and get away from paying \$45 million a year in rent. That is what we would like to know, because that \$45 million can be redeployed to help people in different parts of the country. Madam President, we would like the hon. Minister of Public Administration and Information to tell us what he is doing, because after five years or less, he would not be there.

The final area that we would like the hon. Minister to let us know about is, why to date she has not proclaimed these land laws that I have mentioned. We feel that if we want to improve the efficiency levels in our public service, we must continue the drive for modernization, transformation and computerization of our

services. We must continue to pay attention to training and retraining at all levels in our public service.

**3.30 p.m.**

I do not believe that the citizens deserve to be insulted by anyone when they have to access a service. You must never pay to be insulted, Madam President. I maintain, as a principle, a public service is created not for public servants but to serve the interest and to provide services to the citizenry of Trinidad and Tobago. That is why I would advise Sen. Dr. Saith, the hon. Minister, that he must pay a little more attention to this question.

Madam President, this is our position. We feel that this is a measure that we ourselves introduced. Madam President, are you aware that this measure was introduced by the United National Congress and that we allowed it to lapse because we felt that it needed much more thinking? We saw that, in the absence of a legislative agenda by this regime that is totally incompetent. As far as we are concerned, they have brought this legislation here today; but it is ours. Some minor amendments have been proposed by the hon. Minister. We shall not oppose those amendments. We will in fact support this measure.

We think it is a measure that will at least ease the suffering, the pain, the problems and the difficulties that these citizens are experiencing, and we hope that, at the end of the day, the citizens would be able to benefit and the hardships that they experience would be eased and therefore, Madam President, the Minister will move from this particular level and proceed to other levels so that we can have a well organized, efficiently run, cost effective Registrar General's Department.

I thank you very much. [*Desk thumping*]

**Sen. Dr. Eastlyn Mc Kenzie:** Madam President, I will be very short. I begin by welcoming our new member of staff. I see we have a new assistant to the Clerk of the Senate. Madam, we welcome you and we are happy to see you here with us. [*Desk thumping*]

Madam President, I agree with what Sen. Robin Montano was saying about the need to do something broader, but I also say that right now the horse will starve while the grass is growing, so let us feed the horse. We want to solve the problem of people who will come probably tomorrow and next week and could not go to the cashier because of the fact that it is 3 o'clock. So while we work on other areas of functioning of the Registrar General's Department, let us support this Bill right now and give some relief to those people who come to do business.



I think that by way of advertisement we can have something very nice stuck up in the Registrar General's office where you go to pay. "You are in line, you still have time"; something nice and catchy, showing someone paying or something that people will know that they should have no fear, because this is what causes people to rush. If they know that it is 3 o'clock and it is one minute to 3.00, they get impatient, the person in front of them is not moving fast and it makes for a rowdy type of line. So I think if they know this and you put up something very simple—so you can have a poster stuck up there.

I think that supervisors in the offices where the cashiers are should be very vigilant. They could look at a line, especially when there is one cashier, and notice that there is somebody who has a difficult transaction and that person is taking up time and the supervisor could let the cashiers know, "If you have somebody with a problem, you can shift that person to me and let the line flow." We have to learn how to manage things in a speedy way. So I think this will happen.

For example, I know that people could be turned off from paying by having to wait too long in lines, and I know this from my experience in the NIB office in Tobago. You go there and you check your documents and you stay a long time to pay because the system does not encourage quick dispatch. So I think you could look at cutting down—I do not know for Trinidad—if you have any hassle with people. You should try to cut this down and have your supervisors be vigilant so that if you know there is somebody who is holding up the line for a long time probably you could put this person aside and have the supervisor deal with them while the line flows.

I think if you have a problem, sometimes it is the death of a member of staff, you close the office at midday, or it could be a flooding problem, you are spraying the office, whatever the problem, you can have a quick public notice sent out on the radio, in the newspapers, on the television, what have you, as people normally do. I have noted, Madam President, in Tobago we had a gas station that closed at 9.00 and there is a chain that was pulled. Okay, at 9.00 somebody pulled the chain and if you were behind the line, well, you know you are out of luck. We have known of instances, however, where people are within the gas station or within the line and, when it is 9 o'clock, the person next—the attendant could have the pump in his or her hand, you will have no gas in your tank. Do you know why? The supervisor who is in charge knows that at 9.00 the pumps must be cut off and the supervisor cuts off the pump.

So what I would talk about is the interdependence that works within a division. So it is no use telling the cashier "You can take cash up to 3 o'clock,

half past three, 4.00 o'clock", whatever time, and the other members of staff supporting that person would not cooperate. It is time for me—I am supposed to check you off when it is 4 o'clock, "I gone" because I have this and that to do. I think you have to work on cooperation and on the interdependence of the members of staff.

I want to offer a little advice on peak-time pay. There are certain times of the month or certain times of the year when you have peak-time paying. At the end of April it is income tax. Everybody goes. Therefore, that is the time you need probably to increase the number of cashiers or what have you. Never mind people know from now that it is April 30. It is a culture of the people to wait until they get April month-end pay and then they go to pay. So I suggest that you have things like that when you have peak-time pay. It is the same thing for land and building taxes. At the end of April people should pay, but the interest does not go on until June 01. So people will rush at the end of May and you need to know this so that your staff will be aware that at these times of the year, or at the month end, they will have to probably work a little longer because of this.

Finally, Madam President, there are some divisions, for example, in Tobago, where you have to go to a certain section to get a transaction done before you go to the cashier and sometimes you spend a long time there and, by the time you get to the cashier, it is a little late. So we have to know this type of balance and how we plan for it within the division to solve those types of problems. I think it is a very good move but I think that people must know and I am sure that you will have this system that, when it is 3 o'clock, you close the door so that more people would not be joining after 3.00 but, that, if you are in line at 3.00 you get served because that is how it is done in Tobago.

When it is 3 o'clock, the door to the payment area is closed. If you are within the building transacting business from one section to the next, you are served, but you do not come off the street at half past three, go to the cashier and expect to be served. I think these things must be made clear and that you must have some sort of mechanism put in place where people will know that this is how it works.

Thank you very much, Madam President.

**Sen. Carolyn Seepersad-Bachan:** Madam President, I will also be very short. The objective of this Bill is to be able to improve the service to customers, that is the public, and alleviate the hardships of all our citizens. In so doing it was thought necessary that we extend the time of the cashier to accommodate all the

citizens in the line after 3 o'clock, those who have been in the line from 3 o'clock. However, Madam President, I join with my colleagues who spoke about the efficiency of the Registrar General's Department.

Whereas it may be all well and good to extend this time, there are many other issues with which we need to deal in the Registrar General's Department. For example, if we take what has been happening, do you think that just by extending the time and allowing people to come forward to be able to receive cash on your part is going to solve the many problems? If we take the stress issues that are faced by our normal citizens in dealing with land issues, Madam President, we would find that there are so many others. Take, for example, the issue of conveyancing. My colleagues raised the issue and the Attorney General may also agree that one of the issues in conveyancing is the lack of a scientific approach to land. By that I mean, we do not have a proper system for determining boundaries because of the lack of surveyors.

Now, the temporary Independent Senator Derek Outridge dealt with this already in this Senate when he spoke about the need for more surveyors, which we are turning out. We are turning out many surveyors at the University of the West Indies. I think you may be aware that there are several masters' programmes, undergraduate programmes and so on but the need for this scientific approach is what we require today. If we consider the amount of stress and conflict matters that go into the courts because of this issue, we may be able to alleviate some of the stress and the wastage in human resource as a result of the State having to expend crucial resources on this issue.

Let me now turn to the issue of modernization as my colleague, Sen. Mark, raised. It was the commitment of the United National Congress government that the land management system and the Registrar General's Department be upgraded to the standard necessary to promote investment. That is why they took the steps to be able to remove the department from where it was here in the Red House to the registry building at South Quay and, in addition, to commence the modernization process, that is, the electronic recording of all the data. That is why we spoke about Act No. 70 of 2000. You would recognize that that Act introduced the electronic recording system, meaning that the Registrar General, under this Act, may also be able to keep and maintain all such records electronically.

However, what is before us is, and I keep hearing as I heard this afternoon so far, there seems to be so many problems with technology and it always amazes me why, when it comes to the government and the public service, we have

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problems in technology. There are so many experts available. It has been done worldwide. We should not be having a problem today in continuing that computerization process. It should be a high priority, Madam President. All I say is, Senators, it is time that we get on with the work of the people of the country. *[Interruption]* The computerization problem should not be a hindrance to our going forward, Madam President.

In so doing too, as we are attempting to do that and to extend the time available to receive cash and the computerization effort, I ask the hon. Minister, as part of their whole approach in terms of computerizing the Registrar General's Department, has any thought been given to the development of what we call title search companies? I was very interested when I looked on the Net and I saw how many were available and the whole issue of what they called the licensed—I think the term was abstractor—title abstractor. It is a licensed person who can actually carry out that title search for you.

We talk about delivery. We talk about changing the mode of delivery of public goods and services. That is private sector participation. Why not, at this point in time, as you are looking at the Registrar General's Department, look at the development of these title search companies which can be licensed and, in accordance with what my colleague, Sen. Montano, was saying, reduce the cost of conveyancing? These are the real issues that we have to deal with and this Government has to get a handle on it, Madam President, *[Desk thumping]* because it has not been dealing with the real issues.

We come to this Parliament and from October to now all we have seen are several bills that lapsed under the UNC administration. We have really seen no new legislation and, Madam President, I have seen nothing coming from the Government side. *[Interruption]* I say this because I see the reaction from the other side. They are really not interested. Still, if the hon. Minister would be so obliged, she could indicate what are some of the plans in terms of modernization. We talk about the cost of conveyancing and improving customer service. Are we training? How much training are we doing for the staff of this department?

Again, I was very taken when I met one of these professional abstractors and he explained to me how it was done in the US and in the Canadian systems. A company is given the responsibility for title searches and that company, for example, can be a real estate agency. They can get involved and the government can go through a process where they are appropriately licensed, their clerks are properly trained and they can develop professional training programmes for them because, at the end of the day, we need to reduce the risk of what we call defective titles. That is what affects all our multimillion-dollar transactions.

**Sen. D. Montano:** Madam President, on a point of order. Where are we? We are talking about the closing of the office. That is the issue. If the Senator could make some nexus between what she is talking about and the Bill at hand, we can debate it; but at this point the speaker is irrelevant.

**Madam President:** Senator, will you please return to the Bill? However, there is something else that I want to bring to the attention of Senators that I was myself—there is a lot of repetition and speakers are repeating what other speakers have said and I really think we need to look at that. So please, could we just come back to the Bill, which is talking about the time of payment while you are in the line at the Registrar General's?

