



TRINIDAD AND TOBAGO

Debates of the House of Representatives

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THE HONOURABLE C. ARNOLD THOMASOS
SPEAKER

Friday, August 6, 1965

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GOVERNMENT PRINTERY, TRINIDAD, TRINIDAD AND TOBAGO—1966

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HOUSE OF REPRESENTATIVES

Friday, 6th August, 1965

The House met at 2.40 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

BILL BROUGHT FROM THE SENATE

Summary Courts (Amendment) Bill

Bill to amend the Summary Courts Ordinance—[The Minister of Home Affairs] read the First time.

PAPER LAID

Trinidad Boxing Board of Control—Statement of Receipts and Expenditure for the year ended 31st December, 1964—[The Minister of Home Affairs].

BILLS PRESENTED

Trinidad and Tobago Constitution (Amendment) Bill

Bill to amend the Constitution of Trinidad and Tobago, presented by the Minister of Home Affairs; read the First time.

Central Tenders Board (Amendment) Bill

Bill to amend the Central Tenders Board Ordinance, 1961 (Ordinance, No. 22 of 1961), presented by the Minister of Home Affairs; read the First time.

EVANGELICAL CHURCH OF THE WEST INDIES (INCORPORATION) BILL

Question put and agreed to, That a Bill to provide for the Incorporation of a body to be known as the Evangelical Church of the West Indies be read a First time.

Bill accordingly read the First time.

TRINIDAD AND TOBAGO PETROLEUM DEALERS ASSOCIATION (INCORPORATION) BILL

Question put and agreed to, That a Bill for the Incorporation of the Trinidad and Tobago Petroleum Dealers Association and matters incidental thereto be read a First time.

Bill accordingly read the First time.

Cedros Missionary Baptist Church (Incorporation) Bill

Question put and agreed to, That a Bill to provide for the Incorporation of a body to be known as the Cedros Missionary Baptist Church of Trinidad and Tobago, be read a First time.

Bill accordingly read the First time.

Taxi Operators Association of Trinidad and Tobago Bill

Question put and agreed to, That a Bill for the Incorporation of the Taxi Operators Association of Trinidad and Tobago, be read a First time.

Bill accordingly read the First time.

WATER AND SEWERAGE BILL

Order for Second reading read.

The Minister of Public Utilities (Hon. K Mohammed): Mr. Speaker, I beg to move,

That a Bill to provide for the development and control of water supply and sewerage facilities in Trinidad and Tobago and matters of sanitation incidental thereto; the promotion of the conservation and proper use of water resources; and for the establishment of an Authority to administer the several purposes aforesaid and matters connected therewith, be read a Second time.

[HON. K. MOHAMMED]

In moving this Bill I should like to recall to hon. Members that as long ago as 1950 a White Paper on the subject was presented in this hon. House. Hon. Members are also aware of the proposals for the unification of the various water and sewerage Authorities in the country and that this was one of the pledges contained in the manifesto of the People's National Movement in 1956. This concept of administering the water and sewerage services of the country was repeated in the Government's first Five-Year Development Programme outline.

Today it is with great pride and pleasure that, after years of planning, arguing and discussing, we have come here with this Bill which will usher in the first step to create the new Water and Sewerage Authority. The road has been long and arduous so that delays were inevitable in completing a task of this magnitude. It is for this reason that I wish to give hon. Members a little background against which Government have been constrained to take yet another move in the continued march of progress towards streamlining and consolidating some of our essential services.

Water ranks high among the natural resources. The public health and economic development of a country depend to a considerable extent on an adequate and safe supply of this commodity. It is also of particular importance as a basic necessity for industrial activities. Any policy of industrialization as that envisaged in the national plans for the economic development of Trinidad and Tobago would of necessity stress a well developed water supply as one of the most important bases of development of the external economies of the country. In addition, the need of agriculture and fire protection must also be stressed.

It is in recognition of the above fact that Government have been proceeding vigorously with the implementation of their policy to provide good water for drinking, domestic and other purposes for every inhabitant of the country. To achieve this policy aim Government have spent a total of approximately \$52 million on water development over the period 1956—1964. This has been done with a view to developing and increasing the production and the distribution of water throughout the nation.

So far as sewerage is concerned a recent report by the Director General of the World Health Organization to the World Health Assembly pointed out that water pollution has become a major public health problem in many of the highly developed countries because waste water disposal was neglected during the construction of the water supply system. The World Health Organization Report went on to stress that a mistake of this kind should not be repeated in developing countries where water supply has priority today. Therefore the need for an integration of these services is of paramount importance to any developing country.

The present Bill which seeks to provide for the establishment of a national water and sewerage authority takes cognizance of the above factor regarding water supply and sanitation services. It is, in effect, the logical expression of the above stated aim of Government to provide an adequate water supply to all inhabitants of the Territory. This Bill seeks to provide machinery to eliminate some of the delays and some of the inadequacies with respect to the water and sewerage services in the country.

A source of weakness lies in the multiplicity of water undertakings. Amalgamation

of these various undertakings is desirable in the public interest since the units are so small that they cannot afford sufficient skilled supervision and their continued separate existence only gives rise to a waste of resources or excessive cost. Among the advantages of amalgamation is the possibility not only of spreading cost and increasing management efficiency but also of securing greater flexibility in the use of these resources.

A solution of the problem in this connexion was outlined way back in 1944 by the then acting Attorney General in his introductory remarks when moving the Second reading of the Water and Sewerage Conservation Bill enacted at Ordinance, No. 5 of 1944, which set up the Government Department of Hydraulics. This opinion expressed by the then Attorney General, which recommended the setting up of a unified Water Authority, supported that given by the consulting engineers of Government as far back as August 1942. These statements are contained in paragraph 39 of that document which was laid on the table of this hon. House. The objective of a national water policy must be to make the best and most economical use of the Territory's water resources. Accordingly, the principal aim of Government is to ensure that there are sufficient means of collecting and using comprehensive information relating to water resources and to present and future demands for water. But when the knowledge is available it would be of no value unless there is some authority to see that it is applied and that effective machinery is built up to apply it. In a small country like ours, a country of about 2,000 square miles with a population of less than one million, I am sure that all hon. Members will agree, the need for such unification is great and urgent.

2.50 p.m.

At the present time the water resources and sewerage services of the country are controlled and utilized by no less than twelve organizations. For the information of hon. Members I shall recite the names of these organizations. There is the Oil and Water Board responsible for granting licences for the abstraction of water from rivers for industrial purposes and for the construction, by both Government and private interests, of dams and river works other than those constructed by the Government Water Division. The Board also has the hearing of and adjudication on claims made with regard to the pollution of rivers, in relation to the supply for industrial use. There is also the Government Water Division responsible for the granting of licences for the private abstraction of water from underground sources either for domestic or industrial use. We have the Central Water Distribution Authority responsible for the construction, operation and maintenance of the distribution systems relating to domestic water, and they also have the responsibility of revenue collection. Fourthly, there is the Works Department which is responsible for drainage, flood control . . .

Mr. A. S. Sinanan : I am sorry to have to interrupt the Minister in his very brilliant reading. I wonder if he would give way to a question. I take it that the Bill before the House is connected to the Bill which received First reading today, that is the Bill to amend the Summary Courts Ordinance. Is that correct? *[Interruption.]*

Mr. K. Mohammed : Not as far as I am aware.

Mr. Sinanan : Mr. Speaker, can you help me? The Leader of the House says "yes", but the Minister says not as far as he is aware. I do not know which is the left or the right hand. I take it that the word of the Leader of the House prevails.

Mr. Speaker : I think the hon. Member for Siparia may have to explain what he means by "connected". Perhaps that will help.

Mr. Sinanan : Mr. Speaker, I never thought I would have lived to see the day when you and the Minister would want an explanation of the word "connection". But, if you want it I shall give it to you. What I am asking the Minister is whether the Bill which is before the House now and which he is presenting so brilliantly is in some way connected with the Bill which received its First reading today through the Leader of the House, that is, the Bill to amend the Summary Courts Ordinance. The Leader of the House has said "yes". I should like to hear the Minister's answer.

Mr. K. Mohammed : Mr. Speaker, I think I know what the hon. Member is referring to. We had a little discussion on this matter before. It is connected in so far as certain fines are concerned but I do not think that we can discuss this at the present time. That is my opinion.

Mr. Sinanan : I was only talking about connexion.

Mr. K. Mohammed : Does the hon. Member mean Lock Joint connexion?

Mr. Sinanan : Mr. Speaker, I rise on a point of order, and that is to submit to you,

with the greatest respect, that the Bill being presented by the hon. the Minister of Public Utilities is *ultra vires* the constitution. My submission briefly is that it violates section 1 (a), (b) and (c) as well as section 2 (a), (b), (c), (e), (f) and (h) of the constitution. In making this point to you and to this hon. House I would refer you to the Bill which received its First reading, and without even coming as close as possible to anticipating . . .

Mr. Speaker : I think the hon. Member will grant that it is the privilege of the Chair to rule on the question of a point of order but the hon. Member is proceeding to make a speech before I can consider that question.—[*Interruption*—I know the hon. Member for Siparia very well. And I know what he is capable of. Would he mind my ruling on the point of order?

Mr. Sinanan : That is not what I am saying.

Mr. Speaker : I know what you are saying very well. You said it is *ultra vires* the constitution.

Mr. Sinanan : But I must say why . . .

Mr. Speaker : I know exactly. We are guided by the Standing Orders and the constitution. And on the matter of *ultra vires* the constitution, provision has been made in the constitution itself to question what this house does. There is a Court which would consider any matter that this House determines, and decide whether it is *ultra vires* the constitution. The Bill is in order before the House but the hon. Member may go to the High Court when the time comes to question the validity of the determination of this House.

Mr. Sinanan : Mr. Speaker, may I just by way of explanation state that I am not by nature a very litigious person and I have no desire to clutter up the list of the Supreme Court with further empty points affecting the constitution. But it would be a dangerous precedent if every time a Member of the House points out that in his opinion something violates the constitution, the Speaker has to advise him to go before the Chief Justice.

Mr. Speaker : That is not the point I was making at all. I was just indicating that the hon. Member has another place to which he may take his problem.

Mr. Sinanan : Is that the High Court?

Mr. Speaker : We make the laws, and we have given an independent judiciary the power to determine any Question raised with respect to what we have done. That is the democracy that has been established in this country.

Mr. Sinanan : Mr. Speaker, you have been abrogating your own power. You will remember the hon. Member for Pointe-a-Pierre some time ago rose in this Chamber and he quite rightly and very lengthily pointed out what he considered to be a violation of the constitution, and, if I remember correctly, on that occasion, in keeping with the role of Speaker you did not say a word. It is not right to say it must only be decided by the court. The Speaker of this Parliament is entitled to tell the Government that they have brought a matter that offends the constitution and to rule that they withdraw it. It would be derogating from your own powers if that were not so.

Mr. Speaker : I think it is my privilege to accept the honour which the hon. Member has conferred upon me, but I do not think I should accept it. I still rule that the Bill is properly before the House, and we shall proceed with it.

Mr. Sinanan rose—

Mr. Speaker : I will hear no more on the matter. We shall proceed.

Mr. Sinanan : May I crave your indulgence; Mr. Speaker, on the contribution which I propose to make? Would I be in order if I should raise those points?

Mr. Speaker : When the hon. Member takes the floor I shall decide.

Mr. Sinanan : As you please, Mr. Speaker.

3.00 p.m.

Mr. K. Mohammed : Mr. Speaker, I am very happy to note the very amicable manner in which this matter has been settled.

Sir, I was mentioning some of the agencies which now have something to do in one way or another with water and sewerage services in the country. I was on the fourth item, referring to the Works Department, which is responsible for drainage, flood control, and the construction, operation and maintenance of irrigation works.

Then there is the Agricultural Department which is responsible for construction and operation of irrigation and drainage.

There are the county councils, responsible for the construction, maintenance and operation of approximately 300 minor springs, wells, ponds and other supplies in areas

without a pipe-borne water supply. The county councils are also responsible for the construction, maintenance and operation of a limited number of minor pipe-borne supplies in areas without a treated pipe-borne supply, and they are also partly responsible for the trucking of water during the dry season to areas without a pipe-borne supply.

The seventh agency is the Port-of-Spain City Council, which is responsible for the winning of part of its water supplies, the distribution of all supplies to the city, operation and maintenance of the original Port-of-Spain sewerage system, revenue collection within the city of Port-of-Spain.

The eighth agency is the San Fernando Borough Council, which is responsible for the distribution of water within the Borough of San Fernando and the revenue within the said Borough. Then there is the Arima Borough Council, which is responsible for distribution and revenue collection with respect to water in the Borough of Arima.

The oil companies are responsible in some cases for the production and distribution of domestic water for their own needs, and the production and distribution of industrial water for their needs as well.

There is an eleventh group comprised of private individuals and companies responsible for abstraction of water from rivers and underground systems for their special needs.

And then there is the Sanitation Department of Government, which is responsible for sewerage disposal and environmental sanitation.

Before embarking upon a discussion of the wide scope and purpose of the present Bill, which seeks to create a national water and sewerage authority, I think it is necessary to state as briefly as possible the

pertinent facts relating to the water supplies and sewerage services of Trinidad and Tobago.

Mr. Sinanan : Will the Minister give way to a question?

Mr. K. Mohammed : About water?

Mr. Sinanan : What is the position of leases in this Bill? Would you help me? When it is connected, whose responsibility is it—the tenant under the lease or the landlord?

Mr. K. Mohammed : Under the terms of the lease in some cases people might have the agreement to connect their water. Where there are no specific agreements there can be a mutual arrangement between the landlord and the tenant. But there are other provisions in . . .

Mr. Sinanan : What part of the Bill says that?

Mr. K. Mohammed : We are coming to that; I am just giving an outline, I have not reached there. I shall answer this question.

Mr. Sinanan : Which question?

Mr. K. Mohammed : I shall answer your question about the leases when we reach to the connection to properties by private tenants.

Mr. Sinanan : Well, when you reach there will you answer this question: where are the provisions for penalties in that Bill? And will you enumerate them for the benefit of the House? When you reach the Schedule you can answer that.

Mr. K. Mohammed : Mr. Speaker, I am just at the stage of mentioning the wide scope and purposes of the Bill and shall state as briefly as possible some of the facts relating to water supplies in Trinidad and Tobago.

Mr. Sinanan : What about the penalties?

Mr. K. Mohammed : We shall come to that later, I have just begun my presentation.

Mr. Sinanan : I cannot wait the whole day.

