

*Leave of Absence**Thursday, August 25, 2005***SENATE***Thursday, August 25, 2005*

The Senate met at 1.30 p.m.

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

**Mr. Vice-President:** Hon. Senators, I wish to advise you that the President of the Senate, Sen. Dr. Linda Savitri Baboolal, is ill. During the absence of the President, the Vice-President will preside over the sittings and Sen. Magna Williams-Smith will act temporarily.

**SENATOR'S APPOINTMENT**

**Mr. Vice-President:** Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Prof. GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards  
President.

TO: MRS. MAGNA WILLIAMS-SMITH

WHEREAS Senator Dr. Linda Savitri Baboolal is incapable of performing her duties as a Senator by reason of illness:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Senator Dr. Linda Savitri Baboolal.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 25<sup>th</sup> day of August, 2005."

**OATH OF ALLEGIANCE**

*Senator Magna Williams-Smith took and subscribed the Oath of Allegiance as required by law.*

**PAPERS LAID**

1. The Civil Proceedings (Amdt.) Rules, 2005. [*The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams)*]
2. The Civil Proceedings (Amdt.) (No. 2) Rules, 2005. [*Sen. The Hon. J. Yuille-Williams*]
3. The Civil Aviation [(No. 1) General Application and Personnel Licensing] (Amdt.) (No. 2) Regulations, 2005. [*The Minister in the Ministry of Finance Sen. The Hon. Christine. Sahadeo*]
4. The Civil Aviation [(No. 2) Operations] (Amdt.) (No. 2) Regulations, 2005. [*Sen. The Hon. C. Sahadeo*]
5. The Civil Aviation [(No. 3) Air Operator Certification and Administration] (Amdt.) (No. 2) Regulations, 2005. [*Sen. The Hon. C. Sahadeo*]
6. The Civil Aviation [(No. 4) Registration and Markings] (Amdt.) Regulations, 2005. [*Sen. The Hon. C. Sahadeo*]
7. The Civil Aviation [(No. 5) Airworthiness] (Amdt.) (No. 2) Regulations, 2005. [*Sen. The Hon. C. Sahadeo*]
8. The Civil Aviation [(No. 6) Approved Maintenance Organization] (Amdt.) (No. 2) Regulations, 2005. [*Sen. The Hon. C. Sahadeo*]
9. The Civil Aviation [(No. 7) Instruments and Equipment] (Amdt.) (No. 2) Regulations, 2005. [*Sen. The Hon. C. Sahadeo*]
10. The Civil Aviation [(No. 9) Aviation Training Organization] (Amdt.) (No. 2) Regulations, 2005. [*Sen. The Hon. C. Sahadeo*]

11. The Civil Aviation [(No. 10) Foreign Operator] (Amdt.) (No. 2) Regulations, 2005. [*Sen. The Hon. C. Sahadeo*]
12. The Civil Aviation [(No. 11) Aerial Work] (Amdt.) (No. 2) Regulations, 2005. [*Sen. The Hon. C. Sahadeo*]
13. The Civil Aviation [(No. 12) Aerodrome Licensing] (Amdt.) (No. 2) Regulations, 2005. [*Sen. The Hon. C. Sahadeo*]

**Statutory Instruments Committee  
(Regulations/Orders/Rules)**

**The Minister in the Ministry of Finance (Sen. The Hon. Christine Sahadeo):** Mr. Vice-President, I also wish to advise that the Statutory Instruments Committee considered the Regulations, Orders and Rules and found that there is nothing to which the Senators' attention should be specially drawn. The minutes of the committee were circulated to members. Thank you.

**CARONI (1975) LIMITED AND ORANGE GROVE NATIONAL COMPANY  
LIMITED (BUSINESS DEVELOPMENT) (NO. 2) BILL**

**Special Select Committee Report  
(Presentation)**

**The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams):** Mr. Vice-President, I beg to present the following report:

Report of the Special Select Committee of the Senate appointed to consider and report on a Bill to provide for the vesting of the operational undertakings of Caroni (1975) Limited and Orange Grove National Company Limited in the Republic of Trinidad and Tobago and to provide for the management of and for the development of those real estate undertakings.

In accordance with the provisions of Standing Order 75(5) of the Senate, I wish to advise that together with the committee's report, there is a minority report signed and submitted by two members of the committee.

**QUESTIONS FOR WRITTEN ANSWERS**

**Mr. Vice-President:** Hon. Senators, at yesterday's sitting I indicated that I would make a statement on the situation with the questions for written answer. There is nothing in the Standing Orders that requires that the Presiding Officer should rule and insist that a Minister would provide these answers. In fairness to

everyone, I would like to advise that I am still seeking further advice on this and I will be making a statement on it tomorrow.

**ORAL ANSWERS TO QUESTIONS**

*The following questions stood on the Order Paper in the name of Sen. Wade Mark:*

**Substance in Water Tank  
(Identification of)**

- 96.** With respect to the forensic analysis report which stated that a total weight of 433.6 grammes of cocaine was identified within the contents of the six black plastic parcels found in the water tank of Sadiq Baksh, could the hon. Minister of National Security inform the Senate of:
- (i) the name(s) of any other substance(s) identified in each of the six black plastic parcels;
  - (ii) the weight of each substance other than cocaine found in the parcels; and
  - (iii) the status of the investigation in relation to this incident?

**Substance in Water Tank  
(Foreign Expert Assistance)**

- 97. A.** With respect to the investigation into the discovery of mortar bombs and cocaine in the water tank of Sen. Sadiq Baksh, could the hon. Minister of National Security inform the Senate whether his Ministry has sought the assistance of any foreign investigative agency in an attempt to bring the investigation to a closure?
- B.** If the answer to (A) is in the affirmative, could the Minister provide the name(s) of the foreign agency/agencies; and
- C.** If the answer to (A) is in the negative, could the Minister advise the Senate why no foreign expert help has been sought?

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Mr. Vice-President, hon. Senators, yesterday I asked that I be given an opportunity to answer the question today. I am sorry, Mr. Vice-President and also hon. Senators, I ask that I be allowed to answer this question tomorrow, please. It is not because

the answer is not there, but I have to take full responsibility for the fact that it is not here with me today.

**Mr. Vice-President:** Both questions?

**Sen. The Hon. M. Joseph:** Both questions.

**Mr. Vice-President:** Sen. Mark.

[Assent indicated]

*Questions, by leave, deferred.*

**TRINIDAD AND TOBAGO HOUSING DEVELOPMENT  
CORPORATION BILL**

[Second Day]

*Order read for resuming adjourned debate on question* [August 24, 2005]

That the Bill be now read a second time.

*Questions again proposed.*

**Mr. Vice-President:** Hon. Senators, those who spoke on the Bill were the presenter, Hon. Dr. Keith Rowley, mover of the Motion and Sen. Sadiq Baksh.

**Sen. Basharat Ali:** Thank you, Mr. Vice-President. I rise to say in principle I support very much this Bill before us today. I am sorry the hon. Minister who presented is not here. I wanted to congratulate him on a very lucid presentation and he evidently knows his stuff. That is something I appreciate very much. I say that in all honesty, having read in detail what he said in the Lower House during the presentation there.

Nonetheless, I do have some items for clarification and I would like to go through those. My first one is really more a matter of drafting than substance. I think I understand what it is. I was hoping the Minister would be here to answer. In this Bill there are various references to the operation of the Act, so to speak. There is a statement about “commencement” of the Act, there is “assent” of the Act, the “appointed day” and “the coming into operation” of the Act. Some of them, I presume are the same such as commencement which is stated in clause 2 of the Bill. It states:

“This Act comes into operation on such day as is fixed by the President by Proclamation.

‘appointed day’ means the date on which this Act comes into operation;”

That I understand.

“Assent”, I presume, is when the Bill has been passed as an Act by both Houses. This is the second phase of that process; the first phase being what happened in the Lower House. I stand to be corrected. I see the Clerk of the Senate looking at me. That is what I understand when they use the term “assent” in the Bill.

“Coming into operation”, evidently is the same as “appointed day”; the day it comes into operation. I thought it was a little confusing.

I have a list where these statements are made, but I would not want to go through it and take up the time. Perhaps, one can look at it. After all, if it becomes an Act at the end of today, and it is assented to, then it is for laypeople to implement it. It then becomes difficult, especially where we have things like vesting, when we are going to vest the assets of the National Housing Authority (NHA). “Assent” refers to looking at the organization on the day of assent; those who are in the NHA. There are various matters.

I did have one question, in terms of the commencement. Is it the intent that the President will fix a date in advance for the operation, so that the proclamation will say six months hence, the Bill will come into operation and it will then be an Act, because it will be assented to? The Act will come into operation. Everybody knows that is the day the Act will become operational and everybody will be working towards that. I do not know, I ask that question because it gives one a feel as to how this Bill will be converted into an Act. I understand that this is an urgent matter. Proclamation becomes critical. Nothing can really happen without proclamation, except doing paperwork. [*Interruption*]

I would not talk about OSHA today. My fellow Senator is asking about OSHA, but I would not talk about OSHA today. That is my pet subject. There are so many Bills and Acts which are assented to and have not been proclaimed. If we are serious about it, we must say that we feel that is the way to go. We must say in advance: “Okay, in three months, six months or nine months, this will be proclaimed after the Bill is assented to.” It gives them a target to work towards and then they will be under pressure to get it done. That is the first point. I am really sorry that the Minister is not here today to respond to some of these items which I am going to go through.

The second point I have here and which is very unclear to me is: what is the position of the person who is the managing director? In some places one gets the impression that he is a board member, but then he has different terms and

conditions from the board members. If I look through clause 7(1), which is what speaks to the board, it states:

“The business of the Corporation shall be managed by its Board which shall be comprised of no less than five and no more than nine members appointed by the President, who by reason of their qualification and experience are capable of contributing meaningfully to the deliberations of the Board.”

That is the appointment of the board.

Clause 15(1) speaks about the appointment of the managing director. It states:

“The Board shall appoint as Managing Director, a person who, in its opinion has demonstrated the necessary skill and experience in corporate management.

- (2) The Managing Director shall hold office for such period not exceeding five years, as is specified in the instrument of appointment, and is eligible for reappointment.
- (3) The terms and conditions of employment of the Managing Director shall be approved by the Minister.”

If we look at the terms and conditions of the board we see the board has a maximum term of three years, renewable only once for a further three years and after that it is all change, if they are all there. It is quite different from what the managing director has as his terms; even the resignation. The schedule or terms and conditions of a board does not provide for the resignation of the managing director, if he is a member of the board, as it seems to be.

First Schedule 5(1), terms and conditions of board members, states:

“The Chairman may resign by instrument in writing addressed to the President through the Minister.

- (2) A member of the Board, other than the Chairman and the Managing Director, may resign by instrument in writing addressed to the Chairman, who shall cause it to be forwarded to the President through the Minister.”

We know how the chairman and other members of the board can resign but we do not know what the managing director should do if he wants to resign. I wonder, is he really an ex-officio chief executive officer? I need to know whether that is so.

Is he then a chief executive officer in effect, who from being in that position of ex-officio, is a member of the board? In this case you would have to specify how he operates within the board; whether he has voting rights, for example. That is not there. They say that the managing director has to declare all of his interests.

I was looking at the structure of the present NHA and I wondered whether it was intended that one position called the Chief Executive Officer of NHA was targeted for the position of managing director. I do not know. I expect to get an answer from it. I do not know whether there is a position in the Third Schedule, which states:

“Offices in the Statutory Authorities Service Commission on Establishment of the Authority”

I believe it means those who are in the establishment. The first position there is the Chief Executive Officer. If I go to—the Minister in the Ministry of Finance will be familiar with this—the establishment of the National Housing Authority (NHA) in the 2005 budget document, under NHA, which is on page 220 of the document, they speak of Chairman, Deputy Chairman, and Board Members. Under “Administration and Administrative Division”, they speak of the Executive Director, without a range number. I do not know if his salary is fixed by the Salaries Commission; I do not know. It also speaks of a Deputy Executive Director. There is no Chief Executive Officer, as given in the Third Schedule and there is no Deputy Executive Officer but there is a Deputy Executive Director. They are different titles but I do not know where we are on it. This applies right throughout.

I will come back to the question of staffing under clause 30 but I am at a loss to understand who this managing director is. I think it needs to be clarified. I will tell you why it needs to be clarified. Some of you may be familiar, in 1986/87 when there was a change in government; the first thing that was required of all board members was to submit their resignation, so there was an all change. I was in the system at the time. I was a board member of the National Gas Company. The Minister in charge sent a letter around indicating that persons were required to submit their resignation. I did within the time, and said that I was willing to serve. They said thank you very much, and that was it. I do not agree with that concept; that you change complete boards with total lack of any continuity. This is what happens. We have a total change and for the managing director it is even worse.

I know of one particular case—most of us would not know it and most of them on that Bench will know it—where there was a managing director and when



they took office, I will say it plainly, when the UNC took office as government, this managing director, a very competent person, was asked to resign. There was no reason why he should resign except they felt that he was a supporter of the PNM or a friend of the previous Prime Minister. I do not know, a very competent person. I will always vouch for Mr. Malcolm Jones. There it was that he was basically dismissed. If you ask the managing director to resign, you are really dismissing him. My friend got a good settlement out of them, because there were no grounds for dispensing with his services. I am raising all of this in that context.

We do not know who will be ruling in the next round; it could be the other side, we do not know. I do not know. Each side says they will be the next government. You say you will continue to be in government. This is here for a long time.

**Sen. Cropper:** Maybe we will have a coalition.

**Sen. B. Ali:** My fellow Senator is saying maybe we will have a coalition. It becomes even more complicated. Let us clarify this in our mind before we get into trouble.

I might as well remain on clause 30. I am trying to remember some of the clauses. Clause 30 is the beginning of staffing, which states:

“The Board may within an organizational structure approved by the Minister—

- (a) employ such staff as is required by the Corporation for the proper administration of its functions; and
- (b) fix qualifications, terms and conditions of service and salaries for its employees.”

That is fine. In looking at what the hon. Minister said in the other place in piloting this Bill, let me say what he said. I will read what he said on July 1<sup>st</sup> when he piloted the Bill:

“Also approved by the Cabinet in anticipation of the coming into being of this agency is the organizational chart for the Housing Development Corporation. That already has Cabinet's approval and the job descriptions and proposed salary scales have been forwarded to the Chief Personnel Officer (CPO) in anticipation of the passage of this legislation. We are well advanced in preparing to bring into being the Housing Development Corporation.”

This is Dr. Rowley in the other place. I would be very pleased if he had done all this homework. Presumably, they have done it on the basis of the organizational structure, which I would like to know about. I would like to know how it is and what the jobs are. They probably are not the jobs in the Third Schedule, which I cannot match up against budget documents in any case.

I have a little concern. I know my Minister friend, the Minister in the Ministry of Finance, Sen. The Hon. Christine Sahadeo, always talks about transparency and accountability. When we have an organization like this with no oversight except to the Minister and Auditor General, I would expect to see a very strong internal audit organization. I am sure Sen. The Hon. D. Montano will agree with me; he is versed in these matters. When you put your spending of \$1.5 billion per year development funds in the hands of a board, in addition to what the Auditor General does as an historical matter, one would want to see regular audits on a plan. I would want to see, within this organizational structure, a very strong internal audit department and to see to whom they report. Like any financial institution, is there going to be an audit committee of the board to which the Chief Internal Auditor will report and not to the managing director? I am bringing this to you because it is important when you give people the freedom to spend money, that there are the checks and balances apart from the Auditor General's document. This Bill covers pretty well what the Auditor General does. This is historical at the end and it takes time. By the time the Auditor General's Report comes, if it is going through that department, they may farm it out to one of the firms, in which case you would get it earlier. In any case, that is historical. What I want to see is continuous auditing. The only way you can do that is by having the audit function within the organization. I would be very happy if I can see the organizational chart to see how many auditors there are.

For example, in the Third Schedule, I see the highest level of auditor is an Auditor III. I think that is Range 53. Perhaps, Sen. The Hon. D. Montano might correct me. I looked at all these jobs and their ranges. I think it starts from there and goes on. The hon. Minister, when he was talking about engineers, that is where I picked it out, spoke about an engineer being in Range 53. Range 53 is a Civil Engineer I. I call that an entry grade. This is where the Auditor III is. I think you need stronger audit staff than what is in this organization; the establishment of the National Housing Authority (NHA).

The second point is on establishment of the NHA. I would like to know—I believe the hon. Minister in speaking mentioned it—is how many people will be made redundant by this exercise. He gave a number. I do not remember what he

said on it. I would like to know how many of these positions on the establishment of the NHA are within the ambit of the Housing Development Corporation. They may be called different names. I saw Operations Superintendent in this list at Range 65, but there is no Operations Superintendent. I wonder whether some titles actually come from the organization developed for the Housing Development Corporation. A number of them really do not exist, if this is really in fact in Sen. The Hon. Enill's document, if those are the titles of the jobs. Job title is not important but that is the only basis I have for comparison to be able to find what the civil service range is. I would like that to be looked at, in terms of staffing. I am saying that to avoid in the future, any confusion.

Since we are going to have a severance system, voluntary or otherwise, then it is important that we know how many of these jobs will be there and how many will not be there. I think it is important, because when we start talking about whether this is going to be a good system or not, or whether we are going to get improvement in deliverability of the Ministry—because they are really an assistant to the Ministry, the Housing Development Corporation—it will depend on what I always like to call the culture that we have in the Housing Development Corporation. Many of the persons who may be transferred would have had a particular culture of working. It may be, I am not saying that is how it is, that they will have to change, or the alternative is that they may find the management, the Ministry or the board is very difficult. I am speaking on the basis of what I know

If you ask the Executive Chairman of Petrotrin, August 31, 1974 will be 31 years since the first company was formed. That was TRINTOC. I see Sen. Joan Hackshaw-Marslin is looking at me. She is a Point Fortin lady so she knows about that. Maybe she was not born yet. That was when Shell Trinidad was purchased by TRINTOC. I was there when the flag was put up. I had already left Shell Trinidad. I was working with the government at the time. The TRINTOC people came there with the Shell Trinidad culture.

The next step was that Texaco came into the picture. Part of Texaco was bought and the staff came in. There was ex-Shell culture and ex-Texaco culture, which became TRINTOC. Then there was the BP element that came in. They were called TRINTOPEC at one stage. That was really BP with a series of companies. There were three sets of people with completely different cultures and they have never really settled down. I think maybe that lot is moving on and they may change. I know it has been a problem for years. It is there whenever there are amalgamations and similar kinds of organizational matters happening. I would

ask the people to look at that and be careful. You have put this organization in place and it looks good on paper but the deliverability will not be there because of the culture.

People say that the Regional Health Authority is different but it is not different. In terms of people, it is the same, part of the people has the culture of the Ministry of Health and the new people coming in have a different culture. Wherever it is, you have that same problem and you need strong people to overcome that. In this case, you are shutting down the National Housing Authority but the NHA is really people and those are the people, many of whom will probably come into this organization. I would have liked the Minister to respond to me on that, because I really think it is a very important matter.

Speaking of deliverability, I have already expressed my reservation with respect to what I would call these companies which have been set up, such as the National Infrastructure Development Company (NIDCO), the Rural Development Company (RuDeCott), and the Education Development Company. On June 15, I referred to that matter in this Senate. I spoke about one item which is now a problem in implementation. I spoke about the computerization of the records of the transport division. In this contribution I said, and I quote:

“In my budget contribution last year, I took a long time to devote to the subject of computerization of the records of the Transport Division, which line item there under ‘Development’ is \$800,000. If one goes back to the budget one will recall that I spent a good bit of my speaking time reading a letter of Dr. St. Clair King to the newspaper on this subject of how these projects are handled. Basically, I was recommending at the end of it that we should ask the UNDP to withdraw that proposal and try the E-teck model, where you scout the companies which have capabilities and say: ‘Well, look, form a consortium and then you can do the project.’ I have read with grave concern what has been described as scandal, et cetera.”

I understand now—I am subject to correction because I have not seen it myself in print—that the UNDP said that they are withdrawing from the project. If that is so, we have lost nine months.

**Sen. Bro. Khan:** What about the money?

**Sen. B. Ali:** Forget the money. We do not need UNDP money for this. We have the funds to do this without UNDP. Time is of the essence in such matters. We have lost nine months and we will never get it back. I do not know what is going to happen when budget day comes and what we are going to hear. If I may

give some advice to the Minister in the Ministry of Finance, responsible for state enterprises, this may be a case for NIDCO to get into the act, because they have the possibility to be contracted by the Transport Division. They are part of the Ministry of Works and Transport. They can then go out within their tenders rules and seek co-operation just like E-Teck did and they have done it successfully, doing all the renovations on the Trinidad Hilton, on the basis of these consortia. It is a model which gives the local people a chance to work at it. They can choose partners from outside as they deem necessary. To me, that is the most meaningful kind of local content. I have said so before; local content with building these large platforms, et cetera, I have no particular love for them, if I may use that word. I think this is more basic; the smaller projects.

This one was a real glaring case where the UNDP went out—Evidently, they were looking for foreign companies, because they were asking for financial requirements. I remember that was October last year. That is when I spoke on the subject in the budget. Maybe the Minister in the Ministry of Finance, Sen. The Hon. Christine Sahadeo, might take my advice and say to the NIDCO: “You all in that Ministry, go and do something about the computerization in a particular model.” I am putting that out. I am giving free advice. I do not get paid for that kind of advice. This is why I am hesitant about—I am supporting the Bill but my reservation is about how we are going to do it.

This is from the *Newsday* of August 20, very recent. The headline is: “Sahadeo: Checks and balances for new Government companies”. That is fine, they are saying how they are going to work. So far, I have not seen much activity from these people. When I was speaking on that same debate on the variation of appropriation, I said when we take a company like the National Infrastructure Development Company (NIDCO)—the Chairman is Mr. Brash. He runs a big business. The Deputy Chairman is Mr. Keith Awong. He is the Chairman of NGC. I know that he does a fair amount of work there and on the board of NEC which is a subsidiary of the NGC. I do not know that there is an organization or staff which can handle the work of the National Infrastructure Development Company.

I was surprised approximately two or three weeks after this to see a little snippet in the *Guardian* saying: “NIDCO to come on stream in two weeks.” I looked at it and said: “What has happened here?” They are reporting that Mr. Brash said that they have not been able to have their first board meeting. Do you know why? It is because they could not have a quorum. Imagine that! A report said that they are now increasing the board membership to 10 persons so that they will ensure a quorum. I would like the Minister in the Ministry of Finance, I see

her over there, to let us know, tell us, who are the 10 members of NIDCO. As you and I know, they are supposed to deliver. One of the big delivery items for them is, I think, a December deadline for the start of the implementation of the interchange. That is their project. I wait with bated breath to see what is going to happen on the interchange, come December. The budget is coming and we may hear something different. That is the first company which is supposed to get off the ground. Apart from UDeCott, they have a big portfolio to deal with.

I keep saying you cannot do that with boards, you must have management of a certain level otherwise you fail just like the hospital in Tobago has failed and others like them. It is really a question of having the right kind of contract or, in the first case, the right kind of request for proposal from which people bid. As I said then on June 15, if you do not have a good invitation, you get bad bids and bad bids mean more money, and loss of money, which is what we are seeing in Tobago. We will see it in other projects, if we do not take stock now and do something about it. I would like to instill upon those who have the responsibility to really spend the time to do that.

I would like to mention a few other items as I go along. Under clause 17 of this Bill, it relates to planning and management, where the board is preparing plans. Clause 17(2) states:

“The first corporate plan shall be for a period of not less than three years and no more than five years beginning on a date no later than six months after the commencement of this Act...”

I presume, after the proclamation.

“and each subsequent corporate plan shall take effect immediately on the expiry of the previous corporate plan and shall be for a period not exceeding three years.”

I would like to suggest, or put before the Senate, why not a moving three-year plan?

Clause 17(3) states:

“The Board may review and revise a corporate plan prepared under subsection (1)...”

Why not a moving three-year plan, rather than a rigid two-year plan, which we might look at? Each year you are updating your plan and then there is no need for the three-year and five-year plan because you are always doing it. Each year it is a fresh plan, which takes into account what has happened before. That is what budgeting is all about. I am sure Sen. The Hon. Conrad Enill will not disagree

with me. If you come from the business sector they always have to start with that. They do that on a monthly basis, management accounting, moving monthly averages, et cetera. For the corporate plan, you can do the same thing rather than have this stilted plan. When you look at it, you may or may not. When it goes haywire, what will you say: "I do not have a plan." This is one item I thought I would raise. That is my suggestion; I do not know whether anybody will take it into account.

Clause 20 is the next clause which I looked at. It says:

"The Board shall, within three months of the end of each financial year, submit an annual report to the Minister in respect of the operation of the Corporation and its subsidiaries."

That is fine. I have no problem with that. I did not see that the Minister will lay this report in Parliament. That is what is missing. Clause 20 should be amended to say that the report will be laid in Parliament. That is where the accountability comes in.

I am talking from experience. I remember that VCIP has a law of annual reporting laid in Parliament. I remember the debate when it came up. I said that I could not find any report after 2001. Sen. The Hon. Christine Sahadeo said it was an oversight because it was in the Ministry of Finance, but it was never laid in Parliament. Here they do not have to say that it is an oversight; they say that it is not there. Let us have an amendment to clause 20 of the Bill before us.

Clause 29(3) is the next one I see on my list here. Clause 29(1) deals with exemption from Central Tenders Board Ordinance. I have no problem with that.

Clause 29(2) states:

"The Board shall, subject to the Minister's approval, make rules relating to the award of tenders and contracts and those rules shall govern the conduct of the award of tenders and related matters.

(3) Until the rules are made under subsection (2), the Corporation shall follow the procedures detailed in the Central Tenders Board Ordinance."

We have to wait until the rules are formed and the proclamation—or when the whole business comes into operation, before we see anything. I think the question of rules being subject to negative resolution was raised by Sen. Baksh. I have no problem with that because if anybody wants—the regulations and rules are laid in Parliament—to bring it to the House, whichever House it is, then you can do so

and seek to have it amended or seek to have a Motion which will be ruled upon. We have done that recently, a negative resolution of some Bill. I do not have a problem with that.

The item which I think needs to be looked at—this was mentioned by Sen. Mark yesterday—is subsection (5):

“Rules made under this section shall be available to any person on request and on payment of the prescribed fee.”

It was said, okay, it is a token fee. I feel that something like this, if we are looking at transparency in state enterprises, this is in effect a state enterprise, then we should publish it wherever, in the print media. I do not know whether they would have a website. Post it on the website, so people will see that these are the tenders rules. That is transparency and that is what we want, so that nobody would come and say that they do not know what they are doing. I lay that before you all as a matter. I use a simple one. If you are going to print them you might as well publish them. We are into the information age now. Put it on the website. So many people put things on the website, why can we not do this as we go along?

I did have one other comment. I am trying to find it. It related to the board. Clause 43(1) states:

“The Board may, with the approval of the Minister make regulations prescribing—

- (a) appropriate standards for construction of houses; and
- (b) fees...”

I think “appropriate standards for construction of houses” is too vague. It should say in consultation with whom. We have the Bureau of Standards and the JCC. When they are making regulations for housing, they have to take into account safety factors such as hurricanes and earthquakes. Those are the factors which are there. The Association of Professional Engineers is there to help in that respect. We have the Caribbean Association of Engineers. I cannot remember what the acronym is for that one. We have a Bureau of Standards and they are the ones who should set the pace for this and not just appropriate standards. I do not know what appropriate standards are. We know the housing that we have here in Trinidad and Tobago now is probably not going to stand up to any of the natural hazards of hurricane or earthquake, they will all collapse from the lack of the necessary standards. If we are doing this, let us tighten it up now. I am suggesting



that clause 43(1) should reflect it. It will show that the Parliament and everybody else is looking at this in a very serious manner.

I believe those must be the comments that I have with respect to this Bill. I hope, even if I am not here—I have to go somewhere else—when the debate is being wound up, it will be responded to. I feel I am doing this because I want the Housing Development Corporation to succeed and I wish them all the luck and success in their endeavours. Thank you.

**Sen. Dr. Jennifer Kernahan:** Mr. Vice-President, I thank you for the opportunity to join in this debate today, on the Trinidad and Tobago Housing Development Corporation Bill, 2005.

The right to shelter is recognized by the United Nations as a basic human right. Every human being born into this world has a right to a country and a home. Every human being has a right to a place from which he or she can develop his full human potential. The greatest tragedies that are playing out in the Western world in this 20<sup>th</sup> into the 21<sup>st</sup> Century have to do with massive displacement of people. We are seeing what is happening in Africa, Dafur, the Middle East and Latin America has to do with how societies, especially western societies, have evolved and the way they look at this inalienable right to land, a home and a piece of the earth that one can call his or her own.

What has happened is that traditionally, societies have recognized that everyone is born and is entitled as part of the tribe to live on a particular piece of land, be part of the productive force on this land and to share in the fruits of the labour of this land. What we have had evolving in our societies is that there are people being born into this world, practically as babies, they are squatters or renters and have to beg or look for a place to live and generations come and go without having a piece of land or home to call their own.

This is what has evolved into the type of societies we have today where people do not have a stake, they do not feel that they have a place and therefore they do not feel any sense of responsibility for the environment either. They are just passing through. That sense of hopelessness and rootlessness, I believe, is what is at the centre of the violence that has escalated in our society over the past few years. That sense of hopelessness, the sense that you will never be able to attain that space and freedom to achieve your full potential, to engender another generation, to establish a family, is truly traumatic and it is violence that is committed against thousands of people in this country, as we speak.

Right outside the Red House every day as we park our cars and come into this honourable Senate, we step over human beings who lie on the side of the road. Thousands of us fall by the wayside. It is a measure of the insensitivity of the society; that all over Port of Spain, all along Abercromby Street, in the car parks and the dark areas, there are people who are homeless, who do not have a place to call home.

**2.30 p.m.**

Mr. Vice-President, the young people of this society, as I said, have erupted into this type of spontaneous and self-inflicted violence, simply because they have lost hope. I do not know if they are right or if they are wrong. But what is their experience? We have to look at what is their experience to understand their sense of hopelessness. The reality, when you look at it and try to understand what is happening, is that in the middle of the last oil boom in the mid 1970s, in my experience, there was a whole wave of landless people who converged on the hills surrounding the cities in Laventille, Gonzales, Cocorite and other areas. They were forced to do that because people had been waiting over 20 years for the promise of a better way of life; the promise of the newly independent State; a promise for development; a promise that independence would bring this rise in the standard of living, quality of life, and so on. People had been waiting for the fulfilment of this promise. Their parents had marched to Chagaramas precisely to get back our land from the Americans, and so on. So, land was the heart of the issue of the whole nationalist independence movement. My parents always boasted that they marched in the rain to Chagaramas, a lot of our parents did. They were waiting for the fulfilment of that dream, of that promise.

In the mid 1970s, after 20-odd years, there was nothing forthcoming; there was this alienation; there was this homelessness. Young people were coming up and not being able to leave their parents' houses and establish their own families. People started this whole movement to seize lands and to establish their families and to make do with whatever resources were available to them. We saw this phenomenon taking place in the hills around the cities, because this is where people would want to live. We want to live close to commercial and industrial areas where you can also get jobs and you can have a sustainable lifestyle.

Mr. Vice-President, what happened is that people hewed out their homes—some modest and some better than others—out of the forest and out of the lands that were available. But of course without any social infrastructure, without any physical infrastructure, and that was 30 years ago. I had not had my first child

when I saw that phenomenon taking place, basically where I live, and my eldest son is now 30 years old.

Thirty years later those communities, those hills are worse off than they were when they started, because there has been the whole question of massive erosion, of flooding, and so on. Nothing has been done in those areas for over 30 years. So, about two generations have grown up in that interim, the parents' generation and another generation had come up, and another generation is coming up out of that situation. The women whom I knew 30 years ago, as we say, toting water up and down the hills, because there is no water; there is no proper drainage; there are no facilities, they had to come down from the hills and do their washing and go back up and carry water to drink. There were still the outdoor toilets, the latrines. When you go back to these areas 30 years later it is exactly the same phenomenon.

Young people, generations growing up in that situation, would have seen their grandparents do it; they have seen their parents do it; they are doing it. Therefore when we ask are they right, are they wrong to lose hope and look for alternative lifestyles, alternative principles, and so on by which they live, I do not know if they are wrong, because they have seen three generations living under the same and worsening situations.

The issue of building homes is at the heart of this Bill before us. The purported aim of this Bill is to facilitate the construction of housing for low and middle income citizens. The Minister presented this Bill in this Senate yesterday with a lot of passion; with a lot of conviction; with seeming sincerity, and by his presentation one would think that this Bill would now constitute the ultimate solution to the problem of homelessness in this country. This Bill was touted as a guarantee to revolutionize the managerial processes in terms of housing solutions; to revolutionize the management processes; project control; would transform work ethic; would transform the whole question of integrity and delivery of service and so on. This Bill apparently is touted as being able to do all that.

Mr. Vice-President, listening to the Minister yesterday, one would have been almost tempted to just maybe sing the National Anthem, sing God Bless Our Nation and say aye, aye and go home, because, I mean, there is no work for us to do here, if this Bill as presented yesterday would in fact accomplish all these objectives; all these amazing transformations in the psyche of people in their integrity; in their philosophy; in their approach to delivery, and so on. It would

have made our job a lot easier if we could have really believed in the miraculous nature of this Bill before us.

You know what that reminded me of actually, is that there is a programme on television called "Sliders", I do not know if you are familiar with that programme, but it has to do with the whole concept of alternate worlds. It follows the adventures of a group of people who are able to slide between alternate worlds. In these alternate worlds you have exactly the same people, the same personalities, and so on. But they are different because of the different experiences and the different choices that people make in alternate worlds. I would say that yesterday the Minister took a slide into the alternate PNM world. In this alternate world that he described so passionately yesterday you have this alternate PNM being able to deliver 10,000 houses a year. In this alternate world, according to the Minister yesterday, you have the ability of this administration to create stable communities; to deliver homes to low and middle income earners; homes that cost over \$220,000 in effect, and rising. I have certain newspaper reports here which point to the fact that the cost of homes is escalating out of the reach of even the upper middle income earners in this country far less the lower middle income earners. You have in this alternate PNM world, clearance and redevelopment of slum areas, which the Minister discussed in clause 13 of this Bill, where there is impeccable project management and control as touted in clause 11 of the Bill. I quote:

"The Board, in ensuring the performance of the functions of the Corporation, shall exercise due care and act in a prudent and conscientious manner."