**Sen. C. Seepersad-Bachan:** Madam President, let me just bridge the two because my contribution here this afternoon was informed by lawyers with whom I consulted in terms of this Bill [*Interruption*] and I said, "Tell me what are your views in terms of extending the time?" and this was their response. You know, these are really not the issues and this is not the crucial issue because a businessperson—you are talking about promoting investment. [*Interruption*] You said it. In the other place the hon. Minister talked about the modernization of this Registrar General's Department with respect to the promotion of investment in this country. That was one of the reasons set out for modernization, Madam President. That is why I brought it up because I would really like to hear the hon. Minister's response; because we are talking about going forward, we are talking about becoming a First-World nation by 2020 and these are the sorts of things I want to hear because these are the real issues.

When you talk to lawyers outside, they do not have sleepless nights because of reaching the Registrar General's office for 3 o'clock in the afternoon to make a payment. What they have sleepless nights over is whether or not they may have a defective title when they are involved in a multimillion-dollar transaction.

**Sen. D. Montano:** Madam President, please. On a point of order. We are not debating what lawyers have problems with. We are talking about whether or not people who are in the line at the Registrar General's office can finish their work before they are thrown out of the building. That is the issue, not what lawyers like or dislike.

**Madam President:** Senator, I agree. Please stick to the Bill.

**Sen. C. Seepersad-Bachan:** Madam President, I will close because, I am— [*Interruption*]

**Sen. Mark:** "No, dah is wha dey want to do!"

**Sen. C. Seepersad-Bachan:** “Yeah, I know, I know.” This is what they want because the Government have always demonstrated they have no interest in any of the real issues in taking this country forward. They have demonstrated that over and over. Be that as it may, what I would say is that at the end of the day we talk about going forward; we talk about improving the service to our customers; we must look at the management issues and a proper project management plan to take the Registrar General’s Department forward.

Madam President, I also would state that many times we want to bring legislation to this Senate to solve a management problem but the legislation that we bring may not even have the desired effect. Extending the time in order to allow us to receive—*[Interruption]*

**Sen. D. Montano:** Madam President, enough is enough, please! Where are we going?

**Madam President:** Minister, please; thank you. Please try to wind up, Senator.

**Sen. C. Seepersad-Bachan:** I am winding up, Madam President. One of the speakers talked about the issue of fraud and that included what Sen. Wade Mark was speaking about, but if we deal with our computerization issues we will be able to solve that problem in terms of security and fraud. That is just one other point I wanted to make and I want to hear the Minister’s comments on that.

Further, Madam President, as I said before, this Government has to look at an improved and a more innovative way of improving the service to the public, and bringing a piece of legislation that tells us about extending the time in order to receive cash is way outmoded.

With that, Madam President, I thank you. *[Desk thumping]*

**The Minister of Legal Affairs (Hon. Camille Robinson-Regis):** Madam President, I thank hon. Senators for their contributions. I take the words of Sen. Montano when he asked the question figuratively, I assume, and I would ask this question: If a bomb was dropped on the UNC, would they come back in the same way that they have been proceeding? *[Laughter]* *[Desk thumping]* This is because it seems as though those on the opposite side were asleep during the administration of the United National Congress. *[Desk thumping]*

Madam President, I have heard questions of fraud in the Registrar General’s Department, I have heard questions of accommodation for members of the Registrar General’s Department, and let me state from the outset that it was under

the UNC administration that the Registrar General's Department was moved from the Red House and placed in what is now called Registration House. Over \$20 million was spent on that building that had asbestos. You would recall that the Registrar General's Department had to be closed in order for asbestos to be removed, yet we heard Sen. Wade Mark talk about caring for employees of the Registrar General's Department. [*Desk thumping*]

**Sen. Seepersad-Bachan:** Madam President, on a point of order. Standing Order 35(2)—is asbestos relevant to this contribution? [*Interruption*]

**Hon. C. Robinson-Regis:** Madam President, I have been asked to answer certain questions and these are the questions that I am now answering. [*Desk thumping*] Twenty million dollars was spent and to this day that building continues to flood. We have had, during the currency of this administration, to raise the floor of that building to attempt to alleviate the flooding problem. We have had to make adjustments to the vault system in order to protect the same country books that Sen. Wade Mark is talking about. So when Sen. Mark comes here and pretends that they cared about the staff of the Registrar General's Department, that they worked so hard to move from the Red House into an asbestos building and a building that floods to this day, I am very concerned and I ask the question again: If a bomb was dropped on the UNC, would they come back in this same form, Madam President?

**Sen. R. Montano:** The answer is yes.

**Hon. C. Robinson-Regis:** Well that is so unfortunate. [*Laughter*]

Madam President, if I may be given an opportunity to continue answering questions that were raised, in relation specifically to the questions raised by Sen. Mark again in section 10 of the legislation, 19:03, regarding the Attorney General being asked to make any changes by rules and saying that the Registrar General should have that power—[*Interruption*] No; what you said was that, according to section 10 of Chap. 19:03, the Attorney General may make rules and you are suggesting that the Registrar General should have that power.

**Sen. Mark:** No, no, no; I am not saying so. Just let me clarify for you. What I asked, Madam President, is whether, under that section, the Attorney General could not have made rules for the question about time and when you go to extend the period and that sort of thing, not the Registrar General. I did not talk about the Registrar General.

**Hon. C. Robinson-Regis:** Madam President, may I point out two things; that section 10 is what is called a substantive provision of the law and, as a

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consequence of that, it would have to be dealt with in the House. May I point out further that if the hon. Senator had been careful about looking at the legislation and not trying to make a point, then he would have seen that, according to Act 70 of 2000, that very section that he is asking about was amended by Act 70 of 2000 in section 5 where section 10 is amended by deleting the words, “the Attorney General may make rules” and substituting the words “the Registrar General may with the approval of the Minister to whom the responsibility for the Registrar General’s Department is assigned make rules”. So it is unfortunate that you did not—[*Interruption*]

**Sen. Mark:** What is your point? What is your point?

**Hon. C. Robinson-Regis:** The point is that when you were here in the Parliament in the year 2000 you were probably asleep [*Interruption*] and that is perhaps why the hon. Prime Minister at the time moved you from your portfolio of public administration. [*Laughter*] [*Desk thumping*] I see that you are asking several questions in relation to issues of public administration; that you had a baton that you are now asking whether the present Minister of Public Administration took up. When you were moved from your portfolio, that entire portfolio was closed and I wonder if the past UNC administration had any real interest in moving the public service forward because—[*Interruption*] [*Laughter*—the issue of public administration; when you were removed from that portfolio, that ministry was closed and subsumed and so—[*Interruption*]

**Sen. Mark:** What is the relevance of that?

**Hon. C. Robinson Regis:** That is what I was wondering when you were making that point. What was your relevance when you were dealing with public administration, because you did not take public administration forward?

**Sen. R. Montano:** Madam President, there are several points of order here. Point of order number one is relevance. Point of order number two is that, as far as I am aware, the Standing Orders require that the speaker address the Chair and, for the Minister to indulge in this kind of personal debate is simply not acceptable.

**Madam President:** Madam Minister, please take note. Please address the Chair and let us stop too much of the personal attacks. Thank you.

**Hon. C. Robinson-Regis:** I apologize, Madam President, if I appear to be making personal attacks, but I am just responding to the issues, as I saw them, that were raised by Sen. Wade Mark. He has asked the Leader of Government Business in the Senate if he has taken up the baton, what is happening with public administration, and as a consequence—[*Interruption*]



**Sen. Mark:** Are you challenging the Chair?

**Hon. C. Robinson-Regis:** Excuse me, I am just explaining what I—  
[*Interruption*] Madam President—[*Interruption*]

**Madam President:** Ladies and gentlemen, allow the Minister some chance—I understand she is trying to answer questions. I myself want the answers to some of those questions. [*Desk thumping*] I am asking the Minister to do it in such a manner that it does not become personal and please do it through the Chair.

**Hon. C. Robinson-Regis:** Thank you very much, Madam President.

I say on behalf of the Minister of Public Administration, who is my Cabinet colleague, that the issue of public administration is at the forefront of this Government's agenda. [*Desk thumping*] Madam President, you, I am sure, are fully aware that this administration, through the current Minister of Public Administration, has taken the initiative to ensure that all government offices are properly outfitted, that there is proper staffing and that there is a proper system in place to ensure that public officers receive proper emoluments and receive the type of accommodation that is befitting the type of work that public officers must perform on a daily basis. Additionally, the Minister of Public Administration has been working assiduously to ensure that the very human resource system that is put in place by this administration works to the benefit not only of the public service but also of the members of the public of Trinidad and Tobago. [*Desk thumping*]

You would also recall, Madam President, that the budget of this administration, as read in October 2002, was entitled "People...Our Priority", and it is all people of Trinidad and Tobago. You can be assured that the Minister responsible for public administration, Madam President, has this very theme at the forefront of his Ministry. That is all I would say in relation to the question that was put by Sen. Wade Mark regarding public administration and this current administration.

Madam President, I also take this opportunity to indicate in relation to the questions that were raised by Sen. Montano, one, that the probate department is not part of the Registrar General's Department. It is in fact part of the Judiciary and not part of the Registrar General's Department. May I also make the point—  
[*Interruption*]

**Sen. R. Montano:** On a point of order. On a point of clarification. Chap. 19:03 of the Registrar General's Act says that the Registrar General shall keep four separate and distinct indexes of, (a), deeds; (b) probates of wills and letters of administration. Searches are done in the Probate Registry.

**Hon. C. Robinson-Regis:** Madam President, the Probate Department, I repeat, is part of the Judiciary and is housed in the Hall of Justice of Trinidad and Tobago. [*Desk thumping*]

May I also point out regarding the issue of security of documents—let me just make the point that, regarding the issue of computerization, it was in 1994 when the then Cabinet decided, regarding the unique identifier system, that a system would be put in place through the Registrar General's Department where there would be computerization of all records, that each citizen would have a unique number that would identify him from birth to death; that all transactions— [*Interruption*]

**Madam President:** Sen. Mark, please do not make those kinds of remarks to the speaker? Please continue.

**Hon. C. Robinson-Regis:** Thank you very much, Madam President. All transactions done by that particular person could be tracked using one number that was unique to that citizen. May I take this opportunity to point out, Madam President, that contrary to what has been said by the speakers who represent the United National Congress, even though a Cabinet decision was taken late in 1994 and the beginnings of that system were put in place in 1995, absolutely nothing was done between that time and the year 2000 by that administration. So when they talked about what is happening with the computerization; where are we and so on, Madam President, I sat here amazed because during the currency of their administration they did practically nothing to push that whole process forward. [*Desk thumping*]

What we have been doing now is populating that same database that Sen. Wade Mark asked about. We are in the process of populating that database. We are in the process of verifying the information that is placed on the database because, given the types of documents, it is essential that the computerized information be very accurate. May I take the opportunity to also point out in relation to the security of documents, that documents are being scanned into what is called an image database so that if any of the country books are lost or any of the paper documents are damaged or destroyed, the image is there and consequently that can be used to verify any information for any member of the public.