Mr. K. Mohammed : Mr. Speaker, at the commencement of the 1958-62 Development Programme, the production by the Government's Water Division of the Government was about 15 million gallons per day, of which one and a quarter million gallons were supplied to Port-of-Spain to augment their own supply, which was then approximately seven million gallons per day. At the conclusion of this First Five-Year Programme the production of water was increased to 32 million gallons per day, of which two and a quarter million gallons were being supplied to Port-of-Spain. As a result of works carried out during the Programme, Port-of-Spain's own production was increased by two million gallons per day. With the commissioning of the El Socorro Water Works earlier this year, the total figure was increased to some 50 million gallons of water per day, which means that within the short space of seven years the production of water in the country has been increased by well over 100 per cent, with an average daily per capita supply of over 50 gallons.

The 1964-1968 Development Programme provides for further increases in production

at source to maintain at least the present average daily amount per capita, to expand the distribution system so as to provide a pipe-borne supply to as many people as possible in the rural areas, to maintain some reserve at source, and to allow for additional industrial requirement.

The actual figures with respect to annual production and cost both recurrent and development expenditure have been explained in a publication issued sometime recently by the Water Division, but for easy reference and for the information of hon. Members, I shall just give a comparison: in 1965 the production of water was about 4,553,375,000 gallons, an expenditure of \$4,279,518, as compared with the production in 1964—I am referring to the total annual production, not daily production—of 14,501,085,000 gallons, and the expenditure went to \$3,647,690. The recurrent expenditure in the Water Division up to the end of last year, was nearly \$3 million. The above annual production figure on a comparative basis for water do not include amounts produced by the Port-of-Spain City Council from their own sources. In 1956 the Port-of-Spain City Council produced approximately seven million gallons per day. In 1960 this increased to nine million gallons per day, with the commissioning of the King George V Park borehole constructed with Development Programme Funds.

In addition to the above large increases in water production, the 1958-62 Development Programme period saw the laying of many miles of large trunk mains in association with new production stations, the largest of which was the Navet dam, with a potential of 12 million gallons per day. A large number of storage reservoirs have been constructed in various parts of the territory, and many miles of distribution mains were

laid. At the present time there are some 2,500 miles of mains, the largest being of 36-inch diameter. At the present time 92 per cent of the population have treated pipe-borne water supplies. There are still some 65,000 persons in Trinidad and some 5,000 in Tobago who do not receive a pipe-borne water supply.

The 1964-68 Programme provides for further increasing production at source at least to maintain the present average daily amount of 50 gallons per capita, to expand the distribution systems to provide a pipe-borne water supply to as many people as possible in the rural areas, to maintain some reserve at source, and to allow for new industrial needs. So that the total annual recurrent cost of production and distribution of water by the five agencies employed thereon, is approximately \$7.7 million. A breakdown of the figures with respect to these expenditures and the operation and maintenance of water supplies will illustrate the position: over \$3 million for the Water Department in Trinidad, \$111,716 for Tobago; Central Water Distribution Authority in Trinidad \$2,697,528, with \$100,739 for Central Water Distribution Authority in Tobago; Port-of-Spain City Council \$1,363,655, San Fernando \$285,911, and \$30,823 for Arima.

3.10 p.m.

These figures exclude the cost of revenue collection and any functions relating to general administration. In addition it is expected that an annual expenditure of about \$7 million will be required for development works to be carried out by the Water and Sewerage Authority. The number of persons at present employed in water production and distribution is about 2,000 of whom just under 500 are on the monthly establishment

and the remainder are daily-paid employees. At the same time approximately 450 daily-paid persons are employed in the execution of direct labour development works.

Now with respect to the sewerage services of Trinidad and Tobago, until 1904 the central Government controlled both the water and sewerage works in Port-of-Spain. In that year control was transferred to two statutory boards called the Port-of-Spain Water Authority and the Board of Commission of Sewerage. It was not until 1914 that these systems were eventually handed over to the City Council of Port-of-Spain. Street sewers continued to be added from time to time but between 1935 and 1937 further major construction was carried out. At that time an additional trunk main, the high level sewer, was constructed. This was intended to take sewage from Woodbrook and Belmont. Woodbrook was eventually completely sewered but for one reason or another the general sewerage of Belmont was never started.

Between 1937 and 1962 no major extension of sewerage was carried out in Port-of-Spain. Small extensions such as private developments at Ellerslie Park and Government projects at Federation Park, St. Ann's Gardens and one or two others were made during the last 10 to 15 years. Before the present project started the whole of Port-of-Spain between the Maraval River and the Dry River was already provided with street sewers and in addition certain institutions outside the city had been connected from time to time. In other words, the areas within the city limits yet to be sewered were St. James, Belmont, East Dry River, Clifton Hill and other areas—east of the Dry River and West of the Maraval River.

At present all the sewage in the existing Port-of-Spain system is collected in the two

trunks, one built around 1902 and the other between 1935 and 1937, and conveyed to the Mucurapo Pumping Station where it is pumped out to the sea. Certain tests made in 1959 indicate that articles placed 2,000 feet out to sea still return to shore. In addition, the low level sewer along Wrightson Road was too small to take the present day flow and as a result this sewer is surcharged for a considerable portion of its length. It is quite clear from these facts that both the method of treatment or disposal and the facilities for collection require urgent replacement. The new project makes provision for that. The areas around Port-of-Spain such as Diego Martin, Bayshore, Point Cumana, Western Main Road, Maraval, Cascade, St. Ann's, Success Village, Barataria and San Juan are now almost as heavily built up as Port-of-Spain and as a result are now included as an integral part of the new system.

A study of the incidence of the recent outbreak of gastro enteritis in children, shows that the total number of cases attended to at the Port-of-Spain General Hospital amounted to approximately 1,170 for the first six months of the year. Of these 135 were in Port-of-Spain proper. In the sewered areas with a population of 42 per cent of the whole of Port-of-Spain the number of cases amounted to 22 per cent of the total. The indications of the benefits of sewerage these heavily populated areas, are therefore reasonably clear. In addition, in Diego Martin particularly, land previously frozen to avoid contamination of underground water will be freed for building. At the present time outside of the existing sewered area due to the small size of building lots and the insufficient area in individual lots to permit soaking of water of any kind from baths, kitchen sinks, wash basins and laundries,

sullage water is permitted to run into open drains and into streams without treatment.

Mr. Seukeran : I like to hear the Minister, but when he is reading that fast I really cannot follow him.

Mr. Speaker : I think it is very difficult at times too when the hon. Member for Naparima does his reading. He ought to be more charitable to the Minister.

Mr. K. Mohammed : I would be glad to facilitate the hon. Member but I think that my reading is at least a little more intelligible than his.

Sullage water is insanitary and often includes small amounts of infected matters. It would be difficult to dispose of this water in a sanitary manner without the extension of the sewerage facilities. In San Fernando particularly, the heavy clay soil during the rainy season is very difficult to penetrate and it is a common occurrence to have inadequately treated sewage flowing into the town's open water courses.

With Trinidad and Tobago's efforts to industrialize, the existence of proper facilities for removal of waste is fast becoming an essential attraction to industrialists. Now against this background it was necessary for the Government to decide on urgent measures for the unification of the various agencies, to consider the health of the population and to consider the need for water supplies. And so in the Survey Report on Public Utility Regulation and Management in the Government of Trinidad and Tobago prepared by Mr. Jacobi, consultant with the Public Administration Service of Chicago, recommendation is made that immediate action be taken to consolidate the water

supply and water distribution organizations so that full utilization can be made of the technical skills and administrative staffs available in the two organizations.

In pursuance of the decision to amalgamate, several committees were appointed. The task of these committees was great; it was very difficult and the complexities of the problem will be understandable to each and every one. It may be noted that amalgamation will not *ipso facto* produce a solution for all the ills which plague the supply and distribution of water in the Territory. What is intended particularly is a basis for a national water supply in which the related questions of rating, metering and the future of the municipal authorities are clearly settled.

It was in this context that on July 21, 1962 a committee was appointed in the Ministry of Public Utilities with the following terms of reference: to make recommendations for the unification of the Central Water Distribution Authority and the Water Department and to determine the practicability of including in such unification other water authorities, and to recommend the extent of such inclusion.

Again, an approach was made on behalf of the Government of Trinidad and Tobago to the Pan American World Health Organization for the services of a top grade consultant to work along with the committee. Dr. Enrique Ortega a well known consultant to Puerto Rico Aqueduct and Sewer Authority and also a consultant for the Pan American Health Organization of the World Health Organization spent three weeks in the Territory during the month of December 1962. Dr. Ortega toured waterworks and installations and consulted with members of the committee, both collectively and at a number

of informal meetings and private interviews. All the data collected by the committee was put at his disposal.

The main recommendations of Dr. Ortega's Report may be usefully divided into those which concern the establishment, membership and staffing of the authority, the responsibilities, powers and privileges of the proposed authority, the necessary subsidiary legislation and regulations, and the relationship of the municipalities to the Central Authority. The Ortega report recommended after weighing and analysing all the different factors and conditions which must be considered in setting up and implementing a unified water organization that will effectively serve the whole of the territory of Trinidad and Tobago, keeping in mind not only present conditions but aiming at its effective rapid future overall development, the creation of an organization partaking of and embodying certain aspects of the autonomous type but not completely separated from the central Government from which certain control would emanate and which the organization would be responsible for carrying out governmental policy so far as water and sewerage are concerned.

The report, which was circulated to hon. Members shortly after it was presented, further recommended that the Authority should have the power without limitation to do all things necessary and convenient to carry out the purposes for which it would be created, among other things to construct and carry out any waterworks for any of the purposes specified, or any combination of such purposes, and to complete the construction and carrying out of any waterworks commenced before the coming into force of the Ordinance for any of the purposes aforesaid or any combination thereof; also to use any such waterworks whenever

constructed for any of the purposes aforesaid or any combination thereof and to repair, maintain, alter or extend any such works.

3.20 p.m.

"The waterworks referred to include all works, constructions and development appropriate to the following purposes or any combination thereof: The extraction, impounding, collecting or otherwise making available of water; the storage of water; the purifying or otherwise treating of water or sewage; the conveying, measuring, regulating or disposal of water, sewage; the control of water in the interest of health or industry; the widening, deepening, straightening, improving, diversion, stopping up or joining up of watercourses or any other purposes of a similar nature, respecting sewer works as are required in the sewer system; also to determine, fix, alter, charge and collect at reasonable rates, fees, rentals and other charges for the use of the facilities of the Authority. Its powers cover the control of water from any source. The Authority should, however, not have power to deal in, and not be responsible for, matters relating to irrigation, drainage or reclamation or protection of land against floods."

Following upon the Ortega Report a ministerial committee was set up, consisting of the Minister without Portfolio and Special Adviser to the Prime Minister, the Minister responsible for Administration, the hon. Attorney General and myself. The Minister of Local Government and Community Development was added to the committee by Cabinet on the 29th August, 1963. This committee was to study proposals for the

creation of a unified Water and Sewerage Authority in the light of the proposals presented by Dr. Ortega of the World Health Organization.

Before I deal with the Bill itself I should like to say that the existing law relating to water and sewerage is mainly to be found, as I mentioned earlier, in the Waterworks and Water Conservation Ordinance, the Oil and Water Board Ordinance, the Central Water Distribution Authority Ordinance, certain parts of the enactments relating to local authorities and, from the sanitation and health standpoint, in the Public Health Ordinance. Under the Waterworks and Water Conservation Ordinance, lands owned by the previous Central Water Board under the repealed Central Waterworks Ordinance are held by the Crown, and so also are certain scheduled waterworks and other movable property formerly held by the Board. This Ordinance deals with waterworks in its widest sense and includes waterworks relating to the supply of water for domestic purposes as well as irrigation, drainage or reclamation; sewerage outside the limits of a municipality; control of water in the interest of health, and protection of lands against water. The development and control of water supply and sewerage already referred to, and the promotion of water conservation are conducted by the Government, through the Ministry concerned, and the Chief Technical Officer (Works), now assisted by the administration directed by the Chief Technical Officer (Sanitation) and the Chief Technical Officer (Health). There is also a Water Advisory Board for the purpose of advising the relevant Chief Technical Officer as to the exercise of his powers under the Ordinance, and a Board of Appeal.

[HON. K. MOHAMMED]

Local distribution authorities, consisting of the local authorities, and the Central Water Distribution Authority are responsible under the relevant enactments for the provision of water supplies from the distributive standpoint and obtain the bulk of their water from Government. There is provision for imposition and collection of a water improvement rate in respect of areas declared for the purpose, and the Chief Technical Officer (Works) is empowered to control the use of watercourses for conservation and supply purposes and to abstract water from watercourses with or without a licence, under the Oil and Water Board Ordinance, on payment of compensation or on supplying compensatory water therefor.

Under the last mentioned Ordinance the Oil and Water Board is empowered to grant licences for the abstraction of water from watercourses for the purpose of any industry, which term includes the oil industry, the mining industry, and drainage and irrigation. There is provision here as well for compensation water to be provided for the lower riparian owners.

The Central Water Distribution Authority under its Ordinance holds the waterworks not held by the Government and other moveable property formerly held by the defunct Central Water Board. The distribution system is maintained and developed by this body in distribution areas declared for the purpose by the Government outside the districts of the other local distribution authorities. There are powers in this Authority for laying mains, breaking open streets, entry of premises and other matters relating to the discharge of its functions and duties under the Ordinance. Liability is placed on the owners of premises to pay water rates, which are imposed on unmetered premises

by way of a water service rate. On both the metered and unmetered premises there is imposed a general water rate whether the premises are supplied with water directly or otherwise. The rate is calculated upon the annual value of the premises as ascertained from the current assessment roll and is fixed by the Central Water Distribution Authority yearly.

So far as sewerage is concerned, this is administered and controlled by the Port-of-Spain Corporation under Part 17 of the Ordinance relating thereto and the Corporation is empowered, but not obliged, to enforce construction of water-closets and connections with its sewerage system in its district. This Corporation, the two boroughs and the county councils are empowered under the Public Health Ordinance to take certain measures for the effective control of the disposal of sewage, the construction of premises and the provision of water supply for building schemes and buildings and the prevention of the pollution of wells, watercourses and reservoirs. This is so far as the existing Ordinances are concerned.

Now, so far as this Bill is concerned, it is impossible to deal with all the clauses in detail but I should like to touch upon some of the highlights for the benefit of hon. Members. I should like to deal first of all with clause 7 (1). In order to secure representation from the former local distribution authorities that have local government responsibilities within the districts previously served by them, standing advisory committees have to be established by the Authority for the purpose of advising it on matters regarding the provision of water supply within their respective districts, from a distributive point of view, as well as rate fixing. The advisory committee is to be comprised of a commissioner, that is, one

of the members of the Authority, who shall be chairman, and two other persons representing the respective local authorities to be appointed by the central authority on the advice of the local authority concerned. In other words, the Port-of-Spain City Council will be empowered to appoint two of its members to serve on the district committee, which will be chaired by a commissioner of the central unified Water and Sewerage Authority. This will maintain relationship with the municipality, county council or borough council, whichever is concerned. I must say here that this provision has been included after a series of meetings held by the Minister of Local Government and the various local government bodies and we are very pleased to say that this measure has the support of the various institutions.