Mr. Vice-President, in this alternate PNM world there is transparency and integrity in all the processes of governance. We see this in clause 9. It says:

"(1) The Managing Director and every member of the Board shall give in writing —

- (a) notice to the Board of all direct or indirect pecuniary interests that they have or acquired in any business or in any body corporate carrying on any business with the Corporation in the exercise of its functions;"

It was very ironical, I thought, that that particular Minister at this point in time, would come to this honourable Senate and give these assurances, especially the assurances given in clause 9, given our recent history with Landate.

Mr. Vice-President, it is unfortunate, but the rest of us do not live in this alternate PNM world where 10,000 houses are distributed every year and where all this transparency and integrity is a normal practice; where boards are transparent

and always do the correct thing. Fortunately, we live in the real world where the present crisis in the delivery of housing and more importantly, the communities to our people is precisely because of the philosophy and the practice and the policy of the PNM government which negates all these lovely objectives and promises as touted in this Bill before us today.

The Minister did touch on these issues yesterday when he spoke of the question of people not having a mentality and a culture of not wanting to pay for goods and services. The Minister went on to give us a lot of excuses for the admitted failure of the National Housing Authority. The causes of the failure he outlined were the major ones: the limitation in hiring staff, that he was constrained by the Statutory Authorities Service Commission (SASC), and he is constrained by the Central Tenders Board.

Mr. Vice-President, what the Minister did not say—he gave us half of the story about these so-called constraints, but I have seen that our administration worked within the same constraints, and we were able to have an unprecedented high level of delivery in all aspects of national life in this country. So, I mean that is one side of the story.

The other side of the story that the Minister did not tell us, that the major reasons for this crisis, especially in all areas of national life and especially in the area of housing and delivery of housing and communities, is a simple lack of political will on the part of the administration, as simple as that. They have absolutely no political will to deliver communities and deliver sustainable independent communities in this country, because it does not suit their politics of dependency; their politics of keeping people helpless and dependent on the State. So, it does not mesh with their politics of dependency, and they have no political will to deliver anything.

The other aspect that the Minister did not mention, is that basically their housing policy is flawed and I would substantiate this argument, because as then as now this administration concentrates on talking about housing units; providing housing; they do not speak about providing communities; providing environments from which people can grow and develop, and that is a major flaw in your concept and in your approach to how you deliver.

Thirdly, what the Minister was unable to tell us, is that at the basis of this crisis is a fundamental contempt and disregard for the masses of the people of this country, who are seen as incidental to the power and to the privilege of the PNM

administration. The people are seen as merely voting banks to be acceded at election time and after that they are just tossed aside and they are not taken into consideration in terms of serious delivery of goods and services to the people of this country. Mr. Vice-President, as I have always said, our people have to take some responsibility for that, because we continue to vote in a government for over 35 years that refuses to deliver. So, our generations have to take responsibility for this contempt and disregard that is displayed by successive PNM administrations.

As I see it, what has happened, the philosophical root of this is the fact that under the colonial system the ex-slaves and indentured labourers were merely required to form themselves into little communities in barracks around the major places of production; sugar-cane estates. In the neo-colonial mindset which is so epitomized by the successive PNM administrations it is the same. You just find wherever you could fit in around commercial and industrial enterprises and make yourself comfortable, because really and truly there is no priority in our developmental plan or processes for people to access reasonable, decent levels of housing. This is the neo-colonial mindset so well portrayed by successive PNM administrations.

The only ray of hope that our people have had in the last 45 years—when they were forced to squat and they were called illegal; and they were beaten down by the jack boots of the squatters' squad and so on, and deprived of their meagre resources—is when the UNC government introduced the whole concept of squatter regularization. Homeless people for the first time were able to get certificates of comfort, and to have a basis for rebuilding their lives and caring for their generation to get out of the whole dependency syndrome.

What the Minister also did not mention to us yesterday, is the issue of people not wanting to pay their debts and their bills and their rents and so on in the NHA, was actively encouraged by the administrations, he said that. He said that maybe management had some part to play in that and management was at fault. It is exactly right, management was at fault, because the philosophy of these successive PNM administrations was once people were there and people had the idea that once you are PNM "yuh ain't have to pay no bills, yuh ain't have to pay no rent", you do not have to do anything but be PNM and go out and vote whenever the time comes, and they actively encouraged that. The PNM supporters knew that they did not have to pay any rent and they did not pay any rent, and the Minister practically admitted that yesterday.

The philosophy and the practice of the PNM is not to develop stable communities; is not to develop independent communities; is not to develop

communities that are growing and developing and are able to give back to the society and make more goods and services, create wealth. The philosophy, the practice and the policy of the Government in all spheres of national life as with housing, is to keep people dependent, not paying rent. So, therefore you scratch my back, I scratch yours, and I would vote for you in perpetuity.

When I spoke of the whole question of flawed housing policy, I was addressing the whole issue of these high-density sterile units that have led to the establishment all across the East-West Corridor of very depressed communities. And the Minister mentioned that yesterday. He said some of his colleagues talked about ghettos and used derogatory terms to describe certain areas of the East-West Corridor. But it is not we who use those terms, the people themselves use those terms. They themselves use those terms to describe where they live, because they know where they live and they know the conditions under which they live. They, more than anyone else, feel that pain; feel that neglect and feel that marginalization, that is why they themselves described their communities as ghettos.

I saw recently when this young man from Carenage was killed and a couple of his friends came on the television and they were speaking about the experiences and so on, and they said: "We live in the ghetto and ghetto life", and they were describing what they have to go through especially in relation to police brutality and all that. They, themselves, called their lives, lives in the ghetto. Nobody else made up that term. It is because of the lack of social, economic and physical infrastructure in these communities; lack of maintenance—because it is a vicious circle. If you have whole communities that do not pay rent, that do not generate any income for the National Housing Authority, naturally no moneys are going to be spent to develop these communities; to maintain them; to keep them in a certain standard, as well as the other issues that I will talk about in terms of what has been missing and deficient in these communities that has brought them to these states.

I would like to alert the national community now. The PNM is talking about this huge housing thrust and all these thousands of housing units that they are going to build. We have to get away from the mindset that housing our people involves building these high-density, sterile environments, cramming as many people as possible into the smallest possible space and then leaving them to degenerate and rot into hotbeds of crime and delinquency, because that is the experience we have had over the years when they have decided that they should build a few structures to placate people. They have built these high-density areas,

crammed as many people into it as possible, very little living space, with absolutely no social or economic infrastructure to support and make these housing units—as they call them—communities. This is the major problem that we have. This Bill, for the establishment of a housing corporation follows the same pattern.

They say the purpose of this Bill is to create housing units and you are seeing it all over Trinidad and Tobago wherever these housing units are. They are crammed into the smallest possible space, with no other type of infrastructure. We need to recognize that there is need for institutional and physical infrastructure, as well as social infrastructure in these areas. Some of the major issues that this Government needs to look at when talking about building housing units—you know why there is so much squatting in Port of Spain and Cocorite and so on? Because people need to live close to where there are means of employment.

So when we look at housing developments that have done well and that have been well maintained and maintained a certain standard, it is because these housing developments, by and large, by my own observation, are close to industrial or commercial areas where young people would be employed and are able to then help their parents maintain these houses; income flowing into these houses, and you have this air of maintenance; of well-being; of discipline, and so on; housing facilities that are close to industrial or commercial areas where people can access jobs. I have noticed where there are housing estates or housing units that have rapidly gone downhill that one of the major problems is lack of employment. So you find rapid degeneration of these areas because they are so many when the parents, maybe, may have been nurses or middle class teachers or whatever. But when you have children coming up in these communities who are unable to access jobs and employment, you find a rapid degeneration of the house. Sometimes parents go away, they leave these children in the houses, they are unable to maintain and these housing areas really go down the drain.

When you are talking about establishing houses you also have to talk about sporting and recreational facilities for these areas. Most of these housing developments that have been established in the East-West Corridor over the years have been huge blocks of flats with very little access to recreational or sporting facilities. Where you do have sporting facilities as in the Maloney district, you have a lack of management, you have the place closed up half the time; you do not have access to coaches; access to people who can come in and encourage young people and actually train young people in their sports and so on. So you go from one extreme to the next, either you have to close up all the time or it is vandalized, not properly taken care of. These are serious issues to community



building and really giving the people their just dues and expectations with respect to a place in which you can live and grow.

You cannot live in an environment where there are a million people around you; there is no access to recreational and sporting facilities; your children cannot go outside because you do not know what is happening out there; the drugs; the guns; the influences and so on. These people live under really horrible conditions because we have not built communities; we have not built communities that are cohesive and we have not put the institutional structures in these communities where people are able to control their own communities. People have lost control of their communities. Their communities have been given over to the bad boys, the drug dealers and the gangsters, and so on, who control these communities. When your children come out your door and they tell them to go for some weed; or carry this weed, or carry this coke, they have to do it, because they have guns. The bad boys, the gun men and the coke pushers, and so on, are the ones who control the depressed communities in these times, and that is a function of Government policy. Because Government policy under the guise of the URP has given hegemony in our society to the guns and the drugs and the people who are carrying these communities down the drain.

So, when he talks about housing solutions and building housing, other aspects of government policies would impinge on this. When we talk community centres—I heard somebody from the Beetham the other day talking on the radio, and it is a total lack of amenities on the Beetham. She is talking about a Phase 5 in Beetham, she said that is going right back to what used to be the old Shanty Town, and she was bemoaning the fact that her community is degenerating, it is going backwards. I live in Cumuto and for the 30 odd years that this community has been growing and developing, a community centre is absent. A community centre is vital and integral to the development of a community. How can you have community development when you do not have a place where people can gather; can talk; can plan; can do developmental work and do educational work, and so on? It is vital, and many of our communities do not have that facility. When you do have that facility it is monopolized by a certain sector of the population of the community who feel that they are the owners and they have sole right and they pick their friends and their family and the political cohorts to use the community centre. Everybody knows that this is a reality.

Mr. Vice-President, early childhood centres—I spoke about this. How can we build a community when young working mothers are unable to access proper childhood care in their own communities; where they can go out to work and they

can be comfortable, they can leave their children in these centres that are properly supervised. Homework centres, shopping areas—you have whole communities where there are no shopping areas. For instance, La Horquetta, I think it is about six or seven phases in La Horquetta, a huge development, and there is no provision, they are now building little booths in La Horquetta for business activity, about, I do not know how many years after the fact—15 or 20 years. This lack of planning, there is this neglect, there is this lack of foresight; lack of vision for how people would live and grow and develop in these communities.

There is no shopping area, so all these thousands of people everyday to go to the market, to go to the shops, to go to the groceries and so on, you have to leave that community. Transport is difficult; every morning you see hoards of people along the street; workers, school children, and so on. You wonder how these people exist; what time they get to work, what time these children get to school and so on, and you are talking about building houses. There is no foresight, there are no transport systems put in place, there are no shopping facilities, no business facilities, because all of these things generate employment within a community, money stays within the community and the community develops and grows.

One of the major problems that we have in the depressed communities is that money flows out of the communities all the time, nothing flows into the communities, because nobody has any business or there are not enough enterprises and not enough initiatives taken to ensure that money flows and stays within the communities, everything flows outside. The community is continually pauperized and it degenerates eventually.

**3.00 p.m.**

Mr. Vice-President, this is the sort of vision that we must have for our communities and for building communities. The issue of building housing units all over the place without any regard for these issues of community centres, primary schools; access to schools, access to jobs, access to transport and sanitation issues—

Mr. Vice-President, all along the bus route you see a million people every morning waiting to go to work. You see these little housing developments taking place. In Arima and Tunapuna there are huge developments that took place. They are just compounding to the problem. The problem is already grave with respect to amenities, social and infrastructural transport, and then they keep sticking these houses inside there with no thought whatever, as to how these people are going to access their places of work, to get in and get out.

There is no consultation with the regional corporations; the regional corporations always complain that there is no consultation with them with respect to housing development. Then they are saddled with the responsibility for serving these communities, serving these new community members and yet there is no consultation and there is no plan. It is just pure political expediency with respect to housing in this country.

That is why I am saying that the philosophy, the policy and the practice of the PNM Government has been to do whatever it sees convenient and expedient in its own political interest to amass votes in these high density areas, because once you know you amass votes in a particular high density area, you do not press people for payment, as the Minister admitted. There is this little secret arrangement that you do not ask and I do not ask, “Don't ask, don't tell” I think is the term.

Mr. Vice-President, this is what is happening in our communities, and our people are suffering psychologically and physically; the children are growing up with a sense of hopelessness because they see the conditions under which—generations of it and they feel that it will never happen for them. Who am I to tell them that they are wrong? If they see their parents and grandparents and they are living in the same conditions, who am I to tell them that things can change for them; that they must have hope, that they must continue their education and that they must do this and they must do that? They look at you and they laugh and they tell themselves that they are going to live fast and die young. They are going to acquire whatever they can acquire very quickly—by illegal means—because there are lots of means out there to acquire things. They are going to have a good time and they are going to die young and they do not mind that. They have made up their minds that this what is going to happen.

Mr. Vice-President, some of the clauses that I have serious questions with, with respect to the Bill also have to do with clause 10. It says here:

“The Board may form committees comprising its members or other persons to assist in the performance of the functions of the Corporation and may with the approval of the Minister declare by resolution, the remuneration and allowances of members of the Committees.”

Mr. Vice-President, given the track record of the National Housing Authority, given the philosophy and given the policies that we have seen exercised by this Government, these things are very difficult to take on trust or take at face value, because we are seeing that the board now has the power to bring in other persons as it says, to function in committees.

They have the power to give remuneration and allowances. I mean with what oversight? Friends? What criterion are you going to use to bring in board members, to bring in these committee members? Do they have to be members of the party? Do they have to be members of what? This whole housing corporation is a highly political tool that has a lot of potential for gross abuse and mismanagement. There is nothing in the track record of the National Housing Authority of this Government that would allay any suspicions or any fears with respect to this.

We have seen as Members of joint select committees the way boards operate sometimes as law unto themselves. Regardless of the so-called checks—very few checks in this Bill before us today that would rein in these boards at any particular point in time. Most of the time, we are talking about an Auditor General's report later on. What happens it that we get these reports three and four years down the road after the fact and then nothing can be done with respect to any mismanagement and abuse of taxpayers' money, which is what this corporation is going to be spending. By and large the corporation is funded by the Treasury and in addition to that this housing corporation is given huge powers. I do not know!

Mr. Vice-President, clause 13—as somebody who is not very versed in the workings of corporations, I believe there are colleagues who would be more au courant with the workings of these corporations than I am, but it seems to me from a layman's point of view that this corporation is practically a state within a state. It has huge powers to manage fundamental resources such as housing, lands and so on, which are fundamental to people's well-being. My concern is that as a political tool under the direct authority of a Minister of Government, this seems to me, a huge responsibility and a huge amount of space to give a corporation such as this to affect people's lives in a very fundamental way.

I do not know if the national community will see the potential dangers of this sort of laxity which is given to a corporation such as this, a very political corporation which has no checks and balances as the National Housing Authority had under the Statutory Authorities Service Commission. As far as I am concerned, what this Bill is doing is giving this corporation huge powers over the land and housing resources of this country and giving them a blank cheque. The Minister of Finance will finance this enterprise and the board has all these powers to bring in their friends and their families. There are no criteria, there are no checks and balances; they have authority to manage all lands and houses, including houses, votes, leases and buildings of their property.

Mr. Vice-President, they have to acquire lands or housing projects by way of purchases, lease or otherwise; to sell, lease, to exchange or otherwise, to dispose of real property. They have the right to engage in business activities incidental to or which may be performed conveniently by the corporation. They have a huge amount of power; they are going to wheel and deal in very fundamental areas of people's lives. I am not sure, given the track record of this Government and this particular authority, that we can agree to give this board all this power and authority.

Mr. Vice-President, what do we know of the National Housing Authority's track record with respect to responsible governance? What we know is that there was a huge scandal recently, where there was this so-called refurbishment programme where millions of dollars were spent, allegedly, to refurbish National Housing Authority apartments. What happened is that the gang leaders and the gang members collected all their ghost gang cheques, Jennifer Lopez and—

**Mr. Vice-President:** Hon. Senators, the speaking time of the hon. Senator has expired.

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

*Question put and agreed to.*

**Sen. Dr. J. Kernahan:** Thank you. Mr. Vice-President, you know they have this track record of this huge expenditure of millions of taxpayers dollars that were simply meted out to the gangsters and the gang members who are in cahoots with different aspects of this administration. No accountability, nobody was ever charged for that scandal; no chickens came home to roost and no repercussions. This administration operates with a level of impunity that is mind boggling in this society.

I know from my experience in the politics of this country that if it were the UNC government who had presided over such scandalous abuse of public funds, a number of heads would have rolled and we would have never heard the end of it in the media. All now they would have been calling for more heads, if that sort of activity had taken place under the aegis of the UNC government. But this Government seems to operate with a level of impunity that vindicates the saying they have: "This is PNM country."

Mr. Vice-President, as I said, I was looking at clause 13 and the fantastic amount of powers that this corporation would have over the lives of people, the

basic necessities and the human rights, as I said in the beginning that people have to land and to a home and to communities. I am very disturbed by the fact that this is a political instrument which will impact so deeply into the lives of people and communities in this country.

Mr. Vice-President, I spoke about the alternate world of the PNM where integrity and transparency is the order of the day. I spoke about clause 18:

“The Board shall—

- (a) cause proper books, accounts and records to be maintained in accordance with internationally and locally recognized accounting standards, principles and practices; and
- (b) ensure that—
  - (i) all payments by the Corporation are correctly made and properly authorized; and
  - (ii) adequate control is maintained over the management of assets and the incurring of liabilities.”

All these are very good laws and legislation in theory, but in practice they are violated almost, as a matter of course by a number of state agencies and state organizations and I do not know that this corporation will be any different.

I was approached last week by a young man who brought to me a number of payslips that showed that he worked for about 15 weeks last year with a particular company in CEPEP. He had all his documentation. He took the initiative to go to the Inland Revenue Department and the NIB, so he got his TD4 slip and he got his read-out of his NIS contributions. To his horror his TD4 slip showed—and I have these documents in my possession, I have seen them—that he had only made five contributions to the PAYE and his NIS slip showed that he made no contributions at all to the National Insurance Board, despite the fact that these moneys were deducted from his payslips and were supposed to go to these organizations. I intend to bring the documentation at a later time to this honourable Senate.

We are talking about—another state-owned enterprise. This CEPEP company is overseen by SWMCOL and they are the ones who are supposed to be doing the books and making sure that these contractors do what they have to do and deduct what they have to deduct and send it to the correct places.

Here we have blatant fraud taking place by this particular company and this is one person with one company. How many companies do we have? If you multiply that by all the companies, by all the workers who are not as enterprising or daring as he was to make sure and keep all his documentation, there is massive fraud taking place in the state enterprises, regardless of all the level of laws that we have in the books to prevent such fraud taking place. I am saying this: “this is PNM country”, because these things are taking place with total impunity and nobody, it seems, can do anything about it. “Like it or lump it” or “lay down by it” as my grandmother used to say.

Given that I know for a fact that bona fide community organizations in this country have been denied access to CEPEP contracts, people who have 10 and 15 years experience, and track record of managing funds and working in a community are refused CEPEP contracts, even though they have appealed to the highest level, including the Prime Minister who promised that he would rectify these things. Up to now—you have to be a PNM person or you have to know the Minister; you have to have some kind of little string to get one of these contracts.

What happens in Laventille, a particular group—bona fide community group—applied for one of these contracts; did not get it. Lo and behold a chairman of one of the Laventille constituencies on a particular date in 2003 formed a company and the next day, practically, he was the proud administrator of a CEPEP contract. This is how it goes. The people are seeing this every day in all the constituencies and in all the communities.

When you have that sort of nepotism, that sort of corruption and that sort of mindset to even establish these companies, then on top of that you get the proof coming to you that these companies are not being properly monitored, these contractors, SWMCOL, which is the company, the state enterprise which is supposed to monitor these people, is not doing its jobs. This could be millions of dollars going into the pockets of unauthorized people. They are taking the money out of the workers’ pockets and it is not going to the NIB or it is not going to the Board of Inland Revenue.

These are very serious issues; people are operating with impunity, and people are operating as if there is no law in this country. The bandits have gotten the message: “If the priest could play who is we?” They know the people at the top are operating with impunity, people are filling their pockets and people are doing what they want, therefore they are going to get it how they can. If you have access to a gun and you can terrorize a Minister and you can terrorize a community and

demand six, seven and eight gangs, then that is what they are doing. These people, they are not constrained by any accounting practices and legislation. Their accounting practices, is that if they want some of the gangs that you have and they feel you are keeping them back, they will walk up to you and hit you six shots in your head and you are dead. That is their accounting practices. Their books will register six more gangs and \$140,000 more at the end of the week.

Mr. Vice-President, this is the sort of country that we are living in today. This is the sort of lawlessness that is taking place in this country, and it is within this framework that we are called to this Senate, all week, to pass this type of legislation which gives unbridled power to a brand new state enterprise which has unlimited ability to play itself. It is a “free for all”, it is a “feeding frenzy”. I do not know if it is because people are of the opinion that the gas and oil is not going to last much longer, so that there is this intensification of activity, of the urgency to grab all that they can grab from the state coffers before it goes dry.

This seems to be the attitude because every Monday morning there is a new state agency being formed and if all of them are going to be formed based along these lines with no checks and balances—the Auditor General is a joke, because we do not get to see the reports, they come after the fact and nothing happens in any case. I have not heard of any company which was brought to book, or brought to court or anything because of an Auditor General's report. So that is a big joke. This is clearly permission to mash up the place. This is what this Bill is. This is what this housing corporation is.

In addition to that, it is going to cause serious problems in this country because you are going to have—there is no equity, there is no transparency. Who is going to determine? They have the right to lease lands, to rent lands, to rent houses and to give out houses. This is a political instrument. How are we going to ensure that there is equity, that there is justice in this society when you have a political instrument like this and you let a few board members loose and put them to preside over huge chunks of land resources and property in this country, with no checks and balances whatsoever?

Mr. Vice-President, this is a recipe for disaster in this country. This is a recipe for the escalation of violence in this country. This is a recipe for even more hopelessness on the part of the young people in this society who clearly do not have access. They do not have access to the ears of the people who run this country, so they do their thing at the bottom of the ladder and they are self-destructing at the bottom of the ladder. I do not know if we are able to continue to insulate ourselves as Senator this and Minister that from what is happening out



there. It is coming closer and closer to home. Every day that you get up in this country there is another kidnapping, there is another murder, there is this violence and there is a sense of absolute—like it is an aftermath of a bomb in this country; the amount of pain, humiliation and hurt that our people are being forced to undergo.

Mr. Vice-President, I went to the funeral recently of the young policeman who was killed—allegedly—by accident in a police station in this country and there were so many questions. People are bewildered and people are hurt; they are asking questions and there are no answers. One of the cousins of this young man who gave the eulogy came up plain and said that the people have no confidence in this Government and people have no confidence in the police service anymore. This is where we are heading. How are we going to arbitrate this society to maintain this social compact if there is loss of confidence, there is loss of hope and this escalation of violence in the society?

Mr. Vice-President, this Housing Corporation Bill is an abomination. It is clearly a political tool of this Government designed to promote the interest of this Government which is power in perpetuity. This is clearly the aim and objective of this Housing Bill and we will not support it.

I thank you. [*Desk thumping*]

**Sen. Mary King:** Thank you, Mr. Vice-President. I just have a few areas of concern that I would like to voice. I noticed from the Minister's speech—I am sorry I missed it last night, his introduction of the Bill—he did state that the whole focus of this exercise of replacing the NHA with the Housing Development Corporation is to create a new entity and an environment for adequate and modern, effective management on the national housing portfolio.

I think we have to add here a bit, in that we really need to think about the changing of the culture, as within that organization we will need a whole culture change. It certainly is a very positive move if that is the aim, to make us more effective and have better governance of the organization. But I do have a few comments yet, which I hope will result in some minor amendments when we get to committee stage.

The first one: I would like to agree with Sen. Ali, that within the organizational structure, we already have a Chief Executive Officer and we are appointing a Managing Director. I am wondering if the person that we are giving this title to should not really be given the title of Executive Director, so that he is the one who is on the board and who will be implementing the board policies

through the CEO. The CEO would be the operations person who will be overseeing the implementation of the Executive Director's instructions which come automatically from the board. That would be one name change that I would like to propose.

Clause 12 states:

“The Minister may give to the Board directions of a specific...nature...”

I think in keeping with our other organizations, I believe the Minister's role is to give general policy direction rather than specific direction to the boards. I would like that point to be clarified, why in this case it is specific and not the general policy direction of the Government.

In clause 13, we have also given the corporation the power to prepare and execute proposals, plans and projects and we have stated very vaguely, projects such as the clearing and re-development of slum areas. I would like to have some kind of legal control as to how this process will be carried out. Will it be under the due process of law? I think we need to have a qualification here which will guide the corporation as to how that process would take place. I suggest that there should be some wording there which will include “under the due process of law.”

We are aware that we are building many, many houses this year and for the next 10 years, but those of us who are living near to some of these development areas have a concern that when this building process is completed, we have not made the corporation responsible for the reinstatement of roads; the refurbishing of the roads which are being left in a mess because of the heavy trucks which are continuously working, and tractors working on the sites. I should have brought a picture I took with my digital camera and showed it to you on the wall, of the Santa Margarita area, both east and west entrances, which are really becoming quite unbearable to drive on. So I am hoping that with this law the corporation can also be mandated to re-fix the roads and the drains that are being messed up in the process.

Mention has been made already of the planning and management in Part IV and I know Sen. Ali had a concern about the three-year plan being discrete plans and not being continuous plans. But really, if you interpret clause 17(2) the way in which I have, the assumption here is that really there will be a rolling three-year plan. There will be long-term policy planning framework; there will be a first corporate plan which will be for not less than a period of three years. It also states that each subsequent plan should take effect immediately on the expiry, which

means that really the second three-year plan will emanate from the study of what we have done in the last three years, and within our long-term policy. Therefore, it would be logical that the plans would be three-year continuous rolling plans which are what most entities have, entities which are developing and working under the auspices of good management of funds. You really do have to have the policy, a long-term outlook and continuous assessment of what we had done, so that we can improve in the next couple of years using the next plans.

The annual report has not stated that the corporation will fall under a joint select committee of Parliament. I would like to see it stated that the annual reports shall be laid in the Parliament, because it is when the report is laid, then a parliamentary joint select committee can take the report and analyze and do its work. [*Desk thumping*] If there is no plan laid in the Parliament, the joint select committee would have great difficulty in having that entity called before it. So I would like to see that.

**3.30 p.m.**

Mr. Vice-President, clause 21 states that if the board wishes to expend more than \$5 million on a new business it must give written notice and have the approval of the Minister. This seems to be going away from what has been happening in the last couple of months. Correct me if I am wrong, please, but I understand that the Ministry of Finance has removed that stipulation from other state enterprises and organizations, that they do not have to get Government approval. I do not think that is a good thing, so I hope the Minister would tell me that did not happen. If there are now no controls on the spending of these entities, I need to know how they are being controlled financially; how they are being audited and who is auditing them.

What are those particular new entities like the University of Trinidad and Tobago (UTT) and e-Teck doing? Who are they reporting to? Under which joint select committees will they report? These are very serious questions and they demand very serious answers. [*Desk thumping*] We have new entities which have absolutely no controls. Those particular entities I mentioned have been operating for more than one year. I will like to know when their annual reports will be laid in the Parliament.

When I look at clause 24, there is a little confusion in my mind, so I would like some clarification. It says that any balance of the Fund after defraying expenses will be applied to a reserve fund. We will be creating a reserve fund, so

any balances will accrue there. This fund, obviously, would be used for future expansion, capital works and improvements in areas and new housing and, hopefully, community centres with housing; I think it was mentioned before. Let us build communities and not houses. The conflict I see is that clause 26 goes on to say that the entity, the corporation, after consultation with the board and the Minister, will pay a return to the Government; assuming that we are talking here about the dividend to the Government for its input and its shareholding in the entity. But under clause 26(4) it states:

“The return payable for a financial year shall not exceed the net profit of the Corporation.”

So if we are going to take as much as 100 per cent of the profit of the corporation, then we will not be able to create a development fund. It would not be a good idea for a corporation involved particularly in the development of housing and infrastructure, that there should be large profits sent back to the Government. Obviously, there has to be some consensus that there will be some percentage that would be returned to the Government, but there should be a substantial amount retained by the corporation for its own future developments.

In clause 29, we are exempting the corporation from the Central Tenders Board Ordinance, but I am aware that we are also developing procurement rules and I am sure the rules would apply. The concern I have is that the rules that will be made under this section will be available for the payment of a fee. Are we saying that we are removing this entity from under the Freedom of Information Act? Are we saying up front that you can only access information on this entity by paying a fee? I do not think that would be a good idea to add any other entities to the exemptions which already exist under the Freedom of Information Act. I trust that this will be clarified and that this is not the case.

Mr. Vice-President, in clause 43 there is a very important issue that was already mentioned:

“The Board may, with the approval of the Minister make regulations prescribing—

(a) appropriate standards for construction of houses...”

We have to have some guiding clause here, some principle whereby the appropriate standards will either be linked to the national engineering and earthquake standards and the standards which we have already talked about such as the California Code standards dealing with the velocity and force of winds, and

houses have to be built to these conditions. I do not think that the board, the Minister or members making that kind of decision may be experts on the appropriate standards. I think we need to see a link here; that the board, with the approval of the Minister, is not alone making regulations for prescribing appropriate standards. That will not be very good, given our history and where we live in this part of the world. We need to have proper standards.

Jumping to the Second Schedule, we have laid down a very stringent regulation here for a member of the board or a minority number of the board members being able to convene a meeting of the board. Normally, it can be a director with “the secretary must under instruction of a director” or in some cases it may be a minimum number. We have actually stated:

“on receipt of a written request signed by not fewer than four members, convene a meeting of the Board.”

We have also stated that the board may be five minimum and nine maximum. Let us look at the scenario where we have the minimum number of directors: we will need four-fifths of the board to be able to convene a meeting. I do not think that is practical nor appropriate. If the maximum number was there, we would still need four-ninths of the board, almost half the board, to be able to call a meeting. The suggestion could be, perhaps, a third of the members of the board, which would, at least, if we had a minimum board, give us a maximum of two directors and not ask for four-fifths of the board to call a meeting.

The only other problem I have is that I do not see the governance structure set up for the auditing of the corporation. I do not see that we have established an independent audit department that would report to the board or a subcommittee of the board. I see vaguely mentioned an auditing assistant. That is not acceptable and we ought to include an audit department with a senior auditor who reports to either a subcommittee of the board or the board.

This Bill is very well laid out and structured, except for those minor things I would like to see amended so that we really have good governance.

My last comment is that if we were looking down the road and it suddenly dawned on us in the last year that, “Gosh, we need to build 10,000 houses a year,” it means that we were not keeping ourselves abreast of the crisis and the problem. I would like to see within the Housing Development Corporation a research and development unit that will be studying the statistics: births, marriages, deaths, and it should be able to predict what kind of communities we need to build, the

number of houses, schools and everything else, because we want to develop communities and not just houses.

I would like to see within the organizational structure a department for research and development obviously headed by someone who has an economic/research background. I see we have specified in many of the other posts the kinds of persons that we want and we need to have someone in econometrics or economic analysis heading that department.

I thank you, Mr. Vice-President.

**Sen. Wade Mark:** Mr. Vice-President, according to the Explanatory Note, the main purpose of this Bill is to establish a statutory corporation to undertake or facilitate the construction of housing for low and middle income citizens or residents. It is a noble ideal to strive towards creating what we would call “a home-owning democracy” in our country. To establish that home-owning democracy in our country, certain principles must be rooted in the process; equity, justice and a fair distribution system must be effected. The system must be transparent.

The problem with this piece of legislation has to do with the practice that has taken place to date under this PNM administration. That practice does not generate the kind of confidence and trust to invest this power into the hands of a minister. I am sorry that he is not here. I find him to be very disrespectful for not telling the Senate that he would not have been here today and that he would be flying out to some other part of the world. We know that ministers have to go, but, at least, he should have indicated to us when he left here at 8 o'clock last night that he would not have been here with us today. But I will not spend too much time on him.

The problem is the lack of trust and confidence. The Junior Minister in the Ministry of Housing, Hon. Roberts, who is here with us, can articulate, at the appropriate time, if I am wrong, but my estimation so far, given the figures that have been bandied around—I am getting the impression that we may have spent close to \$3.2 billion, to date, in housing development under this regime. I will make reference to a prospectus published in the newspapers outlining details of the Government’s plans, including the passage of this Bill. The main purpose of that prospectus was to raise \$1.4 billion via a bond issue, which is being peddled and advanced by the Central Bank of Trinidad and Tobago.

In that prospectus, the National Housing Authority (NHA) has made it very clear that it is going to be building 10,000 houses a year over the next 10 years. If

we average the amount of money we have spent to date, one could easily conclude that maybe about \$1.5 billion would be spent annually over that 10-year period. We could be talking about anywhere in the range of \$20 billion that this Government intends to pump into housing over the next 10 years and, of course, in the last four years. In a 14-year period, the Government intends to spend close to \$20 billion. The debt profile is what we have to be concerned about. The NHA is not going to generate those funds. It is you and I and the citizens of this Republic who are going to be called upon to carry that burden of \$20 billion over the next 14 years.

I will show you, Mr. Vice-President and my colleagues here, where in terms of expenditure and revenue, within the framework of the NHA, there is a serious imbalance. Whereas when we left office in 2001, the expenditure pattern was close to \$80 million a year, with NHA generating about \$71 million in revenue, as soon as this corrupt PNM regime got into office, you saw an escalation in expenditure patterns.