Additionally, there is the computerization of the Land Registry and this is from the year 1970. So over 33 years of land documents are already available in relation to the Land Registry. This information, however, is still in the process of being validated so we are working on all those things. Also, because we want to

avoid the kind of fraud and corruption that has plagued the department, especially over the last six years, we are working assiduously to ensure that every system is working optimally. We have also changed the security as Sen. Bro. Noble Khan indicated. We are also in the process of putting in place security systems, cameras, in order to make sure that the security is at the optimal level.

May I point out in relation to the implementation of the land bills, I am sure you will recall that, when the former administration first came to this Parliament, the then Attorney General, hon. Kamla Persad-Bissessar, indicated that her first objective was to proclaim all these pieces of legislation. Madam President, they still remain unproclaimed and, as a consequence of that, a committee has been set up by the Cabinet to ensure that everything is done in order to ensure that that legislation is cleaned up to become implementable. [*Desk thumping*]

Madam President, again I want to thank Senators for their participation and with those words, I beg to move that the Bill to amend the Registrar General Act, Chap. 19:03, be now read a second time. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Senate in committee.*

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

**Sen. Seetahal:** Sorry, Madam Chairman. Is it 2003? Madam Chairman, did we change it to 2003?

**Madam Chairman:** To 2003? All right, yes, 2003. So that has to be changed, all right.

**Mrs. Robinson-Regis:** Madam President, may I just point out that this Bill was laid in the House in 2002 and consequently that is why it is entitled 2002.

**Madam Chairman:** So that is why it is 2002.

**Mrs. Robinson-Regis:** It was laid in 2002. It is just that it is now for debate in 2003 but it was laid in 2002 and consequently that is why it is entitled 2002.

**Sen. Seetahal:** I appreciate that, Madam Minister, but I believe the date might be when it is passed. I think I understood that from the drafting people.

**Mrs. Robinson-Regis:** May I just point out that when it becomes an Act it will take the year 2003 but, in circumstances where it was laid in 2002, it must be 2002.

**Sen. Seetahal:** I understand that. I thought we were going through the stages for now to vote on these amendments and that is why we should change it to 2003, but I will give way.

**Mrs. Robinson-Regis:** No. When it becomes law it will be Act number whatever of 2003, but this is correct as it now stands.

**Sen. Seetahal:** Thank you.

*Clause 2.*

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

**Madam Chairman:** Let me draw your attention, hon. Senators, to the amendment. Clause 2, in the proposed section 9(2) (a), delete the word “cash” and substitute the word “payment”. So therefore the new clause, if it is amended, will read:

“shall not accept payment for any transaction after three o’clock in the afternoon except where a member of the public desirous of transacting such business was in the office at the said three o’clock.”

**Mrs. Robinson-Regis:** Yes, that is the proposed amendment, Madam Chairman.

*Question put and agreed to.*

*Clause 2, 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.*

**Madam President:** All right, Senators, I think this will be an appropriate time for us to take the tea break and we will come back at about ten to five. This Senate is now suspended for the tea break.

**4.18 p.m.:** *Sitting suspended.*

**4.50 p.m.:** *Sitting resumed.*

#### PILOTAGE (AMDT.) BILL

*Order for second reading read.*

**The Minister of Works and Transport (Hon. Franklin Khan):** Madam President, I beg to move,

That a Bill to amend the Pilotage Act, Chap. 51:02 be now read a second time.

The purpose of this Bill is to amend section 4 of the Pilotage Act, Chap. 51:02, to include within the membership of the Pilotage Authority two members of the Pilots Association instead of one. The Bill also seeks to give the Minister the power to appoint all members of the Pilotage Authority.

“Pilotage” is the word used to describe the navigation and safe conduct of ships into and out of harbours and restricted waterways within Trinidad and Tobago. Every ship that navigates within specific ports, harbours and channels in Trinidad and Tobago must operate under the control of a licensed helmsman or pilot in accordance with the Pilotage Act, Chap. 51:02.

The Second Schedule of the Act outlines specific areas deemed compulsory pilotage areas, where ships navigating must be under the control of a pilot. These areas, all of which are the major ports of Trinidad and Tobago are as follows: Chaguaramas, Port of Spain, Point Lisas, Scarborough, Pointe-a-Pierre, Brighton, Point Fortin and soon to be, Point Galeota.

The provision of the Act mainly applies to those vessels flying the flag of a foreign state. However, for the purposes of the Act, the following are deemed as exempted vehicles: ships belonging to the Government of Trinidad and Tobago; pleasure craft; fishing vessels; ferry boats operating between Trinidad and Tobago harbours; ships of less than 50 tons gross tonnage; ships as may be exempted by by-laws of the Pilotage Authority. Currently, all the licensed pilotage services are provided by the Trinidad Pilots and Boating Masters Association, a company incorporated under the Companies Act and first established in 1939.

The statutory body known as the Pilotage Authority was established under section 4 of the Act, to oversee all matters relating to the licensing and conduct of pilots and the safe pilotage of ships within Trinidad and Tobago. Section 4 of the Act stipulates that members of the Pilotage Authority shall be appointed by the Minister and shall hold appointment at the Minister’s pleasure. In accordance with the provisions of the Pilotage (Amdt.) Act, No. 6 of 1985, the present composition is as follows: the Harbour Master who shall be the ex officio officer and chairman; a representative of the Shipping Association; a member of the Pilots Association; a representative of the Port Authority; a person who holds a certificate as Master Home Trade issued by the Government of Trinidad and Tobago, or an equivalent or higher certificate, or alternatively, someone who has attained the rank of Lieutenant Commander in the Trinidad and Tobago Defence Force. The authority also includes a barrister or solicitor and a person suitably qualified in economics, accounting or commerce.

There are two major areas of amendment, the first of which is to increase the membership of the Pilotage Authority from the Pilots Association, from one to two. The reason is that when the authority was reconstituted in 1985, the impact of shipping in Trinidad and Tobago and consequently, the need for pilotage services was not as developed as it is today. The economy of Trinidad and Tobago has been expanding at a phenomenal rate. Expanding port facilities at Scarborough, Port of Spain, Chaguaramas, Point Lisas and lately, at Brighton, with the operations of Trinmar and Petrotrin in Point Fortin and more recently, the operations of the Atlantic LNG plants have contributed to a phenomenal increase in the foreign flag vessels calling to the ports in Trinidad and Tobago.

When train 4 is commissioned, there would be over 300 visits from LNG tankers to the Point Fortin harbour, per annum. This means that two LNG tankers would visit every three days. We can round it off and say one a day. There would be increased shipping which would call for additional pilots. The Pilotage Authority administers this whole process. This Bill is asking for the Pilots Association to have two representatives instead of one on the Pilotage Authority, because of the renewed activity of pilots. Currently, there are 23 licensed pilots who are members of the Pilots and Boating Masters Association. The pilots completed 15,686 movements at national ports in 2000, as compared to the 15 pilots and 9,665 movements in 1996. This figure is ever increasing as a result of the expanding foreign flag vessels calling to local ports and harbours. If we look for indicators as to how well the economy is doing, one can look at this area. When foreign vessels visit your shore, it has a direct correlation with trade and commerce in the global economy of today.

The Pilotage Authority has considered the impact of this increased movement on its work and programme to ensure the safe conduct of pilotage services in the country. More importantly, new vessels and equipment technology have increased the need for greater attention to be paid to policy and programmes, geared to upgrading pilotage skills and training, to ensure optimum safety and pilotage of vessels at our national ports. Because of the foregoing, the Pilotage Authority has recommended that with the increased demand of pilotage and the consequent focus on upgrading policy and programmes related to the conduct of pilotage services, there is a need for wider representation from the association. There should now be two dedicated members of the authority to represent the Trinidad Pilots and Boating Masters Association. I think it is a just request and the purpose of this legislation is likely to bring that into law.

This will provide for continuity and more effective handling and monitoring of the Pilotage Authority on all issues relating to the conduct and performance of

pilots. As originally constituted before 1986, the authority is comprised of the following persons: the Harbour Master; a representative of the Shipping Association; a representative from the Petroleum Association and two representatives of the Pilots Association. Act No. 6 of 1986 amended section 4(1) and provided for the current constitution of the authority. Prior to that we had two; they went to one in an amendment and we are going back to two. However, when this amendment was made in 1986, the words, “representatives and members of the aforesaid association” were left intact. The Minister has the statutory powers to appoint the representative of the Shipping Association and the Pilotage Association. That is to say, the other members, the barrister, solicitor, economist and the representative of the Port Authority no longer fall under the purview of the minister. This amendment seeks to put back that frame so that everybody would be legally under the purview of the Minister of Works and Transport. This is a very simple exercise.

Madam President, I must say it is a pleasure to be here to pilot my first Bill in the Senate. [*Desk thumping*] It may be symbolic that I am piloting a Bill about pilots. I hope that as I continue to contribute to Parliament, I would become a very expert pilot in the piloting of Bills.

Thank you.

*Question proposed.*

**Sen. Sadiq Baksh:** Madam President, I welcome the Minister to the Upper House. We do not have any objection to the two additional members of the Pilots Association to be part of this new board. We have more concerns and I am sure that in winding up he will try to justify why the Minister would now want the authority to ensure that he appoints all the other members. I could understand that sometimes it might not be forthcoming from the other associations or the people responsible and it might create some hardships. If there are any other motives they should let us know. I have no doubt that in piloting this Bill, the Minister would become an expert pilot. I want to assure him that the pilot he would become is not only as far as the Pilotage Authority is concerned, but also piloting the maritime administration in Trinidad and Tobago, so as to develop a society in which the economy would flourish.

The Minister alluded to the point that shipping could be used to show positive indicators in terms of growth of the economy of Trinidad and Tobago. While that may be so, I would have preferred him to tell us how many additional—so that we can have more ships coming in frequently and bringing less cargo. If I am to discern from what took place during the last two years, I cannot see how the

*Pilotage (Amdt.) Bill*  
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economy of Trinidad and Tobago grew, when compared with the period 1995—2001. The statistics will show that we had a slowdown in the economy. I am not ascribing that slowdown to the lack of pilots or two members on this particular board. I think the Minister opened himself for much discussion in terms of the economy of Trinidad and Tobago, with regard to the increase in activities. You cannot talk about increased activity and a growing economy while you moved from 15 pilots to 23, but then you sent home 12 pilots and 700 hundreds workers at BWIA. I find it difficult to understand.