I should like to refer hon. Members to clause 15 on page 17. Despite the scope and powers conceived for the new Authority there will be control to be exercised by Parliament over its operations. Firstly, at clause 15 of this Bill the Authority shall make an annual report to the Minister which shall be laid before Parliament. Secondly, clause 32 (3) provides that the accounts of the Authority shall be audited under the supervision of the Director of Audit in accordance with the provisions of that Ordinance, if so directed by Parliament, and the sections of the Exchequer and Audit Ordinance referring specifically to statutory boards will apply automatically to the new Authority.

3.30 p.m.

This means that the Public Accounts Committee of this House will have to vet, as it does now, various accounts and operations of the statutory boards as well as Government departments. Then on page 18

of the Bill, clause 18; in this first consideration for appointment by the Authority for full employment will be given to existing employees. And under regulations to be made by the Minister, they will be given the option of retiring on abolition of office, pension or provident fund terms as appropriate. Those who elect to continue in the service of the Authority will have their superannuation rights accruing to them at the time of their transfer preserved until such time as they become members of the pension scheme to be established by the new Authority. In clause 20 on page 19 of the Bill there is provision here for transfers and secondment from the Service of the Government or vice versa.

I should like to refer hon. Members to clause 29 on page 23. Clause 29 provides that the balance of the revenue of the Authority shall be applied to the creation of reserve funds to finance future expansion or where there is already a sufficient reserve fund, on the direction of the Governor-General, shall be paid into the general revenue. Reference has already been made to the heavy subsidies at present provided out of general revenues and capital expenditure on the water services of the country.

The role which the new Authority is expected to play in remedying the situation is clearly enunciated in Government's Second Five-Year Development Programme which states—and I should like to quote from Government's programme for purposes of the record:

- (a) "savings in the public sector in the form of operating surpluses and depreciation allowances both free of debt charges are estimated to come exclusively from public utilities and,

(b) In as much as the Central and Local Governments will be unable to provide any finance for development expenditure since revenue will be absorbed in meeting the rise in the burden of debt service and the increase in recurrent costs resulting from the implementation of the programme, it follows that the rating policy should be pursued by the public utilities so that funds for financing development might be internally generated."

This programme envisaged a contribution of \$4 million from the Water and Sewerage Authority, and it goes on to say that to the extent to which the Authority and the Public Utilities can increase their savings they can rely less on borrowing for the execution of their capital expenditure programme. If I may say so, in the last few years this is precisely what has happened in the Trinidad and Tobago Electricity Commission. Although the Ordinance talks about not making a profit and so on, they have been, as far as it is possible, generating whatever revenue comes over expenditure into their capital works and so expanding electricity into a wider field. The aim is therefore to make these undertakings self-supporting and to eliminate to the fullest extent possible all elements of subsidy in so far as their overall operations are concerned. It will be clear therefore that in inserting this provision in the Draft Bill Government are taking steps to ensure that the proposals in the Second Five-Year Development Programme are being implemented.

I would refer you, Mr. Speaker, and hon. Members, to page 28, section 43, at the top of the page. With reference to this clause Government have been able to deal in the draft Bill with the unification of the Government departments, statutory boards and

municipalities concerned at present with the production and distribution of water. It will be appreciated that there are also persons in the country who own and operate their private resources. It would be somewhat difficult to include such cases in the unified organization and provision has been made to enlist their co-operation in the form of water purveyors. They will be authorized by order to supply water to any other persons in any area defined in order, and exercise such powers and perform such duties with respect to limits of its supply as are given to it by the order of the Authority. This is a question of seeking the co-operation of members of the public who might be involved.

On the same page, clause 43 (2) there is provision for an agreement with any person in relation to the water supply with respect to acquisition of land or water rights, imposition and collection of water rates, maintenance and improvements of its water supply system. The principal benefit to be derived from this provision will be to formalize, so to speak, present arrangements and to secure co-operation of those concerned in the following matters; for example, keeping the records, carrying out surveys of existing consumption of, and demands for, water supplies in their areas of supply, preparation of estimates and future requirements, formulating proposals for meeting the existence of future water requirements and submitting reports to the Authority. This will enable the Authority to perform its duties as the repository of all the technological data relating to the water supply for the country.

Then I should like to refer hon. Members to page 55 clause 76. It provides that the Authority may by order declare any expenditure recoverable by it for works undertaken

to be payable with interest in instalments not exceeding 15 years and the rate of interest chargeable can be such rates as the Authority may determine, except that the Minister may, from time to time, by order fix a maximum rate of interest.

In the case of sewerage however, the Authority in the exercise of the power to enforce construction of water closets and their connexions with the sewer system will give consideration to the following cases, and this is provided for in clause 66. May I just explain something on this clause that I referred to on page 55. Here there is provision that if a man wants to develop a parcel of land and the Authority feels that this is in consonance with Government's building incentive programme, the Authority can proceed to supply him with water and then give him a period of 15 years to pay for this water supply.

Then we come to the question of the Sewerage. The owners of houses or buildings forming part of a tenement are themselves required to provide the necessary water closet. Then clause 66 (3) page 46 refers to premises in respect of which a sufficient water supply is not available whether in the street or in the premises. Clause 66 (4) refers to premises no part of which is within 150 feet of a collecting sewer or street sewer.

Clause 67 (3) provides that where the owner of the premises complies with a notice to install water closets the Authority may resolve to pay an allowance not exceeding 5 per cent. If the Ordinance says a man must make a connexion and he does so on his own accord, without waiting for Government to come and initiate the connexion, this is a sort of discount so to speak on the connexion.

Clause 73 (1), page 51 is designed to assist various classes of the population. In

addition to the facilities extended to occupiers in the matter of house connexions for water, provision is made at clause 73 whereby owners of lands who desire to develop housing projects in localities of the country where a pipe-borne water supply is not readily available from the distribution system, may apply to the Authority requesting it to construct the necessary service reservoirs and to lay the necessary mains to such points as will enable the projects to be serviced. That is in an area where there is no pipe-borne water supply. In dealing with such applications however the Authority is required to connect the project system at a reasonable cost and in the case of the cost of construction of the necessary service reservoirs and laying the necessary mains to take into consideration the amount of water rates and charges that may be collected annually from the buildings to be connected to this system. Any question arising as to the points to which mains must be taken in order to enable the buildings to be connected thereto at a reasonable cost shall, in default of agreement, be determined by the Authority. Special concessions for meeting the cost of the construction of the necessary sewerage facilities may be also concluded between the land owners and the Authority. It cannot be denied that this provision will assist housing development generally, because if the cost of the development is reduced, more owners may be encouraged to lay out lands for housing schemes.

3.40 p.m.

Then on page 53, clause 74 (2) provides for water and sewerage rates leviable on the occupier of the premises. However, in areas where premises are not supplied with water by the Authority but which, nevertheless,

are situated within a quarter of a mile of a public standpipe the water rates shall be payable by the owner of such premises.

An important and far reaching innovation is to be found in paragraph 6, Part IV of the Fourth Schedule, where a responsibility is imposed on the Authority in connexion with installing fire-hydrants and the provision of a supply of water for the extinguishing of fires. That is a very important aspect but one which has been totally neglected in the past. It was felt necessary in view of the developments taking place, in the country, to make such a provision and so reduce the risk of fire. And while it is the administrative policy at present for the supply of water for fire fighting purposes to be granted free of cost, the existing laws relating to this supply of water by the Authority are silent on the subject. However, the Government recognize that the installation of an adequate number of fire-hydrants and the provision of a sufficient quantity of water for fire fighting are matters of national concern, and this new legislation makes it mandatory on the Authority to allow all persons to take water free of cost from any pipe on which a hydrant is fixed, for extinguishing fires. The new legislation goes even further and requires the Authority on the request of the Fire Services to install fire-hydrants and to maintain and renew them as may be required from time to time. Any difference of opinion as to the number or proper position of hydrants shall be referred to and determined by the Minister.

In paragraph II, Part VI of the Fourth Schedule is contained one of the most significant provisions of the Bill—the concession to be granted to occupiers of premises to deal directly with the new Authority in the matter of the installation of a private

water service. From time to time representations have been made to Government directly by private individuals and several community organizations regarding the hardships experienced by the refusal of landlords to sign the application forms for water service in private homes. This was the principal complaint at the Village Council Conference which was held at Queen's Hall in 1963 under the Chairmanship of the Prime Minister. Again during the Prime Minister's Meet-the-People-Tour undertaken last year, he was flooded with complaints of a similar nature. In accordance with the undertaking given at the Queen's Hall Conference the matter was referred to the Attorney General. Now, Government have been fully aware of the rights of both sides in this issue, and having come to the conclusion that the provision of water supplies for every inhabitant of the country is a public health measure which cannot be lightly disregarded, and without seeking to interfere with the prerogatives of the owners, we have decided that this facility, this right, of having water installed in premises should be extended (with certain precautions) to the occupier.

It is to be observed that this facility which is being extended to the occupier is not one which may be lightly abused because the responsibility for the payment of the cost of installation and the water rates and charges will rest on the shoulders of the occupier himself. Only in special circumstances will the responsibility for the payment of water rates and charges remain with the owner.

In setting up this Authority, Government propose that it shall operate in a businesslike manner, and therefore a number of incentives are included in the Draft Legislation; among these is one contained in paragraph 24(1), Part VIII, of the Fourth Schedule. This

provides for discounts or rebates in consideration of prompt payment of water rates and charges, not exceeding five per cent. This is an incentive to the people to pay their rates in time. Another incentive, in paragraph 21(2) of this same Fourth Schedule, is one which provides that in cases where the owner of the premises pays his water rates before the expiration of one half of the period in respect of which the rate of instalment is payable, he shall be entitled to an allowance calculated at the rate of five per cent.

Great emphasis has been placed on the economies which Government expect would be effected by unification. It has also been decided, therefore, to place in the hands of the new Authority the responsibility for the emergency truck-borne water supplies which are at present provided by the Central Water Distribution Authority and the county councils. The disadvantages of this method of distribution are numerous but, nevertheless, for some time it would be necessary to continue it. Among other things it is expensive, and cannot fully replace pipe-borne water supplies. In 1964, \$826,874 was expended on this service and it is hoped that with the increase of technical staff which would be available to the Authority and with the programme of works contemplated by this body, it would be possible shortly to reduce the heavy expenditure on providing truck-borne water supplies to the rural areas, and, eventually, to eliminate the service as early as possible.

At a later stage, certain amendments will be proposed, but I hope they are not found to be too many. However, they appear to have some bearing on what has been said here. They are largely as a result of representations made by the Civil Service Association and three Government officers

namely, the Head of the Planning Unit, the Chief Supervisor of Land Acquisition and the Secretary and Acting General Manager of Central Water Distribution Authority. I am very sorry that these amendments came late but it was necessary to put them forward because they came during the period when we requested people to submit their views and we have attempted to incorporate some of them because we found them reasonable.

I have attempted to deal with what is considered to be the more important aspect of the Bill and its probable repercussion on the population. As I said at the beginning, it would be a formidable and time consuming task to comment on each section of the Bill. However, I shall be pleased to give any explanation or clarification which hon. Members may require, at a later stage. This Bill is presented in the interest of the national welfare. And just as the watermains are laid along the roads to serve the public regardless of the names of the districts, the villages or the towns, so I would wish that the Bill be accepted, in the light of the abundance of the good which it will bring to the entire population of Trinidad and Tobago.

3.50 p.m.

There is danger in tacking new patches on a leaky structure: the habit grows and one goes from expediency to expediency. On the basis of what is known to have been achieved by rationalization and standardization in other spheres of industry in the way of increased efficiency and productivity, the benefits to be gained by the unification of the existing Water and Sewerage authorities appear to be enormous.

Mr. Speaker, I do not think it is necessary for me to say anymore now. I commend this

Bill for the favourable consideration of hon. Members and beg to move its Second Reading.

Question proposed.

Mr. Sinanan : Mr. Speaker, as you know, it is my argument that this Bill must be read in conjunction with the Bill to amend the Summary Courts Ordinance, and I think that hon. Members are aware of my arguments on that score. My reason for saying this . . . and I would ask you to follow me carefully, because it means that if you interrupt me more than once you are really not following me.

Mr. Speaker : So I take the opportunity to interrupt the hon. Member from the very beginning, and the reason for my interruption is to guide him. The Bill referred to, "An Act to amend the Summary Courts Ordinance", is a Bill, the general purpose of which will not be considered today. Therefore, if the hon. Member is making references to that Bill, he will please steer clear from involving himself in discussing the Bill, which can only be debated at the Second Reading. That is my only observation. The hon. Member may proceed.

Mr. Sinanan : Well, I shall continue, Sir, because you have only interrupted me once, and I said twice. But I should like to point out, with respect, that this is not offending the rules with respect to anticipation.

Mr. Speaker : I did not make reference to that; I made reference to the question of discussing the Bill.

Mr. Sinanan : I do not intend to discuss the merits of the Bill. Although I do feel, with the greatest respect, that because of

time and convenience, the Second reading of this Bill should have taken place today, and probably the Second reading of the Water and Sewerage Bill should also have taken place today, and then an adjournment be taken to go into the committee stages of both Bills. But that is a matter which my hon. Friend will have to consider. All I am pointing out for the moment, Mr. Speaker, is that if you look at clause 6(2), on page 4 of the Bill which received First reading today, you will see where it is provided that:

"Subject to subsection (3), the Governor-General may by Order add to or vary or otherwise amend the enumeration of statutory authorities given in the Seventh Schedule."

In other words, the Governor-General, among his powers, has the right to add to the Seventh Schedule. When you look at the Seventh Schedule, it refers to the Port-of-Spain Corporation, the San Fernando Corporation, the Arima Corporation, and the Trinidad and Tobago Electricity Commission. Well, if and when this Bill is passed and it becomes law, all that is necessary is for the Governor-General to add this new commission which is being created to the Seventh Schedule, and then all that is contained in this draft Bill, that is, the Bill to amend the Summary Courts Ordinance, would apply to this commission, which the Government seek to create today. When you look at that Bill you will see the provision for certain penalties, and without your having to tell me this—although I do not entirely agree—it is on the Order Paper and it is arguable, it is on the Order Paper for today and it has been passed in the Senate, so I believe that I am entitled to refer to it. But in spite of that, although I do not entirely agree, I shall accede to your request because I do not think it would be wise to

go into these details in view of the commitments made by the Leader of the House when I drew these points to his attention. He has quite kindly agreed that after the passage of this Bill today, which was just presented by the hon. Minister of Public Utilities, at the next meeting, which will be next week, the Leader of the House will give very serious consideration to the points which I have raised. So that I shall not at this stage be presenting my arguments, because the burden of my arguments would have been that the penalties contained in this amendment, read in conjunction with this, were *ultra vires* the constitution. I have spoken to the hon. and learned Attorney General, and I hope they will agree with me that this is a matter for the Petty Civil Court Ordinance and not for the Summary Courts Ordinance.