I was lucky today to see in the *Business Guardian* an article entitled “Numbers that do not add up”. It is dated Thursday, August 25, 2005. The sub-headline is:

“\$1.39 billion bond issue of the National Housing Authority”

And there is a graph which says that operating expenditure in 2001 was \$80.7 million and revenues collected in 2001 were \$79.2 million. So NHA in 2001 was about to balance its operations and in came the PNM as a result of President Robinson; the late Robinson. [*Crosstalk*] When I say “the late President” he is no longer President of this Republic. He is the former President. [*Crosstalk*] “Yeh, yeh, yeh, former President; he eh dead yet.” I am not talking about somebody dying. [*Interruption*] He is the former President. Do not disturb me. [*Crosstalk*] You cannot tell me shut up. You need to go home. [*Crosstalk*] This Attorney General must be more respectful when I am on my legs.

**Mr. Vice-President:** Please.

**Sen. W. Mark:** He is here for a short while; we are here for the long run; he is going back to the university to lecture shortly; I am sure of that.

**Sen. Jeremie:** Where will you be?

**Sen. W. Mark:** I will be here! I will be in that seat that you are occupying now, in 2007; that is where I will be! [*Desk thumping*]

**Hon. Senators:** Ooh!

**Sen. W. Mark:** I will be here. You will be gone. “People fed up of allyuh”.

**Mr. Vice-President:** Okay, Senators.

**Sen. W. Mark:** Mr. Vice-President, I was interrupted.

**Mr. Vice-President:** Please.

**Sen. W. Mark:** Let me continue my contribution; let me address you and not this gentleman. [*Crosstalk*] He is my friend.

In 2002, the PNM arrived. Operating expenditure went to \$90.9 million; revenue dipped to \$73.2 million. In 2003, under the PNM, expenditure went up to \$105.7 million; by 2004, \$139.2 million; by 2005, \$166.1 million, and the revenue continues to fall. And they come here to tell us in this Parliament that they want us to support a measure to give them power to better manage. What prevented the Minister and the PNM from better managing the affairs of the NHA over the last three and a half years? Would this Bill make a difference? I beg to differ.

This regime is preaching one thing and practising another. They want to privatize the National Housing Authority and put in its place the Housing Development Corporation. The Minister told us yesterday, “This new corporation will be run like Neal & Massy,” but Neal & Massy almost crashed, as you know, during the 1980s. [*Crosstalk*] Well, you were associated with them at Melville Shipping Company and you too, like him, will go back there shortly. The management of the NHA under this PNM arrangement did not provide us with the evidence to support this piece of legislation today. The Government is asking us to give them more power; give them more authority; give them more autonomy without any accountability; no transparency, secrecy. [*Desk thumping*] The whole culture of the NHA was violently interrupted and disrupted by this PNM administration when it came into power in December 2001.

I want to warn the Minister of Housing, who is not here, but I am sure he will get the message, when you are submitting reports to this Parliament do not try to hide information; do not try to mislead the Parliament; do not leave out information vital to our knowledge and our understanding. We have a report coming from the NHA, the Ministry of Housing and its agency, October 2000 to September 2004, and nowhere in this report is there any reference to the NHA refurbishment programme that took place between 2002 to mid-2004. Over \$150 million of taxpayers' money was spent on that programme between that period.

Do you know who was the person who instrumentally pushed that programme and supervised it? He is not here; the first Minister of Housing under the PNM. He



is the only man who has gotten four ministries in three years; a very, very progressive chap. This question of \$150 million is like a prisoner or a war veteran gone missing in action. This is when, as my good friend said, ghost gangs pervaded the NHA: Jennifer Lopez, Harrison Ford; names they could not even remember: Venus Williams.

**Sen. Jeremie:** Wade Mark. [*Laughter*]

**Sen. W. Mark:** John Jeremie. "I hear dey even call John Jeremie name." You know what? We were robbed. Certain banks in this country collaborated with the ghost gangs to facilitate the cashing of those cheques when they knew that they were written with names like Jennifer Lopez; a bank in Trinidad and Tobago cashed that cheque. So there was collaboration between the banking sector and the ghost gangs in this country. How could you cash a cheque for Jennifer Lopez when a big "hard back" man comes to cash it? [*Interruption*]

**Sen. Yuille-Williams:** I am not quite clear where the hon. Senator is at the moment on this Bill.

**Sen. W. Mark:** You would not be quite clear, because you are stumped; you cannot be clear. "How yuh go be clear?"

**Sen. Yuille-Williams:** I am just asking.

**Sen. W. Mark:** You are talking about your not being clear. You have a slush fund in your Ministry right now.

**Mr. Vice-President:** Sen. Mark, seriously, could we just stay with the debate on the Bill.

**Sen. W. Mark:** But we are on the Bill; this is housing, okay.

**Mr. Vice-President:** Sen. Mark, I must admit you have a very humorous way of putting over your content. I trust that you are joking with some of this.

**Sen. W. Mark:** Trust me, trust me.

**Mr. Vice-President:** Please, get to the Bill.

**Sen. W. Mark:** Mr. Vice-President, this is extremely serious, I want to assure you. I would like the hon. junior Minister of Housing to tell us in his winding up, why we did not see a report on the NHA refurbishment programme which cost the taxpayers \$150 million over a two- and a half-year period. Why was that not incorporated in this report tabled in this Parliament? They attempted to mislead this honourable Parliament by hiding this programme that cost us \$150 million.

The question we have to ask is: What value did we get for our dollar? Did we get value? The hon. Minister of Housing, the Hon. Dr. Rowley, talked about value for money. He said that we are not getting value for our money. I wanted to ask him whether we got value for our money in terms of the \$150 million spent on ghost gangs and not a single person was arrested. “One man gone home every fortnight with \$400,000.” Do you know what that was able to do? “He buying guns; he buying drugs” and they established turfs; gang warfare rules the hills today and many parts of this country, because of the PNM. First it was Sen. D. Montano; he presided over that. When he left, Sen. Martin Joseph took over and when he left, the Hon. Dr. Rowley took over. They must come and account to this Parliament for the hundreds of billions of dollars spent and there was no accountability. “And yuh coming now for more power?”

“Hear nuh,” Mr. Vice-President, they want to remove the supervision. I am surprised that the hon. Sen. Enill has not objected to it. Why are they removing his supervision? They want to establish their own corporation development fund with you having no role. They have now removed the Minister of Finance and my good friend has remained quiet, as usual; a nice fella. On the one hand, the Government talks about privatization in the case of the housing corporation by removing the NHA now. On the other hand, the Government is extending the role of the State.

The Prime Minister of our country indicated that the Government has formed some 13 corporations, 13 state enterprises; that is what he has said. The reason they have been formed is because he claims that the public service, and by extension the public sector, are unable to deliver efficiently the goods and services required. So they are now forming these state enterprises in order to replace—I want to know what is going on. They formed 13 new state enterprises; all the workers in the various ministries continue to exist. So they are duplicating resources and efforts because of the incompetence of this administration and the leaders who comprise that organization.

When Mrs. Persad-Bissessar was the Minister of Education, we built 101 schools in five years. The PNM has been in power for four years now and they have not built one school. All they are doing is opening the schools we started; we are happy about that. Whenever they open our schools, they claim victory; they say, “That is our school.” I am sorry my dear honourable friend is not here; not a single school. Do you know what they have now done? They have now formed an educational facility company to begin the construction of schools in Trinidad and Tobago. Not one school after four years.

The former Minister of Works and Transport, who is no longer a member of the Cabinet, cannot even build an overpass; all he does is smile. He is not an action man like Carlos John. Carlos John was an action man. *[Interruption]* You could say so. *[Crosstalk]* I am surprised; that is why you are a dangerous man. *[Laughter]* He called Carlos John a thief; that is what he just said here; he just said that. He just said that! *[Crosstalk]* Why must he impute improper motive to Carlos John and he is the Attorney General? “Yuh listening to what yuh saying?” Okay. Let me return to you, Mr. Vice-President. This is an incompetent administration.

We did not need and did not have to form any National Infrastructural Development Company to build an overpass. They have now formed a company called Nidco to build an overpass, because the Minister of Works and Transport is incompetent. They are forming company after company in order to do work that ministries are supposed to be doing. So what are these Ministers being paid for? What are we paying these Ministers for, if we have to form new companies to do their very work? They are drawing money under false pretences; that is what they are doing.

I want to advise the hon. junior Minister who is here with us today, you see that construction industry in which he is a part—if he does not have a copy of this I want him to obtain one. This is a copy of a text published by Transparency International called the *Global Corruption Report 2005* and its sub-headline is “*Corruption in Construction*”. It tells you the amount of corruption taking place, not only in the housing market, but in construction generally in all parts of the world. We are not immune from it. I want to commend this report to the honourable junior Minister to read, because it gives a code of conduct which the NHA must put into effect, because they want to get rid of the Central Tenders Board under this piece of legislation. There are no substitutes; we have no new codes.

I want to tell the hon. Minister that in this text, the Transparency International—of which Sen. King was proudly Chairman at one time—tells you some of the measures that ought to be taken to avoid corruption. My information is that the National Housing Authority has over 300 registered contractors working for it today. Even my good friend had to remark recently—the Chief Executive Officer (CEO), Mr. Noel Garcia—*[Crosstalk]* he is my good friend, because we went to university together. I did not do law, I did economics, but I am going to do law to deal with you. *[Laughter]* He had to remark and he was very blunt, which was very good, because as the CEO of NHA he pointed out that contractors were flouting safety laws.

I am reading from the *Trinidad Express* dated Thursday, July 29, 2004. The contractors who have been engaged by the NHA are fly-by-night and they do not take into account safety measures. Do you know what Mr. Mikey Joseph, President of the Trinidad and Tobago Contractors Association had to say? He said that over the last three years, under this PNM administration, 1,054 workers were injured on construction sites; out of that, another 12 persons died as a result of work-related accidents. If you have 1,054 workers being injured on construction sites and you divide that over a three-year period, you get on a yearly basis 355 workers being injured every year in this country; one worker a day. They have done nothing about the matter.

My good friend who was the junior Minister, now the Minister of Social Development, was there as Minister of Labour, Small and Micro Enterprise Development. We now have a new Minister of Labour, Small and Micro Enterprise Development; I do not expect any performance or delivery. I make that very clear. I do not expect OSHA to become law under this new Minister; I do not see it coming. But I know that my good friend was attempting to bring it into being, but today workers are dying. Workers are being injured on the job on a daily basis. What is the Minister of Labour, Small and Micro Enterprise Development doing? He is sleeping on the job. He is not doing anything to bring into being the OSHA that we supported.

They came to us and said, "We want support." We said that we would give support and we did since January of 2002/2003. [*Interruption*] I shout because I am emotional; I do not like to see workers being taken advantage of. [*Desk thumping*] They are not taking care of workers. [*Crosstalk*] Well, you are an old slave master. Anyway, anyway. [*Crosstalk*] All right, okay, okay; I withdraw it. You were an overseer. Okay, I withdraw it completely. [*Crosstalk*]

Mr. Vice-President, let me just continue. Will you protect me from this particular element?

**Mr. Vice-President:** Senators!

**Sen. W. Mark:** Mr. Vice-President, the construction industry is riddled with corruption. I want the hon. Minister Anthony Roberts, my good friend as well. I have plenty good friends in the PNM. [*Laughter*] Everyone is my friend; [*Interruption*] you are my better friend. Let me get back to the Bill.

I would like the hon. Minister to tell us what is the relationship between UDeCott and the National Housing Authority. UDeCott is a runaway horse; a virtual loose cannon. They have billions and billions of dollars under their control.

Do you know why I raise this question? Let me go to the particular provision that deals with the abolition of what is called the Central Tenders Board. Under clause 29 of the Bill, subclauses (1), (2), (3), (4) and (5), it says that the corporation in pursuance of its function is exempt from the Central Tenders Board Ordinance. So this particular new corporation will have the power to formulate its own rules and engage in its own tendering practices.

I am very worried about that particular provision. You have a company called UDeCott with similar powers to make their own rules, to have their own tendering procedures. I want to bring to your attention an article in the *Newsday* dated Wednesday, July 13 with the headline:

“UDeCott gave contract to NH despite warnings”

This is a company that has the same provision in law we are trying to give to the National Housing Authority, the new Trinidad and Tobago Housing Corporation. It has the same power like the National Insurance Property Development Company Limited (Nipdec). Here is what Mr. Calder Hart, a foreigner presiding over our money, does with our money. And the Attorney General read this and has done nothing about it; he has taken no action on this matter. [*Interruption*]

**Sen. Jeremie:** Mr. Vice-President—

**Sen. W. Mark:** Is it a point of order?

**Sen. Jeremie:** He is misleading the Senate.

**Sen. W. Mark:** No, no, ask him if it is a point of order. I do not want him to interrupt me at all.

**Sen. Jeremie:** He is misleading the Senate. He has not identified what I have read from; he said that I read a document; it was unidentified—

**Sen. W. Mark:** Why are you so nervous?

**Sen. Jeremie:**—and that I have made—

**Sen. W. Mark:** He did not give me a chance; I will read it; he is nervous.

**Sen. Jeremie:** He said that I have made certain conclusions.

**Sen. W. Mark:** No, he is taking into my time.

**Sen. Jeremie:** He ought to tell us what the document is and what conclusions I have drawn.

**Sen. W. Mark:** “Oh God, ah coming; yuh not giving meh a chance; yuh nervous.”

**Sen. Jeremie:** He is putting the cart before the horse.

**Sen. W. Mark:** No, my good friend; all right. Look, you better go back to the university. You do not understand politics. [*Crosstalk*]

**Mr. Vice-President:** Sen. Mark, identify where you are reading from.

**Sen. W. Mark:** Let me just enlighten my dear colleague and he seems to be a bit in the dark now. It is the *Newsday* of Wednesday, July 13, 2005. The headline reads:

“UDeCott gave contract to NH despite warnings”

I want to read for you and for my honourable colleague:

“NH International Caribbean Limited...got the award to construct the Customs and Excise building on Richmond Street, despite warnings to the Urban Development Company of Trinidad and Tobago...that NHIC’s sub-contractors lacked expertise and do not follow instructions.”

This is what came before a commission of enquiry into the Scarborough Regional Hospital. It went on to say that:

“UDeCott also awarded a contract to Warner Construction and Sanitation Company for the Blenheim housing project in Tobago, although Warner’s bid should have been nullified by its failure to submit a tender bid. The admissions were made yesterday by UDeCott’s CEO and Corporate Secretary, Winston Agard, at yesterday’s Commission...”

It goes on to tell you the value of these contracts. Do you know why I raised this point? I raise it to let you know that you have a company called UDeCott that is prepared to give contracts without the proper procedures. That company has the same law, the same provision in the Company's Act that has incorporated it as a body and they do their own thing. This is a recipe for corruption. UDeCott should have been hauled before the courts of this country through its chairman. We are going to write to the Integrity Commission asking it to investigate every single member of the board of UDeCott. This is corruption. [*Desk thumping*] You are talking about giving a contract worth \$140 million. [*Interruption*]

**Sen. D. Montano:** Mr. Vice-President, on a point of order; the Senator seems to be suggesting that the corruption is on the part of the Attorney General.

**Sen. W. Mark:** I never said that.

**Sen. D. Montano:** Mr. Vice-President, let me make it very clear that the Attorney General does not act on the basis of newspaper reports. When the report comes from the commission of enquiry, it will be read and studied by the Attorney General and if any action is necessary, it would be taken at that time and not on the basis of what the Senator says.

**Sen. W. Mark:** I did not say so, if that is what you meant. I never said that the Attorney General was guilty of corruption. I simply said that this matter should have been before the courts. I did not say the Attorney General. The UNC, the alternative government that would occupy those Benches in 2007, will write to the Integrity Commission asking it to investigate every single member of the board of directors of UDeCott, because this is corruption; \$114 million “dey” gave to NH International Limited when they were not supposed to. They also gave a contract valued at \$25.5 million to this Warner Construction Company to build the Scarborough Regional Library. “Dis man eh tender a bid; de man get the contract nine months before he was entitled to get it.” This is what came out in the commission of enquiry. The Government is silent on these matters.

**Sen. D. Montano:** There is no formal report from the commission of enquiry.

**Sen. W. Mark:** I am not dealing with “no” formal report; I am dealing with a report in the newspapers.

**Sen. D. Montano:** This is an abuse of parliamentary privilege. [*Crosstalk*]

**Sen. W. Mark:** “He talking nonsense.” I have a newspaper report before me and “he telling me” about parliamentary privilege?

**Sen. D. Montano:** This is an abuse of parliamentary privilege.

**Sen. W. Mark:** In what way?

**Sen. D. Montano:** He is maligning the members of a board in a public forum and he has no substantive evidence other than a newspaper report, which is not evidence in any court of law. This is a flagrant abuse of parliamentary privilege.

**Mr. Vice-President:** Please.

**Sen. D. Montano:** And the Senator who is the longest serving in this Senate knows better than that.

**Sen. W. Mark:** He is eating into my time.

**Sen. D. Montano:** He must be silenced and withdraw that. He cannot be allowed to go there.

**Sen. W. Mark:** He is eating into my time.

**Mr. Vice-President:** Sen. Mark, I would advise you to quote if you have to quote, but please do not extract and give opinions in the way you are doing.

**Sen. W. Mark:** Okay, Sir; I am guided. The truth hurts, I know. [*Crosstalk*] The truth offends, I know. I want to give the assurance that a lot of the people sitting on that side will not be here in 2007 and many of them will be in jail. We are now investigating a report involving a high-ranking public official, where we have information that the particular ministry has a slush fund involving hundreds of millions of dollars and building private properties down in South. We say no more at this time. We are investigating this high-ranking public official who sits on the Government Benches. I call no names. I just tell you that we have information a slush fund exists in that particular ministry.

I know it is a nightmare for the PNM whenever I am on my legs. [*Crosstalk*] I love my colleague as well.

Mr. Vice-President, this is one of the concerns of the UNC, given the level of poverty in this country. I quote from the Human Development Report of 2003, where we are told by the United Nations Development Programme (UNDP) that 12.4 per cent of our population lives on less than US \$1 a day. This was what the UNDP said in its report. I do not know if the Minister of Labour, Small and Micro Enterprise Development read this report. The report goes on to tell us that 39 per cent of the population lives on less than US \$2 a day. This has not been rejected or refuted by the Government of Trinidad and Tobago.

Do you know what that amounts to? Fifty per cent of the population living below the poverty line, according to the UNDP report of 2003. [*Interruption*]

**Sen. D. Montano:** Mr. Vice-President, he is misleading the Senate again. The Government has never accepted that report. We refuted it from early.

**Sen. W. Mark:** I have seen no evidence of it and I would like, through you, to ask the hon. Minister to make available to this honourable Senate evidence of the Government's non-acceptance or denial of this report.

**Sen. D. Montano:** I would like to ask the Senator for evidence of Government's acceptance of the report at the same time, because he is talking nonsense.

**Mr. Vice-President:** Please. Hon. Senators, the speaking time of the hon. Senator has expired.



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

*Question put and agreed to.*

**Mr. Vice-President:** Sen. Mark, you will continue after we return from the tea break at 5 o'clock. The Senate will now suspend for tea.

**4.26 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Sen. W. Mark:** Mr. Vice-President, I have a few matters to address before I take my seat and one deals with the workers. As you are well aware, the workers are now represented by two trade unions; the National Union of Government and Federated Workers (NUGFW) as well as the Public Services Association (PSA). The NUGFW represents the interest of daily-rated workers, whilst the PSA represents the monthly-paid workers and the SASC employs the monthly-rated staff.

In this privatization of the National Housing Authority (NHA), the Government is removing the protection of the SASC and these workers are now going to be opened to the brutality of the new board of management of the Housing Development Corporation of Trinidad and Tobago.

We heard from the hon. Minister yesterday that in clauses 30 to 39 provisions have been made to facilitate the smooth exit of workers and he went on to indicate to us that a Voluntary Separation Employee Programme (VSEP) is in place and he expects some 40 per cent of the workers to accept it.

Mr. Vice-President, you know when one works in an organization for a long period, it is very difficult to separate people in an insensitive way and I want to get from the hon. Minister—who has some trade union background—and I am sure he has some workers sympathy, to ensure that nothing is being done to bring about the forcible removal of workers from the NHA.

Right now, my information is that there is a VSEP arrangement on the table, but it is meagre. It is like chalk and cheese; it would not give the workers who have worked for 30 and 35 years a pension. There is no pension plan at the NHA; the only entitlement of the daily-rated workers would be their severance payment. So there is need to ensure that a proper package is available to those workers.

When I was in the trade union movement, VSEP is equivalent to retrenchment, and I did not deal with VSEP, but the Government has indicated it is going to VSEP workers.

Mr. Vice-President, in the *Trinidad Guardian* of August 25, 2005, on page 27, I want to quote a section for you and hon. Senators. It says:

“The downsizing of the organization by 50 per cent resulting in an efficiently managed organization and remuneration and administrative cost reduction.”

So what the Government has told persons who are interested in buying bonds to the tune of \$1.4 billion is that it is going to retrench, downsize, rightsize, capsize. It means the same thing, it is retrenching workers and if it is going to do that it has to ensure that they are properly taken care of.

I do not support VSEP as a trade unionist, I do not support that concept at all, but if the unions involved sit with the Government as employer, and they want to go along that path, that is their business. I would like to ensure there is no hatchet plan by the Government to forcibly remove workers and give them pittance at the end of the process.

I would like the hon. Minister who is here to give us a commitment this afternoon that the Government will take no measures to forcibly remove workers or impose a VSEP package that is inferior to the interest, welfare, well-being and future of the workers of the NHA. I want that commitment when he winds up this evening.

Mr. Vice-President, this is going to be a lean and mean administration, that is what I pick up from this. The NHA is going to be a facilitator, it is not going to be an employer, it will contract whatever work it has to do to contractors, so the 1,000 workers who are currently employed with the NHA, my estimation is that within two and a half years, this Government is going to send home close to 90 per cent of them. I want this Government to give a commitment that it will not retrench these workers in that way, and even if there is an agreement between the parties, it gives the workers a proper package; not what is currently offered, because that is nonsense it has on the table right now, it has to be enhanced to almost 50 per cent or even more.

I appeal to the Minister not to take these workers for granted, they are your supporters and if you treat them badly, I want to give you the assurance that they

will vote for the UNC in the next general election. So fix them up properly. I am just warning you because I am going to agitate with those workers and their trade unions to make sure they get a proper package, and if they do not get it, I am going to return to this Parliament and deal with the Minister in question. When I say deal with the Minister, I am going to bring to the attention of the Parliament the advantage that has been taken of the workers. So I call on my honourable colleague to take note and steps to ensure that the workers get a proper deal.

Mr. Vice-President, I would also like to inform the hon. Attorney General, my good friend, that on page 11 of the report on the Administration of the Ministry of Housing and its Agencies, it spoke about limited capacity and experience, and I mentioned earlier one of the problems that the NHA alluded to had to do with contractors.

I understand that the NHA is making its best efforts and is experiencing some difficulties in trying to get the best contractors to do justice to its programme. Mr. Vice-President, you would recall that I raised an issue and my honourable colleague also raised some questions on the Ramgoolie Trace development project where the Government destroyed prime agricultural land so it could continue with its house padding.

Home ownership in this country is undermining democracy. The Government is undermining democracy by what it is trying to promote. It is deliberately—and this will not be admitted to you—taking people from certain parts of the East-West Corridor and putting them in marginal constituencies, taking them to Central and South Trinidad and putting them in marginal constituencies, so when the next general election comes they would get those seats that are currently marginal whether it is San Fernando West, Ortoire/Mayaro, Tunapuna, St. Joseph or Barataria/San Juan. The Government has taken a deliberate policy in order to voter pad through house padding and it is conscious of this.

Mr. Vice-President, I would like to call on the hon. Minister to investigate that information we have in our possession, and it was provided by the hon. Minister of Housing, the hon. Dr. Keith Rowley. When I speak I want to make it very clear that I do not compromise the national interest. I am not for sale and I am not prepared to compromise the national interest and when I speak, I may, at times,

mention names but I have nothing against anybody. I love everyone, but when it comes to the national interest, I have no friends, and I want to make that clear.

I would like the hon. Attorney General to investigate a matter that was brought to this Parliament where a company by the name of Winchester Industries was formed in 2002. The directors of this company live in Valsayn, I have the names here, but I would not burden you with them. I do not even want to call the name of the architect or the quantity surveyor because I am not casting any aspersions.

Mr. Vice-President, under this particular programme, Winchester Industries was formed in 2002 and was able to win this contract. I do not know how the process is conducted. The contract was valued at \$80 million and this company, based on our information, was able to draw down \$20 million. It did about \$5 million or less in work and it was contracted to build 368 homes for the NHA. Before it could even put a post in a hole in that place, it abandoned the project, abandoning meaning that after drawing down \$20 million, \$5 million was put back into the project, with \$15 million gone and they disappeared.

NHA ended up firing them and I compliment the NHA for dismissing that group, but \$15 million of your money and our money went missing. Why have the Attorney General and the Fraud Squad not intervened in this matter? I call on the Attorney General to seek the advice of the Solicitor General on the matter, and, if necessary, bring in the DPP and the Fraud Squad to take action against Winchester Industries, its directors, the architect and the quantity surveyor. I call on the Attorney General to take action on this matter. I rest my case on that matter for the time being. I will give my colleague sufficient time to take action failing which we will.

**Sen. D. Montano:** Mr. Vice-President, on a point of order, the Senator is once again totally misleading this Senate. The situation is not as he represents it at all. What happened was that—[*Interruption*]

**Sen. W. Mark:** Mr. Vice-President, he is speaking. “This is not a point of order, he can’t take so long.” He has to tell you what is the point of order and you rule. “He cyar make a speech in my contribution.”

**Mr. Vice-President:** Sen. Mark, you will have your time.

**Sen. W. Mark:** He will have his time, Sir.

**Mr. Vice-President:** Okay. Were you explaining the point of order? Continue.

**Sen. D. Montano:** Mr. Vice-President, the people claim that they had spent \$27 million and the NHA disagreed. They claimed more than they had drawn down. So what the Senator is saying is that—[*Interruption*]

**Sen. W. Mark:** No report has been brought, Sir.

**Sen. D. Montano:** He is grossly misleading this Senate.

**Sen. W. Mark:** I implore him to bring a report. Bring a report! Bring a report!

**Mr. Vice-President:** Sen. Mark!

**Sen. D. Montano:** It is subject to question. [*Interruption*]

**Sen. W. Mark:** Yes, you bring a report. You must bring a report here—[*Inaudible*]

**Mr. Vice-President:** Members please! Sen. Mark, if a report is to come here, wait until it comes and we will deal with it.

**Sen. W. Mark:** Yes, I call for a report, Sir, through you. This Minister gets up, Sir—

**Mr. Vice-President:** You call for a report; can we deal with it when it comes?

**Sen. W. Mark:** All right, I will await the report, but I promise you none will come. That is “ol’ talk” and robber talk from this Minister. The Attorney General will bring the report.

**Sen. Jeremie:** Mr. Vice-President, if there is a report to come, I will be pleased to look at it, but the Senator is doing me a disservice if he points to premises which he pulls out of the air and expects me to launch an investigation into what? Nothing.

**Sen. W. Mark:** Mr. Vice-President, this Attorney General is sleeping in this Parliament. I am telling you, Mr. Vice-President, the records are here. The Minister of Housing brought the information to this Parliament, if he goes to the *Hansard* record, he would see. It was a comprehensive report and I asked Dr. Rowley whether he should not send the matter to the Fraud Squad and he told me he saw no basis for it, but he showed us what was paid out and what they got in return and the Attorney General has that report. It is in the *Hansard*.

May I continue, Sir? You see they are trying to take my time, and you are not giving me any injury time, Sir.

**Mr. Vice-President:** Sen. Mark, continue.

**Sen. W. Mark:** Okay, Sir.

Mr. Vice-President, may I ask you to go to clause 20 of this Bill? I want to agree with Sen. Basharat Ali who said that in this particular clause of the Bill there should be a qualifier and I want to ask the hon. Minister, through you, if he can make an amendment to include that the Minister shall, within one month of receiving that report lay that said report in both Houses of Parliament and have same referred to the joint select committee dealing with this corporation in question.

There is another clause which I would like to ask the Minister to consider and that has to do with clause 12 which says:

“The Minister may give to the Board directions...”

I want to put in writing to protect the very Minister, to insulate the Minister, so I want to put a provision that the Minister may give to the board direction in writing so that they can carry out specific and general directions. Mr. Vice-President, there is provision for that in the Postal Corporation Act of Trinidad and Tobago.

This Bill that is currently before us I believe that it lacks a lot of checks and balances to protect the national interest. Too much power is given to the Minister and the Board and we would like to suggest in committee stage that we make serious provisions to protect the national interest as it relates to checks and balances.

We also want to advise the Government, because it is a simple majority they can ignore us as they did yesterday but we are going to be advising the Government of areas for consideration and acceptance so that the Bill in the end would be a Bill and an Act that would protect the national interest while the NHA continues to pursue its policy of home delivery and up-to-date, modernized, management practices.

Thank you, Mr. Vice-President.

**Sen. Dana Seetahal:** Mr. Vice-President, my grasp of reading the Bill before us is that it is merely to abolish the NHA and replace it with the Trinidad and Tobago Housing Development Corporation and also to remove the employees from the Statutory Authorities Service Commission so that the corporation can hire and fire. That is my understanding of what the whole thing is about.

I understand, from what the Minister was saying, that the reason for doing this is because the NHA as it presently operates is not efficient. In fact, he used the word “inefficient”. For instance, there are posts that are outdated, and superfluous job descriptions that do not fit. There is a problem with management where people have not paid rent for years and these are houses funded by the State. He seems to think—and others seem to think—that the way to do it is to abolish and scrap that entity and replace it with a new, bright, sparkling one where you now have a different ball game.

In doing so, one of the things the Minister pointed to was that there will be direct responsibility as that person reports directly to the Minister and no longer to the Statutory Authorities Service Commission, and that there are clear provisions for funding and staffing.

Mr. Vice-President, I have looked at the Bill and I agree and I can understand the problems we have with different service commissions in that it takes years sometimes to resolve problems in the public service—not only the public service but the other services—with the question of seniority.

We were actually talking about that earlier on where people are promoted on the basis of seniority to the extent that inefficient people are produced. So they know that they will get promoted and you end up rewarding mediocrity, so I can understand the suggestion by the Minister and others that you do away with the commissions and go directly, but of course, every system is subject to abuse and we do not know. One Minister is not static and there may be issues of probable patronage that we would have to look at when we are talking about reporting directly to the Minister.

The question of funding in clauses 22 to 29, the Bill provides for finance and, of course, there are provisions for moneys coming into the corporation and moneys going out. One of the concerns is that while the corporation would be funded by moneys from the Consolidated Fund voted by Parliament, there is no clear provision, in my view, for the return of that.

If this corporation is to be a self-sustaining company, which seems to be the aim, unless it is going to be leaning on Government, but if, as the Minister outlines, it is going to be self-sustaining and even earn a profit, then it would seem to me if you are taking money from the Consolidated Fund, it is not education or health and you are talking about a company getting into that ball game, then you should have something to return. Instead, what we have in clause 26 is a provision that the company may recommend that the Corporation pays a

return to the Government and it should not exceed the net profit of the corporation. I think there is also a percentage.

I find that in terms of moneys that it flows continually from the State coffers. We do not know if this system could be abused because the Minister in clause 27, can cause money appropriated to Parliament for the purpose to be lent to the corporation on any terms and conditions. So in other words, the Minister is in control of the funding of that corporation and there is no clear responsibility for that corporation, in my view, to return moneys to the State and that is really what I need to say insofar as the provisions.

There is one more provision I need to mention and that is in clause 15. The Minister talked about the appointment of a Managing Director and he said:

“The Board shall appoint as Managing Director, a person who, in its opinion has demonstrated the necessary skill and experience in corporate management.”

In his presentation the Minister said that the Bill says who such persons shall be and the necessary skills required, how long the person can serve. I want to point out that the Bill never says what skills are required, so this can change depending on the Minister, or on a different group. What might be a necessary skill for one individual might not be so and it is something that is subject to abuse in terms of patronage, nepotism and the like. I would like some specification of what the necessary skills are. Necessary skills could be an engineer, or someone working in public relations. You might think that a managing director should be someone who could talk well, who could be your friend. He has been your friend for so long, he must be a good person. Things like that. We need to really get that clear and I think it is not.

I come away from the direct provisions of the Bill and I want to raise concerns I have about whether or not this corporation could at all be a better National Housing Authority, in other words, whether it will not fall into the same mire for the same reasons. The first point we are talking about is the question of payment of rent and payment of mortgage amounts. What are we putting in place or what is in the system to ensure that persons to whom the Trinidad and Tobago Housing Development Corporation sells or rents and who do not observe the terms of their contract can be dealt with?

As it is, I find that many governmental organizations, many people breach these things and it takes too long for the organization—to them it is too much trouble to enforce and people get away with it. We have people all over the place



living in NHA houses and laughing, there are people who are squatting for years and there might be a person who pays his mortgage religiously.

For instance, in my case, I paid my mortgage to NIB religiously and three months ago, it was sent to a different institution for some weird reason, I do not know, and they wrote me a letter threatening all sorts of things and I had paid for—I would not tell you how many years—many years. So you have that ridiculous scenario, but my point is what is going to happen to correct that? Are we just going to say management, and because you have the magic of a Minister who is directly responsible? I think not. Because you may have a Minister with charisma and stature who is talking big and people may be afraid of him now, but what systems are in place? I do not like to use words like systems but I really want to know because I see nothing there that is going to ensure this.

**5.30 p.m.**

The second, and to my mind the most serious issue here, is that this Bill talks about, just like the NHA, that the whole purpose of the corporation, (a) is to do all things necessary and convenient in connection with the provision of affordable shelter and associated community facilities for low and middle income persons. My understanding is that is what NHA was about, but I know from personal experience that people had applied some 25 years for a house and never got it. Why have they not gotten it? Because a lot of people got theirs through contact. You would have to call somebody that you know and that person would put you on to somebody. I know that the system now is probably fairer than it ever was because I know people who have actually got homes. Prior to this, it was a rare event. You would only know that after election or at a certain time that people would be allocated houses. I am telling you frankly. I am not saying that it was corruption, but this is how it was. There was no allocation system. People got it as a reward, in my view.