I expected the Minister to tell us what kind of pilotage he would pilot in the Ministry of Works and Transport, in terms of ensuring that we establish a maritime authority. The Maritime Services Division has placed Trinidad and Tobago in a strategic position to establish it as the transshipment hub for the Americas and part of the Association of Caribbean States. When the present administration visualized the Association of Caribbean States, they envisaged Trinidad and Tobago as becoming the major transshipment hub in the region. One was in the north, Jamaica and the other in the south, Trinidad and Tobago. How would he provide the pilotage to continue the work in the ministry and ensure that that becomes a reality? I expected the Minister to tell us that we are now in a position to deal with post-panamax vessels, because of the dredging of the port of Port of Spain. The port of Port of Spain used to be the “port of pain”. The port now has a harbour dredged to 12m. I expected the Minister to come with a comprehensive policy for the improvement of maritime affairs. Two pilots on the board of the Pilotage Authority would not improve the economy of Trinidad and Tobago. That shortsightedness will not allow us to realize a vision of 2020.

It is important for the Minister to realize that he should come prepared with a strategic vision for transportation. Telling us about a harbour in Galeota is not enough. We will not be hard on the Minister. We will not waste time on that. As this is his first visit to the Upper House, we will allow him some latitude. Next time he should come with a strategic vision for the Transport Division.

Thank you.

**Sen. Dr. Jennifer Kernahan:** Madam President, the debate in this Senate has been very instructive, especially when I looked at the frenetic waiving of Standard Orders—perhaps in keeping with the Carnival spirit—on the other side of the Senate, during the contribution of Sen. Seepersad-Bachan. I wondered what was the reason for that. I came up with the fact that the PNM Government’s lack of vision and ability to bring substantial pieces of legislation—they bring itsy bitsy pieces of legislation—do not jell with the intellectual capacity of those of us on



this side of the Senate. Everything we say is deemed irrelevant because of the lack of stature of the legislation. That is the problem we have. We will continue to have this problem while the PNM refuses to do its homework.

We are here to debate the Pilotage (Amdt.) Bill to increase the number of pilots on the board of the Pilotage Authority to two members and to give the Minister the power to appoint all the members of the Pilotage Authority. This exact Bill was brought by our administration in 2001 and the PNM voted against this same Bill. The administration has a moral obligation to let the national community know why they voted against this Bill then, and they have brought it for approval in the Senate this afternoon. It is extremely important that they do that.

In the other place, on 2002.11.29, the Minister said:

“...when the authority was reconstituted in 1985, the impact of shipping in Trinidad and Tobago and consequently the need for pilotage service was not as developed as it is today. Since that time, we have experienced expanded port facilities in Scarborough, Port of Spain, Chaguaramas, Point Lisas, Brighton and Point Fortin. With the advent of Atlantic LNG, they have all contributed to a drastic increase in foreign flagged vessels calling to ports in Trinidad and Tobago.”

He substantiated this by pointing out that in 1996 we had 15 pilots, with 9,665 movements and in 2001 we had 23 pilots with 15,686 movements.

This is extremely important and the Minister has elaborated these points. We have to ask ourselves—as responsible senators, legislators, lawmakers and those to whom the people of Trinidad and Tobago have given their trust to look at these issues and debate them properly, when we talk about this dramatic increase in the activity in the waterways of Trinidad and Tobago—are we legislating for the safety and security of pilotage in the context of the transport needs, as we aspire to be a developed country by 2010? Are we putting things in place in the general transportation goals and safety, not narrowly relating to pilotage, but also to the protection of our environment? In the international community with the globalization process and increased trade, how are we going to put legislation in place to protect not only the safety of the piloting process, but also to protect our environment? Recently, we have had horrendous incidents with respect to oil spills in our coastal waters. That has to do with increased traffic. When they talk about increased traffic and trade, they have to pay attention to all the backup legislation that would be necessary not only to advance the cause as a young developing country, but also to advance the sort of protection we must put in place to ensure that our heritage remains intact for future generations.

I have looked at what pressure and interest groups in other countries are doing with respect to this question. On March 17, 2000, the administration of the Environmental Protection Agency of the United States received a petition from concerned citizens with respect to pollution and possible problems that increased pilotage and traffic within their waterways would pose. I bring to the attention of this Senate, some of the questions raised by other concerned citizens in other countries and perhaps, these are also concerns that we would like to raise at this time. These are pressing concerns. How can they quantify the volumes of all waste streams from large passenger vessels and their assessment of the adequacy of existing regulation to control such waste? They want to find out the kind of scientific assessment of the impact of the waste on the water quality in the marine environment and on human health. People are asking: How can they delineate a series of options for comprehensive monitoring and record keeping of all pollution incidents and discharge in the waters of the United States.

Very recently, the Minister of Public Utilities and the Environment was faced with a situation and an investigation was mounted to find out what caused the oil spill in Chaguaramas. These are occurring on a more frequent basis. Another question the concerned groups have been asking with respect to the use of their waterways is, what kind of elimination system may be set up in order to treat the waste from ships and pleasure vessels, such as the grey water, black water, bilge water and ballast water?

**Madam President:** Please come back to the Bill.

**Sen. Dr. J. Kernahan:** Madam President, I am making the point that we have to be concerned not only about pilotage. The Minister raised this question when he mentioned that we would be faced with additional traffic into our waterways. We have to be concerned that the Minister is aware that the people of Trinidad and Tobago whom I represent are demanding that we are aware of the consequences of increased traffic and movement in our waters. We have to be concerned with the environmental impact as we have seen a number of spills in our country over the last few months. We have launched a number of investigations and we are an oil-producing country.

On the question of training and re-training of our pilots, we know that this function is very important. We know there are many young people who are willing to get into this field. One of the programmes mentioned in the budget presentation with respect to the employment for young people and how we would manage our environment was the Community Based Environmental Protection and Enhancement Programme. We have to go beyond aesthetics and making it

look nice. We have to go to the deeper point of protecting our environment. The Minister can make his mark in this ministry.

**Sen. D. Montano:** On a point of order. We have let the Senator run for a little while. We are talking about the addition of one person to the committee. That is the issue. It has nothing to do with the environment.

**Madam President:** I have listened and I am trying to understand where we are going. I must admit that it is very irrelevant, Senator. Can you come back to the Bill which is the addition of a second pilot?

**Sen. Dr. J. Kernahan:** Madam President, the addition of one pilot to the Pilotage Authority is quoted as very important for the future of the industry of this country and is fundamental to the issue of pilotage safety. We do not disagree because we brought this Bill to the Senate. We have to deal with the issues because they are more fundamental than what is presented in this Senate. Our job is to protect the interest of the people of this country.

The fact that we will have a better constituted Pilotage Authority by the addition of two pilots—if these pilots are trained and are aware of their responsibilities with respect to monitoring the activities of additional vessels on our coastal waters and discharge waste—will mean additional monitoring and control of what is happening on our coastal waters and environment, then perhaps, it would be understandable. I doubt this is the objective of the two pilots.

**Mr. Khan:** I was very clear that the pilots are required to bring in vessels that fly a foreign flag into Trinidad ports. There are exemptions which include pleasure craft; ships belonging to the Government of Trinidad and Tobago; fishing vessels; ferry boats operating between Trinidad and Tobago and ships of less than 50 gross tons, and ships that may be exempted from time to time by the Pilotage Authority.

**Sen. Dr. J. Kernahan:** Madam President, I am aware of the exemptions the hon. Minister has mentioned. If I were certain that the addition of two pilots to the Pilotage Authority would mean that there would be increased monitoring; these pilots would be trained and some division of that authority would look at the impact of these vessels in our waters, I would be happy to leave this issue. It goes further. There is a global debate with respect to the role of the coast guard. People are asking for the coast guards to liaise with the pilotage authorities in other countries and those who have charge of what is happening in our waterways, to ensure that unrestrained discharge does not take place when there is no checking and measuring of what is happening.

**Sen. Dr. Saith:** Madam President, on a point of order. Again, I raise the question of relevance. As Leader of the Senate, I want to assure the Senator that soon a comprehensive shipping marine pollution bill would be brought to this Senate. She would have the full opportunity to talk about pollution. This is not relevant to what we are discussing.

**Madam President:** Senators, I find that too often we have to rise on the same points of order. Most of the time it is on irrelevance. I know you may have something to say, but as is said, you would get an opportunity. Could you please come back to the subject at hand.

**Sen. Dr. J. Kernahan:** Madam President, I am happy to hear that there is a perspective that would enable us to grasp the vision of the Government for the total maritime administration. We would deal with that when the hon. Minister brings the bill to the Senate. Sometimes it is important to make the Government know we are looking at these things and we want this for Trinidad and Tobago. We are not saying these things because we want to be intractable but because they are important.

We on this side brought this Bill. The PNM Government should tell the national community why they did not support this Bill and why they have come now for us to support it. It is a small part of what is necessary for the development process. We accept it for now and we look forward to a more comprehensive framework for maritime development.

Thank you.

**Sen. Dana Seetahal:** Madam President, on behalf of my colleague, Sen. Prof. Ramchand and on my own behalf, I am making the following submission. We have no quarrel with the suggested amendment that there should be now two members instead of one. Who can quarrel with that? Our concern is with the second suggested amendment that the Minister be given the power to appoint all members of the Pilotage Authority.

On a first reading of this amendment, it would seem that there is no fundamental difference to what existed in the law before. The previous section 4 of the Pilotage Act reads as follows:

“...representatives and members of the aforesaid Associations shall be appointed by the Minister and shall hold their appointments at the Minister’s pleasure.”

The proposed amendment is that that sentence be deleted and substituted with the new subsection: “Members of the Pilotage Authority shall be appointed by the

Minister on such terms and conditions approved by him.” This seems to be an approved subsection, but it is not so. Under the existing Pilotage Act, it is only the representatives and members of the aforesaid associations.

Under section 4(1) of the Pilotage Act, the Pilotage Authority consists of seven persons. The first is the Harbour Master who shall be an ex officio chairman; a representative of the Shipping Association; one member of the Pilots Association; a representative of the Port Authority; a person who holds a certificate as Master Home Trade; a barrister or solicitor and a person suitably qualified in economics, accounting or commerce. The representatives and members of the associations are presently appointed by the minister. It would not be the Harbour Master who holds office as chairman of this Pilotage Authority. He would not be appointed by the Minister, neither would be the barrister or solicitor or a person suitably qualified in economics, accountancy or commerce.