As my hon. Friend, the Prime Minister, has just asked me, I repeat: my argument is that I cannot contend that this Bill alone, that is the Act to provide for the development and control of the water supply and sewerage, is *ultra vires*; my argument is that this along with the Bill to amend the Summary Courts Ordinance, in my view, would offend the constitution. So, since the Leader of the House has given that undertaking, I shall not present these arguments today. But I should like to point out to my hon. Friend, the Minister, that I am still waiting on an answer with respect to leases, and also I am still waiting on an answer with respect to penalties; because, if I may put it this way, this large Bill is not a lethal weapon, it is these small Bills that one has to be careful with, and I am asking where are the penalties provided.

He has given us a very lengthy and lucid explanation of the history from Woodbrook to Maraval and everything. But let him

show us here in this Bill where he has provided the penalties. My argument is that you have Ordinances which have been in existence with respect to the various municipalities, the Port-of-Spain Corporation Ordinance, the San Fernando Ordinance and the Arima Ordinance, and that where a burgess wanted the supply of electricity or the supply of water it was founded on contract. If you look at the relevant section, for instance the San Fernando Corporation Ordinance, Ch. 39, No. 7, section 256, you will see there where it is founded on contract that is where the burgess signs a contract with the authority, controlled and governed by full internal self-government by the Corporation Ordinance. So that in all these services it is contract. You have nothing in this Bill which shows that the relevant Ordinance, that is the Corporation Ordinance, is amended to dovetail with the Bill which has been presented by the Minister. My argument is that this Parliament cannot pass this piece of legislation. It is all well and good to say: "Oh, the Council has agreed." That might be so, but you still have to consider the piece of legislation to see whether it ought not to be amended. And this must be founded on contract. There must be something, some form in the Schedule to this Bill, where the officers who are being created under this proposed Bill—I forget what they are called now—it is a most elegant name for *gabe tebu*. The names are here; they are called the sanitary constructors. In the old days that was *gabe tebu*, but we call them sanitary constructors now.

4.00 p.m.

My argument is that there must be some sort of stereotyped form in accordance with one of the schedules. A schedule must be

included here, so that the average citizen would be asked to sign that which would constitute a contract between himself and the Commission through the Corporation. Because as I understand this Bill, whilst the Commission is being created, certain functions, or all of them, will be carried out by the existing Corporation, as agents, as was done recently with electricity. [*Interruption*].

I can assure the Leader of the House that I spent the entire night studying this Bill. I do not know if that gives him any satisfaction. I think we might as well make this complaint now.

This Bill was served on us last week Friday—First Reading. The first that I knew that this Bill was on for Second reading today is when I attended a committee meeting yesterday afternoon and the Clerk of the House mentioned that it was on the Agenda. When I reached to my home in San Fernando around 10 o'clock last night, this Bill was there, and from 10 o'clock to 5.30 this morning I had to be studying it in conjunction with the proposed amendment of the Summary Courts Ordinance along with Volumes 1 and 6 dealing with the San Fernando Corporation Ordinance. And knowing that we have such an astute Speaker I had to check up on May's Parliamentary Practice on the laws of anticipation as well as on a number of arguments which I have put forward to you, Mr. Speaker, so that I could make my points relevant. So that it was not very pleasant; and I would appeal to the Leader of the House to give us more notice in future when such heavy measures are being brought.

On the whole I think that this Bill which was presented—if I may become trite for a moment—so ably by the Minister is fairly

well drafted but what I thought was diabolically clever was to take the Summary Courts Amendment to the other place without showing them this large document, and then bringing this one to the House without letting us see what was passed in the other place on the amendment of the Summary Courts Ordinance. It seems to me that the elected members of the Government know nothing about it, if I may interpret the gestures of the Prime Minister correctly. All I can say is that there is a brilliant member in the legal department. [*Interruption*] Oh! there was no malice. The Prime Minister says there was no malice. It might have been a little malice aforethought.

The last point I should like to make deals with this very amendment to the Summary Courts Ordinance and I would leave this thought with hon. Members. I have not seen an attempt at a hybrid piece of legislation like this for a long time. It seeks to combine criminal law, civil law, international law, constitutional law, real property law and, last of all, biological law. I appreciate very much the undertaking they have given and with the concurrence of my hon. Friends on this side for whom I can speak, I wish to say, Mr. Speaker, that you were guilty of offending the rules of anticipation when you sought to prevent me from speaking very briefly earlier on in the proceedings.

Mr. P. G. Farquhar: Mr. Speaker, I should like to draw your attention to subclause (3) of clause 74 of the Bill which reads:

"Where premises not supplied with water by the Authority is within a quarter of a mile of a public standpipe the water rate shall be payable by the owner thereof."

There is an explanatory note on the preceding page which reads:

"Liability on owner in respect of premises not supplied with water that are within a mile of a standpipe."

The person who drafted subclause (3) thinks that the word "premises" is singular and the one who drafted the explanatory note thinks that it is plural. I have consulted the Oxford Dictionary and the editors think that the word is plural. I do not know what the Minister thinks. But I was not going to refer to this subclause (3) of clause 74 in order to make an elementary grammatical point. I would not have referred to it at all, if the Minister himself had not drawn my attention to it in a rather devious way. Yesterday, I received a list of amendments and looking at amendment 9, I see "in subclause (3) of clause" and then there is an indcipherable wiggly followed by a "4". So I tried to discover what clause the Minister is seeking to amend. After some search I discovered that it must be subclause (3) of clause 74. When I came to the House today I got another list of amendments where we now have as No. 10 an amendment to subclause (3) of clause 24. When I look at the Bill there is no subclause (3) to clause 24 at all, and as far as I remember, the amendment has to deal with rates and clause 24 has to deal with compensation to officers or something like that, so I believe I am right in saying that what is intended at amendment 10 is not an amendment of the subclause (3) of clause 24 which is non-existent, but the subclause (3) of clause 74.

4.10 p.m.

If I make so much about this, it is because there is a mystery attached to this proposed amendment. The amendment

suggests that we are to add to subclause (3) the words

"and the water rate shall be recoverable in the manner in which water rates are recoverable under the Rates and Charges Recovery Ordinance."

When I read subclause (1) of clause 74, I saw this:

". . . water rates and sewerage rates payable to the Authority, shall be payable and recoverable in accordance with the provisions of this section and not otherwise."

But when I looked at subclause (3) I found that the Minister was proposing that these things should be recoverable otherwise; in direct contradiction to subclause (1). I wondered therefore how the Minister got himself into this confusion.

I then read another document, a memorandum prepared by the acting General Manager of the Central Water Distribution Authority. He says this:

"Section 21(1) of Part VIII of the Fourth Schedule provides that where a house of annual value not exceeding \$24.00 is supplied with water and the Authority resolves that the owner shall pay the water rates, such water rates shall also be recoverable under the Rates and Charges Recovery Ordinance.

"Section 74(3) . . ."

the acting General Manager agrees with me that it is clause 74(3) we are talking about—

"provides that the water rates leviable on serviced premises situate within a distance of a quarter mile of a public standpipe shall be paid by the owner . . ."

and he suggests that it should be under the Rates and Charges Recovery Ordinance. Apparently the Minister has accepted his

suggestion without recognizing that it is in direct conflict with subclause (1) of the same clause.

But since the acting General Manager of the Central Water Distribution Authority has been good enough to draw my attention to the Fourth Schedule I think we should look at the Fourth Schedule now. The clause to which he refers says this:

"Where a house or other building supplied with water by the undertakers has an annual value not exceeding twenty-four dollars, the owner instead of the occupier shall, if the undertaker so resolves, pay the rate for the supply of water and the water rate shall be recoverable in the manner in which water rates are recoverable or under the Rates and Charges Recovery Ordinance."

In other words this Fourth Schedule is giving the undertaker the option to decide whether the water rate shall be recovered from the owner or the occupier, and it also gives him the option to decide whether he shall recover it in the manner prescribed in clause 74 or whether he will use the Rates and Charges Recovery Ordinance.

Now, what is significant about the Rates and Charges Recovery Ordinance? The Public Authority, under the Rates and Charges Recovery Ordinance, has got the power without going into any court at all to distrain on property or to put up property for sale in order to recover its rates and charges. And here we are seeing that it is the poorest of the poor who are going to be subjected to this method of recovery. It is people whose houses have an annual rateable value of less than \$24.00 who are going to be subjected to this—not the people whose houses are above such value. Also the people who do not have any water supply in their houses at all but who happen to live within

a quarter of a mile of a stand-pipe—whether the stand-pipe flows or not—are subject to charges, and if they do not pay the charges their property can be distrained upon and their premises put up for sale; while presumably the wealthier people will have the privilege of being taken before the court in order that the court may decide how they should be dealt with. I shall have further reference to make to this method of recovery

I have mentioned these points because in referring to the clauses of the Bill the Minister studiously avoided those parts of the Bill which make impositions on the citizens of the country. He referred only to the benefits that would be conferred; therefore in order to set the balance right I think that it is necessary for us to consider just what those impositions are. When we look at subclause (2) of clause 76 we see, concerning the recovery of expenses, that the Authority can command a person to undertake certain works and if that person does not undertake the works the Authority can take him to court, have him fined \$25.00, and \$2.50 per day so long as he fails to carry out these works and, in addition to that, can go into his premises, undertake the work itself and then charge him with the expenses incurred.

Subclause (2) of clause 76 says:

"The Authority may by order declare any expenses recoverable by it under this section to be payable with interest by instalments . . ."

When one seeks to find out what determines this interest one notices another significant omission in the Minister's speech. Because one discovers that the Minister is the person who can fix interest. What the Minister quoted from the Bill was this:

" . . . the Minister may from time to time by order fix a maximum rate of interest . . ."

and he came to a full-stop. But there is no full-stop here; it goes on:

"for the purpose of this section generally, or different maximum rates for different purposes and in different cases."

In other words the Minister has got a free hand; not only can he fix different rates of interest for different purposes but he can impose different rates of interest in different cases, that is, he can fix one rate of interest for himself and another rate of interest for me.

Now, let us look further at subclause (5) of clause 66. The Minister referred to this clause only in order to indicate the exemption. He did not refer to the imposition. This is one of the most important clauses in the entire Bill because this is the clause that enforces every house owner who is not now sewered but who is within the area which they hope to cover by the present sewerage scheme to have his house sewered and connected to the sewerage system. Subclause (5) says that if any person fails to comply with the requirements of a notice given him, he is guilty of an offence and liable on summary conviction to a fine of \$25.00 and to a further fine not exceeding \$2.50 for every day during which the offence is continued after conviction. In other words if a man has his property and the area in which he lives is declared a sewerage area, the sewerage authority will go to him and say, "You have to undertake certain works"; but if the man does not have the money he then becomes liable to a fine of \$25.00 plus \$2.50 a day.

4.20 p.m.

The Authority in its own time may or may not decide whether they want to undertake to do the work for him which he is unable to afford himself. But so long as they do not do it he is liable to a fine of \$2.50 per day.

So that if, as is very likely to happen, the people who are required to fit themselves into the sewerage scheme do not have the money and the Authority does not have the money either, all the persons who are convicted are liable to a continuing fine of \$2.50 per day.

Now we come to clause 67 where apparently the Authority is going to be responsible for part of the expenses which are involved in bringing people into the sewerage scheme. But they are very careful not say exactly what part of the expense the authority is going to hear. You have such a phrase in subclause 1, "such percentage of the expenses as may be prescribed". In another phrase from subclause 3 it states:

"the complementary proportion of the percentage of the expenses prescribed by the Authority under subsection (1)".

Then the Minister said that they were offering incentives and there was going to be a 5 per cent. incentive offer to the people who acted promptly. But you are not entitled to this. What the Bill says is if the Authority so resolves you may get, not an allowance of 5 per cent but an allowance not exceeding 5 per cent. In other words it could be $\frac{1}{2}$ per cent. I do not know why the Minister should want to mislead us in this way. You are not entitled to it—if the Authority so resolves; and you are not entitled to 5 per cent. All that the law says is that you shall not get an allowance above 5 per cent. So you may get 0 per cent or $\frac{1}{2}$ per cent.

The Minister again makes another misleading remark when he referred to the Fourth Schedule, section 24, where he says that persons shall be entitled to discounts. Section 4 of the Fourth Schedule says the undertaker may allow discounts for prompt payment. The Minister did not talk about this, but there is provision for the payment—

if you cannot pay all at once—of these things by instalments of 1/15 part. So they are going to allow you fifteen years in which to pay for it, but the instalments shall be annual although—and here again this is a curious thing—these expenses are to be paid for in fifteen years and not more, yet when you look at the Schedule, I forgot what number it is, but on page 112 it says this :

“A local Authority may by order declare any expenses recoverable by them under this section to be payable with interest by instalments within a period not exceeding thirty years”.

So there are some expenses which apparently can be recovered by instalments over 30 years and there are other expenses that can only be recovered over 15 years. Why?

Now, we are told, and here we come back to the Rates and Charges Recovery Ordinance, if you are within an area which is sewered and you are commanded by the Authority to make the connexions and you do not make the connexions because you do not have the money, not only may you be fined, but also the work may be done for you by the Authority and then it may seek to recover this from you under the Rates and Charges Recovery Ordinance. This is subclause (5) of 67. In other words, they have the power to distrain upon your goods and put up your property for sale if you are unable to find the money to meet these expenses. Since we now have a second reference to this Rates and Charges Recovery Ordinance which gives the Public Authority the power, without reference to any Court at all, to put up people's goods or property for sale to recover their rates and charges, we have got to consider who are these people who are being given this great responsibility.

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One would think that if public authorities are being given such wide powers, then there should be some evidence that public authorities in this country are capable of acting responsibly in this matter of rates and charges. The evidence suggests that the public authorities in this country all act irresponsibly in this matter of rates and charges. We have had the example of the Central Water Distribution Authority itself whose accounts got into such a mess because they could charge anybody what they liked and there was no argument unless they took them to Court. They allowed their accounts to get into a mess over the years and then the Government had to hire FitzPatrick Graham to try to get their accounts into some sort of shape. He worked for nine months and apparently now the Government are paying FitzPatrick Graham a further sum of \$4,000 per month in order to keep the Central Water Distribution Authority's accounts in some sort of order. Now these are the people who cannot keep their books straight who are going to be given this power when their books say that you owe money to come and put up your property for sale without reference to a Court. The Central Water Distribution Authority is not the only public authority which does this particular business.