I am told that there is a proposal to have a lottery system. As one of my colleagues said, that is a transparent system. In that lottery you can have a thousand balls and you can have two names alone on the balls and nothing else. I am just exaggerating, but the point is, a lottery system sounds so much like chance as it is. Why should the lives of people be dependant on that? If you meet the criteria and if you have an order, go down the order. If you have single families, put that down; you have another list for different things. But this lottery system is so much rubbish when you are dealing with allocation of houses, in my view. [*Desk thumping*] I think that there should be a better system; there should be some policy, and once you have the professional people in the organization it

can be done. I am sure under the new management of the NHA in recent times there appeared to be some effort towards ameliorating this, but in the legislation there is nothing, really, in my view that can correct that.

The Minister talked about management being a problem in the NHA, and with this Bill the law changes nothing because you are dealing with people and human nature. Law is merely supposed to be a tool, a vehicle, towards that end, and I really cannot expect the law to deal with how people behave. But I want to raise an issue right here in terms of how the NHA manages, as it presently does, its contractors, or how it fails to manage them. This is something that I feel we will continue to have, unless it is raised and the new corporation shows that it can efficiently deal with this problem.

In St. Augustine where I live—so I am declaring my interest—on Gordon Street, there is a housing development going on there, right opposite to the Law School, and for the last two months no one has been able to walk on the street unless you are taking the chance of falling and breaking your back on that street because of all of the mud flowing from that housing development. There was a wall; the wall fell. The contractors are there; they occupy the whole road. It is a junction going up to Santa Margarita and people cannot pass. This is NHA at its best. This is my money and yours going into the Consolidated Fund, and we are funding that construction, paying for those contractors who do not have the courtesy to respect our rights to ensure that we have the road for which we also pay taxes to use. Every time I pass there I need to under-wash my car. The Law School is flooded—I still work there—and I have made reports.

I raise this because if that is an example of the type of efficiency of this organization, or how they manage the contractors. I want to know what in this Bill is going to change that behaviour. If they have not fired those people yet, or done something about them and told them to get on with the thing properly or get out, then how is this legislation going to make a difference? It is three to four months now. A retaining wall without any weep holes has fallen. I mean, I am not an engineer but I know about weep holes, because I had one behind my house and it fell also. But the point is, basic things like that, you have mud on the streets; you have trucks. The only thing that is good is that the workmen actually are polite. That is the only thing that I could say for that contractor.

I am saying that you need to have something more than this legislation to say that they are going to replace one corporation with another and hey presto, things are going to work. You tried it with the Regional Health Authorities and it is, to my understanding, really a fiasco. Of course, you would say it is different.

Everything is different in life, but I think if we really want to make it work, instead of pretending that nobody knows what I am talking about; like everybody is being poker-faced, you know what is going on there in St. Augustine is not supposed to happen; it ought not to happen, and those of you who are in charge of the system should make it stop. Take some action.

In the public service we complain about how people do not function, that permanent secretaries or administrative officers are uncooperative and they are inefficient, or whatever. Do you know why? Because when they were coming up the ladder nobody gave them a bad report. Do you know why they did not give them a bad report? Because they did not want to have to explain and they got promoted and the same thing is happening, because a lot of people are too lazy. The same thing is happening because people do not want to take the time to put everything on paper—they are lazy. That is why we do not have enough evidence in court sometimes when you have police officers and other people who are bogus. Because people do not take the time to do anything about this, it is pervading the whole system. Calling it inefficiency is not good enough. It is really laziness.

I am saying what is happening with the NHA right now or what has happened in the past, that is, not collecting rent, is a result of laziness. You do not want to put your books in order; you do not want to go and make any effort, because the people might shout at you. You do not want to put yourself on the line. It is the same thing, all of those contractors are flooding the street, you do not want to pick up the phone and do anything about it; it is laziness. That is really the root of all evil in this place, you know, seriously: laziness, inaction. So it is time for some action if we really need to have this Bill work. That is the bottom line and that is my contribution, Mr. Vice-President. [*Desk thumping*]

**Sen. Roy Augustus:** Mr. Vice-President, let me begin to make my contribution on this Bill to establish the Trinidad and Tobago Housing Development Corporation and for related matters, on an area where Sen. Mark almost ended. He had some other comments afterwards.

I really want to talk about the security of the present workers. It is always a very difficult thing to accept that there must be separation of workers from their place of employ, particularly people who have worked for long years and who have, in a sense, contributed to whatever productivity the organization might have experienced success in over the years. So that I worry that there is a door open here for this new body to demand that people separate themselves voluntarily from the organization. I get the impression from the clause that has been put in

that people will be offered, but I remember the President of TTUTA once saying that voluntary here meant that they must do it, and I am getting that impression.

If you are talking about voluntary separation, it means that there is a need to reduce your workforce. Why is there a need to reduce the workforce when you are converting an entity which is managing now a stock that will be considerably enlarged when the new entity comes into place? Even with all the technology, even with all the outsourcing, I would have thought that all hands on deck at the moment would be necessary, particularly with the experience, to carry out the functions that would, indeed, be carried out by this new corporation.

I want to ask that the authorities look very closely at this whole question of separating people whose livelihood over the years depended on their income from the National Housing Authority. In fact, I want to make a point here. I heard the last speaker, the Independent Senator, indicate that there was a question of laziness on the part of people who did not demand that work be done or that moneys be collected from people who owed rent. I have another name for it. It is not really laziness. It is a result of nepotism. This is why it becomes so difficult to accept. A large number of the people who work in NHA at the moment, and who may be in line for separation, are people who acquired their positions by virtue of membership in a particular organization, as a result of which, quite a large number of them became untouchables. Now the very organization is attempting to separate them.

Who is really at fault? If there had been not enough production in the authority as there should have been, is it because our people really do not like work, or is it because they were led to believe by the organization to which they belonged, that they did not need to work? Now that we have come to a point where it is absolutely necessary that we transform our work ethics and our work personalities, is it fair that having used them, you get rid of them? In fact, I want to go so far as to say the same thing applies with those people who owe large sums of rent. I understand what the goodly Independent Senator has been saying, in terms of people not accepting their responsibility to pay their rent or mortgages, no matter how subsidized it is, while others who have demonstrated their responsibility and commitment to their indebtedness are rapped on their knuckles even if it is no fault of theirs when their submissions do not come as they should come.

I want to suggest that the Government has a responsibility now to look at all those people who are really in serious arrears and find a humane way to deal with it. I want to suggest that the Government is in a very peculiar situation of their

own making, because you cannot begin now to talk about building houses for the homeless, while at the same time converting those who are housed into homeless, because you encouraged them not to pay in the first place. I am saying this without any fear of anybody saying that I am not talking the truth.

Because of my involvement in a number of areas, I know the kind of arrears—there are people who some time ago were expected to pay \$9 and \$10 a month, owing \$40,000 to the National Housing Authority. Who allowed that? Why was it allowed? Which authority sat and allowed these people to run up these arrears over the years, and for what reason? And why now are we beginning to wave the big stick? Or are we? They are in a serious predicament. They cannot put them out because they belong to their organization. They cannot be building houses for newcomers to the organization and put out those who have served them well. Morally, they cannot put them out because they allowed them, whether directly or indirectly, to run up those bills, so that they are in a serious predicament.

I want to suggest to them that they would probably need to have a unit that would deal with every matter case by case. I recently got a letter on my table where somebody in Morvant was owing \$75,000. I do not condone that kind of thing so I would not recommend that a donation be made to pay off this. So my letter was clear: “Please go in and sit with the authorities and make arrangements to do something, and even while you are clearing off those arrears, however it is done, make a commitment to pay your current rent, to have your current responsibility carried out.”

We have to look at these two issues, those people who have worked, whether they worked hard or not at this point is not the issue, because they were not encouraged into working hard, and those people who are now owing large sums of money. It is the responsibility of this Government to take care of their own. That is all I am asking.

As I come to the question of 10,000 houses a year and a corporation to handle 10,000 houses a year, nobody in his right mind can argue against a Government providing 10,000 homes a year. But that is the problem—providing. Will it be provided? But even before I ask whether it will be provided, what makes the change, as the Independent Senator was saying and a couple others said, from the National Housing Authority to this Trinidad and Tobago Housing Development Corporation the panacea for the ills that were inherent in the National Housing Authority? While we may not have it spelt out in the Bill, I thought that the suave, articulate and eloquent Minister would have given us some kind of idea as to the new direction of this new corporation.

When I heard that one of the reasons for the failure of the National Housing Authority was that the Statutory Authorities Service Commission was doing the employment and that the NHA did not have the authority so to do, that could not be true for those of us who know. Employment with the NHA was a letter from your parliamentary representative, and still is. There may be one or two instances where the SASC would send somebody after interviews. But why was the NHA, like TSTT, called party group 10 or 11 or 12?

The SASC had nothing to do with that. So if there was a cover called the SASC, if there was this body that was supposed to provide the buffer between the authority or the board which is a government-of-the-day appointed board and proper employment, and they were still able to fill the bowels of the employment corridors with their own party sycophants, tell me what would happen now when there is no SASC. Tell me whether the problem of mediocrity would have been solved by removing the corporation from under the purview of the SASC; whether now that you have the authority to hire, you will do it right; whether you will get the right answers.

Maybe you will have an opportunity being out of the service to offer higher salaries and wages. Does that mean you will hire better people? What checks and balances are we going to have to ensure that these plum positions that will now become available, are not only going to be jobs for the boys and girls? So that if employment was a difficulty one way, because you could not employ and SASC sent whatever they wanted to send to you, then that was your problem. Employment might be a difficulty now because the rest of the citizenry might have a difficulty with how you employ, unless you give us clearly the criteria that you plan to use and make it transparent enough for us to see what you are doing during your employment. We have to look at that.

I heard the question of maintenance and the question of maintenance had to do with a wait from my good friend, the Minister of Finance. If the Minister of Finance did not provide them with the money, then they could not do the jobs. I understand that clearly. Although there is, I still think, a full maintenance unit in the National Housing Authority and one wonders—you have to convince me; and I did not hear this as part of the argument—whether the maintenance problem was not a problem of management of the workers and the finances that you had. You have to convince me about that. Nobody has advanced the argument to me that there was a proper management structure in place to deal with the funds that were delivered to them by the goodly Minister of Finance, and properly handled throughout.

I did not know there was so much difficulty in getting money from NHA, given the \$135 million that was spent painting buildings all over Queen Street and Mango Rose, and wherever have you. I never realized that was a problem. At that time the money was gotten easily. However, it seems to have been a problem getting moneys from the Minister of Finance. If \$135 million is not enough, when you get carte blanche now to have your own funds, how much will be enough to do what needs to be done? In other words, changing the name of the organization and changing the faces that will go there, and maybe even changing the staff structure, tell me how that will give me better value for the dollar which I spend? You have not told me as yet in your arguments. My good friend there, I know he is waiting—because he is good, eh—to respond. I know him from since the youth days; I was not a youth with him, but I know him since he was a youth.

What systems will we now put in place? Because we are talking about the failures of the NHA as advanced by the goodly Minister last night when he was speaking with us. One of the failures of the NHA was the inability to collect rent. I have already stated that nobody wanted to collect rent. Now, tell me, what are we putting in place to ensure that we would collect rent, not only the back rent and the current rent from the old tenants? What are we putting in place; how will this new corporation ensure like NIB, FCB and TTMF, that rent is collected? How will this happen? What are you putting in place? I am saying it may not have been in the Bill, but I think that the Parliament deserves the respect that is given by way of information and the information that I am asking for is, how, not what—how.

One of the most beautiful things about this country—any organization—is its plans, ideas and words. We are good, you know. We are very good, but implementation; getting it done! I want the Minister, in winding up, to tell me what action they are going to take to ensure that the ills of NHA would disappear with the enactment of this Act when it comes into being, this entity called the Trinidad and Tobago Housing Development Corporation.

I heard that the NHA will now hand over to the corporation when it is dissolved—all the assets and liabilities would automatically transfer to the new corporation. I want to tell you, while the Minister was speaking last night, I got a glowing picture of the large volume of housing stock developed over the years. It sounds good. Some of them are broken down, but it is okay; the property is there—assets. I kept peeping, peeping to hear when he would tell me what the liabilities are. What are the liabilities that would be inherited by the Trinidad and Tobago Housing Development Corporation when it comes into effect? Maybe you have no liabilities; maybe people only owe you and you do not owe anybody else.

I wonder how you were operating if people owe you every day and you were not getting income. I would suspect you must have made debts.

I am trying to find out from them if they would give us an idea of what they are asking us to inherit in terms of liabilities into this new magic cupboard called the Trinidad and Tobago Housing Development Corporation. When we build these lovely housing estates, have we learnt from the past? In planning for these lovely housing estates, are we taking a number of factors into consideration? Are we really attempting—I want to believe we are—to satisfy the major objective of housing our people properly?

You know, there is a belief that the housing sites were selected according to electoral necessities. I do not want to believe that. I will never believe that. In fact, I want to advance that given the position from where I sit and the assessments which I have done, you need more than housing estates in electoral positions to keep these people there whenever they call. [*Desk thumping*] I want to assure you of that, and them. So I do not want to believe that. I want to believe that in taking into consideration housing people because of their needs, we would have done a survey of the socio-economic status, you know, where people are and what they could afford and how many houses would be built in a certain period of time to deal with people according to their social and economic status. I would want to think that in selecting the sites and the volume of housing stock we put down there, we will determine the kind of security that is needed for the people who would be living there; whether in that geographical or community area there will be provided adequate security for those people who will be going there.

I want to ask—and I think I read in some newspapers—you know I read the newspapers more, unlike the Minister of Education; I do not look at television. So I read the newspapers and I saw where somebody was saying that there were highways being built here, there and everywhere. What I am asking is: Are we satisfied that in putting down these housing stocks here, there and everywhere, we are taking the transportation needs of the people who will be put there, into consideration? I did not hear that here. I read it somewhere else, but I wanted to hear it here. I wanted to hear that we are not going to load up, as we did Diego Martin, and not provide transportation arteries for our people, so we do not have them locked into the grid, which causes so much loss of productive hours.

I want to hear that there will be adequate shopping facilities available to all these people we are putting there, wherever. I want to hear that recreational facilities will be available. To me, that is extremely important. I am not even talking schools, because a few years ago there was an administration that put



schools all over the country. When we were accustomed having schools in urban areas only, we put schools all over the country—rural areas, here, there and everywhere. So I am not even talking schools. I think right now we have school buildings and the Minister of Education, I think, is trying her best to ensure that we have quality teaching. I am not satisfied yet, but I think she is trying her best. But I want to know about the recreational facilities.

You still have a concept called community centres. There is still that concept which used to be so vibrant in the early 1950s until the chairmen of the community councils became chairmen of party groups and then “mash up” the whole thing. Let us get back to those community centres and that concept of community chairmen being the leaders in their community. Are we putting those things into place? I am not talking about the buildings alone, I am talking about the attitudes that you want to develop in the people.

You know, when you have a big corporation and you get new workers, you have an exercise called orientation. The new workers who come in are told what is expected; the rules of the game, and so on. Do we have orientation exercises for the people whom we are admitting into these homes, into these plannings? Should we teach them not to hang those things on the wall? Is that farfetched? Can we bring our people together and have an orientation exercise as to how we should live? A lot of us do not know. We take it for granted because we know—and I am not too sure all of us know—that everybody knows. There must be a way of living together and I want to suggest that we must do that.

I want to suggest that we have to look seriously at recreation. One of the oldest housing developments in this country, if not the oldest, is in Morvant. Some of the houses do not need repair even today. They still have the same shape and the same wall, and that kind of thing. Then we added another one across the Lady Young Road. Thousands of people are living there and there is not one properly developed recreation field. I am talking about since the 1950s. I am not going to go to Maloney and La Horquetta, because they went in without anything. They have something now, a bit late, but better late than never. Because before those amenities were added, we produced what we have. So that is why probably Morvant has that problem.

There is space. There is a ground on Park Street that has produced Ephraim Serrette, who beat Hasely Crawford just after he won the 100 Olympic metres. It is a ground that has produced athlete after athlete. It is a ground that is needed by Caledonia AIA, a club that is producing footballers and keeping a lot of people off

the streets. Why do we not develop it? I fear that if since the 1950s we have housing developments where there is no recreation field, I wonder if in this mad scramble to build 10,000 houses per year, we are neglecting that.

I am just suggesting these things because I know my friends on that side have already taken those things into consideration. I am sure that my family would stand and tell me: “But you know, Senator, we put these things in place.” But do not just tell me: “we put it in place” you know; I want to know what you put in place and how it is happening, and when it is happening.

This one is a little—I do not know whether it is farfetched: Do we consider religion as part of our community development? Do we make arrangements for religious houses, or centres; we open them? I know that the Minister of Housing had a little problem once when he was trying to put up a house and somebody came and stopped the house from going up and put up a mosque. Do you remember that, Mr. Vice-President? Do not answer that, please. [*Laughter*] I am not talking about responding to threats; I am not talking about responding to demands of thugs; I am talking about proper developmental planning. Is religion part of that exercise? [*Desk thumping*] That is what I am asking.

I am hearing that the State and the church are not supposed to be linked, but unless we become one of those fundamentalist states, I would like to know that the State and the church are working hand in hand. That is all I would like to know. We talk a lot of separation, you know, including voluntary separation of the workers who are working for 25 or 30 years. All of “we” living here! The patrimony has to be shared among all of us. Therefore, this separation thing always worries me.

What kind of arrangements would the Trinidad and Tobago Housing Development Corporation—NHA sounded so nice, eh; this one is hard—have with private developers? That is always a sore point. There are some private developers who are allowed, either through the Ministry of Planning and Development or whatever have you, to put up large estates and they are responsible for sewer, then after four, five or six years, you have problems. They abandon the sewer and the people who are religiously paying their mortgages, and so on, are in problems. In one or two instances, I understand Government has had to go in and take over the sewer operations. I do not know at what cost to us or to the private developer. What plans do we have—because you cannot do it alone; you must have private developers putting down their large housing stocks also. What plans do we have to ensure that they follow the rules and the law?

What plans do we have, particularly in terms of that health hazard which develops so often in these private development areas?

There is a place in Arima called Carib Homes which I understand is a result of a relationship between NHA and, therefore soon to be the Housing Development Corporation, and UDeCott. Does anybody know about that? Stop me if I am wrong. And I understand that the NHA, so far, has refused to take a handover of the property from UDeCott because they were not satisfied with the houses, and I understand that UDeCott—does UDeCott not have something to do with Government too? I understand that UDeCott has still gone along and accepted tenants. I understand that the purchase agreement was done for a fee by a legal company called Hinds and Hinds. Do you know Hinds and Hinds, Mr. Vice-President? I do not know; I am asking.

In spite of the fact, if my trend of thought is flowing properly, that NHA and UDeCott are not in agreement over the handover, people are thirsty for their own homes—young married couples—so they go to UDeCott and UDeCott says okay, and Hinds and Hinds does the handover. It cannot be Hinds and Hinds; it had to be a “Hinds”, because the first “Hinds” had to be somewhere in here—not in here, downstairs. I understand now that UDeCott is telling these young couples that the moneys they are paying now will not go towards their mortgage whenever they come to an agreement with NHA. I really, really hope that my information is wrong, but I am asking for the correct information from my friends on that side.

I would never argue against any organization that wants to build 10,000 homes per year, especially for low and middle income groups. I would help for free if I could have built, but I cannot build. I think it is a laudable objective. But there are so many laudable objectives that have disappointed us in the past and I fear now, because I have not been provided with any solace, any comfort, with any reason to believe that things would be different.

Thank you, Mr. Vice-President. [*Desk thumping*]

#### VISITING DELEGATION

**Mr. Vice-President:** Hon. Senators, permit me at this time, you see, the Ministry of Local Government of Trinidad, in collaboration with the Organization of American States, has been hosting a regional conference on deepening local governance and participation for Caricom States, and visiting with us this evening we have representatives from the Caricom, the Organization of American States, and even the Commonwealth local government forum. We welcome you to Trinidad and Tobago. This forum is being hosted by the Minister of Local

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Government in conjunction with the Minister of Local Government of Jamaica, and we have our own Mayor of Port of Spain here, Murchison Brown. We welcome you. [*Desk thumping*]

**TRINIDAD AND TOBAGO HOUSING DEVELOPMENT  
CORPORATION BILL**

**Sen. Parvatee Anmolsingh-Mahabir:** Mr. Vice-President, thank you for allowing me to make a contribution on the Bill before us, the Trinidad and Tobago Housing Development Corporation Bill, 2005.

I welcome this Bill before us today, but with certain reservations. This Bill is being introduced in this honourable Senate within the context of a package of frenetic public company creation. The Government is in the process of dismantling existing institutions and departments and replacing them by successor organizations that promise to be efficiently managed organizations. But we have had the Regional Health Authority experience and we must tread carefully. Political patronage, nepotism and favouritism in the staff selection process must play no part, because it can impact negatively on the future modus operandi in these new incarnations.

As mentioned by previous speakers, without adequate checks and balances these proposed new companies can go the same route as the RHA, with salaries at astronomical levels and with little reference to productivity or work experience of the incumbents. Indeed, these new companies are viewed in some quarters as mechanisms to marginalize watchdog committees and circumvent the tenets of accountability, transparency and fairness.

If under the NHA, which is subject to some form of control, there exist allegations, of unfair practices in the provision of shelter to all our citizens, one must have certain reservations about the proposed new regime of the Housing Development Corporation. Therefore, I support Sen. King's proposal as well as Sen. Ali's proposal, that an annual report must be laid in Parliament by this new corporation.

It is very interesting to note that this Bill seeks to establish a statutory corporation to construct housing and clause 13(1)(c) of this Bill speaks of the broad policy of the Government in relation to housing. These two provisions are of concern to me. The current practice of NHA is to focus on the actual construction of housing and housing units, and there can be no doubt in anyone's mind that there is urgent need for this. But with due respect to the Minister of Housing, I would like to recommend that he must also undertake the provision of serviced building plots.

**PROCEDURAL MOTION**

**The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams):** Mr. Vice-President, I beg to move that the Senate continue to sit until the conclusion of the debate on the Bill before the Senate.

*Question put and agreed to.*

**TRINIDAD AND TOBAGO HOUSING DEVELOPMENT  
CORPORATION BILL**

**Sen. P. Anmolsingh-Mahabir:** As I was saying, I would like to recommend that the Housing Minister also undertake the provision of serviced building plots. This is another way to go as well, if the Government is truly serious about accelerating the house building programme, especially in wide geographical areas, and if it wants to achieve its vision of housing.

The new housing corporation must involve the citizens. The Government, in this whole process, must partner with the citizens. The Minister speaks of building communities and I commend him on this, but this is a two-way process. It must not be a top-down process, but also a ground-up process where the homeowners become involved from ground level right up to the finished product.

Government should institute a programme to allow potential homeowners to undertake the construction of their own homes via easy access to housing loans to suit their peculiar needs. This was successfully done in La Paille Gardens, Caroni and Charlieville Village, as well as Dyette and elsewhere. The result of this is that we avoid the monotony of identical designs and prototypes. It also makes for pleasant looking communities. It would afford homeowners a chance to mobilize small builders and carpenters and source the best as well as the cheapest building materials from a large network of hardware stores located across the network of this country, rather than sourcing materials from a few inflated price suppliers.

This would instill a sense of pride in playing a significant part in building their own homes, rather than continuing to foster a dependency syndrome. We cannot and must not act as if Trinidad and Tobago is a homogenous society. We have to cater for cultural differences in housing construction, designs and living space.

There are many who complain that the housing practices of the Government deliberately alienate and discourage large deserving low-and-middle income segments of our population from applying for public housing. The question that must be put to the Minister is: Where is Government's stated policy on housing that the new housing corporation will implement? I would like to be enlightened

on this. I must point out that Government must become more multiculturally sensitive and responsive to build and integrate communities.

The hon. Minister of Housing must tell us what are the considerations which determine locations, house designs and this new housing development corporation's responsiveness to catering for the cultural diversity of the people of Trinidad and Tobago. It would be remiss of me if I do not point out that the Indian/Hindu community which constitutes to about 42 per cent of our population, conduct most of their social observances and religious practices and events at home. Therefore, adequate housing space becomes crucial for the holding of weddings, yagnas and other family practices. This group may prefer to build their own homes in conformity with the religious prescriptions of the Patra and the science of Vastu.

My point is that the Housing Development Corporation must take into consideration religious and cultural diversity in its housing policy and programmes. Those who prefer to supervise and build their own homes must be respected and factored in the planning and delivery process in the interest of achieving equity and fairness. This is the multicultural imperative. It cannot be business as usual with this new housing corporation.

Within the last three weeks the national community has been assailed by costly full-page advertisements appearing in the print media that show the geographical and constituency locations of the 2006/2007 joint venture programme. I am sure most people would have noticed that the only rural location mentioned is Warren Road, which states that they would have 250 houses and Dyette Trace will be getting 500 homes. What is happening to the development of rural areas? Why is it that people from the rural communities, from time immemorial, are being left out of the housing and shelter loop? This demonstrates a certain amount of insensitivity for the needs of the rural population.

I came across a statement on page 8 of the report on the administration of the Ministry of Housing, dated February 22, 2005, which states that one of the objectives of housing is to, and I quote:

“address equitable national development by addressing historical imbalance...”

May I ask the hon. Minister what does this statement mean? The only historical imbalance in public housing, which is the perception of a large number of people, is between the East-West Corridor and the rest of Trinidad and Tobago.

Is housing being provided in a geographically balanced and equitable manner? This is a question that the Minister needs to answer.

In his opening remarks on the Bill before us, the Minister mentioned that the shortage of houses in the urban areas would be addressed, and I agree that this is necessary, but no mention was made of development in the rural areas. Let me refer to an exorbitantly priced full page advertisement taken out by the endangered and numbered NHA in the *Newsday* of August 19, 2005. This advertisement talks of, and I quote:

“Every creed and race should find an equal place and that place should begin with a home...”

The advertisement goes on to inform what, according to the NHA, this means. It states:

“We are providing homes for people from Arima to Diego Martin...”

In that advertisement a list of communities is given that does not accord with the balanced development and equity in housing allocation that the previous advertisement speaks about. Therefore, I must query and I must pose this question: What would be the considerations that determine the geographical locations, house designs and the NHA’s responsiveness to catering for the cultural diversity of the people?

Let me draw your attention to another NHA advertisement that was published on page 45 of the *Trinidad Guardian* of August 17, 2005. This advertisement postulates that, and I quote:

“It is the ministry’s conviction that every family in Trinidad and Tobago, regardless of geographical location or socio-economic status, should live comfortably.”

And how is this to be achieved? To achieve this target they introduced an urban renewal programme. No mention is made of a rural renewal programme. Why is this so? Apparently comfort, according to this advertisement from the Ministry of Housing, has been given a new definition that applies exclusively to the urban areas of Trinidad and Tobago.

While legislative efforts are before us today to dismantle the NHA, the NHA is at present offering on the securities market a Trinidad and Tobago \$1.4 billion fixed rate bonds due in 2020. I find this to be ill-advised, because with the advent of the new housing corporation the NHA would be history. It is a very

cumbersome financial arrangement that should have been delayed pending the coming into force of the Bill that we are considering. I am of the view that the proposed housing corporation should have raised this large sum of money and be held accountable for its proper use.

**6.30 p.m.**

Mr. Vice-President, before I conclude, I would like to highlight the plight of two settlements. The first is Ibis Gardens in Caroni village, and the other is Frederick Settlement.

Ibis Gardens is located on the banks of the Caroni River. During the construction stage, the existing river embankments and other anti-flooding barriers were callously removed, causing enormous flooding that inundated the villages of Caroni and Frederick settlement. To date, no compensation has been paid to the affected villagers who are the victims of gross negligence on the part of the National Housing Authority. The NHA has both a legal and moral right to take into account the welfare of existing villages when they establish settlements in the vicinity of pre-existing villages. This is just an elementary planning procedure.

Mr. Vice-President, the other deals with the plight of the residents of Frederick Settlement, Caroni. This settlement was established in and around the mid-1940s when the Caroni sugar barracks were dismantled. A lease was then concluded between the Superintendent of Crown lands and each of the former indentured sugar workers. Today, these residents are without a lawful lease because for the past 11 years the NHA and the Sugar Industry Labour Welfare Committee have been dilly-dallying and procrastinating with the legitimate rights of these innocent citizens. The renewal of their leases is scandalously still outstanding. For the past 11 years they could not raise loans on their properties, sell or take out mortgages. They cannot relocate, even though their homes are being frequently flooded. It appears that these citizens are being victimized because of the non-renewal of their current leases, even though squatter communities living in close vicinity to Frederick Settlement are being regularized and given letters of comfort. I appeal to the Minister of Housing to administer to the urgent needs of these two settlements. I thank you.

**Sen. Dr. Tim Gopeesingh:** Mr. Vice-President, there are just a few issues I would like to address and to also ask for some clarification on this Trinidad and Tobago Housing Development Corporation Bill. There are a number of technocrats who are here from the National Housing Authority as well, and who will probably assist the hon. Minister in the Ministry of Housing.



The first question we must ask in terms of housing development in Trinidad and Tobago is: Has an audit been done on the requirements for homes extensively throughout Trinidad and Tobago in terms of determining the number of people who may need homes, based on population census which would have been conducted about every ten years? Is there a proper analysis of the needs of the population in the determination of how many people really need homes in Trinidad and Tobago? This is management capability. The hon. Minister said that the NHA has not been functioning properly according to management and they want to improve the whole management capability for the delivery of shelter for people, which we all want to ensure. The basic need and requirement of any individual or citizen is to ensure that they have proper shelter and security. We need to assess throughout Trinidad and Tobago what is the density of people needing homes in the southwestern part of Trinidad, central, northwestern and northeastern parts. My colleague mentioned that one of the advertisements for the National Housing Authority was to build homes from Diego Martin to Arima. So this is flawed in the original contextual framework for national development.

My colleague, Sen. Dr. Kernahan and her colleagues have been part of a joint select committee of Parliament which was looking at the Caroni Divestment Bill and so forth. We need to ask: What is the Government's national development plan in terms of land use? What parts of Trinidad are going to be used for housing? What part is going to be used for agriculture? Is it a slap-dash approach by the housing development corporation which will come into being to say that you want to put up a development in a particular area? My colleague alluded to it, and we on this side have serious reservations of what is going on at the moment. I may want to cloud it in better language, but we must be quite clear that it is really house-padding going on at the moment. We know that, but we need to get away from that and if we are thinking about Vision 2020, which the other side wants to propagate, and if we are thinking about national development, we need to do things in a structured framework that is purposeful and that would meet the needs of all peoples of Trinidad and Tobago. Sure, there is an over-density population in the East-West corridor, but we need to look at it throughout Trinidad and Tobago, and unless we have a proper assessment of what the housing needs are, we would not be able to determine where to put these housing developments.

My colleague, Sen. Augustus, spoke about the need for putting developments with recreational facilities and with shopping facilities. Some people may say that you need to have some religious facilities but, being a medical person I look at

some of these housing developments as “sick houses” because they really are so cluttered, so close together.

You want to utilize your space to the maximum but you have to do it in the context that people do not feel that they are living in a claustrophobic atmosphere as my colleagues mentioned. I would like to see some effort being made in terms of the land distribution areas in Trinidad and Tobago. The Government must take some responsibility by telling the population they have assessed Trinidad and Tobago; this is where they want agricultural lands; this is where they want housing areas to be put. The housing areas must be done in such a way that they would meet the requirements for the particular areas, so, we would avoid the perception that it is voter-padding and house-padding and so forth. We must move away from that. The people in Trinidad and Tobago are fed up of that now. They want to see something that is focused and of national development. They do not want to see anything on one side of the fence where people want to house pad and we want, of course, to run the government and so forth. But it must be done in a way that the general population feels a sense of comfort. We know that there is the perception that there is some form of discriminatory practice as far as the allocation of housing is concerned. Whether it is political discrimination, there is a perception which is a real perception, which the bogey of that must be outwitted altogether.

If we build 10,000 homes per year, we live in a society where there must be equitable distribution of resources to suit every individual in Trinidad and Tobago, and they must not be given to any particular group of people or segments of people because they support a political party. I would like to see and I urge the Members on the other side to ensure in their Cabinet debates where things of this nature will come to them, and to the Minister of Finance and the Minister of Housing, that Members on the other side take it upon themselves to sensitize their minds to the perception that something is not correct in this and it must be corrected. I do not need to say any more. I think my colleagues on the other side get the message and if they have a conscience—and we live in a Caricom world in the Caribbean.

My political leader went to Caricom and said that there are discriminatory practices existing in Trinidad and Tobago. In the forefront of his mind that was one of the issues. They have asked for a report from us to submit to Caricom for discussion by Caricom. We will give them the report. I am just asking the technocrats, the Minister of Housing and Cabinet Ministers to look at that very carefully. It is an appeal. I can stand here and say all sorts of negative things but

we need to move away from that now. It is an appeal to people's conscience that something is radically wrong and it must be changed. If we are to give 100,000 homes in Trinidad and Tobago over the next ten years, there must be equitable distribution of that and I stand very strong on that. This side feels very strong about it.

People want homes. Do they go and line up at the National Housing Authority and say "I want a home"? Are there forms being distributed? How are they being distributed? On what basis are they given? How are those forms filled out? What is the criterion for determination if a home can be given to an individual or not? All these things are vague in the minds of the population. It is only when somebody seeks or enquires about it, then they find they need to know a little more about it.

If there are 30,000 persons applying for homes—and I just heard it is a lottery draw. Therefore, somebody may be at the end of the list, 26,000 down and probably get a house before somebody who went at 500 on the list. Something needs to be done about that. I cannot give a solution to it but people who are in the area for a long time must be able to find an amicable solution to it because everybody may need a home at the same time, and it is just that one may fill out the form a little later than the other, and the needs of somebody who is No. 26,000 in the line may be greater than somebody who is at 500 in the line. There must be some selective criteria for the home.