The proposed amendment as suggested by the Minister reads: “Members of the Pilotage Authority shall be appointed by the Minister”. This means that the minister would now be responsible for that appointment. I have serious concerns and so did Sen. Prof. Ramchand who, unfortunately, had to leave. The reason being that the Harbour Master who is presently the ex officio chairman of the Pilotage Authority is a public servant. This is stated in the Harbours Act, Chap. 50:06. That was subsequently amended to rename the post Director of Marine Services from June 01, 1988. This is a specialist public service post. The present holder and deputy are both graduates of the Maritime University of Sweden. That is not necessary and relevant but just for informational purpose. Whether or not we are talking about a harbour master or a director of marine services, the point is that this is a public service post. The reason for making that person chairman of the Pilotage Authority and not appointed by the minister, suggests that he wanted to have someone who was not under the control of any political directorate. He is the ex officio chairman by virtue of his office.

We can remove that and make the general provision for the members of the Pilotage Authority, including the Harbour Master who shall be appointed by the minister. If the Harbour Master is supposed to be ex officio chairman of the Pilotage Authority, how can he be appointed by the minister? If it would be said that he is ex officio chairman, therefore, he would not be appointed and the proposed amendment is ambiguous. It does not say members of the authority but for the chairman who is ex officio. It says members of the Pilotage Authority and under the current Act all these people are members. Unless there is some amendment we do not know about, which I do not think there is, all these members shall be appointed by the minister.

My simple point and that of Sen. Prof. Ramchand is that the Harbour Master, the Director of Marine Services is ex officio. He is not supposed to be appointed by the minister; he is automatically the chairman and so too were the other posts such as the barrister, the solicitor, the accountant or economist. While that may sound like an advantageous provision, it is at best, ambiguous, and at worst, it is apparently an attempt to remove all the appointments to the minister. It does not seem to me that this should be allowed.

Sen. Prof. Ramchand has submitted an amendment that proposes to delete that section and I support it.

Thank you.

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, I rise with trepidation because I am not a lawyer. My understanding is that section 4 sets out the people who would be on the authority. That would not change. It would be the Harbour Master who is ex officio chairman; a representative of the Shipping Association and so on. Somebody has to appoint them and take a note to Cabinet, saying that the board of the Pilotage Authority would consist of the Harbour Master as ex officio chairman and the representative of the Shipping Association. In respect of the other persons who are not represented by associations, somebody has to appoint them. The minister will bring to the Cabinet the names of the people to be appointed and they would be approved. We have a situation now—I do not know who appointed the barrister or the solicitor. Who appoints them the way it is written at the moment? Do not confuse what the Act says. The membership is not being changed. From the administrative point of view, who makes the appointment?

**Sen. Seetahal:** Madam President, on a point of clarification. I am pointing out that, the fact that you have to interpret it for us means that the legislation as proposed, is at best ambiguous. It does not say what you are saying that it should say.

**Sen. Wade Mark:** Madam President, let me take this opportunity to welcome the hon. Minister of Works and Transport to the Senate. I want to get some clarification. I see in the parent Act which was passed in 1939, under the colonial administration, they had no interest in workers' rights at that time. Having regard to the composition of the Pilotage Authority, we recommend to the Government, that there should be a representative of the recognized majority union, the Seamen and Waterfront Workers Trade Union that is responsible for port workers and maritime matters in Trinidad and Tobago. This union represents all seamen and seafarers in Trinidad and Tobago.

Seeing that we have had an increase in traffic via our sea lanes and that has been reflected in terms of buoyancy in the economy, why are we seeking to dispose of or disengage hundreds of workers at the Port Authority? We are talking about pilotage which is a sub component of maritime administration. If we are talking about maritime administration, we are talking about a very important industry. That industry is very vital for Trinidad and Tobago's development. I would like the hon. Minister to share some thoughts as to the Government's policy on the future of the port. Information reaching us indicates that there is some kind of activity that could result in the dislocation and displacement of hundreds of workers at the Port Authority.

I would like to find out what is happening with the question of navigation aids. There are unemployed persons in that particular department. I support the view of my colleague that October 05, 2001 is a day of infamy. I know that the hon. Minister was not there at the time. This Bill was brought by us. We will support our Bill. No changes have been made to it. It has come back as is. We want it for the record of Parliament and for your information, Madam President, that the PNM Senators and Ministers, their party, voted against this measure when it was introduced. Today, we have lived to see the very PNM has brought back the measure that they so solidly voted against. At that time, it was not good for the country. You know why? Because it was a straight case of—[*Interruption*]

**Sen. R. Montano:** You could lie.

**Madam President:** Sen. Montano, please do not use that kind of language.

**Sen. R. Montano:** I am sorry.

**Sen. W. Mark:** Madam President, we want to get these points clarified by the hon. Minister. We hope that he would give us some idea of trade union representation and the question of policy on the port. Is there a plan to disengage hundreds of workers? What are they doing about navigational aids? Finally, we would like Sen. The Hon. Dr. Lenny Saith to inform this Senate and the country why the PNM voted against this measure then, and is supporting it now.

Thank you.

**The Minister of Works and Transport (Hon. Franklin Khan):** Madam President, I know I was supposed to be part of history some day. I guess today is the day. Before I deal with the specific concerns raised by the Independent and Opposition Senators on the other side, on that fateful day in October, we were fighting for a bigger cause. This is just the instrument that brought down the United National Congress government. Today, Trinidad and Tobago has breathed a sigh of relief. [*Desk thumping*]

I would take it from bottoms up as we in geology do in correlation. I want Sen. Mark to know that I may be new, but not inexperienced. He has raised points which are not relevant to this debate. In due course, he would be well informed both at the national and parliamentary levels as to the details of the port restructuring, as we have done with the Caroni (1975) Limited. The issue of labour representation on state boards is a policy issue and not one that we feel we should legislate. That would be at the discretion of individual governments that would be in place from time to time. Legislation is meant to be longer term and almost fixed. When there is an amendment it has to come to Parliament. That is distinct from an individual government's policy position as to how it wants to deal with labour. In Britain if the Labour Party is in power, there is a policy shift. I hope that takes care of his concern.

With regard to Sen. Seetahal, the question is, who appoints the barrister and the economist? The original legislation was flawed by using the phrase, "the representatives and members of the aforesaid Association shall be appointed by the minister and shall hold the appointment at the Minister's pleasure". That does in fact take a legalistic and technical interpretation. It does not include the barrister and the economist because they are not representatives or members of the aforesaid associations. They have been appointed since 1939 by the minister. This is cleaning up the legislation to make it more effective and to provide greater clarity.

We go into more exciting stuff. Most of Sen. Dr. Kernahan's contribution showed no relevance to the Bill. I must admit that the points the Senator raised are valid ones in the context of another piece of legislation. Sen. Dr. Saith has outlined that the Shipping (Marine Pollution) Bill would be laid in the Lower House in a month or so. Continue your research you would be well prepared to share your thoughts. I would be here to pilot and I would continue to pilot. We will have a very meaningful discourse at that time.

Speaking of pilots, I left the best for last. Sen. Sadiq Baksh, the former minister of infrastructure lost on the relevance issue because he started to talk about policy matters. Obviously, I would not fall into that trap to discuss policy issues on a small amendment. If and when legislation comes to the Upper House that relates to maritime policy, there would be ample time to articulate Government's policy.

A nice way to conclude is that whether it was a Freudian slip, Sen. Baksh mixed up airline pilots with sea pilots. I want him to know that my portfolio now includes the Airports Authority of Trinidad and Tobago. He has opened up the



debate for me to discuss the Airports Authority and the airport. I would not be tempted. I know he probably felt a little scared when I mentioned that I now have ample opportunity because of the fact that he mentioned the BWIA pilots. I can now go on to a lengthy discourse on the Airports Authority which I would leave for other agencies of the State to handle.

This is a simple amendment. It was a pleasure piloting this Bill in the Upper House and I have enjoyed every minute of it.

Thank you.

**5.50 p.m.**

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Senate in committee.*

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

*Clause 2.*

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

**Madam Chairman:** Hon. Senators, you have been circulated with a proposed amendment which says:

First column

Second Column

Clause

Extent of Amendments

2

Delete clause 2(b) and 2(c) of the Bill.

**Sen. Seetahal:** Madam Chairman, that would be in reference to what I had said. Having regard to what the Minister said, I could see the reason for the appointment of the other members. I do feel, however, in respect of the Harbour Master that provision would create ambiguity. There is no need to appoint the Harbour Master. He cannot be appointed by the Minister. He holds office ex officio. So it would seem to me that in relation to clause (b), you could have clause 2, except the Harbour Master order or whatever it is:

(2) "Members of the Pilotage Authority shall be appointed by the Minister..."

**Sen. Morean:** Madam Chairman, may I say this? What this is saying is that he is ex officio Chairman but not ex officio a member. He is appointed a member

*Pilotage (Amdt.) Bill*  
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but ex officio he becomes the Chairman of the Authority. That is what this seems to be saying to me.

**Sen. Dr. Saith:** It is happening in the Airports Authority, the Commissioner of Police and the Chief Education Officer are all named in the Act but they still have to be appointed. The Minister cannot not appoint him, because the Act says that he has to be appointed.

**Sen. Seetahal:** It is just that it says:

“...on such terms and conditions approved by him.”

If we are saying that, then the Minister has no choice in terms of it. If he is, then that is fine. My contention was that it was less than clear but if it is, as you have said, Sen. Dr. Saith—

**Sen. Dr. Saith:** The terms and conditions there are really remunerations.

**Madam Chairman:** Will you withdraw it, Sen. Seetahal?

**Sen. Seetahal:** Yes, I will, having regard to the explanation.

*Amendment withdrawn.*

*Clause 2, 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.*

#### STAMP DUTY (VALIDATION) BILL

*Order for second reading read.*

**The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill):**  
Madam President, I beg to move,

That a Bill to validate the cancellation of certain postage stamps, be now read a second time.

Madam President, this Government, in its 2003 Budget Statement, signalled its intention to uphold and advance the human dignity of every individual, irrespective of race, colour, religion, culture, ethnicity, gender or social origin. It is this commitment which allows us to bring this Bill to this Senate to ensure, beyond any doubt, that citizens would not find themselves disadvantaged. The intention, therefore, is to correct a situation that has arisen as a result of legislation

which has the potential to distress some of our citizens, if not corrected. This Bill simply seeks to validate acts that were done after the passage of new legislation between the period November 06, 2000 and the passage of the Stamp Duty Validation Bill, 2002.