Evidently it is a common practice in this country with public authorities to attempt to do what they like with people. I shall give the case of Mr. Norman Abdul of 78, Panka Street in St. James. Mr. Norman Abdul had his telephone disconnected on 3rd October, 1963. He went to the Telephone Company on 10th October, 1963 and complained. The Telephone Company apologized and agreed to reconnect and agreed to give him credit for the seven days he did not have any connexion at all. On the 15th day of October

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Mr. Norman Abdul went in and paid the \$14.60 which he was properly owing to the Telephone Company. What did Mr. Norman Abdul get for his payment? On the 23rd day of October, that is eight days later, his phone was again disconnected. Mr. Norman Abdul went to the Telephone Company again on the 5th day of November, 1963 to complain about being disconnected once more.

4.32 p.m. : *Sitting suspended.*

5.15 p.m. : *Sitting resumed.*

Mr. Farquhar : Mr. Speaker, I refer again to the case of Mr. Norman Abdul of 78, Panka Street, St. James. After he paid the amount of \$14.60 on the 15th October, which was the total then due, service was disconnected on the 23rd October. On the 5th November he went in to complain. On the 7th November, a letter was addressed to him:

“As a result of your complaint we are to inform you that your line has been disconnected for nonpayment of arrears.”

This is signed by the Maintenance Engineer. Nothing further happened until he gets a letter addressed to him from the Accountant, dated the 13th March, 1964, telling him that he owes \$35.30 in respect of service which was disconnected on the 25th February, 1964. Now the Maintenance Engineer says he has disconnected service before the 7th November, but the Accountant says that the service was disconnected on the 25th February, and that Mr. Abdul owes money for the time in between. Next month, March, he gets a bill from the Trinidad and Tobago Telephone Service. The amount has now gone up to \$42.30. He is now being charged for the month of March, although the

Accountant says that service was discontinued on the 25th February. Mr. Abdul is taken to court for recovery of the amount, which the Telephone Service now says is \$35.30. Because Mr. Abdul has documentary evidence to the contrary the case is withdrawn. Cost of \$5.04 are awarded to Mr. Abdul, which do not represent his real costs. But even that \$5.04 he has not yet received, nor has he yet got service on his telephone, which has been disconnected since October, 1963. In the meantime he has been taken to court for sums which he does not owe. And nothing can be done about it, because the Trinidad and Tobago Telephone Service do not care to keep their accounts in proper order, which is the usual thing with public utilities in this country.

Now, where you have got public utilities that are going to keep their accounts in this state and then give these same persons the power to distrain on a man's property and put up his house for sale without any reference to a court, you are doing a very serious thing. At least Mr. Abdul in this case had a court to go to, and the case was withdrawn, but if it had been in respect of rates or charges which could be recovered under the Rates and Charges Recovery Ordinance, his house could have been put up for sale for something he did not owe.

The interesting thing is this: under the existing law, the Central Water Distribution Authority has got the right to recover rates and charges under the Rates and Charges Recovery Ordinance—recover them from everybody in this way. We now have a Bill which sets off to exempt these things from the terms of the Rates and Charges Recovery Ordinance, but only for certain people. If your house has got a rateable value below \$24 a year, your property can be put up for sale. And now the Minister is seeking to

suggest that people who do not have any water at all but who live within a quarter of a mile of a stand-pipe can be subject to this procedure, while other people who are better served, people who are in a better position to pay, are being given the normal protection of the courts for the recovery of the rates and charges. If there is logic in this I am unable to see it. What is more, this is being extended to expenses for connexion of sewerage work. The quantum that will be involved is not known; nobody knows how much it is going to cost anybody to connect up to this sewerage scheme, especially if, as it involves in a number of cases, people who have never had sewerage before and do not have any water closets, for they are going to have to install water closets. Nobody knows what it is going to cost. Nobody knows—because the Bill is vague—what proportion of this cost is going to be borne by the authority. Nobody knows, because the Bill does not tell us, what are going to be the interest charges payable. In other words, the liability to the citizen of the country is unknown. All that we do know is that if he does not pay this unknown amount at this unknown rate of interest he can be fined \$25, plus \$2.50 per day, plus the fact that he can be subjected to having his house and property sold over his head. The penalties and impositions are very well known, but nobody knows what the costs are going to be, and the Minister is suggesting that we should impose these penalties upon people in respect of unknown liabilities. Now, certainly he has got a plan. He should have some idea what it is going to cost people to have themselves brought within the service. He should have some idea of what proportion of the cost the Authority is going to bear. He should know what rates of interest are going to be charged. But all of these things he does not know or will not

tell us. All he tells us is what he proposes to do with people who are unwilling or unable to meet the demands that are made upon them.

5.25 p.m.

But, there are other features of this Bill that the Minister chose to ignore. He did not tell us about clause 47, subclause (1), which deals with the conservation and protection of water resources. He did not tell us that this subclause reads as follows:

"The provisions of this section shall apply to the whole of Trinidad and Tobago, except that where the Authority is satisfied that special measures for the conservation of water in any area are not necessary or expedient in the public interest for the protection of public water supplies, it may prescribe the area in question, and thereupon the provisions of this section shall cease to apply to that area."

What are these areas the Minister has in mind that are going to be exempt from any need to conserve and protect water resources? Why should the Minister give up powers which he has, or should have, over the whole of Trinidad and Tobago? Surely if he finds that it is unnecessary or inexpedient in any particular case to exercise his powers, he need not exercise them. But why should he give these powers up? And who are these people whom the Minister intends to exempt from the provisions relating to the conservation and protection of water resources? Who are the people who are going to be exempt? He did not tell us that. Neither did the Minister seek to disclose to us that what is contained in the 91 clauses of the Bill is only a small part of the Bill before us. These 91 clauses are contained in 58 pages. The total Bill contains 122 pages.

The other pages are in fine print in the hope that nobody will read them. Maybe the Minister himself has not read them. In the Seventh Schedule it will be found that the Minister is amending no fewer than eight ordinances and according to the amendments he is adding another nine. And then from page 91, in small print, to page 116—twenty—five pages of small print—there are amendments to a tenth Ordinance—the Public Health Ordinance. Now it is impossible for me to go into all these provisions in detail but I thought that the Minister would have told us why it was necessary and how he was going to amend all these Ordinances. But let us look at the amendments to the Public Health Ordinance, Clause 60 (E).

Now one would have thought from the Minister's speech that this was a Bill designed to ensure for the people of Trinidad and Tobago an adequate supply of water. In fact he told us that over the last seven years the supply of water has doubled. But one will find that under the provisions of this amendment to the Public Health Ordinance no onus is placed upon the Water Authority to supply anybody with water but an onus is placed upon each and every householder to see that his house is properly supplied with water whether the Water Authority is bringing supplies to his district or not. What it says is that where a local authority is satisfied that any occupied house has not a supply of wholesome water in the house sufficient for the domestic purposes of the occupants the local authority may give notice to the owner requiring him within a time specified therein to provide a sufficient supply of wholesome water within a reasonable distance of the house. This is what they may require; and it will be noticed again that on page 107, 60 (E) our drafters use, this phrase "where a local authority is satisfied"

but on page 108 they say "if a local authority are of opinion." So there is some doubt as to whether local authority should be singular or plural and they interchange.

Now, further, there are certain parts of the schedule where it is difficult even to understand what the Minister is attempting to do. Because he is seeking to amend the Land Acquisition Ordinance—incidentally, this was another thing that the Minister did not tell us anything about. He did not tell us that the Authority are going to be given powers for compulsory purchase of land where they require such land for water or sewerage purposes, nor did he tell us about the provisions of the Compulsory Purchase Order. Also he did not tell us that he was amending the Land Acquisition Ordinance. Here it is difficult to understand how he is amending it, I shall not read the whole section which he is presuming to add to the Land Acquisition Ordinance but I shall read part of it.

"55. It shall be lawful for all parties, being seised, possessed of, or entitled to any lands, or estate or interest therein, to sell and convey or release the same to the promoters of the undertaking . . . to the same extent as such persons respectively could have exercised the same power under the authority of this or any other enactment, if they had respectively been under no"

And this is where it ends. There is no full stop. We are left suspended in mid air. We do not know what the Minister is trying to do to the Land Acquisition Ordinance. I thought he would tell us.

Next he is amending the Rates and Charges Recovery Ordinance by deleting, he says, paragraph 9 of section 3 thereof. Now it is very difficult to understand what this paragraph 9 of section 3 is, because our laws have

been consolidated up to 1950 and then there have been amendments to various laws in the 15 years succeeding 1950. Some of those volumes are available; others are out of print, so I really do not know what the Rates and Charges Recovery Ordinance may stand at as of now. But what I do know is that Chapter 33, No. 8 does not show any paragraph 9 of section 3. What it says is this: "The following shall be public authorities for the purposes of this Ordinance" and then it has (a), (b), (c), (d), (e), (f), (g) and (h). There is no paragraph 9. So I do not know what change the Minister is making in this Ordinance. I do not know whether he knows. But these are some of the things that the Minister did not care to tell us about—the ten Ordinances that he is amending, particularly the very comprehensive amendment of the Public Health Ordinance. Now I find this very confusing and I doubt that other people will not find it so too.

As I have just said, it is at the present time very difficult for somebody who is not very familiar with the law to discover what the law of this land is, because it has only been consolidated up to 1950 and not all the various volumes for the years between 1950 and 1965 are available. So that if anybody wants to know how the law stands at the present time, he has got to look to the consolidation of 1950. And then he has to discover whether there have been any amendments subsequently. Now if there has been a Bill brought specifically to amend a particular Ordinance he is lucky because if he has a book he will be able to find it, but what about people who will have to look in the Water and Sewerage Act, 1965, in order to find amendments to at least 10 other Ordinances?

In other words somebody trying to find out how the Land Acquisition Ordinance stands,

will not be able to find the amendment passed in this schedule unless he happens to know, and how could he guess that it was amended in the Water and Sewerage Act? So that the way this is being done precludes proper consideration of this legislation here, because we are being asked to consider all at once a number of amendments to different Ordinances which involve matters of principle in many of them and we are being asked to do this under the terms of the Water and Sewerage Bill. It is bad in principle and it would be confusing in practice. So that it is not easy to find out exactly what the Minister is doing here, and instead of elucidating it for us he creates greater difficulties by the amendments he has tabled. But we are supposed to approve this. I do not know how.

5.35 p.m.

I doubt that the Minister really takes this Bill very seriously. We know his record of bringing legislation to this House which remains on the statute-book and nothing ever happens. So if he is consistent we should expect that the Water and Sewerage Bill is another waste of time as he has wasted our time in the past.

He has not thought it worthwhile to tell us about the progress of this wonderful sewerage scheme of his which was supposed to come to an end at the end of March of this year and which is still going on unendingly. I understand that the work of the contracting company is completed in Arima but nothing is being done. We do not know when, if ever, all this is going to come to pass because there is absolutely no indication whether the work is being completed, whether it can be completed, whether if it is completed it will work—that we do not know.

We also do not know where the Minister or the Authority is getting the money to undertake the expenses which will be required to connect every house to this scheme because I do not expect that the majority of householders will be able to undertake these expenses themselves. If he is serious he should know how much this is going to cost the Authority; and if he knows then he should tell us, and if he can get the money, or if he has got the money, again he should be able to tell us. But all of these things we know nothing about. So I have no doubt that this is being passed for the sake of form like many other Bills that the Minister has introduced to lie fallow.

If he had been serious he would have attempted, in introducing this Bill, to explain the important things that people want to know. When is all this going to take place? How much is it going to cost the individual householder? How much is it going to cost the country? When will it be completed and how? Who is going to do the work? Have arrangements been made with anybody to undertake the work of these connexions? Who is that person? None of these we know. All that we know are the penalties which will be imposed for non-compliance. I must say that since the Minister himself evidently does not take this Bill very seriously, I do not see that there is any reason for me to take it seriously either.

There is no point in my proposing amendments to the Bill because we have been assured in the past that it is impossible for this House to consider amendments to any Bills in committee stage because the Attorney General is not with us. So since it is impossible for the Minister, in the absence of the Attorney General in this House, to consider any amendments that I might

suggest to him, I do not see why I should waste my time in suggesting any.

I only want, however, to go down on record as saying that the Minister has presented us with what is in fact a legal morass and that it is difficult for any of us to find our way through it. And I am quite sure that the Minister has not even attempted to go through it himself. If he had, I do not think that he and his staff could have committed the absurdities which have been committed here by asking us to amend subclauses which do not exist and putting down in a printed Bill amendments which end with no full stop. Obviously, this is not serious and if it is not a serious affair I do not see that there is any reason for me to say anything more.

Mr. B. Ramdeen : Mr. Speaker, I have no intention today of making any long speech on this question of sewerage. But there is one small point exercising my mind on which I should like to get some clarification. The question has been raised that people who live within a quarter of a mile of a public stand-pipe must pay water rate. The question is, how do you measure a quarter of a mile? Is it from a point outside a person's home on a public road along the near side or the far side to the nearest stand-pipe? What is the standard? What is the yardstick by which you determine a quarter of a mile? That is the only question I should like to have answered.

Mr. Speaker : Is the Minister prepared to answer that question now?

Mr. K. Mohammed : Mr. Speaker, I think that the answer is so very elementary that question does not need a specific reply, but I shall be prepared to give a reply to the question a little later on.

Mr. L. F. Soukeran : Mr. Speaker, we have been treated today to a most eloquent speech almost with Ciceronian gloss and brilliancy from the Minister. It was full of interesting details and abounding in historical data. If we were to judge on the basis of the performance of the Minister's speech alone, I can assure the Minister that he would not find one rival in this House.

But we do find that in the Bill itself there are tremendous hardships which will accrue to individuals, and while we are still to get to the committee stage, perhaps by our pointing them out now the Minister might be in a position to give some redress to some of the grievances pointed out in the course of this debate. I appreciate, and I hope that the Minister will appreciate, that whatever we say here is said with the finest intention merely to bring relief to a number of people in Trinidad and Tobago who will soon have to carry this additional burden of sewerage rates which must go hand in hand with their water rates and their house rates.

As I read through this Bill I discovered that the object of it is to establish an authority to replace existing statutory bodies and departments dealing with water and sewerage; that this body will be a corporate body carrying out the policy of Government and will comprise seven commissioners. Property now held by Government and statutory bodies will henceforth be vested in the corporation. Local authorities will merely be collecting agents for this body.

5.45 p.m.

Any balance after making prescribed payments to the commission out of rates collected will go to the local authority by way of commission for being good boys and energetic collectors. The first point that arises is what an amputation of the powers

of local government is contained within the confines of these 122 pages! With one fell stroke the Minister is using a scalping knife with the precision of a Red Indian to denude the local authorities of the last bit of power which remains unto them.

He has defined for us very nicely what those local authorities are. Numerically I shall merely deal with 7, 8 and 9 and perhaps add to the list No. 6. No. 6 is the County Council, No. 7 is the City Council,—that is the Port-of-Spain City Council. No. 8 is the San Fernando Borough Council and No. 9 is the Arima Borough Council. These local institutions or local governmental bodies have enjoyed a long history of self-government. The City Council for instance is an older institution, I think, than the Legislative Council or now Parliament. For years and years people have been in the habit of administering their own affairs at local government level.