Mr. Vice-President, there is another issue. We say we are building homes for low-income and middle-income. I am aware that the starting price of some of these homes is around \$150,000. I see some difficulty in a poor person having to pay \$150,000 for a home. Sen. Mark mentioned a while ago that nearly 50 per cent of the population which Sen. Montano said that the Government does not accept—but it is in a UNDP report—are earning less than US \$2 per day. When we have 600,000 people, if we accept that figure, how can we say we are providing low-income housing when the houses cost at the least \$150,000? I make an appeal for the poor people. I see them every day in my practice in hospitals, and people are really poor, they are suffering. If people have to pay \$150,000 it eliminates a substantial number of our people who need housing, and who would probably go and squat. Put Trinidad and Tobago in a situation where people are squatting all over and really no national development can take place. So to avoid that, let us look after the poor people.

The Trinidad and Tobago Housing Development Corporation that is going to start has to find some means and an avenue of making sure that these people who

*Housing Corporation Bill*  
[SEN. DR. GOPEESINGH]

*Thursday, August 25, 2005*

cannot afford the \$150,000 for a home must not get a home based on if they have to pay a small rental of \$500 per month. But something must be done for them because this would eliminate a substantial number of people as the homes are \$150,000 or more.

These are some of the preliminary points I wanted to make on some of the issues and I just want to touch on a few of the clauses of the Bill before I take my seat.

I would go through the clauses not in terms of priorities, but I will take them in numerical order. Clause 10, the “Establishment of committees to assist Boards with its functions”. I am speaking here now from a position of having the experience of three and a half years as a chairman of an authority of almost 7,000 workers.

The first issue which would give some difficulty to the new proposed development corporation is:

“The Board may form committees comprising its members or other persons to assist in the performance of the functions of the Corporation and may with the approval of the Minister declare by resolution, the remuneration and allowances of members of the Committees.”

I remember that came up in the health sector. You have board members who are getting a stipend—you really cannot pay board members in Trinidad and Tobago, because of their services and their time—I remember in my time I was getting \$1,500 or \$3,000 as a chairman. You cannot just pay me for half of a surgery case. But I gave of my time 16 hours a day, 18 hours a day to that.

As a chairman, one has the difficulty of board members who are being paid a certain stipend and they are on committees. You may have nine committees in an organization. Are you going to have members on these nine committees and if you have to pay them again, it could be an abuse. If you decide to pay them \$500 or \$600 per month per committee—there may be some board members getting two or three times the amount as any other board member. This needs to be looked at critically. You either make a decision that the board members who are on the committees are probably not going to be paid again because this will give rise to many problems in the real working of it.

I think my point is made in terms of how that has to be managed. Something needs to be done about this. It must be clearer in terms of the board members, if they form committees, they must either be paid a certain amount or not, because it puts the board in a precarious position from time to time to determine whether its own members—they have to determine whether they pay themselves.

Mr. Vice-President, these are practical points.

Clause 17: Preparation of corporate plan. I think any management person—my friend, who is the executive director of NHA, Mr. Noel Garcia and I were classmates in the MBA programme of 1991 to 1993. I am glad he is with the National Housing Authority; though sometimes I feel he is working for nothing. When you are developing a corporation plan—*[Interruption]* He is working hard for nothing.

“17. (2) The first corporate plan shall be for a period of not less than three years and no more than five years beginning on a date no later than six months after the commencement of this Act, and each subsequent corporate plan shall take effect immediately on the expiry of the previous corporate plan and shall be for a period not exceeding three years.”

Corporate planning does not go like that. You have a corporate plan—and Sen. Martin Joseph is a management expert as well, except he does not put his management practices in the eradication of crime. So far it has not shown to be successful. If you have a corporate plan for five years and you wait for that corporate plan to expire and bring in another corporate plan, that is bad corporate planning. It must be part of the ongoing process. When you set up another corporate plan, even though after three years, it must be integrated into the first, but not at the expiry of the first, the second one takes place. This needs to be reworded, because this is poor management jargon. You do not take one corporate plan and when that expires then you start another corporate plan. That is my comment on clause 17.

I would just like to see at clause 21: “The Corporation to inform the Minister of commercial ventures.”

Where the Corporation or a subsidiary proposes to —  
the Board shall immediately give written notice of the particulars of the proposed activity to the Minister.”

That means the corporation would like to participate in the formation of a company, expend more than \$5 million in a new business and they only have to write the Minister; give written notice. I would like to see and I am sure my colleagues would want to see when we are discussing it in the committee stage, “and be approved”. It must be approved by the Minister before this plan takes place.

“the board shall immediately give written notice of the particulars of the proposed activity to the Minister and be approved before its implementation.”

Hon. Minister in the Ministry of Housing, I am sure you would not want your housing development corporation to go ahead and borrow \$5 million, \$10 million and they write you two months after when you are only now hearing about it. Therefore, it must come to you for approval and then the work goes on because you are ultimately responsible. Although you are not the accounting officer, you are the Minister responsible. So this should be corrected.

Sen. Seetahal spoke on clause 26 in terms of payment of returns. If the National Housing Development Corporation is going to be a viable entity, I do not agree with the words that are being used there in terms of payment of return to the Government. It says:

“Within three months after the end of each financial year, the Board in consultation with the Minister of Finance by written notice, may recommend to the Minister that the Corporation pay a return to the Government, according to principles determined jointly by the Minister and the Board.”

Those are not principles. Those are discussions. These are not principles. They are not financing or auditing principles according to international auditing standards. Sen. D. Montano will know that, being an accountant and also having his law degree.

We need to pay particular attention to that because if you are a housing development corporation you want to give back something to the Government because the Government has given you \$1.5 billion per year. It is only fair to the taxpayers of this country that you have it properly audited, and you must determine how much you are going to give back to the State by a particular determined return-type of procedure rather than say principles determined jointly by the Minister and the board. I am sure Sen. Christine Sahadeo knows that because she is in charge of a number of these corporations and statutory authorities as well. I think you all can clean up this little area here.

Borrowing from non-government sources. That is fraught with tremendous implications. The housing development corporation would be given probably a certain amount of money from finance, \$1.5 billion a year for housing, fine. The country needs housing. The people need housing. The State Development Corporation could float a bond for another \$1.5 billion, and they are floating already. What is the security that they are going to give? Is it the State lands or is it the houses that are being built and being rented to people, or their houses that are being sold to people? What would be used as their asset? What would happen, in fact, is that they would be asking the Minister of Finance to stand the liability for the borrowing and, therefore, you would be incurring debt upon debt and nothing would be coming back. What security are you going to give? This is vague. This leaves a number of areas for dissatisfaction and, therefore, something ought to be done about that.

The other one is clause 29. Mr. Vice-President, Members of the Senate on the other side and my colleagues on this side have tremendous difficulty in the question of the 13 corporations that are coming up now that you all have said that you have not been able to do the work as efficiently, effectively and as speedily with your ministries because of the bureaucracy, because of tendering procedures and so forth. But that does not give you the right to break up that Central Tenders Board and use it for 13 corporations—and you begin to establish rules for tendering willy-nilly and then you say you bring it to Parliament for negative resolution. We have difficulties with that. You had established a system where the Central Tenders Board would help to guide the process and people saw transparency, accountability and so forth through that. What is happening now is we are having great reservations about that, that these 13 authorities which are about to come into play, and which would be bypassing the Central Tenders Board is not something that is easily acceptable and digestible by the population. It is not us alone. People want to see some degree of transparency and accountability, and if you have moved away from the Central Tenders Board, and you do not have rules at the moment or you are going to make rules for tendering, it is going to be fraught with disaster. I can tell you—I said it in the Parliament about the health sector. Two Ministers of Health have seen the difficulties in tendering. I know that there are difficulties in the tendering of \$53 million in equipment in the health sector for MRI and CT scans. The same evaluation committee that dealt with the specifications on all three of these evaluations—one contract for \$53 million, and another \$20 million, and another contract for \$75 million per year for renal dialysis. It went to the same company and the Minister cannot deny it today. It is there.

When I say publicly that there is over half a billion dollars in non-transparency and accountability in the health sector, I am telling the truth, and this will give rise to that. I would urge any of my friends who take part in the national housing development corporation, do not be a part of something where rules would be determined for tendering and people would put their specification for particular tenders, have the same people sitting on it and the same people evaluating it, and it is fraught with nepotism and corruption. I do not know how you are going to correct this but we do not support this. I cannot, in my mind, support it because I see it is not transparent. It is going to be difficult for me and if you say that you have the rules that are going to come, I say bring the rules by affirmative resolution rather than by negative resolution.

I raised it with my good friend, the Minister of Housing, Dr. Rowley. He tried to argue it yesterday afternoon but I would still implore, because I feel very—I feel it should be by affirmative resolution but I am still not happy with moving it away from the Tenders Board, but what are we going to do. I could just implore you and ask of you to find some other means or go back to the Central Tenders Board and work with them.

You all say you cannot implement things because the process is bureaucratic; the hon. Minister of Education has a difficulty as well. Do something to strengthen the Central Tenders Board. You did not have to go that way. I am sure that the whole corruption index would be looking at that and Transparency International in terms of what is being perceived by the wider community. If you were to stand the national scrutiny, I think you would have failed this test by going through that route for these 13 corporations.

Clause 30, Board to employ staff:

“The Board may within an organizational structure approved by the Minister—

(b) fix qualifications, terms and conditions of service and salaries for its employees.”

All of our colleagues on the other side know when former Minister John Eckstein brought in the Regional Health Authorities after 1994, there were thousands of people in the health sector and they wanted to have people across in the Regional Health Authorities. Under certain classifications in the public service when these people moved across to the Regional Health Authorities, they would be given the same type of compensation, not less than what existed in the public health service.



Therefore, there would be no differences if somebody moves from NHA to the housing development corporation. But if you have to set salaries and your salaries are different; your salaries in certain areas may be lower or higher than what exists in NHA. You would find tremendous difficulties, that is, people who are trying to move on voluntarily would find much difficulty in coming across, except if you decide to give them more or enhanced salaries.

**7.00 p.m.**

Is it worthwhile to do that at this stage when you are now forming a housing development corporation? You have to set your salary scales similar and akin to the classification as existing for the employees in the NHA at the moment. Do not try to set new salaries and scales for them. It must not be less than exists at the moment.

Clause 35:

“Corporation to establish pension fund plan	(1) The Corporation shall, within two years of appointed day, establish a pension fund plan.”
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Mr. Vice-President, the RHA Act was established in 1994 and when I demitted office as chairman in 2001, seven years later, the pension plan for the RHA had just started. You know what that caused to the workers in the health sector? Nobody wanted to go from public health to the Regional Health Authorities because the pension plan had not been worked out and they did not know what gratuity they were getting. If you put it in writing here that you are going to take two years—and we know from past experience that it has taken seven years to initiate a pension plan in the Regional Health Authority—it is not going to take two years.

So, there will be people working in the NHA—900 of them—who have accrued certain pensions already and who will have difficulty, when they move to the new corporation, in having their pension funds available, although they said it would be carried over. To establish a new pension plan needs some alacrity. I urge that this whole question of the pension plan be looked at very carefully and expeditiously with this new development corporation. From experience, the people in the health sector would tell you that it is a nightmare and a real humbug after six or seven years not to be able to put it in place.

I close with this last point, which is the question of representation. Clause 39 states:

“(1) Subject to the Industrial Relations Act, the Public Services Association of Trinidad and Tobago and National Union of Government and Federated Workers shall be deemed to be certified recognized majority unions under Part III of the Industrial Relations Act for the bargaining units comprising the monthly paid and daily paid employees of the Corporation.”

But under clause 39(3):

“Employees of the Corporation may form an association which may be registered as a trade union or may join a trade union.”

We are all quite aware that in the health sector, the NUGFW represented the daily-paid workers and the PSA represented the monthly paid. When we formed the RHAs, there were new people being employed, for instance the doctors. There was nothing in it to state that the PSA or the NUGFW would represent the workers in the RHAs. Even now that is still not settled because the PSA still has to apply to represent the workers in Regional Health Authorities and the doctors wanted their own recognition body. They have tried to form themselves into a trade union and they still have not succeeded after 10 or 11 years.

So, Mr. Minister, on this question of recognition, is it that the PSA and the NUGFW would be representing the new workers under this national housing development plan? If so, who gives them the right? Suppose the workers say they do not want them to represent them. It is not that I have anything against the PSA and the NUGFW. I had a very good working relationship with Jennifer Baptiste and the NUGFW when I was working. Who is really representing these workers?

I made these comments on these clauses to give an analysis of some of the difficulties that could be encountered in the management of this whole new housing development corporation.

I close by re-emphasizing the fundamental issues of where you will put housing based on a national development plan, not on political patronage. To whom you will distribute, it must be equitable and it must be perceived to be equitable. There are certain clauses in this Bill that need deeper analysis and introspection.

With that, I thank you.

**The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano):** Mr. Vice-President, I really did not intend to speak on the Bill this evening, but I need to deal with some of the complete foolishness that was uttered by the three previous speakers.

**Sen. Dr. Gopeesingh:** Mr. Vice-President, are those the right words to be using in Parliament?

**Sen. The Hon. D. Montano:** Mr. Vice-President?

**Sen. Dr. Gopeesingh:** Unparliamentary language.

**Mr. Vice-President:** I would prefer if you were less harsh.

**Sen. The Hon. D. Montano:** Thank you, Mr. Vice-President. Sen. Augustus said that the PNM is creating housing sites in order to strengthen some of the PNM political strongholds. I have articulated on many occasions how and where it is that the sites for housing have been selected. If you look at a map of the country and you look at where the State owns land and where it could reasonably put housing, you would see that that is precisely what the NHA is doing.

Mr. Vice-President, here is the *vaille que vaille* plan as described by the temporary Senator, Dr. Tim Gopeesingh. He is temporary—a today Senator; a now-for-now Senator.

**Sen. Dr. Gopeesingh:** You might be temporary too.

**Sen. The Hon. D. Montano:** I am temporary. The now-for-now Senator—

**Sen. Dr. Gopeesingh:** You are just being arrogant!

**Mr. Vice-President:** Senators!

**Sen. Dr. Gopeesingh:** It is arrogance and this is why Sen. Mark speaks about it.

**Sen. The Hon. D. Montano:** Mr. Vice-President, this is just rude, but of course it is understood because he is a new boy. He does not understand the parliamentary rules. He is required to remain in his seat and remain quiet. *[Interruption]* Read your Standing Orders! *[Interruption]* Yes, you must. I did it to you.

**Mr. Vice-President:** Senators, the crosstalk sometimes we permit. It is usually held to a minimum. When there is going to be an out and out bacchanal in the Senate, I am not going to permit it. Let us desist from that please!

**Sen. Dr. Gopeesingh:** That was not called for.

**Sen. The Hon. D. Montano:** Let me explain where and how the housing sites are selected. Contrary to what was said earlier, it is not really a question of rocket science. There had to be, first of all, vacant land. It had to be able to be used by the State. It was possible for the State to acquire private land and that is being done, so private lands are being acquired by the State for housing purposes.

There is the question of where the land is available. There is a considerable amount of land available in the south and south-eastern quadrant of the island, but most of the people live in the north and you cannot simply shift the population from where they happen to be and where they work into some remote part of the island. That simply cannot do, so one attempts to put the housing sites as close to the demand as possible. If you do not do that, you clog the arteries because everyone is then on the road for two to three hours a day trying to come from Mayaro to Port of Spain. That is untenable.

Given the fact that the previous administration built no roads at all in their six-year tenure, it was not possible to have massive shifts in the population. It is therefore necessary to leave the population where they are—where their families are and where their jobs are. That is important. It is no sinister plot. It is a case of complete ignorance on the part of Senators on the other side who say this nonsense.

Sen. Augustus talked also about poor planning in the housing sites. His expression was that we were blocking the arteries with vehicular traffic. Then he talked about planning on the part of the Government for these housing sites. It is extraordinary to hear that coming from the other side.

One of the keynote things that the UNC did was to allow foreign-used motorcars into the country. Now I am not criticizing it. I am merely making an observation. If there is one thing that has clogged the arteries [*Interruption*] Absolutely! But the fact is that you did it without any planning; without widening the roads and without building any roads. You simply said, “Let the cars come” and, of course, they came. The result is that there is gridlock at every corner. That is the function of poor planning, so do not come here and pretend that you did any planning. You did no planning whatever. Mr. Vice-President, they did no planning at all and created chaos in the country up to today. It is getting worse day by day and we are trying to fix it. [*Desk thumping*]

Sen. Anmolsingh-Mahabir suggested that the Government should provide serviced lots rather than houses. Senator, let me tell you something.

The major problem—

**Sen. Anmolsingh-Mahabir:** I did not say “rather than”, I said “along with”. Let me clarify that please!

**Sen. The Hon. D. Montano:** Let me explain something to the goodly Senator and to Senators on the other side. The major issue behind the acquisition of housing at any level is finance. Without money to pay for it, there will be no housing, even if you give away the land. That is something that the UNC did not understand. In six years, they built 360 houses and did not have any idea how to structure a housing programme so that it could be affordable to the masses. They simply did not understand the importance of money behind it.

Their programme was referred to by Sen. Dr. Kernahan. She talked about the landless. Landless has no meaning. Somebody living in a high-rise apartment has no land. He needs a place to live. He needs a home. He does not need land, therefore, the UNC policy which focused on the provision of land was doomed, and it did fail. They provided lands with no drainage, no roads, no water and no infrastructure and said, “Go and build a house”. Even the Sugar Industry Labour Welfare Committee—

**Sen. Anmolsingh-Mahabir:** Mr. Minister, through you, Mr. Vice-President, I am not supporting any particular policy. I would like, on a point of clarification, to point out that I talked about serviced plots. I made no reference to a UNC plan or any other plan.

**Sen. The Hon. D. Montano:** Mr. Vice-President, this is all the more reason for me to emphasize that point again. The point I was about to make, Senator, is that even the Sugar Industry Labour Welfare Committee, which is a financing organization and is there to support the workers of Caroni, found that their lending limits were insufficient to be able to assist the workers to build their own homes.

The issue in finding or building a house is money. It is not a question of serviced lands; it is a question of being able to find the financing to build and pay for the property. That is what has been missed. That is why this administration has focused on the provision of a complete package. We found that if we give them half a package, they could not finish it and the type of housing you got was substandard. We wanted to ensure that what we gave to the people was of a proper world-class standard. That is what we are talking about.

Under the Government's plan for the Caroni lands, the workers will get serviced lots. If my memory is right, I believe it is about 6,000 serviced lots for housing, but behind that is a plan to be able to support the building of houses. A number of things have been done by this administration that is yet to be understood by Senators on the other side. The interest rates were brought down to an all-time low. Money was pumped into the TTMF so that money would be available. This housing bond, which is not understood by anybody, is issued by the Ministry of Finance, not the NHA or any other entity. It is issued by the Ministry of Finance for the purpose of housing. Mr. Vice-President, that is the point.

Sen. Anmolsingh-Mahabir also asked about the development of housing in rural areas. Senator, let me assure you—

**Sen. Anmolsingh-Mahabir:** Mr. Vice-President, on a point of clarification, I talked about balanced development.

**Sen. The Hon. D. Montano:** Balanced or rural, it amounts to the same thing and I will answer the point she made. It is very simple. Of 28 areas in the country, 20 of them could be described as rural, from Toco to Fyzabad to Point Fortin. The fact is that they come here and they make statements and they really do not know what they are talking about. [*Desk thumping, Laughter and Crosstalk*]

**Sen. Anmolsingh-Mahabir:** Through you, Mr. Vice-President, I have my notes with me with regard to the advertisement that I referred to in my contribution, but I have just passed them to Hansard. In that you will see an imbalance. I think that the Minister is being untruthful.

**Sen. The Hon. D. Montano:** Mr. Vice-President, again you see that it is not a question of an imbalance; it is a question of supplying the demand where it is. It is not understood. It is a simple question of supply and demand.

**Sen. Mark:** You cannot fight a woman, you know. [*Laughter*]

**Sen. The Hon. D. Montano:** Watch! I will teach you. [*Laughter*] I will teach you! [*Laughter*]

Mr. Vice-President, with regard to the Frederick Settlement leases, just to deal with the penultimate point of Sen. Anmolsingh-Mahabir, my information is that those leases had all been prepared for renewal, but the office in which they were stored on Frederick Street caught fire some time ago and the leases were destroyed. They need to be redone. This is not a task for the NHA or for the new

housing corporation. This is a task for the Ministry of Agriculture, Land and Marine Resources, and it is being done by the Commissioner of State Lands.

I have been in touch with the residents of Frederick Settlement and with the Commissioner of State Lands and have asked for those leases to be renewed. It has nothing to do with the NHA.

**Sen. Anmolsingh-Mahabir:** Through you, Mr. Vice-President, allow me to thank the Minister for assisting the residents of Frederick Settlement.

**Sen. The Hon. D. Montano:** Mr. Vice-President, I do not have to say anything more on that one, do I? Now you understand what real governance is all about.

The goodly Senator also spoke about affordability. Let me assure her that housing is being made available at a very affordable price. In KP lands, houses are being sold for as low as \$80,000; in Pleasantville, as low as \$100,000 and up to today, there was a proposal before Cabinet for even newer initiatives to make it more affordable for persons who cannot even afford houses at this level. This administration understands finance and understands what it is to access finance that would enable the working classes and the lower classes to acquire decent shelter.

Then we get to the temporary—he does not like to be called that—the “today” Senator, Dr. Gopeesingh. Dr. Gopeesingh asked: “Has an audit been done on the housing needs?” I should have asked that on the first day I went into the Ministry of Housing. There was no audit. There was nothing on the ground. Let me tell you. It is not rocket science. We put things in motion. We have now received 70,000 applications for housing. That is better than any audit because that is firsthand information from the public itself. We know who they are. We know where they are. We know the size of their families. We know the size of their incomes. We know where they want to live.

**Sen. Dr. Gopeesingh:** You have it. That is fine. [*Crosstalk*]

**Sen. The Hon. D. Montano:** Do not even get there! That has been articulated, I do not know how many times. All over the country we have been saying what the housing shortage is and now he wants to ask if we did an audit? That is a ridiculous question.

In terms of the allocation, let me assure this honourable Senate that the allocation, unlike what took place in the previous administration, is done by lottery. That is, it is done by computer. I saw it done. You put in all the names of

the persons who applied for a particular site and who qualify in terms of income, and the computer says, "Okay, we need 80 names", and it spits out 80. That is it. You do not sit there and choose names. It is done automatically. It is transparent; it is independent; it is impartial. [*Interruption*] There is really none. It only sources it by income level. It is very simple.

He expressed some concerns about the equity in distribution. Let me just point out the track record. Let me ask him whether he thinks there was any equity in the distribution of land to the Caroni workers because that is the track record of this administration. That is equity. That is transparency. That is fairness.

There is only one other thing I wanted to deal with. I am not even sure I got it right, but I heard Sen. Dr. Gopeesingh talk about audit standards. I would refer the Senator to clause 19(6) where it deals with the accounting policies. Therefore, Mr. Vice-President, I do not need to go further. I think I have explained some of the issues adequately. I will leave the rest of it for my colleague, the Minister of Housing.

Thank you very much.

**Sen. Brother Noble S. A. Khan:** Thank you, Mr. Vice-President, for allowing me to exchange a few thoughts on what is before us, the Trinidad and Tobago Housing Development Corporation Bill, 2005.

Firstly, what struck me was that, from very ancient times, a concept and principle was established and even today between the modern intellectuals, particularly those in the area of sociology, which has impacted on all the other sciences, we come to the concept of motivation. I speak here of an ancient statement which makes reference to the question of the human specie and which could be applied to other areas of living organisms, food, clothing, shelter.

I am sure everybody here has passed through some of the elements of primary, middle or higher education and has come across what has been referred to as the first needs. We have been responsible for ourselves for quite some time. At the end of this month, we will be celebrating 43 years and even from that early time, the question of housing or shelter was high priority.

Some of us, the older ones, can reflect on the question of places like Diamond Vale where houses were established. Even today, as we listened, some of our minds might have gone back. If we were to go back into the records, we would find some outstanding indebtedness still remains with respect to the projects down there. But that is by the way.



Perhaps that adds to the mechanisms that we have followed—government housing loans, public housing, National Housing Authority and in-between a sort of saltfish skin being thrown on the side, Sugar Industry Labour Welfare Committee loan; all these within the ambit of providing for housing.

During those 43 years, we seem to be still elusive in providing housing for our people, no matter what the mechanism. Of course, we can look at Mango Rose. Our colleague, Sen. Augustus made reference to that. Some of us could remember what the Mango Rose area was like. As a young boy, with a 150 yards thread, we would slack our kites into that area. Still fresh in our minds is the calypsonian, Spitfire, singing about 29 Port of Spain. We see, when we pass there, what it is now. It was a reference to 29 St. Joseph Road and we would see some changes have been made in those areas. Though there was some housing further on the St. Joseph Road side, there has been a dearth of replacement as far as housing is concerned in that area.

I think that the hon. Minister of Housing had made reference to the Slum Clearance Act and the need for revision of that Act, so we could possibly see that taking place in the way of planning for that area of East Port of Spain. I am not unaware that there have been plans around for quite some time that take us right back from the Dry River that carry us back into Morvant, to which our colleague, Sen. Augustus, referred. All that seemed to be very far-fetched as far as what has been referred to as implementation is concerned.

### **7.30 p.m.**

Be that as it may, what still remains is to meet this challenge. If there is one admission, I think what is taking place today is the question of total failure in providing, particularly for what is claimed to be the lower- and middle-income people. That is a very strong indictment. I do not know if the urgency of it is because we have had quite a bit of organizational structures over the period of time or the mechanisms to deal with it. Within a short period of time, we have had quite a bit of Ministers of Housing who would have met this challenge. I think we can put this within the matrix of what we are about.

I would like to make some references to one. Perhaps, it might appear to be conceptual but, if we lack the concept, I do not see how we could really move forward. As we have heard, our learned colleague has made mention of the law, as far as the wording is concerned. It is very static. I agree that it forms a framework for guidance. I will touch on that, possibly at a later stage. With the conceptual framework, when we think in terms of accountability, we reach the

area of the financial parts of the organization. I always like to put it this way, if there is anything that must be built in concrete, the cement in it is the money that pulls the thing together. Without cement, the aggregate cannot coalesce with water, of course. We are talking about the money part of it.

The last speaker mentioned the question of the money. Very often, the accountability aspects of it are always guided towards the money and how it is spent. We could always come up with the question of the efficiency and effectiveness of how that is spent and raise questions of the auditors, which have been mentioned.

Very often, in all these laws, the question of the Auditor General is mentioned. This is what is referred to as the statutory requirements. I suspect what some of our colleagues mention about audit is the managerial emphasis, which is in Part IV of the Bill, under “Planning and Management”. This can be found on page 15 of the draft Bill that is before us. One would have thought that, coming with this, there would have been a policy emanating. I am not aware of it. Possibly one exists, as far as housing is concerned. It is all well and good to speak in terms of what we will do, specially against the system which we employ in the Parliament. It takes five years to get things done and so much depends on that five years if you are to reappear again. This will have a great impact on the urgency with which one will have to pursue whatever one is about. Of course, housing is something, as we all know, that is very urgent. It is something which we can see and which can be a very important parameter in coming back for a next five years. You can see the high motivation in getting these things passed.

It has been over a period of time—this is not only within ourselves; this is a universal phenomenon—when some mechanisms have been devised and have come to be recognized as to how we should go if we are to approach something in a very cogent manner. The planning emphasis is here. What we have observed, is evident. The last time we had money running, planning was pushed aside; and now more is running and it has been pushed aside. Some of us could remember the old three-year, five-year and 15-year planning that took place. There was a hold up and the money came, flowed and that went aside. Afterwards, there was the PSIP. Over the last 15 years—if I were to go back in that environment within a matter of a week or two, I would be back again. That element of the PSIP remained very rigid, or is it because there is so much to be done, that whatever you have to say would be found inside there? These are some of the things.

Although reference is made to planning, we see that there is the question of where are the plans, even if you are now going forward with the NHA. One of the

past Ministers mentioned that he met nothing. What about when he came in, what was there before? Did he start initiating, which I suspect he would have done? These are some of the things. Without proper planning how could you measure? All these things have emerged.

Coming back to the question of accountability, we must, of course, link the concept of accountability with responsibility; not only for answering with the deliverables. By way of the financial accounting, we have heard some of that. Importantly is what is being added. We have heard so much with respect to value and the money. This is an important aspect. Very often, this is in the private sector. It has been announced by the “Father of the Nation” about the international and local pickpockets who form part of the entrepreneurial business sector, who hide so many things such as the efficiencies in the price that they charge for what is passed as good business practice in selective areas. The question here, too, is—I suspect it would very well happen especially where we deal with the lower-income people and what has been referred to as the middle-income people—when they come to charge them for the houses and what is being done. If you do not zap them in their pockets, you definitely do it with what you give them.

I do recall from a practical experience a few years ago—it was through the OAS and they had sent someone to our country to review the housing loan that was given—in my function I had to deal with that person. He was a former Governor of a South-American Central Bank. He went to visit a few places. When we visited a project in the outlying area, he said: “Noble, what is the price for building this structure?” I gave him the figure. I remember him closely. He said: “Somebody is making a killing.” These were his words. From my own simple mind, I have an idea of what the house is. If you see me use a sledge hammer to break rocks you will stand and watch. Maybe I am not as effective as I was a few years ago. I had my hands-on practice, too.

Coming back to what the expert said—this is what stuck in my mind and had not been removed; it is as fresh as yesterday when it happened. These are some of the things that occurred. It does bring the question of accountability. Again, there is the question of injustice. Yesterday we were talking about justice and changing law as in a legal background and criminal environment. Of course, we also have to think in terms of what we do. There is a word that is used in other societies or environments, an art of trust that is placed whenever we assume positions of responsibility. Of course, with the use of that trust and how it will be, there is a higher accountability. What occupies my mind is that a composite of this will definitely add up to what has been referred to as a failure of the State. One

wonders if some of these inputs that are taking place now are not the result of what we are seeing exploding outside in the wider society. This is something we will have to watch and pay particular attention to, when it comes to the question of accountability. It is all well and good to come here—I will come back to the creation of the institution—and think that you are over-lauding money. There is nothing here, at the moment, between the vast majority that we could give them. If you interface with them and meet them outside, even at the other end of what he holds or if he walks with his own heart, this is an important aspect of the “amanath”, trust or responsibility that exist even as we deal with the question of housing.

Again, I want to touch on the question of respect, the development of a quality of interaction where the highest respect for the dignity of the human person is not compromised. I live in the north, but sometimes I go down to the south. As you approach the entrance into San Fernando there is a crossover on the Tarouba area. When you look at that side, there are some houses that are being constructed. I am telling you what occurred in my mind. It looks like a pack of cards waiting to come down. It creates in me a total contempt of how we feel for our own people. That is what struck me. When you look lower down you can see the shacks. A “fella” from the shack is coming across here, a simple mind. I am sure that my mind is simpler than his mind. How will they feel about that? We have heard it. I would not like to run over that with respect to the facilities that are being put into these housing projects.

I remember looking at books. You can go in an office and look at a book and you may see one from some of the houses from the north. In the workers’ homes you can see the facilities that are being afforded with the structure. My mind runs back to the South-American Governor of the Central Bank. He said: “Noble, somebody is making a killing in contempt for your own people or even ourselves.” If we were to take what has been said here seriously, by some of our own colleagues, so far for the development of the quality of our interaction—

I would like to touch on the question of integrity which is an important aspect. This could be what we are doing with respect to housing. Our whole approach should be based, exemplified and demonstrated on that element and quality of our moral soundness, which is honesty, and truthfulness. These are all expressed in this Bill that is before us: the quality of impartiality and equity, which, obviously, should be based on some code of ethics. Does this have anything about such an important thing as ethics? I know some professionals make their own code of

ethics and form a basis on which they should act and on which they would set the standards.

Again, our Constitution has the elements of our moral and spiritual values. Some of us might be here because of that. Are we duped in assuming that? This is a question of conscience and integrity, as far as equity is concerned. I have high respect for all the Senators who come into this Senate. When they come here, we hear the outpouring of their hearts, based on the discipline and training which they have sacrificed over the period of time and they come and share with us here. The “amanath”—the question of trust; being in a position where you have the responsibility and accountability—plays an important part. It would appear, as far as wherever we are distributing something—again this is a question that has been raised here. Have there been unfair trends which continue to be abated insensitively and irresponsibly to really legitimate claims to protests and accusations of less than fair decisions, with respect to this question of housing?

I do recall, as far as Wallerfield is concerned many years ago, the distribution of farms in that area. Perhaps, it has become a little stock. One day, a senior officer called me, he said: “Come.” I went to him. I was always an obedient, decent person. He asked me if I would like to make some money? I asked him how that was done. He said: “Go to Wallerfield and you would get cows to buy up there.” He shocked me. I said: “But that is the government's cow, how can you do that?” He said: “No, they are selling it up there. It could happen.” He explained to me what was taking place with some of the people who had received cows and even the feed that they received. There was a total non-commitment to being on the farm for those who were allocated farms. Some were alleged as not being able to use a cutlass, et cetera. Parameters other than what were feared or required in an environment where that did not take place at that time. These are some of the things which, once you are in a position to dispense, are being referred to as patronage. It is also in one of my little models, wherever there is a point of decision, it is a point where corruption could take place. It is very important. We are all people of decision-making. It is therefore, very important to keep close to some of these elements which I mentioned before, the question of integrity, respect and accountability.

I would like to touch a little on the question of service and excellence. This is an important aspect. We are running a race by what has passed for statistics or what has been said as very unprofessional. We have to pay some cognizance to it. I received 70,000 applications for housing. I know many people out of the 70,000. I wonder how many of them got. I have not met one who has gotten any. I am

talking about my area. I live in the Laventille/East Dry River area. At any time and any place you might see me anywhere. I have not heard of anyone who has gotten a house as yet. I would hear because I am moving about.

As far as service excellence is concerned, one would think in terms of a team. This brings us into the area of the people who form part of the management team; the working team and even the people with whom you are interacting. Unless we look upon ourselves as a being, one people in positions to carry out a duty and we respect that, we are answerable for that duty and not that we are a thin horn God who, because someone voted for you and put you here, forgets them after and that is it. It does not work that way. Sometimes and very often, it turns my inside when I see certain behaviours. I would not like to think that is the way that some people, at any time or moment, might be acting—not all the time. At different times we act in different ways. We are basically good people, therefore, we should work towards these elements, which I am suggesting.