The Stamp Duty (Validation) Bill, 2002 seeks to validate the stamping of documents and instruments in respect of which duty and fees were paid by way of postage stamps instead of money, from the date of the coming into operation of the Stamp Duty (Special Provisions) Act, 2000 to the date of commencement of the subject Bill. The Stamp Duty (Special Provisions) Bill, 2000 was recently enacted by Parliament and came into operation on the date of proclamation by the President, that is November 06, 2000.

The effect of the Stamp Duty (Special Provisions) Act, 2000 is that the payment of stamp duty and fees by postage stamps is no longer provided for in law. After this Stamp Duty (Special Provisions) Act, 2000 took effect such payments are required to be made by way of money. For the purpose of the Stamp Duty (Special Provisions) Act, 2000 the expression "money" includes: electronic fund transfers, cheques or any form of monetary settlement. The Stamp Duty (Special Provisions) Bill, 2000 was enacted as a consequence of the Trinidad and Tobago Postal Corporation Act, 1999, which established the Trinidad and Tobago Postal Corporation better known as TTPost. Revenue generated by postage stamps now belong to TTPost and is not considered as part of the revenue to be deposited in the Consolidated Fund.

Prior to the Trinidad and Tobago Postal Corporation Act, 1999 all courts and public offices could have collected revenue in the form of postage stamps. Written documents had to be stamped in order to be enforceable in a court of law and a stamp would have included an adhesive stamp. All revenues collected by such means would have been accounted for in the Consolidated Fund and the necessary accounting procedures would have taken place between the post office and the relevant government departments or agencies.

Government collected approximately \$12 million annually in revenue by means of postage stamps. Many members of the public conduct transactions at post offices and government departments such as the Registrar General's Department and stamp duty and fees are payable on these transactions. With the enactment of the Trinidad and Tobago Postal Corporation Act, 1999 it became necessary to discontinue this form of revenue collection in order to maintain the integrity of the annual collection of \$12 million. As from November 06, 2000, the need to affix postage stamps to legal documents and other instruments, as a means

*Stamp Duty (Validation) Bill*  
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of verifying receipt of payment, was eliminated. Having paid the requisite amount of cash, the government agency would now verify such payments by other means, such as embossing or impressing by means of a dye.

Notwithstanding the fact that money became the sole form of payments since November 06, 2000, when the Stamp Duty (Special Provisions) Act, 2000 became effective, some government departments inadvertently continued to collect fees by means of postage stamps. Concerns have arisen, therefore, as to the validity of documents issued or registered after November 06, 2000 using postage stamps.

The Bill before this Senate seeks to regularize payments made by way of postage stamps and to place, beyond a shadow of a doubt, the validity of instruments where such postage stamps have been affixed to them. The language of the Stamp Duty (Validation) Bill, 2002 states:

“Notwithstanding section 3(1) of the Act, in relation to the payment of stamp duty or fees in accordance with any other written law, the cancellation, between the date of proclamation of this Act, that is to say, November 06, 2000 and the commencement of this Act, of postage stamps affixed to any instrument, is hereby validated.”

Under section 3(1)(b) of the Stamp Duty (Special Provisions) Act, 2000 the cancellation of postage stamps affixed to any instrument shall have no effect as from November 06, 2000. The significance of the cancellation of postage or adhesive stamps will be appreciated after the examination of the Stamp Duty Act, Chap. 76:01. Under the Stamp Duty Act, all written documents referred to in that Act are required to be stamped. In addition, fees payable in any court or public office shall be collected either in money or by means of stamps; such stamps being stamps impressed by means of a dye or an adhesive stamp.

Section 18 of the Stamp Duty Act requires adhesive stamps on instruments to be cancelled in order that the instruments may be considered being duly stamped. The adhesive stamp would be cancelled by an authorized person who would write on or across the stamp, his name or initials, together with the date on which the cancellation was done. The cancelled stamp could not be used on another document thereby ensuring that revenue was not lost.

Ensuring that a written document is duly stamped is important for evidential purposes. Any instrument executed in Trinidad and Tobago, which relates to property situated here is not admissible as evidence in court unless it is duly stamped. Upon the coming into operation of the Stamp Duty (Special Provisions) Act, 2000, the cancellation of adhesive stamps no longer has any legal effect. In

other words, the cancellation of adhesive stamps on written documents will no longer render those documents as being duly stamped. The predominance of the Stamp Duty (Special Provisions) Act, 2000 over the provisions in the Stamp Duty Act is expressly stated so that section 18 of the Stamp Duty Act has been effectively nullified.

Consequently, written documents relating to any property in Trinidad and Tobago to which adhesive stamps were affixed after November 06, 2000 could not, but for the Stamp Duty (Validation) Bill, 2002 before the Senate, be given in evidence in any court of law. Many mortgage documents are involved and it is imperative that these documents be legally enforceable in a court of law. Not being duly stamped, the issue as to whether these documents can be enforced in a court of law will come into question.

To avoid any fallout from the law, the cancellation of adhesive stamps during the period November 06, 2000 to the date of commencement of the subject Bill, is being validated by the Stamp Duty (Validation) Bill 2002. The passage of the Stamp Duty (Validation) Bill 2002 will preserve the integrity of the affected instruments and protect them from possible challenge on the grounds of non-conformity with the Stamp Duty (Special Provisions) Act, 2000. It is understood that money is currently being accepted by all relevant authorities as the sole form of payment in respect of stamp duty or fees.

Madam President, for these 18 reasons, we on this side would like your support in providing a benefit to ordinary citizens who may be affected by the conditions that I have just described.

I beg to move.

*Question proposed.*

**Sen. Wade Mark:** Madam President, I wish to join the debate on this very important legislation. The purpose of the Bill, as the hon. Minister has pointed out to us this evening, is to validate documents and instruments, in respect of which stamp duty and fees were paid by way of postage stamps instead of money after the coming into force of the Stamp Duty (Special Provisions) Act, 2000 on November 06, 2000.

This particular Bill deals with all mortgage deeds, all instruments, all documents in the Registrar General's Department and therefore, as the hon. Minister indicated, this is a matter that affects citizens of this Republic. Now this Stamp Duty (Special Provisions) Act, 2000 sought to do two essential things. As

the Minister pointed out, revenue collection by way of stamps was no longer necessary since you could have used money with this provision—given the amendment—to pay directly to the Government. As a result, registering of documents with stamps was no longer necessary because of the new system that was brought into being.

I want to alert and inform you that this Bill also—like the previous one—[*Laughter*] was brought to this Parliament out of an abundance of caution. We, like the hon. Minister, had concerns about the question of the legal validity where stamps continued to be affixed to these documents when they were no longer used as a revenue collecting measure. We had concerns that it could be challenged in a court of law.

Madam President, we appeal to the good consciences of the Senators on the other side. I want to empathize with my colleague; he was not around at that time. We were also concerned about the plight of ordinary citizens and that is why this measure was brought. But in their lust, hunger and greed for political office, you know what happened, Madam President. The history is there to tell us what took place. We are here again today to validate the same Bill; to deal with the same matters and to give support to this measure, which we had brought and which was defeated then.

Madam President, we are not that spiteful, vindictive or are we wicked. We shall do what we did then. We supported the measure in Government and we shall be supporting the measure in Opposition, because we are consistent in that regard. We honestly feel that this is a matter, as I said—and I think the hon. Minister mentioned in his presentation of the passage of the Trinidad and Tobago Postal Corporation Act, 1999. You would know, Madam President, if we have to properly locate this particular measure, it has to be located in the context of that revolution that took place in the postal services sector in this country.

I think it is really part of the thrust towards transforming—modernizing, as my colleague said—the public sector and, in this instance, we deal with a sub-component which is the postal service of Trinidad and Tobago. Madam President, if we are talking about the postal corporation or the postal service in this country—we know that, for instance, any postal service provider's essential mission is to provide, what is called, universal postal service of the highest possible quality at the lowest possible price.

This is what we set out to do and we sought to establish the link between social and economic development and a modernized postal service in Trinidad and Tobago. That is what happened because the previous administration, as you would know, had discussions under my former colleague, Dr. Gordon Draper, my

dear friend, who has now been excommunicated from that side. He was involved in the public sector reform effort and it was under his tenure that the Government approached the World Bank and when we came we continued that process; we ran with it.

Madam President, I do not have to tell you the kind of difficulties that confronted our society and the citizenry of this nation. At that time even you, Madam President, experienced the low levels of quality in terms of service. There was a question of a lack of public trust in the service as well. There was a significant loss of customers at that time to the private sector providers. What was happening in the postal sector at that time was that, generally, there was a rapid increase in financial losses being experienced. A decision had to be taken by the Government. I am saying to this Parliament today that we took the decision to transform a very archaic, backward and outdated postal service and brought it to what it is today. Now, there are teething problems, let us not make any mistake about that. This came into effect in 1999, we are in the year 2003 and I can tell you that the quality of the service provided by the new postal corporation is nothing like we had before. [*Desk thumping*] I think that is something for us to celebrate. I really believe that is an area—because we have to locate this particular measure in the context of the postal corporation revolution that we have experienced here.

I think we have acquired First World status in our country as it relates to postal service today. When we were in office we had a very important paradigm shift in terms of where we wanted to go so we embarked on innovation, creativity and institutional reform. I want to share with my colleagues today a document issued by the World Bank. I do not know if my colleague, a former Minister of Public Utilities saw it. The document is entitled *The Postal Industry in an Internet Age—Case Studies in Postal Reform*. I think my colleague from the Ministry of Public Utilities needs to take a look at it.

Madam President, Trinidad and Tobago, a speck of dust, is featured prominently among five countries: Costa Rica, Indonesia, Tanzania and Central and Eastern Europe. It tells you, Madam President, that here it is, a small country with the political will and the revolutionary leadership at the time, was able to transform a backward, archaic and bureaucratic department, which was just an arm of the Ministry of Public Utilities, into a stand-alone, a kind of autonomous organization that was trying to operate on a commercial basis, where performance targets are set, where operational and financial targets are set. Madam President, I am proud to be associated—

**Sen. Dumas:** I would just like to ask if the Senator would be willing to take responsibility for all that has happened in that process?