The San Fernando Borough Council is perhaps one of the proudest bodies in the whole of Trinidad and Tobago, and very proud of its ancestry and very zealous of the powers which accrue unto it. Little by little we have found an inroad into local institutions in this Parliament and one wonders if it is the intention of Government to denude them of every bit of power or whether this Bill is not heralding the total—or shall I say (I do not know how to put it, I would like to use a very guarded language) it is heralding the liquidation of local government entirely in Trinidad and Tobago. Is it? If the idea is to get rid of all local government, say so. Bring a Bill to the effect and get the feelings of the Members and we shall know what to do about it. But until you do that, do not come subtly everytime you get an opportunity and stab

these people in the back, because this is stabbing in the back with a vengeance.

How will this Port-of-Spain City Council exist? How? Is it the intention of Government to take taxpayers' money all over Trinidad and Tobago to subsidize the City Council to carry out the affairs of this City? If so I am going to be a terrible opponent when the time comes because I prefer to have my taxes spent in my own constituency. Is it the intention of Parliament to collect money from the people of Trinidad and Tobago, mind you, I say Tobago, to spend for the Borough Council of San Fernando? Before these people were self-governing institutions collecting their money and making it do. They were more economical people. Very many business people served in these institutions and they had very good experience and the capacity for running the affairs of the city. They are very proud of doing it.

The first thing I condemn about this piece of legislation is the inroad it is now making into government at lower level, that is to say, the self-governing bodies and institutions. I am not concerned with statutory boards, if a statutory board like the Central Water Distribution Authority has not measured up to your expectations you could call it by any other name and put other people who would do a better job. I have no quarrel with that. If the Government of Trinidad and Tobago are thinking about making a profit on water they had better have a second thought. Water can never be a profitable business. The Central Water Distribution Authority has done a good job and when you are parting company with it, it is worthwhile to say thank you, because they have laboured under very difficult circumstances.

Water is one of the commodities that no government can expect to make a profit from. It is one of the basic needs of a country and a people, and how dare a government think in terms of even looking for a profit from water? Look at the numerous hardships contained in the Bill to make it imperative for people to pay up their dues and on time, and if you do not pay it then you could also have your house sold so that your water goes, your house, your bed and everything goes. That is what is contained here. There is no question about it. There is no whitewash in this. It is a fact that the local citizens will have to deal with, and they had better get it straight once and for all.

I am very interested in the authority that is put into the hands of this powerful commission and on page 63 Part I of the Third Schedule we find what it is that they have the power to do. Among other things these august gentlemen will have the power

"... to construct, lay or erect for the purposes thereof, or in connection therewith, and may maintain, such reservoirs, sluices, tanks, cisterns, aqueducts, tunnels, culverts, mains, pipes, engines, pumps, machinery, filters, treatment plant, sewerage works, buildings and things for, or in connection with, the supply of water or sewerage facilities as they deem necessary."

These are the fields, the ambit of their jurisdiction.

It is my fond hope that this Commission would do one thing and that is, that they would bridge the difference between the first class people of Trinidad and the second class people of Trinidad. The first class people are those who are living in the cities and urban parts. The Minister was at great pains to tell us all these lovely urban

parts. He went on from El Socorro right on to San Juan moving down to Laventille, Tunapuna, Arima, Port-of-Spain, and Diego Martin. Nowhere did we find him mentioning one single word about those people who have been neglected for donkey years. Nowhere. He did not think there was a place called Mayaro, a beautiful place with lovely beaches and with the most respectable citizens living in it. He did not remember that.

He never thought of Toco or Tobago. This semi-heaven, this paradise, this lovely thing that all Trinidad loves to talk about. He forgot little Tobago. He never remembered Naparima, which means no water. The Spaniards called it Naparima, and Naparima means no water, and ever since the days of the Spaniards we have never had water. He never remembered that spot. He never thought of Caroni right behind him, or Carapichaima a stone's throw from El Socorro.

All those things the Minister knows nothing about. If this Commission could succeed only in granting to the second class people of Trinidad the facilities of the first class citizens, I for one would like to see the Commission come into being, if it could only bridge that difficulty.

5.55 p.m.

It must be conceded that in the rural parts of Trinidad today there is a total absence of water, and nobody knows that better than the Prime Minister who has been inundated with requests wherever he went; and also the Minister without Portfolio with special responsibility for development, Mr. Victor Campbell, whose lot it now is to have the same complaints that the Prime Minister has been hearing over these weeks, put down his ear. And what is the discovery of these two

hon. Gentlemen? A discovery that we have been trying to reveal here day after day.

Ever since I came to this House—and that is nearly nine years now—this has been my topic, a swan song. It has become a tedious, repetitious and ridiculous exercise. Nonetheless, we have to call the attention of Government to this fact. There are places in my constituency—and I am talking of the ones I know best—where people still draw water from stinking, stagnant pools. The Leader of the House was present and I showed him one of those places at Borde Narve. He was with me only a week ago and he knows what I am saying is true. They draw water from ponds; and from all types of contaminated sources, one sees young women and children with pitch-oil tins on their heads walking for miles coming from some contaminated source of drinking water with their young spines, not even fully matured breaking their young craning necks twisting under the heavy weight, and when they bring it home they either do not even know they have to boil it or they do not have the time to do so, because they are in such a hurry to use it.

The Minister talks about fifty million gallons of water in Trinidad and boasts about the yields at Navet, and the El Socorro Reservoir. I can well imagine how happy the people of El Socorro are. I know. I am glad that the Minister has been able to give the people of San Juan and El Socorro water. It is a laudable thing. All I tell him is to extend that clemency a few miles further and give it to people who need it. I do not want to hear about commercial water and industrial water. I am not interested in gallons of water going to wash motor-cars in Port-of-Spain. That is not my business. I am not concerned with dozens of gallons of water flushing a sewer every morning.

I am concerned with the basic elemental needs of the people—a people who go thirsty for water; a people who have no water to wash with, none to cook with, none to bathe with.

Take for instance the other source of water—truck-borne water. It has become a scandalous thing in Trinidad. Everybody knows that a family of eight or ten is given half a pitch oil tin or one pitch oil tin of water. Of course, Mr. Speaker, you know how prolific country people are. They have no other means of relaxation. And these people suffer because no matter how they get a little water it is either insufficient or it is impure. So when I hear all this lovely talk about sewerage and this authority and that authority, and of a change from the Water Board, to the Water Commission, and about Government taking the authority from the Central Water Distribution Authority and putting it into the hands of seven big men, I think, "well, what does it matter to a donkey as to who rides it?" To the poor donkey any one master is as bad as the other until the load is taken off it. In this case what we want is action. We want to see some water given to the people.

I want to pay public tribute today to the Minister who went out with me a few days ago—the hon. Victor Campbell. I am satisfied that he has seen for himself, and the discussions I have had with him subsequently, I am sure, will now bear fruit in my own constituency. He saw for himself half a mile of water mains being put down at Ramai Trace after years of agitation by me. Now those mains have gone fifty feet from a school with about five hundred children and the Water Authority says funds are exhausted. There is no power, so the water mains stay right there. I have asked the Minister to carry these mains half a mile

further and I have every reason to believe that that will be done.

He saw what happened at Lengua. Water comes direct from Navet. This is a big gushing reservoir, a powerful supply, and it stops at the Lengua C.M. School. And water coming from the Siparia end, a gushing supply stops at a place called Mosserac Road. So between Mosserac Road and the Lengua School there is one and a quarter miles of roadway in a built up oil field area, without water. The Minister was profoundly shocked; he could not believe this. He could not imagine that such a rural condition existed in the very periphery of San Fernando; he was ashamed to know that these things are true. I am referring to the hon. Member for Ortoire-Mayaro who saw these things. The residents surrounded his car. They are intelligent people, some of them are big rate-payers, tax-payers of note, and they swamped his car; and they said "Mr. Campbell, God has sent you to us now about this water." And I am sure that the hon. Minister knows that giving them that water cannot be postponed even for one week. So that if by passing this Bill now, it gives the Minister the green light and the necessary funds to give these people water, I for one would want to support this Bill. I will support it if this is the means by which I am going to get that water. I am not concerned about the legal knots and all the little clauses and the phrases; that is for the lawyers to look after; and when we cannot unfold them some brilliant counsel will get up in the courts and find the means of getting it done for us. My business here is to interpret the needs of the people of my constituency to this Parliament so that some measure of relief can be given to those people.

Mr. K. Mohammed: The hon. Member will get that for sure.

Mr. Seukeran: I am very grateful. I would convey to my constituency the kindly sentiments of the Minister of Public Utilities who now tells me that I am getting that for sure. I am very grateful, as I said to him the other day, for Mr. Campbell's visit, and I am sure that we are going to have some measure of relief.

Another point is the clogged up ravine all along the road side. If the Minister will call the attention of the Hydraulics or the Drainage Department to this a great deal of relief can be had by cleaning it on time. I am not asking for concrete drains. I know funds are limited. But the Papouri Road, in consequence of this waterlogging, has become one of the most dilapidated roads in Trinidad, and again the Minister was shocked to see this. He was dumbfounded when he saw the conditions there. And what are the implications of all this? We are making room for the most undesirable elements in our society to play up to the gullible people.

Do Government know what was the ruinous presumption of one of the top left wingers of this country? To go down to Barrackpore and call a few people and say "Do you see how this road is bad?" They said: "Oh God, Sir, we tired make petition." He replied: "Well, your member ain't doing one thing, so you move a motion of no confidence in the Member for Naparima because the Member for Naparima can't build a road for Papouri." Well, my God, I have never seen anything more stupid or anything more unreasonable! Since when have I become a Minister of Government? If Naparima could make me a Minister tomorrow I would show them how fast we could do the job. Until then, we have to go

on bended knees, supplicating the goodwill of the Gentlemen on the other side, and hope that something will be done.

I have spoken with a great deal of feeling today because I realize that the people of the country are interested in small things, not in the big question of whose house will be connected to a sewer main. If we have started this sewerage scheme—and I for one was one of the biggest opponents of sewerage in Trinidad; I still am—but now that the sewerage mains have gone down, now that the job is almost complete, who is so mad to tell this Parliament that we would not have those mains connected up to our houses? And who is so naive as to believe that having connected them we would not have to pay rates? It is a basic elementary calculation: you want benefits you must pay for them. But I am carrying this beyond San Fernando and Port-of-Spain to the people who do not want sewerage, the people who are not asking for those luxurious amenities that the first-class people get; they are asking only for the means whereby they can live. And I am pleading for Arima, Sir, because you are not allowed to talk for your constituency, unfortunately. Yes, I am pleading for Arima, too, the back parts of Arima, all those places where there is no water. Of course, I am pleading for Mayaro with all my soul.

6.05 p.m.

There is, however, one important aspect of this Bill which I should like the people of Trinidad to know about, and that is the question of rates. Henceforth everybody must be prepared to pay rates. When there was a move to put down sewerage in Trinidad, some of us hinted to the people that this is not a simple thing. Now we know many people will have to lose their homes, because

the question of finding money to pay rates is something almost beyond the people of Trinidad and Tobago. Some people cannot pay rates for their houses now. Some people cannot pay water rates at all. To add to that a sewerage rate is to bleed people white. Already they are bled white with taxation, they cannot make it. And, God knows, I am very grateful to know that there is going to be a means whereby people will be connected up and they will have 15 years in which to pay. For that I want to congratulate the Government. Unless this instalment plan were brought in, the whole scheme would have to stop, because no people, no hungry, starving, benighted people, as I have so often called them in this House, could possibly afford this additional luxury of a sewerage.

Now, just before I sit I want today to commend publicly the people of Trinidad and Tobago for the patience, fortitude, goodwill and public-spiritedness which they have displayed all through the sewerage operations in Trinidad and Tobago. The people of Port-of-Spain must have suffered tremendous hardship. We in San Fernando have suffered so very much until we long for the day when we shall, again be able to drive on smooth roads. That difficulty is about coming to an end. And today I want to speak on behalf of my people and to say to them and for them that that great period of difficulty is about to come to an end. So I want to pay tribute to the goodwill and the fortitude and the patience of our people.

And there is one other thought: I should like to know who will be connecting these mains, if the Minister will tell us. It has been my information, and my very good information too, Sir, that very few people know how to connect the house mains to the sewer mains. As a matter of fact, when Lock Joint

was doing this job I do not think Government really gave it proper supervision or had trained personnel to follow on. I have been told that it is with difficulty that a local engineer, or even a foreign engineer, could understand where these mains are or where to make the connexions. So, while I am not against individuals in Trinidad getting the first opportunity, and while I am a firm believer that most of the work should go to Trinidad people, I believe Government should explore the possibility of finding out whether Lock Joint could not also do the connexions before they leave, or let them leave with the Trinidad Government on service some such knowledgeable people in their department until the entire connexions are carried out; or else we are going to be up for a considerable difficulty, because these mains are forever leaking, forever bursting, and everyday, come Sunday, Monday, Tuesday, there is always the ripping up of the roads. I do not know how soon that will end. Perhaps that is the experiment that has had to be gone through by all other countries, and it is our turn now. But it is said with the finest intention by me, Sir, that Government must consider carefully what type of contractors are to be given the contract to connect these house mains to the sewer mains.

Apart from that, I do not think I can add anything more because, as I said before, I think the Minister has made a very comprehensive speech today. He has filled us up with a lot of data, which some of us, perhaps, had forgotten by now. And it was very kind of him, because he did not have to do that if he did not want to. I hope that the Bill would be amended to the satisfaction, as far as practicable, of everybody, and that the hardships which people today anticipate will not be so unreasonable that

[Mr. L. F. SEUKERAN]

they cannot bear them. It is my fond hope that when this Bill is passed it will not bring with it difficulties that will yet cause people to feel still more frustrated than they are today.

The Minister of Public Utilities (Hon. K. Mohammed) : Mr. Speaker, I think that today's discussion on the Water and Sewerage Bill has been a rather interesting one. For the many years I have spent in this House I feel very happy today that although some very severe criticisms have been levelled against certain provisions of the Bill, it seems to me that all the speakers on the opposite side who took part in this debate had good intentions with respect to their various criticisms. And so I want to thank them all for whatever they have said. Even though there has been a certain degree of misunderstanding over certain provisions of the Bill, which led to more drastic comments on certain sections, I think, by and large, some of the observations made were very important, and I have taken some notes of other points dealing with the administration of the authority.