There is no lack of needs. As we work, we do so with a view to ever exceeding—when I was very young, this was one of my ideas, which I would like to extend—not only our own standards. I usually use this model with the younger people. If you go for a job and you are expected to give one hundred, to make it graphic, make sure that when you go there to do that job, you do more than 100; you do 125/130, as far as the job is concerned. For yourself, carry it up to 175. You should build that inward motivation towards service excellence. These are important aspects. I do not know. I think all motivational people would always strive towards that. For us here, if X is expected from you, you should give X-plus, for setting the standards of what they expect and for yourself, X-plus, plus. It might be very difficult. At times I am sure that maybe I may set my standards and the 100 might be below. Do set these types of elements.

As the major leaders of our country, the expectations are supposed to be extremely high. Trinidad and Tobago never had as much funds as we have now. Some of us from humble homes know that sometimes a \$5 had to feed so many. We know that experience. From some of the little models I have, I will share this model with you. It developed from a very distinguished Caribbean person, a great intellectual, academician and servant of the Caribbean, who has gone to the great beyond. Not known by many, he once headed the Jamaican Civil Service and was Secretary of the Cabinet and host of the other things that you could think about. The examples that he showed and explained, I internalized. He said: “Noble, no matter what we are, you scratch the back of any Caribbean person for three

generations and see what we are.” Up until now, I still think of that term and try to apply it. It is a question of what we can ask ourselves in our own way.

When it comes to respect of service, these are some of the things, as far as excellence and the question of efficiency are concerned. We tell the young people about that too. These are almost clichés. If you do not open it up to them they may not understand it. They may go through a whole university course and just wrap it and wrap it up. The question of application may pass them. Perhaps, that may be some of the failings of the older generation; the delivery of what we say is important. We hear it today. There is plenty talk but talk is cheap. The Italian Western speaks about producing desired results and a product consistent and enhancing the way of life. This is what we are about here. It is all well and good.

If you were to go down to River Estate and see one of the houses that the Government has put up and right next to it, one that someone built with their energy, wherewithal and house money. A house becomes a home when people go into it and live correctly. It is a very sacred thing. We are dealing with sanctity here. If we do not approach it correctly and not think in terms of “heh” salt fish skin, “yuh go get wey yuh looking for.” It should be consistent and enhancing the way of life of which we can be proud and of which our client is satisfied. When we do someone good, good comes back. When you pray to the Almighty, call him by whatever nickname he may be, you are not really doing him anything; it comes back to you with more folds, as an expression of our prayer, because our service is prayer. You can look at it as making the outpouring of our heart to the Creator, through our brothers and sisters. This is one of the elements. We can think in terms of that.

Let me come back to the question of what I looked upon, as the means. There is the question of the planning process. A plan, according to my own little model—I always internalize these things in a simple way, as I am a simple person—even as you put the last, the mukta, as we call it, if you know how much is in the point of that dot, it is the whole thing. Within that dot, the plan needs to be revised. It has a continual process of three or four years. We had one for 15 years. When the money come we could not have done anything, we just [*Sen. Brother N. S. A. Khan makes sound, while at the same time, gesturing the slitting of the throat*] outside. Unless we have already thought in terms of some of the suggestions and we guide ourselves towards these, it may not be so difficult as we think it is, unless we feel convinced and sell ourselves into that, and we make that part of ourselves.

Setting this up allows an element of flexibility. One thinks that is the major thrust that we are about. Thrust, to go forward, not trust. They are all interlinked; the question of flexibility. As people in the Senate, we are answerable. Sometimes it is very depressing to hear when a simple question is being asked, to which an answer could be given, people feel to hold it so cherished as if it belongs to them. This happens here. This is my view. It sometimes happens and you look at it in a way that is not becoming. The whole idea behind it is the flow of information. We know knowledge is power, but wisdom is the power and use of the knowledge. Again, this is one of my definitions, which I share.

What is this against your value system? It echoes. We could process our value system, but the value system is what you live and what it is, as far as you are concerned—your being. This is an important aspect, which is all incorporated into this. This is an element where the flexibility comes. We have heard of the statutory audit, which is incorporated in here. I do recall the question of when the proliferation of the state corporations started. One of the experiences that I have is if there is one place when somebody spoke about the assassinating of a leader of a next nation. If you want to “pass out”, in local parlance, a company or one of these state corporations, put it in the hands of the Ministry of Finance. We know good how to do that. The same money we are talking about, how will you get it? There are experts, ask ISPAT and the company that produced feed for fowls, animals and is now making fertilizer. That is the engine to make the nation grow. We have just pulled out two of them. We are going a next way here, but it would afford some element of flexibility to do it.

As we know, part of the formulation of this Senate is the information flow, accountability and transparency. Very often, we seem to pride ourselves with the paucity of keeping the thing crowded. Sometimes, you are asked to say something and you say nothing. It could be that you want to say nothing or that you have nothing to say. When it comes to doing that, it is just what you can do; nothing. That is incorporated into a man who visited this island. When he landed on the docks he asked: “Who are these people doing nothing? It is not because they have nothing to do, it is because they want to do nothing.” Look up your literature again. I am sorry the Professor is not here. These are some of the things, when it comes to the element of flexibility. It allows you the movement, but to move for whom. That is the big question. Are we using these elements that are before us to advance other agendas? It could happen, especially in the area of governance. We speak plenty about good governance. You could get as much paper as you could print. The scholars could write about that. This mechanism of the State, which remains, is the central control and where the element of power



is—unless we form a proper concept of the use of power—is an important concept of the use of power. This is a frightful thing when you think in terms of the “amanath”, the trust that rests upon you.

Unless we form that proper connection against what we are about, the whole question of flexibility will be misdirected. It is an ongoing struggle and strife that we all have to keep online when we are put on that. We could easily say that we have done an audit, here is the audit. Some of us who have had experience know that an audit cannot be totally 100 per cent or totally comprehensive. You really cannot get to a person, even at the law. You can have all the law such as what you have behind you, Mr. Vice-President, but you cannot get into the mind of a person when it comes before.

There is the question of flexibility that is now being transferred to the board or the decision makers. As I have said before, with respect to the central fulcrum of power, how well are they willing to release? They are willing to release to get it done and it is against the question of how much confidence you may have, in people. Make no mistake about it, the professional competence is one, but that is not the chief quality that puts all these people into the positions that we put them.

If you think in terms of the parameters such as truth, honesty, fairness, equity and all the high ideals and virtues, you may find none of them ought to be there. On the other hand, you might get them by Baba and Cheryl in the back by me; they may qualify better for that.

I have said it before—from my personal experience, in my home, the women with whom I grew up and the older people—I would really like to see a woman as the Minister of Finance. That is an inward feeling, which I share—not necessarily some of them who come out of the universities, as a correction—is also with respect to the Ministers of State. This might be a little diversion and you all might pull me up. As far as education is concerned, I feel utmost confidence in the Minister we have in this Ministry. I wish her the best. This is just a little aside, with your permission, Mr. Vice-President. You will get our support on that. These are some of the things, when I think in terms of commitment, trust and the whole question of flexibility.

Unless we are motivated by that—but it has to permeate the society. We have to come more and we have to feed more into that. If here is sacred, I think it is giving good people around and I think we could definitely do it. Towards that end, we look forward, though there might be some hesitancy; we know that

weakness exists in all of us at times but there are also strengths and we could definitely make a go at it. I definitely recommend what has been said by all. We have the capacity to create and make things happen.

This goal has been elusive by the mechanisms we have put in place, not that they have not served us well, but if we are to go forward, I think we should go forward together as one, with that support and commitment and definitely by that total feeling of hope that we can do it.

Thank you, Mr. Vice-President.

**Sen. Angela Cropper:** Mr. Vice-President, thank you. In making what will now be a very brief contribution to this debate on the Housing Development Corporation Bill, I take as my point of departure the rationale that has been given to us for this Bill by the Minister of Housing in introducing it last night and to deal with his presentation of the rationale in very brief summary. It is clear that in his mind and in the Government's mind, the reason for bringing this Bill to Parliament is because the Government seeks an alternative mechanism through which to deliver its programme for housing and low-and middle-income families and communities through a new entity, which it would appear, it is hoped, would make a difference.

This approach by the Government centres upon its view that the National Housing Authority (NHA) has been short on performance and delivery in the course of its existence. In fact, in looking back at the presentation of the Minister of Housing on the 2004/2005 budget last year, he used much stronger words and sentiments. He said, I quote him: "the NHA had degenerated." He went on then to explain the many ways in which that degeneration is manifested in preparing us for Government's intention to bring before Parliament this very Bill. As several Senators have already mentioned and Sen. Ali said, the mere changing of structures is not sufficient to cure the ills that afflict our present entity and that strain has been repeated by Sen. Dana Seetahal, especially by Sen. Augustus who posed the questions in a somewhat rhetorical fashion; the questions that need to be addressed and answered in seeking to make a change from one delivery mechanism to another and seeking to create a new entity and set of relationships, could hopefully overcome the difficulties of the old.

It is unfortunate, in my view, that the Minister introducing the Bill yesterday did not really take the time to elaborate and to go into an analysis of why that degeneration has taken place over time and therefore to assure us and demonstrate to us how the Bill that is before us and the entity that is being constructed would actually be responsive to the dilemmas, challenges, needs and failings of the

present authority. It is in this context that I raise four concerns, because it would seem to me that while there are some specific things about the Bill that can be mentioned, many of them have been mentioned, as to how they might be improved. It is this basic understanding and assurance of how the changing of the structure would actually overcome the difficulties that we have. That is something that is still elusive to me.

I say this because in our 43 years of independence, the housing sector is the one that we can be sure of always invites the perception and sometimes the allegations of nepotism, corrupt practices, feeding at the trough and all those kinds of perceptions on the part of the public. It would seem, therefore, as the Government touts transparency and as the country clamours for accountability, that the structures, entities and relationships that we are creating—instead of demonstrating to us how that transparency and that accountability are going to come about—seem to be closing the system off a little more.

Here we have a situation where the Bill is brought before us and we are hopeful that a new entity will help us in some way, but at the same time, it obviates the function of the Statutory Authorities Service Commission in respect of this entity and it also renders the Central Tenders Board Ordinance relevant to the operation of this entity. Just when we would hope for an opening up of the system, it seems it is being closed down by the design of the entity before us. It is true that clause 20 provides that an annual report should be presented to the Minister, but if the report is presented only to the Minister, the public never sees the light of day in respect of the operations of such an entity and at the very least, one would expect that such a report would be laid in Parliament, so that the activities and operations of this corporation could be brought to some kind of public scrutiny in the absence of the functioning of the Statutory Authorities Service Commission and the Central Tenders Board Ordinance Rules.

The concern about transparency and accountability, of course, has to be seen in the context of a very large programme that is envisaged and the high order of funding that is already allocated and being arranged. The greater the activity, the greater the amount of resources that are being invested through any one entity. One would have expected a commensurate degree of transparency, accountability and provisions to achieve the same.

Especially, clause 22, it provides for a fund to be established that would provide for the capital and recurrent expenditure of the entity. I would have thought by now that we had sufficient experience of some of these authorities that

have been created, that we could take the best elements of some of them and actually include them in some of the legislation, as we go along.

I note that particular Bill does not provide for the board of trustees for this fund as the Environmental Management Act does. I happen to feel as a former member of the EMA Board and one of the trustees of the Fund, that the mechanism of having a set of trustees who would take a special concern and oversight of the management, use, application and investment of the fund of the authority certainly assisted the board as a whole in carrying out its fiduciary responsibility, because it enabled you to have a lot more time to devote to the specifics of the management of that fund than a board in its monthly meeting would ordinarily have. I think that is one aspect of existing legislation that could be said to be working well and might be incorporated in a Bill such as this.

This is specially so as clause 24 provides for a reserve fund. In the history of this country and in the way in which funds are set up and administered and not administered, as the case may be, at least not apparent to the public how they are, I have in mind here the Green Fund, about which I have raised a question in this Senate before and have had an assurance that that fund is intact and the moneys in that fund are intact and regulations and governance arrangements are being made to put it into operation. Meanwhile, the popular perception is that that fund is a slush fund. I think we have to do something that avoids the perception of the creation of another fund within the operation of this entity, so that the population as a whole, we as citizens, do not get the impression that there is money being stashed away there and we are not clear about what are the governance arrangements for it. I think that is one area that can be tightened up in the Bill.

The second concern I have has to do with the very low-income and very poor people who live in communities who are waiting to be regularized and provided with housing. I carefully looked through clause 13, which prescribes the functions of this corporation to see what role it might have, whether it is going to have explicit responsibility for the provision of the houses for these communities that are waiting to be regularized and I am not clear that that is the case. It will be very helpful to me to understand whether that function falls within this corporation or whether it remains elsewhere. This is because we have scores of communities that are waiting for years to be regularized under the 1998 Squatter Regularization Act. There are three scores of them alone, perhaps more, in the hills, foothills and coasts of the northern range. Until we can find a way of expediting the services for housing and settlement to them, they remain deprived of all other municipal services and exist at a very, very, low level of material welfare. I think that the

creation of this corporation could be addressed also, or one of its functions could be to try to see how the provision of the housing and the regularization of these communities could be accelerated.

I would hope also that the creation of a new entity helps us and invites us to do things to really change the culture of the way in which public entities relate to the public and to communities. We repeatedly hear in this Chamber, from Government Ministers, about how the established public service, and the culture that has now been embedded there, inhibits their delivery and their implementation. Indeed, we have had the rationale repeatedly that that is one of the reasons Government seeks alternative ways to deliver its programme and to be able to overcome and bypass and go around some of the obstacles that are inherent within the systems. I often wonder how long we will continue to do that and to what extent we really are going to be setting up a dual system of delivery here. I think the point has already been raised by Sen. Augustus. I do not need to go over the details of it, but it would seem to me that the creation of new entities is only part of the solution and they are part of the solution because they provide a means, opportunity and a moment when many of the other underpinnings of the system can be addressed and need to be addressed and measures taken to transform them, if these new entities are even to work and not to succumb to the same practices that characterize the existing ones.

I think it would be very helpful to know how the Government is addressing these issues at the same time as creating these new entities, so that a few years from now, we do not fall into the same practices or malpractices, as the case may be. I would like to know and hear from the Minister also whether the creation, functioning and operation of this new entity is likely to change at all, the way in which public entities relate to the public and to the communities. How are we going to have a different form of engagement with communities? Are we simply going to continue to drop houses from the sky in rows and say this is low-income housing, as has been characterized as low-income programmes to date?

We also see that one of the functions of this corporation is the clearing of slums. Are we going to have a completely different approach to that; that is characterized by more compassion and more concern about the dignity of these people or are we going to continue in the same way as we have seen repeatedly, slums being demolished and people being evicted in ways that leave them on the road, bag and baggage with nowhere to go? This cannot be the way that we can continue when we have a new corporation created for this purpose. I think we need to see, not only a difference in the relationship between the corporation, the

executives in the corporation, the board, the whole entity and the Minister responsible for the portfolio, but we need to see a whole different outlook from these agencies in the way in which they provide their services to the public.

In a matter of clearing of slums, I think that is one thing that we really do need to make better and to improve our practices in the way in which we relate to the public.

The third concern that I have within this transition from the National Housing Authority (NHA) to the Housing Development Corporation and to the new arrangements that are going to be in place, is how are the functions of the many agencies involved in construction to be rationalized? I recall last year in the budget debate, the Minister of Housing explaining that so many units had been provided by the National Housing Authority (NHA), so many had been done by UDeCott and so many had been done by SWMCOL. It is not clear to the citizens what are the respective functions of these, where do they differ, what are their different functions and where are their complementary functions. I think we could take the opportunity, in setting up a new corporation, to rationalize some of these functions, or at least to clarify them for the public.

My fourth concern has to do with the role of related entities to the whole business of identifying places for housing settlements and to the design and construction of these settlements. I have in mind the role of other entities such as the Town and Country Planning Division. The Bill actually makes no reference to some of the other entities that are very relevant to the decisions about where houses are to be located and under what conditions and constraints. It makes no reference to the Ministry of Community Development, Culture and Gender Affairs and the practice, approach and a different more progressive approach to community development that that Ministry may have in mind. It makes no reference to the EMA and the role of that authority in relation to the functions of this corporation. I think we need to be assured that the functions of those entities are also going to continue to be applicable to this corporation.

One of the things we have seen in the country; one of the things that explain the degeneration of many of our public entities is precisely the political override that often takes place, whatever the administration of decisions and policies of many of these entities. In that respect, clause 12, where the Minister is allowed to make general or specific directions to this corporation, gives me a lot of concern. I know that is there in other Acts for public authorities. I think that is one of the problems with the system of public administration. I think it is one of the reasons that we see a degeneration in the performance of our public entities, because they

are so often undermined and overridden by political will. I think that is something that we need to have some assurance that it is not going to be the case with this corporation, especially as we have the history of the perception of nepotism within the housing sector, irrespective of the administration in office.

I note that clause 17 requires the corporation to prepare and submit a corporate plan. I would hope that the Bill can say that this should be done in consultation with those authorities. We have also grown used to the practice by whichever government in office, of announcing projects without having even applied for the appropriate planning permission or certificates of environmental clearance. By the time those activities or measures are taken, the project in the mind of the Government and the public are so entrenched that it becomes a very conflictual situation to raise concerns at a later stage; concerns that are properly within the purview of the authorities.

I think that in doing what we can as Parliament and in doing what the Government can as government with responsibility for transforming the system, we could take the opportunity of creating new entities to also change the practice, not only the practice within those entities—but the political practice also—that govern them and that affect them. We should certainly, in requiring the corporation to prepare and submit a corporate plan, seek to ensure that by the time that plan comes to the Minister, it has already been done with sufficient consultation of those entities that are eventually to provide some clearances for it, so that we would not perpetuate the practice of making our policies by announcement only and overriding the authority and the role and function of these entities.

Mr. Vice-President, these are some of the contextual points that I wish to make in relation to this Bill. I think that it is not possible to speak against a Bill that seeks to correct some of the failings that we have in our current entities. In a sense, the whole country is in a state of degeneration. Therefore, it is good to see that the Government, where it perceives that, is doing something to bring Bills and legislation that would help to correct some of that—is doing so. We have to recognize that the legislation and the new entities may only be part of the solution and there are more fundamental solutions that we also need to address if we are to really enable these new entities to deliver the functions that we set up for them and especially to overcome the limitations of the existing ones.

Thank you, Mr. Vice-President.

**Sen. Dr. Eastlyn Mc Kenzie:** Mr. Vice-President, I just want to make a few comments. At the outset, I support the objective of the Government. I support what they are trying to do. As we say in Tobago when we are trying to correct a problem and fix it: "Bundle wood have fuh loose before ee tie good." Mr. Vice-President, you are very familiar with the term. In trying to correct the performance of the National Housing Authority and to replace it partially with the Trinidad and Tobago Housing Development Corporation, I say again as we say in Tobago in our own Creole way: "Bundle wood have fuh loose before ee tie good."

Going through the Bill very quickly, I am very pleased to see that a member of the board will be a representative of the THA. I am extremely pleased about that.

I support Sen. Mark's comment on clause 12, that the directions should be given in writing. I continue and I agree with Sen. King, in clause 15 there should be some sort of academic stipulation for the managing director of the board. I also support her that the report should be laid in Parliament. That could be found in clause 20.

I support clause 21(f), that the proposed activity to the Minister should be approved before implementation.

I go to clause 29(5). I do not like that clause. I propose that we should say: "Rules made under this section should be published in two daily newspapers." Everybody could have their pullout. It should not be available on request and payment of any fees.

Finally, I go to the Third Schedule. I believe, with the posts we have on the establishment of the National Housing Authority, if they had been filled, properly utilized and people performed well, the National Housing Authority would not have been in any prediction; we would have functioned efficiently. All the points made by Sen. Dr. Kernahan, Sen. Augustus, Sen. Dr. Gopeesingh and all of us on this Bench, we would have had no need to make them at all. There are the community development officers, just referred to by Sen. Cropper. We have architects and I am happy for that. At times I feel the National Housing Authority, whoever designs the houses, does a sort of one size fits all. The same pattern of housing can be seen everywhere you go. Consideration should be given in the rules and regulations that the new entity be set up to look at the establishment in the Third Schedule and abolish some and take on some new ones as Sen. Cropper talked about. For example, there might be need for a person to deal with environmental matters. If you have this, your social affairs, land settlement,



architects, draftsmen, maintenance, community development officers, conveyancing clerks and deed people—some people cannot get their deeds filed by competent people. This corporation will succeed very well indeed.

**8.30 p.m.**

I am saying that in the rules and regulations that would be made to accompany this legal part, I want to advise—and I observe some members of the NHA sitting there—that they could look at some of these things. As Sen. Dr. Kernahan said, “a house is not a home” and we want to ensure that these people are in homes, they are in a community. I would say, as we did in our human resource development course, there are some people on your establishment who probably cannot be trained and they probably should be fired and probably this is what you are doing in the smart way of moving from the NHA to the housing corporation.

Look at your housing estates, garbage collection, transport within and outside of the estate, space left for commercial buildings for the community and enterprise. We have it in Milford Court, you go down there, there is a pharmacy; there is a place where you get your bakery stuff, you know, and leave place for commercial enterprise, outdoor and indoor recreational facilities. People like to go and play basketball, they bump things, they go inside and play pool and all-fours and the old people like to gather and play drafts; educational day care and elderly care; denominational options; home gardens.

One of the reasons we could not get people to go into Milford Court easily was because the houses were so close and people say; “man if I do my homework and my sum wrong, meh neighbour know”, “if meh pen scratching, meh neighbour know”, the houses were so close. They could not put little kitchen gardens around and you know it, Mr. Vice-President; if nobody knows, you know. Cater for different cultures and habits and design good houses, not some hot, stuffy houses; they look hot and stuffy from outside; design good houses and look for the cultures of people. [*Desk thumping*] There are some people that in some denominations you know they ring their bell and they do this, they might be people of one type of culture in a community; look at that when you are doing. Look at the people who like to live in high houses and some who like to live in flats. From your census you would see the population where you have old people, therefore you know you cannot build high houses for them.

Very importantly, let them look at people who are challenged. I talk about the handicapped people, physically challenged people, they must cater for these people that in every housing estate—if you want to call it that—there must be

some provision, whether it is one or two houses that you would put specifically for the physically and mentally challenged people. Look at your environment, and this is why you probably need to create a new post of environment officer for your sewer; your infrastructure; your water; your lights; your roads.

Another important thing I think you should have, probably an emergency house put aside. You hear people's houses burn down, they coming to knock on your door and say: "where do I carry my five children, my house burn down, and so on"; look for a disaster relief house. I would try to encourage the new entity to keep proper records. You do not have any records. You tell people they owe so much money on their loan; they have so much arrears and they already pay off for their stuff; proper records. See about the deeds and the leases because you have conveyancing officers here.

My final point, Mr. Vice-President, is that you decentralize this housing corporation. Everybody has to come into—what is that place down by City Gate—NHA to pay their bills or in Tobago, one place to pay your bills and you have housing estates all over the place. Even if you cannot put one office in every housing estate, but you could put one office to service a cluster. You would encourage people to pay. Half your problem of collecting rent and mortgages would be corrected if you put the building, the office there. Even if it is half the mortgage they would come in and pay. But when they have to come from wherever they live, to come into NHA office to pay their little pittance, the candle costing more than the funeral. Waste time; stand up in long lines and you still do not have any records when they are ready.

So, I am saying decentralize these NHA offices, these offices you have for collection of rents and payments and whatever have you, and let the people come in. If they see the place right in their community they will go and pay, they would not abscond and spend the money. Even if you do not do one office to every housing estate—I call it housing estate for my own term—please, have one to service a cluster that you have nearby, so people could know we are in this community, we could go there and pay our bills.

Finally, Mr. Vice-President, you know the famous architect had his plan and he boasted: "I have a wonderful plan, great and excellent; it will work had it not been for people."

Thank you very much.

**The Minister of Social Development and Minister in the Ministry of Housing (Hon. Anthony Roberts):** Thank you very much, Mr. Vice-President. I

paused a bit so that I could give my colleagues or any other Senator who wanted to make a contribution. I am very grateful for the opportunity to be here with you today, an opportunity to participate in this debate on this important piece of legislation, an Act to establish the Trinidad and Tobago Housing Development Corporation.

I want to, on behalf of the Government, express gratitude to all persons who participated in the debate. We would have had from time to time the injection of politics and we are in this environment. But if you take away the politics from the contributions that we have had here this evening, I am convinced that we had some genuine concerns raised by Members of the Senate. I want to give them assurance that—because I heard a lot of matters that related to administration—the administration of the NHA certainly will take them into consideration. So, I want to particularly thank all Senators who contributed here this evening. My colleague, Sen. the Hon. Dr. Keith Rowley, took the time to really—

**Sen. Enill:** He is not a Senator; the Honourable.

**Hon. A. Roberts:** The Hon. Dr. Keith Rowley, Minister of Housing, took some time to explain and give the reason for this piece of legislation. I think before I proceed I would really want to apologize for his absence here this evening. I know my colleague really would have liked to be here and you would know the goodly Minister would not run away from a debate, but he had to be away on some emergency matters. So, for this I would want to apologize on his behalf. But he took the time to indicate, and you know, Sen. Cropper really summarized the comments that the goodly Minister made as it relates to the reason for the presentation of this Bill here before the Senate. I think they are good reasons because from the contributions today I am satisfied that no one said that we should not go that way. We are satisfied that there is a need for the organizational restructuring and transformation of what is now the National Housing Authority.

We agree that there is need to make that change, because, you see, the new structure will allow us to increase the effectiveness of the organization, and that is what the Minister indicated when he made his presentation. It would improve the project management capability of the organization and allow for speedy delivery of housing solutions to the people of Trinidad and Tobago. We could talk whole night in this honourable Senate, but I can tell you from my own experiences, week after week, at the Ministry of Housing, the people out there are not concerned

about the talk; they are concerned about housing accommodation; that is what they are concerned about; and that is what the Government is about.

Over the years we have complained about the question of maintenance and management of the NHA properties and this is what we seek to put in place in this Bill; the structures for the management and the maintenance of the NHA housing developments we have all over Trinidad and Tobago. We cannot question that the housing programme of the Government is actually going apace, we cannot question that, and I do not think it is in debate at this time. The thing is happening, we cannot hide the houses, the results, and the country is very much aware as to what is happening. There is a critical need for housing in Trinidad and Tobago and as a responsible Government we are simply responding positively to satisfying that need.

Let me just take a couple minutes—because time has been fast spent—to maybe respond to some of the concerns raised by the hon. Senators. Unfortunately, I missed some of the contributions the day before, but I sat and listened to Sen. Dr. Kernahan. She started beautifully, indicating the need for housing and dealing with the situation of homelessness in Trinidad and Tobago, and no one could disagree with her; there is an urgent need. While the Senator really admitted that there is a need for housing solutions in Trinidad and Tobago, she chose to criticize the Government for doing just that; satisfying that need. In my view, her criticisms are really tantamount to excuses for the failure of her own then Government, in providing housing solutions in Trinidad and Tobago for the people. That is what to me it is really tantamount to. She did raise the concern about checks and balances and indeed, one must ensure that there are checks and balances. I want to refer the goodly Senator to the Bill before us, and to indicate to her that she could again, look at clauses 17 to 21, where we ensured that the necessary checks and balances are there, in an effort to ensure that there is the kind of transparency and accountability to which she did refer.

I want to refer to my dear friend, Sen. Mary King and I really want to thank you for the contribution that you have made this evening, you did raise some important points, and I am not trying to take away from the contributions of the other Senators. Sen. King raised the issue of the change in culture, and as far as I am concerned, because I interact with the public and that is critical, the kind of culture in the organization, and this is one of the reasons we are winding down the NHA with the view to putting in this new corporation, having a different culture; the way we do business; the way we interact and interface with the people of Trinidad and Tobago. People must understand that when we provide a service we

are not doing a favour. It is our responsibility to provide that service to the people of Trinidad and Tobago. This is the kind of culture to which I am certain my good friend, Sen. King referred. I want to assure her that we are on the same page when it comes to that, and this new organization will strive to ensure that we have the right kind of mix in terms of the staffing, which is amenable to change and to make the kind of adjustment.

Sen. King referred as well to the situation at Santa Margarita. Again, I want to apologize on behalf of the Ministry of Housing to the people who live in that particular area and had to undergo difficulty in accessing their homes. Sometimes we have to make a bit of sacrifice in terms of national development. But I want to apologize and give the assurance that the National Housing Authority is actually in contact with the contractors in an effort to have that situation corrected and ease the pain of people who reside in that particular area.

We in this Government believe at all times that there should be accountability and I want to give you the assurance that the reports, to which you referred will be laid, time and time again, in this honourable Senate for consideration of the Members of both Houses of Parliament. I tried taking some notes, Senator, so that I would be able to respond to some of the issues and forgive me if I happen to miss some of them.

I think Sen. Ali as well raised similar concerns as it relates to an internal audit department. I want to give the assurance that there is an approved structure for this new corporation and within that structure, under the section "Corporate Governance", there is provision for an internal audit department as well as quality assurance. So that provisions are made for the concerns that you have raised as it relates to audit. I am advised as well, that in terms of research and in terms of the new structure, that provision is also made for the question of the research capabilities of the corporation.

Let me just move on to my friend, Sen. Mark; unfortunately he is not here. Sen. Mark had truly an exciting and interesting contribution. I do not think he would mind me indicating to this honourable Senate what I did say to him earlier on. His contribution was so spirited that at one time I thought that I was in the Little Carib Theatre. This is not really to demean his contribution. But I want to give him the assurance as it relates to the VSEP package for the employees of the NHA. I want to just assure him that the package was worked out together with the workers' representatives, the trade union that represents the workers at the NHA. I believe the Public Services Association (PSA) is the workers' representative and I

want to give him the assurance that whatever the package is, we worked that out together with the PSA on behalf of the workers. [*Interruption*] No, I was just giving you the assurance because you expressed that concern as to the package and I am saying that whatever the package is, it was worked out together with the PSA who is the workers' representative. So that your concerns; I guess, well, whether you have a different view to the negotiations of the PSA, that is a matter for you and your trade union colleague. At least the Government had discussions with them and worked the thing out in the best interest of the workers.

**Sen. Mark:** Only the NUGFW?

**Hon. A. Roberts:** I am not too sure whether they are represented by the NUGFW, but whoever, we included the trade union movement in terms of the negotiations with respect to the benefits of the workers; that was done.

**Sen. Mark:** You are saying there is an agreement, Minister?

**Hon. A. Roberts:** As far as I am aware.

Sen. Seetahal in her contribution, she alluded to the position—and I agree and I am certain that we all will agree—that it is difficult to legislate for behaviour. As I indicated when I made reference to the contribution of Sen. King, we are working and we are going to work with the staff to ensure that we arrive at the kind of attitude and the kind of behaviour that would be to the benefit of the people of Trinidad and Tobago.

I truly enjoyed the contribution of my friend and family, Sen. Roy Augustus. You know, I smiled at one time when he indicated that this Government is taking care of its own. I want to assure him that this Government, we, interpret “its own” as the people of Trinidad and Tobago. [*Desk thumping*]

**Sen. Enill:** Is your family?

**Sen. Dr. Gopeesingh:** Take off the tie and say that.

**Sen. Dr. Kernahan:** Take off the balisier tie.

**Hon. A. Roberts:** I am prepared to say it anywhere. I would say it anywhere. Sen. Augustus in his contribution questioned as to whether this Government would be able to provide 10,000 houses per year. I want to give you that assurance as well, that we are going to meet the target. [*Desk thumping*] It is not a question of talk. We are going to meet the target of 10,000 houses because we are actually building to that. In the financial year, this year 2005, I want to give

you the assurance that we would make allocations not less than 6,000 houses in Trinidad and Tobago. So, I am telling you, over time, before 2007, that we are going to meet the target of 10,000 houses per year. [*Desk thumping*]

I smiled when you really did make the point, Senator, because it reminded me, it was the same position that friends on your side took, with respect to the distribution of lands in Caroni. I noticed as well, that when we achieved that objective it was a deafening silence from your side. I assure that if you still feel that way with respect to the houses, that there will also be a deafening silence when we achieve the objective set for and on behalf of the people of Trinidad and Tobago.

I think Sen. Montano dealt with some of the issues as they relate to whether we did the required survey. I want to give you the assurance again, that the approach used by this Government was very scientific. As a matter of fact, opposition did serve us well when we were there, and during that period is where the work started on the journey back to Government. So we have done our research, and at any time that is convenient to you, I am certain that the Ministry of Housing will be prepared to provide you with some of the statistics.

**9.00 p.m.**

We can tell you the number of persons who require housing along the East-West Corridor and the different parts of Trinidad and Tobago. The claim that my dear friend, Sen. Dr. Gopeesingh made of—

**Sen. Dumas:** We want the names. Give us the numbers.

**Hon. A. Roberts:**—house padding, in my view—Mr. Vice-President, whenever I hear it, is clear to me that it is a fear oozing from the side of the Opposition. I think they have realized that they have missed the boat. I think they are saying to themselves that: “It should have been me”; that is what is happening. [*Interruption*]

**Sen. Mark:** Do not get into the politics; you are a guest.

**Hon. Senator:** So why can he not get into the politics?

**Sen. Mark:** We do not want to engage in crosstalk, we want to listen to you in peace. So do not get into the politics. Stick to the Bill! [*Interruption*]

**Hon. Senator:** It is all right for you. [*Crosstalk*]

**Sen. Dumas:** Since when do we stick to the Bill! [*Crosstalk*]

**Hon. A. Roberts:** Mr. Vice-President, I am going to take heed of the advice given by my dear friend. All I want to say is that when you are giving advice you must do the same. [*Laughter*]

Sen. Dr. Mc Kenzie did raise a number of issues as it relates to social issues in the country and I want to indicate to you, Senator, my placement in the Ministry of Housing, and being at the same time the Minister of Social Development, it is not by chance. It was carefully thought out so that you would find that there is synergy between the Ministry of Housing and the Ministry of Social Development. Obviously, there will be social issues to deal with, and we are dealing with that at this time.