**Sen. W. Mark:** Madam President, I indicated to my friend that in every process of change or transformation there are going to be teething problems and we have recognized them. You have now taken charge; you have the baton and you have to run with it. [*Desk thumping*] We are telling you that Trinidad and Tobago, whether it is Sen. Dr. Lenny Saith, Sen. Joan Yuille-Williams, whether it is we on this side, whether it is the Independent Senators, Trinidad and Tobago is featured internationally in a document showing where we have made tremendous strides in the postal corporation sector of our country. I think that is a cause for celebration in Trinidad and Tobago. [*Desk thumping*]

**Sen. Joseph:** You are being irrelevant.

**Sen. W. Mark:** No, we are dealing with stamps and the only agency that deals with stamps is the postal corporation. There can never be any irrelevance when it comes to the postal corporation of Trinidad and Tobago. I can speak for the entire hour on this matter because we are dealing with stamps. Once we are talking about stamps in this country we have to link it with the postal corporation of Trinidad and Tobago and what is taking place there. So do not disturb me anymore, Sen. Joseph!

I want to share the conclusion with my colleagues in this honourable Chamber. I do not want to bore you with many aspects, but I think I need to put on the record of this honourable Chamber the conclusions drawn by the World Bank on page 35 of this report entitled, *The Postal Industry in an Internet Age—Case Studies in Postal Reform*. I quote:

“The case of Trinidad and Tobago Post, (TTPost) provides an example of the rapid and significant improvement that can be achieved with an ambitious postal reform process. The Government...”

They did not say the UNC, they said the Government, but it was the UNC they were talking about. [*Laughter*]

“The Government of the Republic of Trinidad and Tobago has transformed a government-dependent postal agency into an autonomous, government-owned corporation. Management of this new entity has been arranged on a contract basis with measurable...”

[*Interruption*] Yes that is New Zealand Post. Now transcends worldwide. I repeat:

“...has been arranged on a contract basis with measurable performance targets



and defined responsibilities. A productive combination of policy framework adjustment, commercialization, restructuring and rehabilitation of the national operator, and increased private sector participation”

That is what we wanted for Caroni (1975) Limited, Sen. Dr. Saith.

“...have produced rapid and dramatic changes in terms of improved financial and operational performance.”

Finally, in the penultimate sentence.

“Major improvements in universal service coverage, overall quality of service, and customer satisfaction have been achieved in just over a year.”

One year, Madam President! It started in 1999 and these people were writing this by 2001. In one year, Sen. Dr. Saith, this was recorded worldwide! You can go on the Internet and capture it!

It concludes:

“...perhaps most importantly, improvements in postal services are already benefiting remote rural areas of the islands and will continue to play a critical role in increasing access to communications.”

Madam President, this is what is recorded. When my colleagues on that side—

#### PROCEDURAL MOTION

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** Madam President, I beg to move that the Senate continue sitting until the completion of the debate and passage of this Bill. I negotiated the loan. [*Laughter*]

*Question put and agreed to.*

#### STAMP DUTY (VALIDATION) BILL

**Sen. W. Mark:** Madam President, I just wanted to put on the record of this Parliament that this is a very important achievement of the Government and the people of the Republic of Trinidad and Tobago. All who were involved in the exercise, I applaud you! What I am saying is that this manifests in a very vivid way the possibilities, the potentialities for bringing about revolutionary transformation in the public sector of Trinidad and Tobago. That is what we must celebrate as a young developing nation! [*Desk thumping*] I think it is really good food for thought this evening.

The reason I emphasize this is that some of my colleagues on that side, because of petty politics and partisanship, tend to say the UNC did nothing; we did

not perform; we underperformed; we did not deliver but here it is in the record, we have this document indicating—I want to tell this Chamber, the former Minister of Public Utilities, and the current Minister of Public Utilities, that one of the reasons that the Trinidad and Tobago Postal Corporation (TTPost) was successful was because of the coordination, cooperation, involvement and participation of all the stakeholders! We left out no one! There were between 1,200 and 1,400 workers. They could not even fit in the Crowne Plaza. They came in their hundreds in an effort to ensure that they were part and parcel of this process.

I understand that the postal service, TTPost, seems to be experiencing some difficulty and the Minister of Public Utilities would have to let us know why that is so. I understand that they are no longer able to meet their targets. We understand that right now in the TTPost there is an explosive situation, where the workers are not being treated properly by the contractor or the person from New Zealand.

We want to keep that model, that experiment, going. The hon. Minister who was there before was not as cooperative as he ought to have been. I have received reports from the union—you know I am a union man, Madam President, so I know what I am speaking about—that the cooperation is not as it ought to have been. I want to appeal to my colleague who is the new Minister of Public Utilities—he has some industrial relations experience, he was a leading member of TUTTA on the industrial relations committee and therefore he would have an understanding of industrial relations matters.

**Sen. Dr. Saith:** Madam President, on a point of order. The Senator is not being relevant to the Stamp Duty (Validation) Bill, 2002—the discourse we are having, albeit an enlightening discourse is not relevant to the issue before us.

**Madam President:** Sen. Mark, I am enjoying your contribution but, unfortunately, it is irrelevant. Please get back to the Bill.

**Sen. W. Mark:** Madam President, this matter, as you rightly know, deals with getting an understanding of why we have arrived at this point. The postal corporation's transformation went so quickly; it went so beautifully that what we are doing today is catching up. That is what is happening! That is why I have tried to link the revolution that took place there and the cancellation of these stamps that we are talking about today. Many of the government departments did not put their house in order. We had to pass a special—

**Hon. Senator:** You do not even know what the Bill is about.

**Sen. W. Mark:** This Stamp Duty (Special Provisions) Bill, was passed in 2000 and it became law on November 06, 2000. We are now in 2003, and you know what happened? The Registrar General's Department and other departments continued—even though this Bill was passed—to collect moneys via adhesive stamps. This is what the Stamp Duty (Special Provisions) Bill was attempting to do in 2000. But after November 06, 2000 to this time—look at the gap! And we are being told today that we have to validate this document because of the failure of a number of government departments to come up to mark.

So the postal corporation, the revolution in the postal service sector was really ahead of government departments. That is what is taking place! So that is why I need to bring—you see he gone, Sen. Dr. Saith rises and he goes! He told me I was being irrelevant! I am just trying to show that there was no irrelevance here! Madam President, I am not querying you for a moment. I am just saying that we need to look at and make the connection between what happened when the Stamp Duty (Special Provisions) Bill was passed in 2000 and was enacted on November 06, 2000. Why is it we are now debating that here? Because after November 06, 2000 mortgage documents, deeds and other instruments were still being stamped with adhesive stamp. Adhesive stamp! Adhesive stamp! Adhesive stamp! That is what was taking place!

**Sen. D. Montano:** You did not plan it right.

**Sen. W. Mark:** We planned it so right that the World Bank was boasting about the experiment. That is what was happening. The Government was slow—this regime. They are responsible because they voted—They say that they care about the poor! Madam President, when we brought that bill on October 05, 2001 in order to validate, the PNM voted against it!

**Hon. Senator:** Strategic reasons.

**Sen. W. Mark:** Strategic reasons, and you are telling me I must get back to the Bill? I am getting back to the Bill because you are responsible. If anybody in this country—

**Madam President:** Sen. Mark, please address the Chair?

**Sen. W. Mark:** Sorry, Madam President, I have to look at you all the time. [Laughter] I want to tell you that this is highly relevant. The reason we are here today is because of the simple fact that the PNM in their thirst, greed and hunger voted against this measure on October 05, 2001 and they allowed poor people to suffer because they could not get legal authority to register their deeds, their titles and other instruments. The PNM! That is what you all did! And they are telling me

that I am irrelevant! Madam President, these people are beasts unmasked, you know. But they come here as innocent—

**Madam President:** Sen. Mark, please be more careful with your language.

**Sen. W. Mark:** I will be more kind to them. They are not beasts yet, they are—sorry, Madam, I withdraw that. When I raised the point about the revolution in terms of the postal corporation I was trying to show where, collectively, we can work together and achieve great things. But they cannot take my contribution so they are saying I am irrelevant!

All I am saying to my colleagues on that side is that this process we started in 1996 was so rapid that many government departments did not put their house in order. And because of the fact that leading officials in the public service did not put their house in order, many of these documents continued to be stamped accordingly in the period in question. TTPost have gone so far that today, as we speak, strategic alliances have been established both with the Federal Express and US Post. That is the evidence of the kinds of tremendous strides that TTPost has made since going on the commercial basis.

When you look at the Trinidad and Tobago Postal Corporation Act of 1999 you will see, for the first time in Trinidad and Tobago—I honestly feel that in some instances it is the way to go. We are living in a highly competitive world economy and if we want to benchmark our progress we have to set targets; achieve those targets and we have to evaluate and make assessments as to where we have reached at the end of the day.

Here it is that this TTPost, for the first time, has to submit to the board of the TTPost a corporate plan. That has never been heard about in terms of a public sector organization! Never! This is now in legislation! They must give them their financial targets, Sen. Danny Montano. You must understand that! And they have to identify and define every area and they must meet those targets, otherwise this contractor from New Zealand Post will not be paid. He has to perform! That is why I am saying this is a revolution any measure and we must be proud as Trinidadians and Tobagonians to see that we have reached that particular stage! I think it is an area we need to celebrate and talk about.

Madam President, as you know, for the first time we have a National Mail Processing Centre. If you go to Piarco—the same airport I know you like. That centre is beautiful, Madam President. *[Interruption]* Well, I do not know, you could tell us. You have a chance to speak. You were the former Minister of Public Utilities. I know that the World Bank is boasting about us internationally.

[*Interruption*] I do not know about whether the World Bank has a concern about that. All I can tell you is that at Piarco there is a modernized National Mail Processing Centre, which is very important.

I lived at a place called Real Spring, Valsayn and when I used to be there before becoming a Minister and even when I was a Minister, we did not have a postman. The postman delivered mails to all the residents on the right-hand side—

**Sen. D. Montano:** Madam President, on a point of order. We are enjoying this, but I mean now we are talking about where the Senator lives? We want to talk about the validation of postage stamps. It seems to be a very narrow subject and we are not here to debate the merits or demerits of the legislation that formed the TTPost. We are here to talk about the validation of postage stamps. That is all!

**Madam President:** Sen. Mark, try to come back to the subject at hand. I know you are trying to tie it up, but I think you are straying a bit out of the realm of the matter at hand.

**Sen. W. Mark:** Madam President, you know I am always guided by your wisdom. But I was indicating that we have witnessed a revolution in mail delivery and, more importantly to me, I feel very proud to know that communications have been established in a big way with respect to the rural communities. In the rural communities people are now receiving their mails and that is a very important advancement. We have to apply technology all the way in an effort to improve the speed and delivery of communication of our people. We live in the information age and this gap; this information poverty; TTPost has done a lot to fill that gap and you know the impact that has had.

**Sen. D. Montano:** Madam President, this is good stuff and we are enjoying it but it has nothing to do with the validation of postage stamps.