The first speaker was the hon. Member for Siparia who, during the presentation of my speech, was raising the question of the relationship between this Bill and the amendment relating to the Summary Courts Ordinance, and he asked certain questions as to why provisions were not made in this Bill for penalties. We had a private discussion and we explained to him what our intentions were. The Leader of the Opposition was also present, and we have given the assurance that since this is not the proper time nor the proper place to discuss the connexion between the Summary Courts (Amendment) Bill and this Bill, we should leave those proposals until we arrive at the

time for discussing the Summary Courts Bill itself. So that I would not go into this matter anymore but would remind him that in several sections of the Bill provision has been made for penalties. Such provision is made in a number of clauses, for example in clause 47 subclause (7), (8) and (9), clauses 53 and 60 and then in clause 83 which is a general penalty clause. I pointed this out to him afterwards. I think he wanted to relate these penalties to the provisions of the other Bill. So since this has been explained and we shall deal with that separately, I do not propose to discuss that point any further.

I think he also wanted an explanation with respect to the position of persons who hold leases. Now under this Bill special provision has been made for persons who are merely monthly tenants, a person who rents a lot of land from a landlord and who has to pay a monthly rent. He does not have any lease or any option to buy. He has a chattel house so to speak. Under the present Ordinance governing the operations of the Central Water Distribution Authority such a person cannot get a connexion of water no matter what the cost of his house may be. Now it is true that this person may be renting a lot of land, say, for \$1.00 or 50c. per month but by some measure of thrift was able to build a house for \$5,000 or \$10,000—and we know there are cases where there are more expensive houses built on rented lands—and these persons cannot get a connexion to their premises when the landlord does not want to sign, giving the Central Water Distribution Authority the right to go ahead and connect this water supply, and these people suffer severe hardships.

As I said in presenting this Bill, being the Minister in charge of this portfolio for the last three and a half years, and being a

county councillor for a number of years since 1952, followed by my term as a representative of my constituency, I have always been aware that this has been one of the most burning problems facing the people of Trinidad and Tobago. And there is no doubt about it that there is to be found in this Bill what is really one of the greatest innovations designed to take care of this situation. I think it should be welcomed by every hon. Member of this House. I have no doubt that it will be welcomed by the public as a whole because this will be giving the persons who own these houses on rented land the privilege of connecting a water supply. I do not think that anyone will dispute this. The hon. Member for Siparia wanted to know what the score was since, as he put it, there was no provision for leased premises. I wish to say to him that the Bill imposes duties on occupiers and owners with regard to these premises. So a person, whether he holds a lease or whether he owns the land is either an occupier or an owner. So whether he is an occupier by lease or an occupier by chattel law or whether it is, he is still an occupier or an owner. Therefore the person who has a lease is covered by the Bill.

Then we had the contribution of the hon. Member for Pointe-a-Pierre. He started off by pointing out that, in his opinion, in my opening address I dealt only with certain sections where the Government, so to speak, can say that they are doing something for the public but that I did not deal with certain items where the people of the country would suffer certain disadvantages. Maybe he did not use those exact words but in essence that is what he meant. But I should like to assure him that this is not so. The chief reason why I may have omitted dealing with any particular section which he

pointed out, is that due to the size of the Bill—and I have repeated this on several occasions—it was impossible for me to deal with it clause by clause, schedule by schedule. It is not a short Bill and it would have taken too long. And when all is said and done the main object of presenting this Bill is to remove some of the very deficiencies which the hon. Member pointed out.

The fact of the matter is that we have got an accounting staff at the Water Department of the Ministry of Public Utilities and we have another accounting staff at the Central Water Distribution Authority; another accounting staff at the Port-of-Spain City Council, another one in the Borough Council, yet another at the San Fernando Borough Council and at the county councils too. A great deal of their time is spent in conducting affairs relating to water. What we are saying—and I do not think that this has been disputed by him or by other hon. Members—is that by consolidating all these agencies and drawing upon the talents which are now scattered and divided, and putting them into one operation we are bound to have one result; and that result will be increased consolidation and efficiency of operations. And this too is one of the reasons why I did not go into the detail of examining the Bill clause by clause. If there seems to be certain omissions on my part it was chiefly because I wanted to save time and not because I wanted to hide anything. For there is in fact, nothing to hide.

I should like to point this out to the hon. Member for Pointe-a-Pierre. Eight years ago the Central Water Distribution Authority was dealing with anything like 20,000 land owners and 40,000 tenants. Today that figure has almost doubled—about 40,000 land owners and nearly 100,000 tenants. In the meantime the staff remained the same.

no addition, the same team operating, the same one general Manager; the same depleted staff in the accounting section and everyone knows that Trinidad and Tobago in the last 10 or 12 years has seen one of the biggest building booms that we have had in the Caribbean. No other Caribbean country has seen such a building boom.

Diego Martin which once only had a population of about 8,000 or 10,000 people today boasts a population of well over 40,000. In the San Juan area vast acres of agricultural land formerly in coconuts and rice are now covered with houses because of the increase in population and the development in these areas. And these areas are developing very fast. One year where one passed and saw a coconut field or a rice field, the year after that one sees dozens of houses.

And this imposes an obligation on Government to connect water supplies in these areas, among other things. It has almost been impossible to keep pace with the times and therefore there have been certain deficiencies in certain areas. I think hon. Members should bear with us because it is not only one area that has to be dealt with as regards water. There are many areas to be dealt with and it takes a lot of money, and a lot of time to implement whatever we want to do with a high degree of efficiency.

I think it must be said for Central Water Distribution Authority that they have done an extremely good job with the limitations they encountered and since the Central Water Distribution Authority and the officers will be spending very shortly their last few days in that place may I take this opportunity on behalf of the Government and people of Trinidad and Tobago to join with the hon. Member for Naparima in paying

them public tribute for what they have done for this country. It is something that we must place on record and I think that our children should know about it. It has been a very difficult period; a very difficult period indeed. In other areas we have not seen places develop as they have developed here and to do as much as they have done is remarkable. I do not know how it was done. I place that on record.

If the accounts have not been kept up to date it is for the reasons I have advanced. I should like the hon. Member for Pointe-a-Pierre to know that we are bringing in Fitz-Patrick Graham & Co. because we cannot find accountants to work. It is well known that in several Government departments as well as in private enterprise, there is a vast shortage of accountants. This faces the country as a whole. Accountants come; may remain, but others go where there are higher salaries and better working conditions. We hope that this will be put right by the revision of the Working Party proposals at the earliest possible opportunity.

Now the hon. Member for Pointe-a-Pierre also mentioned the case of Mr. Abdul and certain problems which he had with the Telephone Company. I do not know anything about it but I can promise him that I will cause his complaint to be conveyed to the right quarter and have an investigation made. Because it would appear that, if what he said was correct, something is wrong and it certainly deserves some form of investigation.

The hon. Member for Pointe-a-Pierre also raised the question of the cost of connexion to this sewerage scheme. He said that nobody knows what it would cost. I am sorry he did this. Maybe he was either out of the country or it was not possible for him to follow the publicity campaign we launched

some months ago when we appealed to private land owners in the Arima area to make connexions to the sewerage scheme. We pointed out certain basic facts. Firstly, that as far as the connexions for sewerage are concerned the Government have provided in our development programme the sum of approximately \$4 million; that this money is still available and is absolutely for the purpose of assisting people who cannot afford to spend their own money for connexions to the sewerage scheme and building their water closets and so on. If these people wish to hire a private contractor to do the connexion they are free to do so. If they wish to allow Government contractors to do it, whether they are officers of our own Sanitation Department or people from outside, they will be permitted to do it, provided the plans and specifications are approved by the Chief Technical Officer in the Sanitation Department. The money will be provided by Government if the people do not have it, and they will have a period of fifteen years to repay this money.

As regards the question of interest, we have not really fixed it. At the moment, I understand, the City Council charges an interest of about four per cent. and it would seem that between four per cent. and five per cent. would be a reasonable rate. This is not final. It is four per cent. at the moment.

Mr. P. Farquhar : There is a provision here which says it should be not less than six per cent.

Mr. K. Mohammed : It does not matter; that is the maximum.

Mr. P. Farquhar : No, not less than 6 per cent.

Mr. K. Mohammed : That is for another purpose. It is not for the purpose I am talking about. The hon. Member raised the question with respect to the sewerage scheme.

So that this is the provision. Over a period of fifteen years it would mean that if a man has a minimum of, say, 10 feet from the road to the boundary of his building, the cost is about \$10.00 per foot. That is a fairly high figure. It depends on whether the man has a wall to be broken down or whether there is a concrete culvert to go under. But if one wants to connect a sewer pipe from his premises to the roadside and the distance is twenty feet, in any event, the average is \$10.00 per foot. So that the cost to the owner of the house who wants to connect, we can reasonably assume, would be in the vicinity of \$250.00. That is the capital expenditure. If that is spread over a period of fifteen years the repayment to the Water Authority will be just a little over \$1.00 per month—broken down in fifteen years.

So that while this proposal is something new and an additional expense to people for connecting their sewer system to the general sewerage scheme provided by Government, it is something of convenience and sanitation. As I pointed out, the areas are being developed so rapidly that any one who checks with the local health authority of the St. George area, of San Fernando or of Port-of-Spain, will find that the trucks which are used to empty the cesspits in private homes where there are no sewerage connexions are very few; there are not enough of these trucks to do the job. This is a problem facing the country all over; and in the built-up areas where the sewerage scheme is being laid down this situation will be greatly relieved. I also mention the question of the waste water and so on. So this is the position so far as the sewerage system is concerned.

Water and
[HON. K. MOHAMMED]

Friday, 6th August, 1965

Sewerage Bill

The hon. Member for Pointe-a-Pierre and the hon. Member for Naparima sought information as to the probable time of completion, and raised a series of questions which I should like to answer now. Will the scheme finish? The answer is yes. The scheme at the moment, according to the last report I received four days ago, is about 92 per cent. complete. The only large part of the scheme to be completed is the Wrightson Road area where the contractors have run into several difficulties with respect to installations of the Trinidad and Tobago Electricity Commission. As everybody knows, that area is a very difficult one to work in as it is reclaimed land which was once covered by sea. There is about 3,000 feet of connexion to be done and the estimated completion time is towards the end of November. I should say here that the original completion date was not met because of bad weather and certain interruptions of work caused by labour disputes and this has caused the prolongation of the entire programme by about five to six months. We are satisfied that because of these unfortunate developments during the course of construction, particularly bad weather, and for one reason or another various other developments unforeseen, it was necessary to extend the time, and the scheme is now 92 per cent. complete.

The other question is, how will the people pay for these house connexions? I have already explained that money has been provided under the Five-Year Development Programme. I am not saying now that the money provided will provide the connexions for all the householders who would like to connect, but we have made a start. We have not yet decided whether these connexions will be made by the contractors or by Government, through the Water and Sewerage Authority, who would then employ private

local contractors to do it. This is at the moment receiving the consideration of a technical committee appointed from the various Ministries with the advice of our consulting engineers. I am very hopeful that within . . .

Mr. L. F. Seukeran : May I rise on a point of explanation? The Minister is making a very good observation and I am rather interested. Will not the contractors be also using local labour and will not the people of Trinidad and Tobago be employed whether it is run by a knowledgeable contractor or by a government that has never studied the problem? Will not the labour situation remain the same?

Mr. K. Mohammed : I am not disputing that. What I am saying is that we have not yet decided whether the contractors who are now laying down the sewerage scheme will be the ones to do the house connexions. We have set up this technical committee which will consider which is the most economical method of doing it and who will be the most competent people to do it; whether private contractors or a Government department.

As Members know, during the last four or five years we have set up a Sanitation Department headed by one of our brilliant engineers, Mr. Bates, who has been working on this from the inception. There are a number of trained engineers and several local people who have been working on this sewerage scheme from its inception and they are receiving training. They have the plans and specifications and if tomorrow Lock Joint leaves the territory the Government Sanitation Department can tell you exactly where every house connexion is to be made. It has been mapped. All the inspectors who are employed today by the consulting engineers, Metcalf and Eddy, who are

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representing the Government of Trinidad and Tobago, have been recruited locally and they are the ones who go down when they are cutting these connexions to the boundary of the property and they check the plans. So these people will remain here, and their knowledge will be available. There is no question, I can assure the country . . . [Interruption].

That is a point I was about to deal with. We have to develop a department that will take over the scheme. We must have a Government department. The nucleus of the department is there; a number of people are being trained now. We have gone even further than that. We are at the moment discussing with the University of the West Indies and World Health Organization the setting up of a sanitation engineering unit for the purpose of training several local people, who will then run this scheme. Our consulting engineers discussed this matter with us only a few days ago, and this sub-committee which is putting up proposals for the staffing of this Authority is also bringing up proposals for the purpose of house connexions and the question of staff for running the entire operation.

So I want to assure hon. Members that none of these points has been overlooked. What I think has been overlooked is sufficient publicity to the developments of this scheme, and I want to assure hon. Members that as soon as this Bill passes through both Houses we shall take steps to see that the public know all the facts about it so that they will be able to prepare themselves, and to give us the fullest co-operation possible.

One of the reasons why we have done nothing much about it is because there is no provision under the law now to cause anybody to make these connexions. In the Arima area, which was completed three

months ago, we called a meeting of the residents; our officers have gone up there and have been talking to the people asking them to make voluntary connexions. Many of the people have agreed and arrangements are being made for them to go ahead. But that is a compact unit. The Arima area, which covers about 2,000 houses, has a separate treatment plant and it is a distinct unit by itself. So is San Fernando. But when we come to the larger areas we cannot tackle them by this same method. We have to depend on an early passage of this Bill so that we would be able to proceed in a proper manner. These are the points so far as the scheme itself is concerned.

6.35 p.m.

I think the hon. Member for Pointe-a-Pierre raised one or two other points and I should like to just run them through very quickly. One of the points that he raised was the question of the reference to section 66 where the Port-of-Spain Corporation Ordinance also makes provision for compulsory connexion of premises to street sewers. This law is in existence now. This is nothing new. Most of the provisions under the Ordinance which we are proposing here today are in existence in one form or another under the various other chapters. What we are doing is to consolidate these. I do not think anyone can deny the necessity for requiring sewerage connexions to be compulsory in view of the very real health problems that can continue to arise if pockets in the sewerage scheme exist. This is something that is being put down, and since it is being put down one would expect that people would make the best use of it.

The other point the hon. Member referred to was the present law under the Central Water Distribution Authority Ordinance

empowering the Authority to employ the Rates and Charges Recovery Ordinance for the recovery of rates and charges as well as expenses incurred. This Bill abolishes the procedure in all but three cases—section 67 (5), section 74(3) and paragraph 21 of the Fourth Schedule, where it is considered important. The principle here is that the three cases are instances where the owner, and not the occupier, is liable for the rates or expenses. This is not a question of the rich or the poor but a simple and elementary point of the ability of a person to pay.

Mr. Farquhar : That depends on whether he is rich or poor.