Sen. Cropper, as well, did make the point about the interaction with other institutions and I think she did refer to the Ministry of Community Development. I want to assure you that there is that interaction between the Ministry of Housing and all the other agencies so as to really deal with—because housing as far we are concerned is a social issue as well; dealing with the homeless in the society.

Mr. Vice-President, I want to appeal to Members on the other side to give full support to this legislation as we strive to serve the people of Trinidad and Tobago and to satisfy this vexing concern and desire for housing in Trinidad and Tobago.

Mr. Vice-President, having said that, I think it leaves for me at this stage to conclude my winding up on this Bill. I beg to move.

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*Senate in committee.*

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

*Clause 9.*

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

**Sen. King:** Mr. Chairman, if we could please not be so hasty.

**Mr. Chairman:** Lower the mike a bit.

**Sen. King:** Is that better? Thank you. I had suggested in clause 9 that we should have a more specific distinction between the Managing Director and the CEO and perhaps that title could be Executive Director. That was one of the proposed amendments in that section. [*Crosstalk*]



**Mr. Roberts:** There is no CEO, the position is a Managing Director.

**Sen. King:** Are you stating that there will not be a CEO?

**Mr. Roberts:** No, there will not be a CEO. [*Interruption*] That is the approved organizational structure.

**Sen. King:** Which is not here?

**Mr. Roberts:** We do not have the structure with us at this time. The Managing Director will be a member of—

**Sen. King:** Yes, once he is a Director. Okay, I will accept that. Thank you.

*Question put and agreed to.*

*Clause 9 ordered to stand part of the Bill.*

*Clause 10.*

*Question proposed, That clause 10 stand part of the Bill.*

**Sen. Dr. Gopeesingh:** It states:

“The Board may form committees comprising its members or other persons to assist in the performance of the functions ... and may with the approval of the Minister declare by resolution, the remuneration and allowances of members of the Committees.”

As I had indicated, members of the board could also be members of these committees and there will be overlapping remunerations. Could you sort that out please?

**Mr. Roberts:** Sorry about that, Sen. Dr. Gopeesingh, a little disruption here, could you repeat please?

**Sen. Dr. Gopeesingh:** I was making the point that clause 10:

“...the remuneration and allowances of members of the Committees.” You will have members of the board who are members of the committees and you will have to pay overlapping remunerations. They will get remunerations as members of the board and then also get remunerations as members of the Committees. Therefore, that has caused problems already in the Ministry of Public Administration and to sort this out.

**Mr. Roberts:** The intention here is to have one remuneration.

**Sen. Dr. Gopeesingh:** I think that is invaluable. Then you would find that many board members want to be on five or six different committees so that they would get increased remunerations.

**Mr. Roberts:** That is the policy.

**Sen. Dr. Gopeesingh:** I would say probably you can put in that board members will not be paid an additional remuneration.

**Mr. Roberts:** It is the current policy of this Government, we just do not.

**Sen. Dr. Gopeesingh:** No, the current policy is that some statutory authorities pay their board members—probably the Minister of State Enterprises could tell us that because I am aware that there are differences in different state corporations.

**Sen. Jeremie:** That is not the policy.

**Sen. Sahadeo:** I think we can accept the recommendation of Dr. Tim Gopeesingh, because really it is not the policy to pay.[*Crosstalk*]

**Sen. Dumas:** What is wrong with what is in the Bill?

**Sen. Sahadeo:** Probably we can just delete it.

**Sen. Enill:** No. What is wrong with what is here? The issue that Dr. Gopeesingh talks about really is not an issue. It causes confusion if it is done without a policy. What this basically says it that:

“The Board may form committees comprising its members or other persons to assist in the performance of the functions of the Corporation...”

And they are basically saying that:

“with the approval of the Minister declare by resolution...”

What it seeks to do is to put in place a process by which the remuneration and the allowances of the members of the committee will be determined.

The other issue is:

“...to assist in the performance of the functions of the Corporation...”

Which in fact is a legitimate activity and it is done for all corporations, why can it not be done here?

**Sen. Dr. Gopeesingh:** Yes, but Sen. Enill, the question of the board forms its own resolutions at times—

**Sen. Enill:** No. Every single corporation right now, the UTC, the Central Bank, the NIB and all the corporations, this is a provision that exists for a particular purpose and I do not know that there are any abuses of it.

**Sen. D. Montano:** Senator, I think you need to look at the wording of clause 10 it says:

“...comprising its members or other persons...”

And therefore it is the other persons who would need some kind of compensation. [Interruption] It is not the usual practice to pay the members of the board twice. This would allow the board to be able to pay the other persons.

**Sen. Dr. Gopeesingh:** I think I would like to probably go along with Sen. Kangaloo's suggestion: that board members not be paid but other persons be paid. Sometimes you could have an organizational structure with nine different areas, administration, finance, legal, [Interruption] therefore you will have human resource management and you will have people overlapping in some of these cases.

**Sen. Jeremie:** Can I just say that the legislation is—you cannot legislate for every single type of situation but the legislation as it is drafted prevents abuse. The check is the approval of the Minister. Of course, legislation is for all times; it will pass on to future administrations but the policy of this Government is not to pay stipends to board members who are on committees.

**Sen. Dr. Gopeesingh:** Why do you not just let us leave out board members and—

**Sen. King:** Can we put a clause in after the word “Committees”—“who are not board members”? That would solve it.

**Sen. Dr. Gopeesingh:** You see there is abuse.

**Sen. Jeremie:** There has been abuse of this in the past. What the Government has put in place is very stringent measures. As a matter of fact, if you trace the terminology, to be fair, it started with your Minister of Finance. When Mr. Yetming was appointed the Minister of Finance, he brought some order to this. It was done by edict from the Ministry of Finance which has the overall governance of state corporations.

The model that we have sought to adopt here is the model which is followed generally. We are not tying your hands, if you assume government tomorrow, from doing whatever you wish to do. But for us proper corporate governance is that board members will be remunerated according to a fixed stipend and committee members, if they are members of the boards, will not.

**Sen. King:** This does not say so.

**Sen. Jeremie:** It need not be put into legislation; it is done by the Corporation Sole which is the shareholder. That is how it is in the case of companies. In the case of companies registered pursuant to the Companies Ordinance, the remuneration of directors of those boards are fixed internally. In the case of statutory corporations the Corporation Sole is equivalent to the directors and the chairman.

**Sen. Dr. Gopeesingh:** Sometimes it is the Corporation Sole but sometimes the board may form its own resolutions. They put their resolutions as a recommendation to the Minister, the Minister will approve—

**Sen. Jeremie:** With the exception that in this case the resolution of the board must be subject to the approval of the Minister. That we think is an appropriate check for us.

**Sen. Dr. Gopeesingh:** What I am a little concerned about, hon. Attorney General, is the board members resolving to pay board members and they may pass a resolution, send it to the Minister, well sure the Minister may reject it—

**Sen. Jeremie:** And that is the end of it.

**Sen. Dr. Gopeesingh:** But can we not make it more explicit and say—

**Sen. Jeremie:** No, this is the drafting language.

**Sen. King:** But the drafters are not specific enough.

**Sen. Enill:** The Minister in this case—

**Sen. Jeremie:** We think that the draft is specific enough.

**Sen. King:** No.

**Sen. Enill:**—Cabinet has an approved policy and the policy has to be carried out. What you are attempting to do here is not above the legislation.

**Sen. King:** Mr. Chairman, the Minister in this clause is the Minister responsible for housing, it is not the Corporation Sole and this Minister has the power to allow its members of the board to be paid to be on committees.

**Sen. Jeremie:** The way the state sector works as I understand it—and I am subject to correction by the Minister of Finance—ultimately, all state corporations report to the Corporation Sole. The Minister of Housing has hands-on, that is to say, month to month control of the state corporations which are assigned to him; as other Ministers. There is something like 680 state corporations, something in the vicinity of that.

**Sen. Dr. Gopeesingh:** No, not 680.

**Sen. Jeremie:** Quite a large number. [*Interruption*]

**Sen. Dr. Gopeesingh:** About 56.

**Hon. Senator:** How many?

**Sen. King:** Sixty.

**Sen. Jeremie:** Probably 680 persons who have to file declarations.

**Sen. Dr. Gopeesingh:** Yes, that is right, board members; 60 by 8 and 10.  
[*Laughter*]

**Sen. Jeremie:** The point is that the individual Ministers have in their portfolios companies which report to them, but ultimately, you go back to the Corporation Sole.

**Sen. Mark:** Mr. Chairman, I want to support the view that the clause in its present make or make-up could be open to abuse. I want to just refer the hon. Attorney General to the Trinidad and Tobago Postal Corporation Act, 1999 under section 15:

“The Board may form committees comprising members of the Board or other persons to assist in the performance of its functions, particularly in the discharge of its obligations under section 8.”

That is the end of the matter.

This new provision where we are going to be paying people from outside of the purview of the board, that is something that ought to be regulated by policy via the Ministry of Finance and the Ministry of Finance is, as you know, Mr. Chairman—

**Sen. Jeremie:** Which is the point that I am making.

**Sen. Mark:** Well, we do not need to incorporate that in this measure. What I am suggesting—

**Sen. Enill:** Is that provision there not a lot weaker than this provision?

**Sen. Jeremie:** It sounds to me that it is.

**Sen. Enill:** In that provision there, there is no responsibility for them in any event to go to any Minister to get any approval.

**Sen. Jeremie:** So they can do anything that they wish.

**Sen. Enill:** There is nothing right now in that Act if the board of directors decided to pay their committee members. There is nothing there that says they cannot do it.

**Sen. Mark:** But they cannot do it. This law is clear, no board under this law.

**Sen. Enill:** It does not say that they cannot do it.

**Sen. Mark:** It does not say that they can.

**Sen. Jeremie:** It is silent. [*Crosstalk*]

**Sen. Enill:** What this does, as far as I am concerned, is it places on the organization the responsibility for following Cabinet policy. Cabinet policy is determined by the Minister and carried out by the Minister. What this does, is it says that this thing cannot happen unless it is approved by the Minister, and even before it gets there, there must be a resolution passed by the majority of members on the board.

**Sen. Jeremie:** And approved by the Minister.

**Sen. Enill:** So it puts a constraint inside there in circumstances where this may happen. You have raised the issue in committees that as an individual who has a particular skill you are required to come and contribute and you want to be paid for it. There are circumstances in which specialized skills require special treatment, you do not want to lock that out completely without understanding the circumstances. I think that this provision as it is gives you the kind of issues that you want to deal with and the issue you want to deal with is abuse and the ability to conform within a policy; I think this does it.

**Sen. King:** Are you saying that it is allowable that members of the board who are members of committees can be paid?

**Sen. Jeremie:** No.

**Sen. King:** That is what this says. So you are saying that this is okay.

**Sen. Enill:** It is not the policy. I am saying that there are particular circumstances in which expertise is required and then you make a determination in that case; but somebody needs to make the determination. What we have seen happening in the past is that it happens as a matter of course. This allows it to happen.

**Sen. King:** Well, you have now explained sufficiently. Thank you.

**Mr. Chairman:** Are we clear on that?

**Sen. Cropper:** Mr. Chairman, on that same clause 10 it says:

“The Board may form committees...”

Should we not say:

“...and shall with the approval of the Minister declare by resolution, the remuneration and allowances...”

**Sen. Dr. Gopeesingh:** “Shall” definitely has to do with the Minister.

**Sen. Cropper:** They may form the committees—that is their discretion thing—but having formed the committees it is an obligation now to declare by resolution the allowances. So that other “may” should really be “shall”, in my view. [*Crosstalk*]

**Hon. Senator:** “May” and “shall” are two different things.

**Sen. D. Montano:** No, not in law. [*Crosstalk*]

**Sen. Cropper:** Mr. Chairman, I am not clear about the response to the proposal I have made?

**Mr. Roberts:** Sen. Cropper could you repeat?—

**Sen. Cropper:** In clause 10, in my view, it should read:

“The Board may form committees...”

It is a discretion that is being conferred on the board to form committees if it so wishes. Having formed committees it is an obligation that the clause is imposing to declare by resolution for the approval of the Minister, the remuneration and allowances. So I am saying it should read:

“The Board may form committees...”

and the third line:

“...and shall with the approval of the Minister declare by resolution the remuneration and allowances...”

**Sen. Jeremie:** Are we prepared to go with that?

**Sen. Dr. Mc Kenzie:** I think it takes away from. It puts constraint, if we put “shall” it means that you must—

**Sen. King:** It means that they must be paid then?

**Sen. Dr. Mc Kenzie:** That is right.

**Sen. King:** We do not want that.

**Sen. Dr. Mc Kenzie:** That is what I am saying.

**Sen. King:** We want the board to have the option of whether that committee should be paid or not. If you put “shall” it means that every committee that is set up must be paid.

**Sen. Cropper:** No, it “shall”... “declare by resolution...” The “shall” governs the declaration; the need to declare.

**Sen. King:** No, you are saying that shall— [*Crosstalk*]

**Sen. Jeremie:** The first “may” allows the board the power to decide whether or not to form committees. [*Crosstalk*]

**Mr. Roberts:** And the second “may”?

**Sen. Jeremie:** We should add something at the end if you want to take it away. If you put “shall with the approval of the Minister declare by resolution, the remuneration and allowances if any...” [*Crosstalk*]

**Mr. Roberts:** “shall with the approval of the Minister declare by resolution, the remuneration and allowances if any of members of the Committees.”

**Sen. King:** Okay, it is the same.

**Mr. Roberts:** Okay. “If any” after allowances. [*Crosstalk*]

**Mr. Chairman:** Clause 10 therefore has been amended by substituting “shall” for “may” in line 3 and putting in “if any” after allowances in line 5. So that clause 10 reads:

“The Board may form committees comprising its members or other persons to assist in the performance of the functions of the Corporation and shall with the approval of the Minister declare by resolution, the remuneration and allowances, if any, of members of the Committees.”

*Question put and agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

**Sen. Baksh:** Mr. Chairman, clause 9(a). Earlier the hon. Minister said that— [*Interruption*] I am looking at the proposed organization and management structure for the Housing Development Corporation and I am seeing in your anagram provided in the report, that was submitted on May 05, 2005, a Chief Executive Officer in that proposed anagram and you just said we are not having a Chief Executive Officer?

**Mr. Roberts:** What are you reading from?

**Sen. Baksh:** I am reading from the report of the Ministry of Housing, 2000 to 2004 and I am seeing here in the proposed organization and management structure the Chief Executive Officer is part of your anagram. Is it that that has changed and you are now—



**Mr. Roberts:** That is an old one. That is not being considered at this time.

**Sen. Baksh:** So you changed it from the CEO?

**Mr. Roberts:** No CEO again.

**Sen. Baksh:** Okay.

*Clause 11 ordered to stand part of the Bill.*

*Clause 12.*

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

**Mr. Chairman:** What was the comment on clause 12?

**Sen. Mark:** Mr. Chairman, I am suggesting in the interest of insulating the Minister as well as the members of the board that we include after directions “in writing”. So in other words:

“The Minister may give to the Board directions in writing...”  
*[Interruption]* This is to protect the Minister and also the members of the Board.

Mr. Chairman, the reason I bring this to your attention is that in the same Trinidad and Tobago Postal Corporation Act in clause 17 this is something that we had addressed—

**Sen. Jeremie:** Senator, where are we?

**Sen. Mark:** We are in clause 12.

**Sen. Jeremie:** The recommendation is what?

**Sen. Mark:** I am suggesting that, for instance—I am advancing rather—that we incorporate after the word “directions”, the words “in writing”. So in other words:

“The Minister may give to the Board directions in writing...” or “The Minister may give to the Board...”—

**Sen. Dr. Gopeesingh:** Sen. Mark, you are asking for it in writing after “a specific or general nature”.

“The Minister may give to the Board directions of a specific or general nature in writing to be followed in the performance of its functions...”

It makes it less clumsy.

**Sen. Mark:** Okay, all right, no problem. I have no problem with that.

**9.30 p.m.**

**Mr. Roberts:** I am prepared to go with the recommendation made by Sen. Mark; however we prefer to have “in writing” after the word “directions”.

**Sen. Mark:** Okay, I have no problem with that.

**Mr. Chairman:** Clause 12 is, therefore, amended by inserting the words “in writing” after the word “directions”, so that the new clause would read:

“The Minister may give to the Board directions in writing of a specific or general nature to be followed in the performance of its functions or the exercise of its powers under this Act, with which the Board shall comply.”

**Sen. Dumas:** If the Minister is meeting with the board, he has to come out of that meeting and then write the directions again? That is pedantic; that does not serve any purpose. You have a meeting with your board; you have to come out of that meeting and then write it down?

**Sen. Dr. Mc Kenzie:** No, Mr. Chairman, it would be incorporated with the minutes of the board. [*Crosstalk*]

**Sen. Mark:** Stretch, cool it “nuh man”. You are interrupting us.

**Sen. Dumas:** I am allowed to interrupt.

**Sen. Mark:** Yes, but not now. Let us go on.

*Question put and agreed to.*

*Clause 12, as amended, ordered to stand part of the Bill.*

**Sen. Dr. Gopeesingh:** You missed out saying that clause 11 stands part of the Bill.

**Sen. Mark:** We are just dealing with the areas we have problems with. [*Crosstalk*] Mr. Chair, sorry about this, but just for clarification I want to ask the Minister of Finance about clause 13(2)(o), whether the ability of the corporation to borrow money would be unfettered? In other words, would the corporation have to refer to the Ministry of Finance?

**Sen. Sahadeo:** If it has its own assets, adequate assets, it can borrow on its own, if it does not need any support by the Ministry of Finance.

**Sen. Mark:** So this might just be cosmetic, because NHA would take a long time before it reaches there. [*Laughter*]

*Clauses 13 and 14 ordered to stand part of the Bill.*

*Clause 15.*

*Question proposed, That clause 15 stand part of the Bill.*

**Sen. King:** Mr. Chairman, there was a suggestion that the managing director should have specific skills and not be as described here:

“...a person who, in its opinion has demonstrated the necessary skill and experience in corporate management.”

The suggestion is that the managing director should be a person who is qualified and have specific skills such as business, engineering, economics and so on. I do not think it should be left to anybody’s discretion that they appoint somebody they think has demonstrated skills. [*Crosstalk*]

**Mr. Roberts:** Mr. Chairman, we believe that we should not really box the board in; we want to give them that flexibility.

**Sen. King:** Who decides who has demonstrated the necessary skills? What are the necessary skills? There has to be some qualification. [*Crosstalk*]

**Mr. Roberts:** The board will set the terms and conditions, whatever skills it requires, and we trust in its guidance.

**Sen. Mark:** We know that the current executive officer is a highly qualified individual, but I think what Sen. King is saying is that in the future if you leave it up to just the discretion of the board—

**Mr. Roberts:** You might get one even more qualified than the current one.

**Sen. Mark:** At least you leave a minimum level.

**Sen. Jeremie:** Or you might get one with absolutely no qualifications who is a perfectly good businessman who may run the company very well.

**Sen. King:** That is a big supposing; we are trying to be specific. [*Crosstalk*]

**Sen. Enill:** You have to be careful what you ask for, because if you are talking about an institution where you are looking for culture change and it is customer driven, at that point in time you may want a managing director with a particular set of skills, which you may not be able to define at this point in time; the board will have to make a determination at that point in time. For example, if there is a financial issue, then the board might decide it wants an individual with financial skills; so to talk about a particular set of skills at a particular point in time now, without understanding what the focus of the business is going to be or what you are attempting to do within a particular period, is boxing them in.

What I hear you to say is that you want somebody who is qualified. Is “necessary skill” wide enough to talk about qualification or do you think it is something else?

**Sen. Dr. Gopeesingh:** “Professional qualification” makes it tighter.

**Sen. Dumas:** Professional is a bias by university trained people. [*Crosstalk*]

**Sen. D. Montano:** When we look at the operation of the corporation, it has three core functions: the management of the rental of real estate; the management of its mortgage portfolio and the construction and planning of housing. That is a fairly broad mandate, so it would be difficult to tie an individual down, because at different times different skills may be necessary. To suggest to the board that the necessary skill and experience in corporate management is probably the most appropriate way, given the nature of this corporation, because it is broad enough to give the board the flexibility to get what it needs at the appropriate time.

At different times the board may want an engineer; it may want someone with a financial background; I think it depends on what happens. It may be good for the next 30 or 40 years, things will change; therefore, I think that it will work nicely as it is. Any board that is appointed, and certainly the experience has been that boards really do not act in a frivolous or irresponsible manner and they tend to scrutinize these applications very seriously, because they are held to account for what their companies do. I think what is here would work adequately. I take your point, but given the nature of the corporation this is better.

**Sen. King:** Surely you want someone who, at least, has proven himself by having some kind of qualifications; this is saying nothing about being qualified.

**Sen. Jeremie:** What we are trying to create is a corporate governance model; this is different from the commissions which the State sets up, for example, the Integrity Commission where you want to have a retired judge or lawyer or someone trained in accounting. We are trying to give the board as much control over its affairs, because we want it to run as a private sector entity; that is the philosophy behind it. We want to empower the board; we do not want to give with one hand and, at the same time, to hamstring the board to say that you can only appoint X, Y or Z. We want to give the board the widest degree of power to chart its own future.

**Sen. Mark:** May I just ask the hon. Attorney General and the Minister to consider the following amendment for consideration. When I listen to Sen. King, she is not saying that we should put into the particular provision any specifics in terms of qualification. However, right now you have a highly qualified Chief

Executive Officer (CEO) to be managing director; I am talking about the future. Take an example, Mr. Chairman it could say:

“The Board shall appoint as Managing Director, a person who, in its opinion has demonstrated the necessary qualification, skill and experience...”

So the board will take into account that whoever is being appointed as managing director must be qualified and the board will then determine, on that basis, whether the person would have a first or second degree, but you just put qualification, so the academic part comes into play in the context of the board.

**Sen. Jeremie:** That is not what we want.

**Sen. D. Montano:** In any business, to be qualified does not necessarily mean that you are a university graduate; it merely means that you are capable of executing the job at a professional and thoroughly competent level. Therefore, it does not add anything to put in the word “qualification”. Bear in mind that we are trying to move this toward private sector thinking. In the private sector when you have your articles of association and your bye-laws, it does not say anywhere and nobody says that the managing director, CEO or whoever has to have a particular skill set. It is left to the board of directors to do what is necessary. I do not think it is any different here. It is going to work exactly the way it does in the private sector. I do not see why it would work in Neal & Massy and not here. [*Crosstalk*]

*Question put and agreed to.*

*Clause 15 ordered to stand part of the Bill.*

*Clauses 16 to 19 ordered to stand part of the Bill.*

*Clause 20.*

*Question proposed, That clause 20 stand part of the Bill.*

**Sen. King:** Mr. Chairman, we wanted this clause to be specific about the annual reports. [*Interruption*]

*Clause 20 deferred.*

*Clause 17 recommitted.*

*Question again proposed, That clause 17 stand part of the Bill.*

**Sen. Dr. Gopeesingh:** Mr. Chairman, can I just go back to clause 17(2) if it is possible? I am not particularly comfortable with the question of one corporate plan ending and another one beginning and one ends at a particular time and another one begins at a particular time. You have a number of management expertise on the other side and I am sure they will agree with me that this is not how corporate plans work, that one must cease and the other one then begins. You can have an overlap. This is clumsy as it is. [*Crosstalk*] You can leave out a lot of things there and say not more than three years. [*Crosstalk*] You stop after the word “Act” in line four and take off the word “and”. You can say:

“Each subsequent corporate plan shall be for a period not exceeding three years.”

So you leave out, “shall take effect immediately...” [*Interruption*]

**Mr. Chairman:** Clause 17(2)?

**Sen. Dr. Gopeesingh:** You do not wait for a plan to cease and then begin another one; you integrate it.

**Mr. Roberts:** What is the amendment?

**Sen. Dr. Gopeesingh:** In clause 17(2) it states:

“The first corporate plan shall be for a period of not less than three years and no more than five years beginning on a date no later than six months after the commencement of this Act...”

I suggest that we put a full stop after the word “Act”, take off “and”, then begin:

“Each subsequent corporate plan shall be for a period not exceeding three years.”

So it eliminates the fact that you have to stop at one and begin at another. One could be integrated into the other; this is how organizations work. [*Crosstalk*]

**Mr. Chairman:** Please read the second part of that again.

**Sen. Dr. Gopeesingh:** Stop on line four at the word “Act”, put a full stop; then capital “E” for “each”, take off the word “and”, let it read:

“Each subsequent corporate plan shall be for a period not exceeding three years.” [*Interruption*]

**Mr. Roberts:** We have considered the proposal made by Dr. Gopeesingh and we do not agree to make that change.

**Sen. Dr. Gopeesingh:** I do not think it really makes sense to stop a corporate plan A at a certain point; corporate plan B comes on and then A stops and B begins. There are continuous goals in planning every year. If you have a five-year corporate plan, at the end of one year, you plan for five years later down the line again.

**Sen. Enill:** Let me try a different interpretation. When I read it what I thought we said was that once a corporate plan is approved, that becomes the plan; that is how I understood it. I did not understand it the way you are interpreting it. I just understood it as you have a three-year plan; obviously, the next time you do a plan, you would have to take the actual and project it. I understood this to mean that immediately that this one is in place, the previous one expires.

**Sen. Dr. Gopeesingh:** But it does not work in practical situations.

**Sen. Dr. Mc Kenzie:** The fact that it is so ambiguous, that you have two interpretations to it, we must fix it. [*Crosstalk*]

**Mr. Chairman:** Can we go with that? We go with the Bill as is?

**Sen. Dr. Gopeesingh:** I do not like it, but if you say we have to go with it. Sen. Enill said that he did not understand it the way I was saying it, but now that he has understood it there is probably need to consider it.

**Sen. Jeremie:** If I could just interject; the advice we have got from the draftsman is consistent with Sen. Enill's interpretation and my own, which is that you will always have a plan. The first plan shall be for a certain period of time, but "each subsequent corporate plan shall take effect immediately on the expiry of the previous corporate plan and shall be for a period not exceeding three years", so there is an obligation to always have a plan in place.

**Sen. Dr. Gopeesingh:** I think legal draftsmen are not capable management people; they probably know law, but they do not know management; drafters are drafters.

**Sen. Jeremie:** This is the draft the Minister has signed off on.

**Sen. Dr. Gopeesingh:** But if the Minister signs off on that, it does not mean that we cannot make a change.

**Sen. Jeremie:** We have made several changes tonight. [*Crosstalk*]

**Mr. Chairman:** Sen. Cropper has an observation she wants to make on clause 17(1).

**Sen. Cropper:** I feel strongly that given the nature of activities that this corporation is going to be involved in, that by the time its corporate plan comes to the Minister, it should also have had some input and benefited from consultation with the relevant regulatory authorities. I know that the Environmental Management Act, for example, requires the Environmental Management Authority (EMA) to consult with the other relevant authorities in the framing of its proposals and so on, before they come to the Minister. I think that is very good practice, because it allows some of the considerations within the purview of those authorities to come into play at an earlier stage, before the plan is actually advanced and formalized and put on paper and comes to the Minister.

I, therefore, suggest that in 17(1) we add a phrase which says that if the principle is accepted then the board should prepare and submit, after consultation with the relevant entities, a corporate plan.

**Sen. D. Montano:** On a practical basis, that really is not necessary, because that is what happens. The fact of the matter is that you can consult with any and all of them and it does not make any difference. When you submit your applications for approvals, you may get a very different story, so putting it in legislation is not really going to achieve a great deal. It is supposed to help; you would think that it helps to talk with them before. I was there and that is exactly what we did. We put on the board of the Land Settlement Agency persons representing T&TEC, WASA, Town and Country Planning and the EMA so that we would have the ability to talk with them on a one-on-one basis. It made no difference in terms of when we actually submitted a plan and asked, "Can we get approval from you for doing this?" They would say, "No," even when they were part of the planning process, so it does not actually achieve anything.

When you have the specifics of the plan; when you know exactly what density you would have, they would tell you something that was completely different to the earlier discussions you had; therefore, putting it in here does not help.

**Sen. Cropper:** Minister, my experience is exactly the opposite; perhaps it is the way you talk to them. [*Laughter*] It seems to me that, obviously, in going to consult with other entities, the corporation will have to prepare some ideas for the contents of its plan, but the important thing here is that before it comes to the stage of being presented to the Minister, that plan will have had the input and consultation with those other entities; that is the point I am making.



**Sen. D. Montano:** Your point is well taken, but let me assure you that at no time did I ever have any direct conversation with these individuals. It was my suggestion that we bring them on board as directors of the Land Settlement Agency and it was the executives in the National Housing Authority (NHA) who spoke with them, not me. I had nothing to do with them at all. As Minister, you do not get involved in the operations, so that your comment does not fly. The fact of the matter is that the experience has been that it does not make any difference.

**Sen. Cropper:** The Minister most certainly gets involved; that is why clause 12 was put in, it provides for the Minister giving directions of a specific or general nature, with which the board shall comply. That is one of the problems we have, in terms of the degeneration of so much of the public entities. One of the problems we have in society that actually accounts for the lack of performance is the fact that responsibility is so fractured and there is inadequate consultation and collaboration in the planning, policy and implementation. Everything is organized, implemented and delivered on such a sectoral basis that some of the constraints, challenges and other measures that need to be put in place are not sufficiently addressed when one particular sector is actually making its plan. I think if we could find a way in the practice among our entities to avoid some of that and to be forced to do the consultation, we could avoid some of those incompatibilities coming into play in the plans put forward and in the implementation of these services. If we are seeking to correct some of the deficiencies of the present, then we should set about to correct and not avoid them.

**Sen. Jeremie:** Sen. Cropper, the suggestion is attractive, but we are not able to go along with it because we have a different interpretation as to what the part and this clause is about. Part IV speaks to planning and management in the corporation. If you look at clause 17, the side note speaks to the preparation of a corporate plan. That is not the same, for example, as the preparation of a development plan in respect of housing developments where you require EMA permission and so on and so forth.

Clause 18 speaks to the theme of planning and management and the board keeping proper books or accounts and that, again, is in relation to planning and management. In relation to clause 19, it speaks to auditing of the books. Clause 20 speaks to the annual report and clause 21 deals with partnerships and commercial ventures. So that the planning permission that is necessary and where the EMA comes in is not actually taken care of in this part of the legislation. It is, of course, a concern that the corporation, as a condition precedent to doing any of its work in

relation to any land, must collaborate with the regulatory agencies under it. If the regulatory agencies do not give the necessary approval, the developments are dead in the water even before we go forward. This section speaks really to the corporate plan; how you structure the management; whether you have a Chief Executive Officer, someone reporting below or a managing director, as the case is here and how you are going to structure your corporate governance to deliver your objectives set out in the legislation.

**Sen. Cropper:** Attorney General, thank you for that explanation; it is a perfectly acceptable explanation of what is here, but, perhaps, we should then look at what is not here. Where then do we provide for the guidelines for the formulation of the development plan? I should also draw your attention to the fact that the necessity for that kind of consultation exists in the EM Act.

**Sen. Jeremie:** Yes, it is part of the general law so that in terms of every development which takes place in the country, including developments of the type that this corporation is going to be engaged in, I think it already does as an authority have synergies and relationships with the EMA, other regulatory agencies and so on and so forth, but that is critical to the success of it. Our function here is that of the legislator, so we are setting up a statutory corporation. The NHA could have gone to the companies' registry and simply incorporated a company which would have power to do all the normal things that a natural person has. That person would have been subject to the law in relation to the EMA approvals and all those things which are critical to ensuring that we maintain a proper balance between the needs of the environment and the needs of development use.

**Mr. Chairman:** Did you have another comment, Sen. Cropper?

**Sen. Cropper:** Actually, I did. My comment invites me to repeat the point of principle I am trying to make. The Attorney General has sort of specified my concern as an EMA concern and it is not; my concern is a larger one than that. It is not specific to the EMA; I am no longer on the board of the EMA, so I am not holding a brief for it. I recognize that one of the reasons for the state of malaise almost in the implementation of plans is precisely because there is not sufficient consultation before they actually become plans and are subjected to writing and political statements are made about them and they are made as declarations rather than plans subject to approvals and clearances.

The dynamics of that leads us to a situation where many things are then done and have to be done because it is difficult to recall them. We have several cases in point right now that have been mentioned right here in this Senate and in the

House. I am not going to specify them, but I can if you wish me to, but you know what I am talking about. The opportunity or necessity for that kind of consultation before the plan is put up and before it gets announced as this and that project and we are going to have this and that, before the authorizations are obtained, is one of the problems we are having. This leads to dysfunctionality later on, rather than clearing of the issues and rationalizing these things beforehand.

If as you have said, Attorney General, the practice is that the consultation takes place and an overriding Act requires it to be done, what then is the resistance to reflecting here, especially as we already have the precedent, that kind of consultation is already required in the EM Act, in that when it is developing its proposals for anything to be put to the Minister and Cabinet, it is required to consult with a whole range of entities before it actually makes that proposal.

**Sen. Jeremie:** The only point I will be able to make, Sen. Cropper, is that we passed the EM Act so that it will apply generally and there would be no need in particular pieces of legislation to keep referring to it. That is the short answer to it. It applies to all forms of regulation. You pass regulations of general effect and the reason they are of general effect is that you need not keep referring to them in specific pieces of legislation.

**Mr. Chairman:** You had a comment? Is it on clause 20?

**Sen. Mark:** No, I have not reached clause 20 as yet, Mr. Chairman. I wanted to ask the hon. Attorney General as well as the Minister why we have not incorporated the contents of the corporate plan in the legislation. In other words, you pin down the board to the specifics. I will give an example. I walked with this document specifically; this was the privatization attempt of the postal services. To keep these boards in check and to make them more accountable to the Minister and, by extension, the Parliament, this legislation provided about three pages that dealt with the contents of the corporate plan; so you hold them down to specifics. But right now as it is contained, it is broad. All we know is that there is a corporate plan, but there is nothing in writing in law that you can hold your board accountable for.

**Sen. Sahadeo:** You do not hold a board accountable to the corporate plan, but to its deliverables. [*Crosstalk*]

**Sen. Jeremie:** I agree with my colleague that time marches on.

**Sen. Mark:** I do not understand the point; I think that this is a very modernized and progressive piece of legislation.

**Sen. Jeremie:** I am trying to be as patient as possible. I know the hour is late and these things matter not to you; it matters to my friend Sen. Baksh and to Sen. Dr. Gopeesingh.