**Madam President:** Sen. Mark, please do try to come back to the Bill at hand. As proud as you are of TTPost, that is really not under debate here today. Let us come back to the Bill at hand.

**Sen. W. Mark:** Madam President, we cannot, in any way, quibble over the fact that there has been improvement. You agree with me? [*Interruption*] We have said that—These people, I do not want to deal with them but, you see, when I get disturbances like that I have to respond. I would like to make my contribution in peace. Madam President, do not allow the Attorney General to disturb me.

**Sen. Morean:** You are disturbing me!

**Sen. W. Mark:** Well leave! This is a very important debate that we are engaging in. We are not prepared to come here and make our contributions—if the Government Senators do not want to listen to our contributions for whatever reason, there is a lounge and they could go there and sleep if they wish. But they cannot come here and interrupt our contributions every time we get up to speak. I have noticed a trend. Madam President, I want to bring to your attention that I see a trend developing in this Chamber today and we are not prepared to take that! We are here to contribute and if the PNM decides to use this book—every time we speak they talk about irrelevance because they do not want us to make our contributions. We will not tolerate that here! We will deal with that elsewhere!

We are making our contributions and for the whole evening they are interrupting us. Every time any one of us speaks here they are interrupting us with all kinds of foolish points, which they know are not true. They are provoking you, as the President of the Chamber! We cannot take that, you know! I want to serve notice that we are not taking that!

**Madam President:** Senator, please. Please come back to the Bill.

**Sen. W. Mark:** I am making a very important contribution and there are unnecessary interruptions! *[Interruption]* You want me to sit? I am standing here for my whole hour! Who want to go, could go! *[Interruption]* Yes, I am speaking about the Bill but you are disturbing me! Every time I am going to make a very important point I am being interrupted! *[Interruption]* I am annoyed! I do not like people to—not even my daughter could disturb me like that! Big men and women disturbing me every time I speak! I try to speak to you, Madam President, and I get all kinds of feedback from the Attorney General! *[Interruption]* She is fed up; she does not want to hear me! Go!

**Madam President:** Senator, please come back to the Bill.

**Sen. W. Mark:** Thank you very much, Madam President. Interrupted my flow! *[Laughter]* That is the intention, to interrupt my flow but I have experience, you know. *[Laughter]* Madam President, in this country we want to—and I want to tell the hon. Minister of Public Utilities that I have received information of what is happening at the postal corporation of this country and I think in light of all that is taking place, it is important for him to know about it. Through you, Madam President, I think it is important for the Minister to pay some attention to some of these developments that are taking place at the postal corporation because they will impact, ultimately, on the quality and delivery of service to the citizens of this land.

I would like to indicate to you, Madam President, that I have been informed by the workers of that industry; that particular sector, that at the moment, in terms of the tenets of the delegated management authority; in terms of reaching net income; transit time and new business arrangements; it seems somehow, TTPost under its present management structure—

**Sen. D. Montano:** Madam President, on a point of order, Standing Order 35(1). The Senator is still not relevant and I would also like to warn and advise the Senator of Standing Order 85(2). When you rule on a matter of irrelevancy it really is not a matter for debate. It is the ruling and we, as they, must confine ourselves, specifically, to what you have ruled. I would ask the Senator to confine his contribution to the subject at hand which is the validation of postage stamps, not the management of TTPost.

**Madam President:** Sen. Mark, I have had to call your attention more than once to the relevance of the contribution that you are making. I am going to do it now for the last time. Please come back to the subject at hand.

**Sen. W. Mark:** Madam President, we would have to consider our position in this Parliament having regard to all that has taken place today. I would not want to continue at this time. I think what is happening here is a mockery. I think this Parliament is becoming extremely autocratic and I am not prepared to—

**Sen. D. Montano:** Madam President—

**Madam President:** Sen. Mark, are you questioning—

**Sen. W. Mark:** I am not challenging you, Madam President; I am just talking about what is happening. I am finished.

**Madam President:** If there is no one else, would the Minister please respond?

**The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill):** Madam President, Sen. Mark was eloquent as usual but insofar as his contribution was concerned—I think that all the matters that he has raised, we agree with, but as they relate to this specific Bill, I do not believe that there are any issues that I am required to respond to.

I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Stamp Duty ( Validation) Bill*

*Tuesday, February 18, 2003*

*Senate in committee.*

*Clauses 1 to 3 ordered to stand part of the Bill.*

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

*Senate resumed.*

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

#### ADJOURNMENT

**The Minister of Public Administration and Information (Sen. The Hon. Dr. Lenny Saith):** I beg to move that the Senate do now adjourn to Tuesday, February 25, 2003 at 1.30 p.m.

Madam President, that would be Private Members' Day so we shall deal with Private Business on that day.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 6.48 p.m.*

#### WRITTEN ANSWER TO QUESTION

#### Condemned Persons (Status of Conviction)

*Pursuant to her reply to question No. 21, earlier in the proceedings, the Attorney General (Sen. The Hon. Glenda Morean) caused to be circulated to Members of the Senate the following list:*

Names of condemned persons and the dates of their respective convictions.

	NAME	DATE OF CONVICTION		NAME	DATE OF CONVICTION
<b>FEMALES</b>			<b>MALES</b>		
1.	Natasha De Leon	09/11/95	44.	Amir Mohammed	02/02/99
2.	Angela Ramdeen	14/01/97	45.	Fareyad Edoo	02/02/99
3.	Parbatee Dass	02/02/99	46.	Rawle Ghany	02/02/99
4.	Chitrah Dookran	02/07/01	47.	Arnold Ramlogan	04/03/99



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5.	Malharri Dookran	02/07/01	48.	Alson Roberts	20/04/99
6.	Chandroutie London	15/05/02	49.	Takoor Ramchand	28/05/99

**MALES**

7.	Dennis John	26/05/92	50.	Bruce Herrera	23/06/99
8.	Kieron Thomas	27/07/94	51.	Balkissoon Roodal	15/07/99
9.	Robert Taylor	17/02/95	52.	Colin Junior Nicome	16/09/99
10.	Mervyn Parris	17/02/95	53.	Rishi Bissoon	29/10/99
11.	George Constantine	17/02/95	54.	Curtis Sirju	29/10/99

12.	Mervyn Edmund	21/03/95	55.	Charles Matthews	03/12/99
13.	Clarence Charles	19/04/95	56.	Curtis Archibald	13/01/00
14.	Haniff Hilaire	29/05/95	57.	Anino Garcia	31/01/00
15.	Denny Baptiste	29/05/95	58.	Curtis Marshall	31/01/00
16.	Darren Thomas	09/11/95	59.	Marlon Daniel	31/01/00
17.	Martin Reid	15/11/95	60.	Ian Brown	22/02/00
18.	Allan Phillip	17/11/95	61.	Evrit Isaac	22/02/00
19.	Wilberforce Bernard	22/01/96	62.	Kenrick London	22/03/00
20.	Francis Mansingh	24/05/96	63.	Haroon Khan	18/05/00
21.	Narine Sooklal	24/05/96	64.	Jason John	14/07/00

22.	Wenceslaus James	21/06/96	65.	Mark Teeluck	14/07/00
23.	Anthony Garcia	03/10/96	66.	Beemal Roy Paria	10/07/00
24.	Wilson Prince	25/11/96	67.	Leslie Huggins	07/08/00
25.	Naresh Boodram	27/11/96	68.	Foster Serrette	21/05/01
26.	Steve Mungro	13/12/96	69.	Dhaniram Pooran Rago	02/07/01
27.	Vijay Mungroo	13/12/96	70.	Bobby Ramiah	07/08/01
28.	Philip Chotolal	17/12/96	71.	Mark Jaikaran	07/08/01

29.	Andrew Dottin	21/01/97	72.	Samuel Maharaj	07/08/01
30.	Kevin Dial	21/01/97	73.	Damian Ramiah	07/08/01
31.	Rodney Davis	31/01/97	74.	Michael Maharaj	07/08/01
32.	Noel Seepersad	07/02/97	75.	Junior Phillip	07/08/01
33.	Samuel Winchester	05/03/97	76.	Seenath Ramiah	07/08/01
34.	Alfred Frederick	29/09/97	77.	Daniel Gopaul	07/08/01
35.	Amir Mowlah	27/10/97	78.	Richard Huggins	07/08/01
36.	Peter Benjamin	27/10/97	79.	Ramsingh Jairam	24/01/02

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37.	Nigel Mark	11/11/97	80.	Rown Campbell	03/01/02
38.	Gangadeen Tahaloo	19/11/97	81.	Glenroy Bishop	30/01/02
39.	Krishendath Seepersad	29/05/98	82.	David Pierre	15/10/02
40.	Alladin Mohammed	02/11/98	83.	Adbul Saheed	29/11/02
41.	Ramchan Harripersad	02/11/98	84.	Latchman Deosaran	29/11/02
42.	Sheldon Raoch	16/12/98	85.	Clifford Beckles	29/11/02
43.	Beemal Ramnarace	16/12/98	86.	Cyrus Braithwaite	09/12/02

The names of those person identified who can no longer be lawfully executed because of the ruling in the *Pratt and Morgan* case

	Names	Date of Conviction		Names	Date of Conviction
Females			Males		
1.	Natasha De Leon	09/11/95	18.	Wenceslaus James	21/06/96
2.	Angela Ramdeen	14/01/97	19.	Anthony Garcia	03/10/96
Males					
3.	Dennis John	26/05/92	20.	Wilson Prince	25/11/96

4.	Kieron Thomas	27/07/94	21.	Naresh Boodram	27/11/95
5.	Robert Taylor	17/02/95	22.	Steve Mungroo	13/12/96
6.	Mervyn Parris	17/02/95	23.	Vijay Mungroo	17/12/96
7.	George Constantine	17/02/95	24.	Phillip Chotolal	17/12/96
8.	Mervyn Edmund	21/03/95	25.	Andrew Dottin	21/01/97
9.	Clarence Charles	19/04/95	26.	Kevin Dial	21/01/97
10.	Haniff Hilaire	29/05/95	27.	Rodney Davis	31/01/97
11.	Denny Baptiste	29/05/95	28.	Noel Seepersad	07/02/97
12.	Darren Thomas	09/11/95	29.	Samuel Winchester	05/03/97
13.	Martin Reid	15/11/95	30.	Alfred Frederick	29/09/97
14.	Allan Phillip	17/11/95	31.	Amir Mowlah	27/10/97
15.	Wilberforce Bernard	22/01/96	32.	Peter Benjamin	27/10/97
16.	Francis Mansingh	24/05/96	33.	Nigel Mark	11/11/97
17.	Narine Sooklal	24/05/96	34.	Gangadeen Tahaloo	19/11/97