**Sen. Mark:** I take objection to that.

**Sen. Gift:** Mr. Chairman, it would seem to me that the answer to Sen. Mark's question can be found in 17(3) which reads:

“The Board may review and revise a corporate plan prepared under subsection (1) at any time.”

Therefore you cannot make that permanent.

**Sen. Mark:** My colleague did not understand my point, but if at this stage the Government is not interested; we thought it was an attempt to modernize the corporation. Seeing it was an initial attempt we were trying to help, apparently you are not interested because of the late hour.

**Sen. Jeremie:** We prefer to go with this rather than the post office debacle that you put us in.

*Question put and agreed to.*

*Clause 17 ordered to stand part of the Bill.*

*Clauses 18 and 19 ordered to stand part of the Bill.*

*Clause 20 reintroduced.*

**Sen. Mark:** I will not detain the hon. Minister. [*Crosstalk*] I would like the hon. Attorney General to just add the following words after “subsidiaries” in clause 20. At the end of the word “subsidiaries” in clause 20:

“and the Minister shall within one month of receiving the annual report, have the same report laid in both Houses of Parliament.”

**Sen. Sahadeo:** After one month is not really putting a time constraint. Saying three months after the end of each financial year is being very definitive, in terms of a reporting timeline. That is much more definitive than just saying one month after he has received the report. I am just clarifying that for you.

**Sen. Mark:** No problem. We want to make sure that the report comes to the Parliament and is referred to the joint select committee. [*Crosstalk*] That is my proposal and suggestion. [*Interruption*]

**Sen. Jeremie:** This is clause 20 as we proposed. We propose that clause 20 as it is be 20(1) and that there be a 20(2) which provides that:

“The Minister shall lay the annual report in Parliament within three months.”

**Sen. Mark:** That is too long. The Minister is getting the report from his board.

**Sen. Enill:** You cannot say that because the process is going to take that long.

**Sen. Mark:** Under the Postal Corporation Act it is within 28 days. I am proposing one month, three more days. We do not want three months.

**Sen. Enill:** That does not happen. You cannot impose a condition that is unrealistic and then hold people to it. The fact of the matter is that it cannot come to the Parliament unless it goes to the Minister.

**Sen. Jeremie:** We are compromising; within three months of his receipt of the report and if Parliament is not then in session, within three months after the commencement of its next session.

**Sen. Mark:** Why, why?

**Sen. Jeremie:** We have made a concession.

**Sen. Mark:** I am not a beggar you know; I demand my rights. This is in the interest of the public. It is not about Wade Mark; so your telling me that you are doing me a favour, “you eh doing me no favour.”

**Sen. Jeremie:** We are giving it parliamentary oversight.

**Sen. Mark:** Mr. Chairman, if the Senators are happy with three months, that is fine with me. I am just saying 28 days. You could vote me out, but I am saying 28 days. Why three months? Why not two months? Attorney General, why not two months?

**Sen. Jeremie:** Sen. Montano is making the point that, in any event, even if we did not have this clause, the Public Accounts Committee (PAC) has the power under the Standing Orders to summon the annual report, so we are putting into the legislation an obligation on the Minister to lay it, which really is not necessary.

**Sen. Mark:** The PAC has what right to summon what report? “Doh” worry with this chap, you know; he will mislead you.

**Sen. Jeremie:** Can you have some respect; this is a Senate.

**Sen. Mark:** Okay, I withdraw it. But that is not correct what he has told you. I am the Chairman of the PAC and he cannot speak on my behalf. [*Crosstalk*] That is not true.

**Mr. Chairman:** Hon. Senators, we have to bring this to a close at some point. I wish to make note of the fact that the suggestion is that clause 20 now becomes 20(1) and a new clause 20(2) would read:

“The Minister shall lay the annual report in Parliament within three months of his receipt of the report and if Parliament is not in session, within three months after its commencement.”

Are you clear on that?

**Sen. Mark:** I am not happy with it, but as I said— Mr. Chairman, may I again inform the Attorney General of the need for us to possibly outline what are the elements that should make up this annual report. Because again I want to make the point that if this particular agency, the corporation, is not guided, properly speaking, and you leave it amorphous, then we will get a watery report. But if we do it in a modern way, as we have done it, Sen. D. Montano, indicating in detail what are some of the elements that ought to be contained in the annual report—I am just advising. I cannot force the Government to accept my proposal.

**Sen. Jeremie:** We thank you for your advice, Sen. Mark.

**Sen. Mark:** But you are not accepting it?

**Sen. Jeremie:** No.

*Question put and agreed to.*

*Clause 20, as amended, ordered to stand part of the Bill.*

*Clause 21.*

*Question proposed, That clause 21 stand part of the Bill.*

**Sen. Dr. Gopeesingh:** Mr. Chairman, I wanted to give some thoughts to clause 21, at the end of it. I know this is Part IV, Planning and Management. It states:

“Where the Corporation...

the Board shall immediately give written notice of the particulars of the proposed activity to the Minister.”

I feel it is not complete enough to just submit it to the Minister. I know it is planning, but we should have “for his approval”. It is not just submission of it; you can plan, but it should really read “for his approval”.

**Sen. Jeremie:** If you read the Bill, we have just given the Minister the power to give written directions to the board. So if the Minister finds that any matter dealt with in this Bill is not properly dealt with, he can instruct the board as is necessary.

**Sen. Dr. Gopeesingh:** By his omission not to send back something to them, not to write them back, it does not mean that he has approved it. Let us say I submit something to you, the Minister and you do not write me back, it does not mean that you have accepted it. [*Crosstalk*]

**Sen. D. Montano:** Mr. Chairman, one of the things we are trying to do is to insulate the Minister from direct activity in the corporation, that is why it was originally drafted without approval. It is a question of whether you are going to get involved in the micro management of it and this is just one step behind that. The feeling was that he should not have to.

**Sen. Dr. Gopeesingh:** To spend more than \$5 million is a major thing.

**Sen. D. Montano:** He would still have authority under this Bill to give them specific instructions. In other words, he could very well say, “Do not act in a particular way if the expenditure is going to be more than \$5 million, \$10 million or \$15 million.”

**Sen. Dr. Gopeesingh:** Suppose the board borrows the \$5 million. The Minister did not write back and say, “Yes, I have approved it,” they could be held accountable for it. If they borrow \$10 million and the Minister did not write back to say that he had approved it, at some subsequent time the board could be found to have not gotten the approval of the Minister for the borrowing. I remember that the State Corporation Sole about four years ago had brought that into the statutory authorities’ legislation, that no authority or corporation should borrow greater than \$5 million without the written approval of the Minister. This puts a check and balance. If you have 56 corporations and each borrows more than \$5 million, that is \$300 million.

**Sen. Jeremie:** There is a Minister of Finance executive.

**Sen. Dr. Gopeesingh:** Would you comment on that?

**Sen. Sahadeo:** Are you really referring to the approval of the contracts of \$5 million or the borrowing? There are two totally distinct issues here. If you have your own asset base and you do not need support from the Ministry of Finance by way of letter of support or guarantees, it means you can borrow of your own accord. What was there before was the approval of contracts in excess of \$5 million.

*Question put and agreed to.*

*Clause 21 ordered to stand part of the Bill.*

*Clauses 22 to 28 ordered to stand part of the Bill.*

*Clause 29.*

*Question proposed, That clause 29 stand part of the Bill.*

**Sen. Dr. Mc Kenzie:** Mr. Chairman, I am looking at 29(5). I am suggesting that it should read:

“Rules made under this section shall be published in two of the daily newspapers.”

And take out the words:

“available to any person on request and payment of the prescribed fee.”

Just publish the rules and done. It does not matter to me here or there, but I just thought that for a person to have to request the rules and then pay, publish it and done with that. Everything is public education, public notice. I do not know if there is any constraint on that. [*Crosstalk*]

**Sen. Jeremie:** You have a prescribed fee which is 25 cents now. [*Crosstalk*]

**Sen. Mark:** I have another point that I would like to make. I am dealing with something missing that I want to include. Attorney General, this issue of accountability and transparency—[*Interruption*] I am dealing with clause 29, but this is not included and I want to put it for consideration.

Mr. Chairman, may I indicate that this issue of tendering is very important. This is a corporation that is going to be handling billions of dollars of public funds and we want the utmost transparency in its dealings. I, therefore, would like to suggest that:

“The Trinidad and Tobago Housing Corporation shall open every tender in public and indicate to the parties to and contents of each tender received in respect of its function.”



This corporation is going to be handling billions of public moneys and the corporation owes the public a duty to have open public tendering. This is contained in the Postal Corporation Act and I am suggesting this is a very important safeguard, not only for the Minister, the board and the management team, but in the national interest. I would like to respectfully suggest that be incorporated in the legislation.

**Sen. Jeremie:** Clause 29(3) provides:

“Until rules are made under subsection (2), the Corporation shall follow the procedures detailed in the Central Tenders Board Ordinance.”

So that the rules are to be made and you will have, as a Parliament, every opportunity when those rules come to you, to make those comments and any other comments that you might wish to make.

**Sen. Mark:** I beg to differ and disagree with the AG. What he just said is incorporated in the Postal Corporation Act; it is also here. This is not going to be subject to an affirmative resolution of the Parliament. They have a negative resolution. If he is saying that it is going to be affirmative, let us change it to a negative. In the meantime, I am suggesting to this honourable Senate my proposal:

“The Trinidad and Tobago Housing Corporation shall open every tender in public and indicate to the parties to and contents of each tender received in respect of its function.”

I believe this is important in the interest of the public of Trinidad and Tobago, where you have billions of dollars being used by this corporation.

**Sen. Jeremie:** Sen. Mark, it is half past 10 in the night, do you have to shout like that?

**10.30 p.m.**

**Sen. Mark:** Sorry, Sir. You are not a very compassionate person.

**Sen. Jeremie:** Sen. Mark, we have studied your submission and we have looked at the Trinidad and Tobago Postal Corporation rules as well. While there is some expressed rule making, the power of the Minister to make rules is just subject to laying in Parliament and we feel that adequate parliamentary oversight is gained by subjecting the power there to negative resolution which is as you know a great up from simple laying.

**Sen. Mark:** I want to repeat, Mr. Chairman, I have asked the Attorney General in the national interest and to protect the national welfare to put in this particular part of the legislation a provision that would cause the corporation to open every tender in public. That is the point I am making.

**Sen. Jeremie:** We say that is a function of the rules, the rules will be made and brought here for negative resolution. We are repeating our respective positions but that is our position.

**Sen. Mark:** Mr. Chairman, it is either the Government wants to come clean or it does not. If it is saying that it wants to go from negative to affirmative, we agree. But if it wants to keep negative and does not want to incorporate these tenders to be opened publicly, I ask why.

**Sen. Dumas:** Those come with the rules.

**Sen. Mark:** What rules are you telling me about? Mr. Chairman, I am suggesting that it be incorporated.

**Mr. Chairman:** Hon. Senator, we are at a position where we are neither going forward nor backward, in the circumstances I want to put this to the vote.

*Question put.*

*The Committee divided:*      Ayes    5      Noes    18

AYES

Mark, W.

Kernahan, Dr. J.

Augustus, R.

Gopeesingh, Dr. T.

Cropper, Mrs. A.

NOES

McKenzie, Dr. E.

King, Mrs. K.

Anmolsingh-Mahabir, Mrs. P.

Khan, Bro. N.

Jeremie, Hon. J.

Joseph, Hon. M.

*Housing Corporation Bill*

*Thursday, August 25, 2005*

Montano, Hon. D.

Enill, Hon. C.

Gift, Hon. K.

Manning, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Hackshaw-Marslin, Mrs. J.

Williams-Smith, Mrs. M.

Janneire, Mrs. R.

De Silva, Mrs. B.

*Amendment negatived.*

**Sen. Mark:** Mr. Chairman, before you proceed, I would like to suggest that under clause 29(4) we change negative to affirmative. We had one position where they had just voted against the proposal about open tendering and I have another amendment. I am proposing that we change negative into affirmative because we want it to be compulsory. Too many times these things slip here and we do not see them. We are saying that in an effort to ensure debate, we would like to have an affirmative resolution.

**Mr. Chairman:** The Attorney General has explained that their position remains the same. It is the same situation we were looking at a while ago so we are going to put it to the vote.

*Question put.*

*The Committee divided:*      Ayes    9    Noes    14

AYES

Mark, W.

Kernahan, Dr. J.

Augustus, R.

Gopiesingh, Dr. T.

McKenzie, Dr. E.

King, Mrs. K.

Anmolsingh-Mahabir, Mrs. P.

Khan, Bro. N.

Cropper, Mrs. A.

NOES

Jeremie, Hon. J.

Joseph, Hon. M.

Montano, Hon. D.

Enill, Hon. C.

Gift, Hon. K.

Manning, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Kangaloo, Hon. C.

Sahadeo, Hon. C.

Hackshaw-Marslin, Mrs. J.

Williams-Smith, Mrs. M.

Janneire, Mrs. R.

De Silva, Mrs. B.

*Amendment negatived.*

*Clauses 22 to 29 ordered to stand part of the Bill.*

*Clauses 30 to 39.*

*Question proposed, That clauses 30 to 39 stand part of the Bill.*

**Sen. Dr. McKenzie:** Mr. Chairman, there was an amendment to clause 31(2)(a).

**Sen. Jeremie:** That was done before.

**Sen. Dr. McKenzie:** It is not in this copy. So it is amended to read:

“to retire voluntarily from the service of the Authority...”

*Question put and agreed to.*

*Clauses 30 to 39 ordered to stand part of the Bill.*

*Clauses 40 to 45 ordered to stand part of the Bill.*

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

*Second Schedule.*

*Question proposed,* That the Second Schedule stand part of the Bill.

**Sen. King:** Mr. Chairman, I had proposed that four members were a little too much if a meeting had to be convened. I had suggested that it be changed from four to one-third or at least two members.

**Sen. Jeremie:** Let us say three members.

**Sen. King:** Okay, go ahead.

**Mr. Chairman:** The Second Schedule is amended in clause 1(b) to read as follows:

“on receipt of a written request signed by not fewer than three members, convene a meeting of the Board.”

*Question put and agreed to.*

*Second Schedule, as amended, ordered to stand part of the Bill.*

*Third Schedule.*

*Question proposed,* That the Third Schedule stand part of the Bill.

**Sen. Dr. McKenzie:** Mr. Chairman, I see under the Third Schedule: Offices in the Statutory Authorities Service Commission on Establishment of the Authority, would these posts go with the corporation?

**Mr. Roberts:** They are temporary posts.

**Sen. Jeremie:** Section 35 of the Act deals with pension entitlement in respect of—

**Sen. Dr. McKenzie:** Is it not a matter of identifying who the employees are presently?

**Sen. Jeremie:** Yes, it is, the persons who are on the establishment at present.

**Sen. Dr. McKenzie:** So are you going to take suggestions for new posts to be added in the next one? I want a Disaster Relief Coordinator and an Environmental Oversight Officer.

**Sen. Jeremie:** Those are the persons on the existing staff with respect to whom you have to make special arrangement for pension and so forth under section 35, so that your suggestions will be in place for the new establishment.

**Sen. Dr. McKenzie:** “Well, don’t forget eh.” Write them down somewhere that you will remember.

**Sen. Dr. Gopeesingh:** Mr. Chairman, I remember when these things were done under the statutory authorities, the quantity of the posts, the numerical amount of the posts were also quantified. So if there were civil engineers, you will have how many and they were listed. But if you do not want to put it in, if it is too late now—

**Sen. Jeremie:** Senator, things change and these are the classifications of employees which are at present on the establishment and our best advice is that we do not need to quantify how many chief executive officers or whatever.

**Sen. Dr. Gopeesingh:** Well, you only have one Chief Executive Officer.

**Sen. Jeremie:** That is precisely the point.

**Sen. Dr. Gopeesingh:** You may have more than one Officer I.

**Sen. Jeremie:** This is a Schedule to the Act.

**Sen. Dr. Gopeesingh:** But the Schedule usually would have the posts that are there to be moved across.

**Sen. Jeremie:** It does, it classifies the posts.

**Sen. Dr. Gopeesingh:** You have the names of the posts, but you do not have the people in the posts.

**Sen. Jeremie:** What you are suggesting is a solution equivalent to us naming in the Schedule each particular person who is at present—*[Interruption]*

**Sen. Dr. Gopeesingh:** No, the number of posts.

**Sen. Dr. McKenzie:** For example, one Principal, so many Teacher I, so many Teacher II, so many that.

**Sen. Dr. Gopeesingh:** How many draftsmen?

**Sen. Jeremie:** There is no need to do that and it is taken care of in the authority's plan, so what the authority has done is identify by classification and that is sufficient for the purposes of the legislation.

**Sen. Dr. Gopeesingh:** [*Inaudible*] —you are shortchanging the population of the identification of how many posts are in the National Housing Authority to be transferred to the Housing Development Corporation.

**Sen. Jeremie:** The positions are not transferred.

**Sen. Dr. Gopeesingh:** It is not transferred, but there will be the same terms and conditions in the Housing Development Corporation. So you move five posts of Draughtsman from the NHA and carry them across to the Housing Development Corporation. That is the way it is done.

**Sen. Jeremie:** Senator, I am advised that not all the persons would be going across, this is an identification of the current establishment, posts on the establishment would be exercising different options. All that is here is identification by categories of persons on the existing establishment who may, for pension purposes, exercise different options.

**Sen. Mark:** Mr. Chairman, may I enquire of the Attorney General whether the Schedule of daily-rated employees, just how we have a schedule for workers under the SASC, would we not require to have a list of all those workers and the posts within the daily-rated section of the NHA?

**Sen. Jeremie:** My advice from the Authority is that it is not done because those posts are not pensionable.

**Sen. Mark:** All right.

*Question put and agreed to.*

*Third Schedule 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.*

## ADJOURNMENT

**The Attorney General (Sen. The Hon. John Jeremie):** Mr. Vice-President, before I move the adjournment, I seek the leave of the Senate to return to an earlier agenda item on the Order Paper that is, Presentation of Report from Select Committees.

We wish to have debated tomorrow the Terrorism Bill which is in a select committee.

**Sen. Wade Mark:** Mr. Chairman, the procedures of this Senate are very clear. We saw a report this afternoon from the select committee; it has not been signed by anyone, that is the first thing. The second area I would like to bring to your attention is that two Members of the Opposition who served on this committee have not signed and will not sign the report.

We are therefore submitting a minority report and we cannot, under our rules, accept a report here for debate tomorrow unless it comes with a minority as well as the majority report. The Attorney General is not aware of the rules of this Senate but I want to bring to his attention that that has been the practice.

We have the Caroni report which has a minority and a majority because we have to debate both, so we cannot accept the proposal of the Attorney General tonight until we in the Opposition submit to the Clerk our minority report, and I want to bring to your attention that this report was only handed to our Members at 6.00 p.m. this evening.

No one has had an opportunity to read the majority report and no one has had an opportunity to prepare the minority report, so I would like to guide you, or to submit to you that this procedure which the Attorney General has imposed on this Senate at this eleventh hour is wrong, it is flawed, and it is incorrect and, therefore, I ask you to rule appropriately on this matter.

**Sen. The Hon. J. Jeremie:** Mr. Vice-President, the report to which Sen. Mark refers has been signed by all the Members of the select committee except Members from the Independent Benches. Sen. Prof. Deosaran, who is not with us this evening was not able to sign the report, but if I can draw your attention to May's *Parliamentary Practice*, I have sought the leave of the Senate and in this particular instance, the leave of the Senate may be granted. The leave of the House may be granted in this type of case on the vote of the majority.



*Adjournment*

*Thursday, August 25, 2005*

**Sen. Mark:** Mr. Vice-President, how can we—“what nonsense yuh saying, John?”

**Mr. Vice-President:** Hon. Senators, I do know that the majority report was signed by five Members. I also know that if the Opposition needs to submit a minority report it should have the opportunity to do so, in addition to which, because of the fact that the Senate should have one clear day's notice of that report being laid, I would like to suggest that we make that representation tomorrow instead.

**Sen. The Hon. J. Jeremie:** Mr. Vice-President, I beg to move that the Senate do now adjourn to Friday, August 26, 2005 at 1.30 p.m. at which time the Government proposes to deal with the motion under Committee Business.

**Sen. Mark:** Mr. Vice-President, may I seek clarification from the Attorney General? Could he advise us exactly what matter we would be dealing with on the motion tomorrow? I know that we have the Caroni (1975) Limited report before us. Is the Government debating the Caroni report from the select committee which has been properly circulated, or is it not? What exactly will we be deliberating and debating tomorrow?

As I am on my legs, let me just seek your indulgence in a matter. This is the second evening this honourable Senate is going after 8.00 p.m. I am a very strong person but I do get hungry.

It is disrespectful for the Government not to provide for the Senate and for the Senators at least some light hors-d'oeuvre or refreshment. It is now 11.00 p.m. and we were here since 1.30 p.m. and the fact is, I am the longest serving Senator in this Chamber and the practice has always been that the Government would come to me and we would have consultation. Once we say we are going after 7.00 p.m. or 7.30 p.m., there is an arrangement. I am not saying that we have a heavy dinner; we can have some light sandwiches so any Member of the Senate who feels peckish can proceed to the lounge and have a bite.

Look how long we are here, Sir, I draw this to the Attorney General's attention and I hope it is not repeated. This is the second consecutive evening we are meeting after 8.00 p.m., and as 7.00 p.m. strikes there must be an arrangement automatically in place that something is served, and if we are going beyond 9.00 p.m., dinner must be served, but if we are going up to 10.00 p.m., we can have a light refreshment, light hors-d'oeuvre, or a sandwich.

*Adjournment*  
[SEN. MARK]

*Thursday, August 25, 2005*

I bring this to your attention because I brought it to the Attorney General's attention that it is the second consecutive evening that we are experiencing this.

**11.00 p.m.**

We are living in a rich country; \$65 a barrel for oil, and we are getting a budget of \$40 billion.

**Hon. Senator:** It is 11.00 p.m. Sit down “nuh”.

**Sen. Mark:** You do not tell me to sit down. The Prime Minister is here, you know; do not disrespect me, otherwise I would ask him to take action against you.

**Sen. The Hon. J. Jeremie:** Mr. Vice-President, I did speak to the Leader of Government Business—

**Hon. Senator:** Government Business?

**Sen. Mark:** You are anticipating the future. [*Laughter*]

**Sen. The Hon. J. Jeremie:**—the Leader on the Opposition Benches, and he did express to me that he was a bit peckish earlier. I could do nothing about that. That is a matter for the Parliament. I sympathize with him and I think that better arrangements could perhaps be made to ensure that my colleague does not feel peckish in the future.

But just to go back to the substantive matters; we propose to deal with, as I said, the motions under “Committee Business”, that is to say, Motion No. 1, which is an Act for the Incorporation of the Child Welfare League of Trinidad. I trust that my colleague has a copy of the Senate Order Paper. We would deal, to the extent that we can, with Sen. Prof. Deosaran's report on the Committee of Privileges which is to be presented by the Minister of National Security and, of course, the Caroni Vesting Bill. So that we would proceed in the order in which it appears on the Order Paper.

**Mr. Vice-President:** Hon. Senators, leave has been granted for a matter to be raised on the Motion for the Adjournment by Sen. Wade Mark.

**Sen. Mark:** Mr. Vice-President, I am a very discreet and sensitive individual and because of the late hour of the evening, I would like to defer, with your leave, my particular Motion. But I want to serve notice that the Opposition has four Motions, one in the name of Sen. Sadiq Baksh, two in the name of Sen. Dr. Kernahan and one from your humble servant. We would like, if the Government is concluding its business tomorrow and we are not returning—

**Hon. Senator:** We would be back on Monday.

*Adjournment*

*Thursday, August 25, 2005*

**Sen. Mark:** Whatever time, but I just want to let you know that I will not, in the interest of the evening, proceed with the Motion.

**Sen. Joseph:** Go ahead.

**Sen. Mark:** Mr. Vice-President, I will proceed. He told me it is okay.

**Explosions in Port of Spain  
(Inability of Law Enforcement Agencies to Prevent)**

**Sen. Wade Mark:** Mr. Vice-President, I am very happy to speak on this Motion at 11.03 p.m. The Motion deals with the failure of the Ministry of National Security and its intelligence apparatus to anticipate and prevent the explosion which occurred in Port of Spain on Monday, July 11. Let me remind this honourable Chamber of what took place in our country on Monday, July 11.

I bring to your attention the headline in the *Daily Express* dated July 12—“Bloodshed”. In the *Newsday* on that said day it states: “Bomb Rocks City”. And in the *Guardian* I recall the headline was: “Blast in Port of Spain”. Since then a second device, planted in another garbage bin, or below some rubbish on George Street, exploded, as you know about two and a half weeks ago. I would like to read from the *Trinidad Guardian* editorial of Wednesday, July 13, 2005, page 24. It says:

“Why did the Prime Minister merely issue a statement from Whitehall and not address the nation? This task was instead undertaken by National Security Minister Martin Joseph, who first appeared in downtown Port of Spain, at a spot where the blood of the injured could still be seen—wearing, shockingly, a broad grin.”

I know that is a normal thing; I do it myself. Do not take any discomfiture here:

“This inept reaction was followed many hours later by an address to the nation close to 10 pm—too late for inclusion in yesterday’s newspapers. Why was Mr. Joseph’s response so slow? This suggests that he did not appreciate the urgency—especially in the absence of any response from the Prime Minister, and the wild rumours that spread after the explosion—of providing the population with timely factual information on the situation and how the protective services were handling it.”

It goes on to say:

“Similarly, Police Commissioner Trevor Paul took three hours to reach the scene, although he was no further away than Tobago. Mr. Paul thought it necessary to make a grand entrance by helicopter, landing practically on the site of the explosion and blowing dust and debris all over it, thus possibly making futile the work of his own investigators.”

The security forces, of course, were complimented for their quick response. The editorial continues:

“The scenes in downtown Port of Spain inevitably brought back not only memories of the aftermath of the attempted coup in 1990, but also the fire which destroyed the People's Mall and several buildings in April.”

I bring this particular matter to your attention and to the Senate to let you know that the population is still uneasy with what took place in July this year. I would like the hon. Minister of National Security to tell this honourable Senate this evening, what has happened with the expensive intelligence-gathering technology acquired by the Government sometime in 2002. The Government purchased some \$60 million worth of Israeli equipment. We do not know where that equipment is. Some people have alleged it is in the Prime Minister's office; some people have alleged it is in the Ministry of National Security. We do not know where the equipment is, but what we do know is that criminal forces assaulted the integrity of this nation on July 11 and they have continued subsequent to it.

I want to let you know that the ability of the police and the security forces to prevent assaults in the future becomes critically important. We must develop the capacity to anticipate these developments. We see policemen patrolling in Port of Spain along with the armed forces in groups of six. That is not a proper utilization of your scarce human resources at a time when we spent \$2 million to acquire an eye-in-the-sky in Port of Spain. That eye-in-the-sky was totally blinded that day, and days before it! It could not see what was taking place. We have soldiers patrolling Frederick and Queen Streets. They could not detect; they did not have forces lining Queen Street because they were walking in groups.

We would like to submit the proper utilization of our intelligence services. We understand that the special Anti-crime Unit has now acquired modern surveillance electronic equipment. They have a fortress in a place they call “El Socorro”, yet still they cannot take action against the criminal forces. Instead, all our phones are being tapped. I want to indicate to you that the time has come when the Minister of National Security must take urgent steps to deal with oncoming developments.

I want to make it very clear that I take strong umbrage with the petty politics that either the police or the PNM attempted to engage in when the second explosion took place on George Street by arresting a gentleman from Caledonia and giving the *Guardian* the impression that the United National Congress was involved in this particular activity. I found that to be so distasteful, coming from the Government and from the *Guardian* newspaper, as if they were in a conspiracy to discredit the United National Congress. But we dealt with that very expeditiously.

However, I want to warn the Government today in this Parliament, do you see these explosions that are taking place; the one that took place on July 11 and the one on George Street? I ask myself: Is this a dry run for something bigger to come in Trinidad and Tobago? Therefore, the Government of Trinidad and Tobago must use its intelligence services, its technology in order to be one step ahead of the criminals.

We just discovered some \$800 million worth of cocaine on Monos Island. This is a serious matter! I do not want to go into details on this one, but I want no stone unturned on this matter. This is a situation where the tongue is beginning to wag as to who is responsible, because they blame little people. But no little people could import \$800 million worth of cocaine in this country and have it stored. [*Desk thumping*] How long has this thing been going on in this country? It is big people! I want the Attorney General and the Minister of National Security to take a view and a look at what is happening and to take action.

Our view is a simple one. We believe that the Government of Trinidad and Tobago, represented by the Minister of National Security, failed in its response to both anticipate and prevent what took place. Therefore, we would hope that what has happened to us on July 11 and what happened to us three weeks ago, is never repeated in this country. We condemn terrorism; we condemn all actions that took place in this country on July 11 and on George Street. We will move the PNM legally; we will not move the PNM illegally. That is not our style, and we take objection to anyone trying to associate us with violence and any kind of activity that is tended towards violence. We are not a violent people. I might speak violently, but I am not a violent man.

Therefore, all I ask of the Minister of National Security is to take the necessary measures to ensure that in the future, action is taken, appropriate plans are put in place, the intelligence services apparatus are put at the disposal of the security forces to detect long in advance any untoward development in the not-

too-distant future. I do not believe we have seen the last. Whoever is behind these developments are not going to stop. Therefore the security forces must be in a state of high alert to ensure that the peace, safety and harmony of our nation are kept intact.

I thank you, Mr. Vice-President. [*Desk thumping*]

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Mr. Vice-President, I am responding to the Motion on the Adjournment by Sen. Wade Mark which reads: “The failure of the Ministry of National Security and its intelligence apparatus to anticipate and prevent the explosion which occurred in Port of Spain on Monday, July 11.” Notwithstanding all of the side issues he raised relating to the Motion, I am going to speak specifically to it.

We all know that at approximately 2.05 p.m. on Monday, July 11, 2005, there was an explosion at the corner of Frederick and Queen Streets in downtown Port of Spain which resulted in serious injury to three persons, with 11 others being slightly injured. Investigations into this incident have been undertaken as a multi-agency operation, with the Trinidad and Tobago Police Service as the lead agency. The report thus far has revealed that the incident in question was at the time an isolated one which was perhaps—we do not know perpetuated by whom. But since Sen. Mark raised the question about the second incident that took place on George Street two weeks ago, the security forces are still to determine whether or not there is any relationship between the first incident and the second incident. Just to advise hon. Members, that is being done with the assistance of the FBI. The FBI was also involved in the forensic assessment and they are to be sent the results of the second incident, which I understand was sent up to them yesterday so that they could determine, in the first instance, if there is any relationship between the two types of explosions.

The explosion of which we speak on July 11 was a low explosive, a crudely designed incendiary device which was used. Such a device can be fairly easily accessed or assembled by anyone with a basic knowledge of chemistry. Because of that fact, that incident could have been triggered by a single individual or, as I said earlier on, it could have been a group. We are still to determine who is or who are, behind the incident.

There has been no information to suggest that the intention to commit the offence which occurred on July 11; that preventative measures could have been implemented by the Trinidad and Tobago Police Service and/or other law enforcement agencies. Let me hasten to add though, that within minutes of the

explosion, the relevant agencies of the Ministry of National Security had been fully deployed to respond to this unfortunate event. This included removing the injured, securing a perimeter around the crime scene and initiating a comprehensive and detailed investigation into the incident.

The Commissioner of Police has already informed the national community about the state of the investigations and of the fact that no effort would be spared to bring the perpetrator or perpetrators of this crime to justice. The Government of Trinidad and Tobago is aware of the importance of intelligence in anticipating and preventing criminal activity. Therefore, we have been making every effort to ensure that our intelligence agencies have at their disposal state-of-the-art technology. The resources are being provided and the Government is sparing no effort in making sure that the law enforcement agencies have state-of-the-art technology.

The unfortunate reality, however, is that even with the most state-of-the-art surveillance equipment vested in the hands of the most effective and experienced intelligence and security agencies, it remains impossible to anticipate and deter every single intention to carry out such an act. This is a reality being faced by some of the world's experts, in those countries where the most violent crimes, including terrorism, are being committed. Witness the recent events in London, Tel Aviv and in Cairo, Egypt, as these countries are discovering even with the best and most effective intelligence-sharing in the world, it remains impossible to detect and prevent each and every act.

This Government, as I indicated earlier, is doing everything humanly possible to make sure that our law enforcement agencies are provided with state-of-the-art equipment. The Government has mandated the Ministry of National Security, in the shortest space of time, to ensure that surveillance cameras are installed in Port of Spain. The intention is to ensure that a pilot project, if not the full installation of surveillance cameras, takes place before the end of the year. We start there and we will not stop there.

But then, again, governments are faced with the challenge of balancing to what extent you reveal all that you are doing in terms of preparing the State to deal with some of these instances. Not that I do not have any confidence or trust in the Senators, but just recently when the Prime Minister indicated what are some of the things that the State is doing to ensure that we provide 360° surveillance of our country, he was castigated for telling too much. So it is like “damned if you do; damned if you don’t.”

*Explosions in Port of Spain*  
[SEN. THE HON. M. JOSEPH]

*Thursday, August 25, 2005*

The point about it is that we are making every effort to ensure—Sen. Mark talked about the drug find that occurred two days ago. That is the result of the very same state-of-the-art equipment that the Government has put in place that brought about the success—[*Desk thumping*] It is also the result of collaboration between all the law enforcement agencies: the defence force, in particular; the coast guard; the police; the Special Anti-crime Unit. We have been talking about collaboration and cooperation; that chimney-type operations are not going to give the results necessary in our fight against crime and criminal activity.

We have always indicated that in terms of the vexing problem that we are facing with respect to kidnapping, an Incident Coordinating Centre has been established, because the Anti-kidnapping Squad by itself cannot do it. We have to utilize intelligence and other law enforcement agencies. I am confident that as we start seeing the results of the collaboration, we are going to get more and more results.

So this is what I have to say as it relates to the Motion on the Adjournment by my colleague, Sen. Wade Mark.

I thank you. [*Desk thumping*]

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 11.25 p.m.*