Mr. K. Mohammed : No. The ability to connect rather, I am sorry. As the premises are not serviced it is difficult to collect if the owner is delinquent. The Authority must have some proper means of enforcing collection. As it is today, if a man does not pay the taxes for his house, his house is put up for sale whether he is poor or rich. It is very unfair to suggest therefore that because these provisions are now enshrined in this Bill for purposes of recovery that there is any discrimination between the rich and the poor. I do not accept that.

There is one point I have to give him credit for and that is for pointing out on page 120 in the last four lines:

"... that to the same extent as such persons respectively could have exercised the same power under the authority of this or any other enactment, if they had respectively been under no..."

and the thing ended there. I thought he would have been a bit charitable. It is an error of the printer and not the writer of the Bill or the inability of the draftsmen. The word "disability" has been omitted by the printer.

Mr. Farquhar : Do they not have proof readers there?

Mr. K. Mohammed : I thank him for seeing that. I should like to add the word "disability" for his information. It is most kind of him.

Then the hon. Member raised another point that I think I should reply to. He talked about these amendments. May I point out for the record that this Bill was published before I left Trinidad for the Civil Aviation Conference. That was about five weeks ago. It came for First reading last Friday, and I am informed that the hon. Leader of the House made it clear that the Bill was going to be considered.

I think it is a very big Bill and if it were possible, longer time should have been afforded hon. Members to consider it. I would admit that the time for consideration of these amendments has been short. Some hon. Members complained they received further amendments only today. We apologize for that but we are running against time and it is imperative that we should get through with this Bill as early as possible. I want to thank the Leader of the Opposition for giving us the fullest co-operation in this matter because we have pointed out to him the great necessity of getting through with this Bill very quickly in order not to delay the most vital preparation for works which are to be done.

One fundamental point that the hon. Member for Pointe-a-Pierre raised and that is relating to the question of land acquisition in 77 (1) of the Bill whereby the Authority is empowered to acquire water rights compulsorily by means of a compulsory purchase order for any of its purposes. The compulsory purchase order together

with the procedure related to its making and confirmation is the machinery whereby any public authority can seek the ministerial approval for the acquisition of land for the purpose of its undertaking and at the same time it preserves the right of land owners who may object to the proposal in general so far as these may prejudice their ownership and interest. The procedures for acquisition associated with the compulsory purchase order are more democratic than those contained in the present Land Acquisition Ordinance. I would have thought that the hon. Member rather than criticizing this procedure...

Mr. Farquhar : I did not criticize I merely said it was not mentioned.

Hon. K. Mohammed : I apologize. If that is the point I withdraw any hostility to this suggestion. I apologize again because it was not possible to do everything. The point is that the Trinidad and Tobago Electricity Commission, the Telephone Company, the defunct Railway Board which was operating under very limited powers as well as the Central Water Distribution Authority had their rights to proceed with their work by certain normal procedure. The Land Acquisition Department has a very efficient and trained officer who returned from the U.K. some years ago and pointed this out. He said that the practice now prevailing in the U.K. and the U.S.A. protected the rights citizens in so far as their interest in ownership of property is concerned, and this provision is contained in the amendment. If we have burdened hon. Members with an amendment of this sort I am sure they will appreciate that it was a burden in the interest of the country.

I should like to point to the hon. Member again that, apart from the fact that these provisions are now contained in one way or another under the T. & T.E.C. Ordinance, and the Telephone Ordinance, and the fact that they are the modern provisions in the U.K. and the U.S.A., on confirmation by the Minister of this purchase order, the Compulsory Purchase Order would give the Authority the right to acquire the land for the purpose of its undertaking, and in cases where land owners refused to negotiate after being invited to do so, or in instances where they cannot be found after diligent inquiry or search, provision is made for vesting the land in the authority upon the deposit of the assessed compensation moneys in the Central Bank.

The principal features of the procedure are firstly, a basis for assessing the compensation payable, secondly, provision for settlement by private treaty. If therefore, Mr. X owns a parcel of land and this is required to construct a water tank or put down a treatment plant for a sewerage project then the Authority will approach that gentleman and say, "we should like to have this for a public purpose. Would you be prepared to sell, and could we have this done by private treaty?" If that fails, only then would the purchase order be put into effect. There is also provision for payment of cost of acquisition by the Authority; provision for improvements to the land by acquisition in considering the compensation payable and service of notice on all interested parties which is a fundamental aspect of any land acquisition.

Once the private citizens rights are to be taken away in this respect, notice is a vital factor and this Bill provides for that where it was not provided before. These notices

must be served on the interested parties. Provision is also made for local inquiries to be held in cases of objection. All these procedures, in my opinion, are there for the benefit of the public and, in my opinion, they are very important indeed. These were the important observations made.

Then we had the contribution by the hon. Member for Naparima. I must say that as far as his contribution is concerned we have already dealt with this allegation about the emasculation of the powers of local government bodies. I should like to assure the hon. Member that he and other hon. Members of this House know that I made my entry into politics through a local government body. I have served with them and I have learnt a lot and I still believe they have their role to play, but now that I am a member of the Government I cannot say that I have ever found any evidence that there is any intention to deliberately emasculate the powers of local government bodies. Whatever attempts are being made, are made with the object of achieving consolidation, centralization, and efficiency. That is the simple answer I should like to give in the case of this particular Bill, for it is obvious to everyone that these various bodies could not properly co-ordinate, and money was being wasted to a great extent. It is not a question of emasculation but a question of unifying something that all these agencies are doing, for the purpose of the general good of the country. In other words, rather than make the allegation of emasculation, I think one should consider that this unification would mean something for the general welfare of the country. I ask the hon. Member for Naparima to view it in this light.

I should like to assure the hon. Member for Naparima that I did not mention

El Socorro, San Juan or Port-of-Spain in reference to a water supply. I was merely quoting the areas which are to be sewered. At no time did I ever forget Naparima, Carapichaima or Mayaro or any of the other areas. The hon. Member is aware that I have covered this country in other fields as few people have done. And I know the country well. I am deeply interested in the complaint and the difficulties of the people in the country areas. But what I should like to point out again is that it is extremely difficult to meet all the demands of every hon. Member of this House, or every county council. Our budget is limited and we can only try to please as many people as possible with the financial resources at our disposal. I know the particular area the hon. Member is complaining about. Many of my friends live there and I visit these areas pretty often in another capacity. I have already given him the assurance; he has seen evidence of our interest. The hon. Member for Ortoire-Mayaro inspected the area. And once again I would assure the hon. Member for Naparima that, at the earliest possible opportunity, we shall attend to this problem. It is not possible to say that we shall do it next week, or the week after, considering all the other representations which have been made by other hon. Members, but at the earliest opportunity; an effort will be made to continue what we have already started in that area.

The hon. Member for Naparima spoke with great feeling on the problems of people of the rural areas. May I assure him that problems exist in my own constituency; they exist even in Port-of-Spain and in other built-up areas as well; if not with respect to water or electricity, perhaps with respect to housing, drainage, or something else. I think these are things we all are concerned

about; and we must attempt to help each other to find solutions to these problems.

I should like to join with the hon. Member for Naparima in complimenting the people of the country for their tolerance and patience with respect to the inconveniences they suffered during the time of the construction of the major part of the sewerage scheme. As I said when I was inaugurating that scheme in April 1962, it is today's inconvenience for tomorrow's convenience. I think that, by and large, it has gone well; despite the fact that there have been problems and there might still be more problems before the day is done.

I should like to assure hon. Members that we know the magnitude of this sewerage scheme—two hon. Members commented on it—and we are preparing for the responsibilities which this new scheme will bring. As I said before, our department is headed by Mr. Bates who has made the scheme a special study. He has been to various countries where such schemes are operated. Recently we sent him to Israel, a country with conditions more or less like ours; and I think that as soon as the chart and the staff are provided we would be ready to take over the entire project. This is the assurance I give to hon. Members—that we are mindful of our duties and responsibilities with respect to the scheme; that we are mindful of our obligations more or less like ours; and I think that provision of the necessary amenities, not only water but electricity and other vital services; and we, at all times, shall try to carry out our responsibilities without discrimination.

Before I sit down I should like to answer the hon. Member for Caroni East, who asked this question about the definition of a quarter mile. Well I do not think the Bill has this definition, so to speak. But what I

think as a layman is, that a quarter mile will be measured in any direction from the standpipe to the house and wherever that quarter mile ends, that would be the yardstick which would be used. I do not think there is any hard and fast rule. It is a terminology which is used to determine a particular distance. I do not think I can give a clearer definition than that.

Mr. Ramdeen : On a point of order, Mr. Speaker, what I wanted to know is whether measurement would be taken along the existing public road or whether it would be as the crow flies—across other people's property.

Mr. K. Mohammed : That is very difficult for me to answer. I shall have to consult the legal people on that. I am sorry I cannot answer that now. Anyway it is a point we can look at. It might require some consideration. I do not think I should take up any more time, it is already late, and we have to go into the committee stage. Once again I should like to thank hon. Members for their contributions and to say that as regards those points which I have not answered, it is either because I wanted to save time, or that I did not think them important enough. I have just dealt with the more important points.

Question put and agreed to.

Bill accordingly read a Second time.

Bill committed to a Committee of the whole House.

House in Committee.

Clause 1 ordered to stand part of the Bill.

Clause 2.

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

Mr. K. Mohammed: Mr. Chairman, I beg to move, That clause 2 be amended as follows:

- (a) delete subsection (2) thereof; and
- (b) renumber the section as section 2.

Question put and agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clauses 3 to 9 ordered to stand part of the Bill.

Clause 10.

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

Mr. K. Mohammed: Mr. Chairman, I beg to move, That clause 10 be amended by deleting the words "relating to water and sewerage" in lines 4 and 5.

Question put and agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11.

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

Mr. K. Mohammed: Mr. Chairman, I beg to move, That clause 11 be amended as follows:

- (a) in paragraph (b) of subclause (1) thereof, substitute for the reference to subsection (1) of section 58 occurring therein a reference to subsection (3) of section 58; and
- (b) in subclause (6) thereof, substitute for the reference to subsection (1) of section 2, a reference to section 2;

Question put and agreed to.

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

Clauses 12 to 16, ordered to stand part of the Bill.

Clause 17.

Question proposed, That clause 17 stand part of the Bill.

Mr. K. Mohammed: Mr. Chairman, I beg to move, That clause 17 be amended by substituting for "Assistant Executive Director" wherever it occurs therein "Deputy Executive Director".

Question put and agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

Clause 18 ordered to stand part of the Bill.

Clause 19.

Question proposed, That clause 19 stand part of the Bill.

Mr. K. Mohammed: Mr. Chairman, I beg to move, That clause 19 be amended by adding at the end of subclause (1) thereof the words "; and an officer in the service of the Authority may be transferred to the Public Service".

Question put and agreed to.

Clause 19, as amended, ordered to stand part of the Bill.

Clause 20 ordered to stand part of the Bill.

Clause 21.

Question proposed, That clause 21 stand part of the Bill.

Mr. K. Mohammed: Mr. Chairman, I beg to move, That clause 21 be amended by deleting the words "or Provident Fund".

Question put and agreed to.

Clause 21, as amended, ordered to stand part of the Bill.

Clause 22 ordered to stand part of the Bill.

Clause 23.

Question proposed, That clause 23 stand part of the Bill.

Mr. K. Mohammed: Mr. Chairman, I beg to move, That clause 23 be amended as follows:

(a) insert the following subclause after subclause (2) thereof:

"(3) In the case of a person who has elected to continue his service under the Authority and who retires from or dies in that service before the establishment of the Pension Scheme under section 21, any superannuation rights occurring at the time of his retirement or death may be paid to such person in accordance with regulations made by the Minister."

(b) renumber subclause (3) as subclause (4).

Question put and agreed to.

Clause 23, as amended, ordered to stand part of the Bill.

Clauses 24 to 27 ordered to stand part of the Bill.

Clause 28.

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

Mr. K. Mohammed: Mr. Chairman, I beg to move, That clause 28 be amended as follows:

In subclause (1), substitute the word "Treasury" for the word "Treasurer".

Question put and agreed to.

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

Clauses 29 to 44 ordered to stand part of the Bill.

Clause 45.

Question proposed, That clause 45 stand part of the Bill.

Mr. K. Mohammed: Mr. Chairman, I beg to move, That clause 45 be amended as follows:

In subclause (1), insert immediately after the words "local authority" occurring in line (1) thereof the words "within the meaning of section 58,".

Question put and agreed to.

Clause 45, as amended, ordered to stand part of the Bill.

Clauses 44 to 55 ordered to stand part of the Bill.

Clause 56.

Question proposed, That clause 56 stand part of the Bill.

Mr. K. Mohammed: Mr. Chairman, I beg to move, That clause 56 be amended by adding at the end thereof, "and may make regulations as to the use of water from public stand-pipes".

Question put and agreed to.

Clause 56, as amended, ordered to stand part of the Bill.

Clauses 57 to 73 ordered to stand part of the Bill.

Clause 74.

Question proposed, That clause 74 stand part of the Bill.

Mr. K. Mohammed: Mr. Chairman, I beg to move, That clause 74 be amended as follows:

In subclause (3), add at the end thereof the words, "and the water rate shall be recoverable in the manner in which water rates are recoverable under the Rates and Charges Recovery Ordinance".

Question put and agreed to.

Water and
[HON. K. MOHAMMED]

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Clause 74, as amended, ordered to stand part of the Bill.

Clause 75.

Question proposed, That clause 75 stand part of the Bill.

Mr. K. Mohammed: Mr. Chairman, I beg to move, That clause 75 be amended as follows:

(a) renumber the clause as subclause (1); and

(b) add the following subclause:—

“(2) In this section a reference to a house, building or premises served with sewerage facilities shall be construed so as to include a reference to a house, building or premises in respect of which a notice given under subsection (1) of section 66 has expired.”

Question put and agreed to.

Clause 75, as amended, ordered to stand part of the Bill.

Clauses 76 to 91 ordered to stand part of the Bill.

Mr. V. Jamadar: Mr. Chairman, before you start the Schedule, may I ask the Minister one question, a sort of general question that would not require my going the Schedule in detail?

Mr. Chairman: You want to make a little speech?

Mr. Jamadar: No, I just want to ask him whether obligations on the contractors will be taken over by the authority.

Mr. K. Mohammed: When the Member says “obligations”, what does he mean?

Mr. Jamadar: Trespass on property. Or if you have damaged property, now the work is transferred to the authority, would obligations of this sort be taken over by the Authority?

Mr. K. Mohammed: Well, I have no specific recollection of that. But I do know that the contractors will be liable during the guaranteed period of the contract, which is one year after the completion date of the contract.

Mr. Jamadar: So any damage as a result of the works of the contractors will have to be met by the contractors during the ensuing year?

Mr. K. Mohammed: During the guaranteed period, yes.

First Schedule ordered to stand part of the Bill.

Second Schedule.

Question proposed, That the Second Schedule stand part of the Bill.

Question put and negatived.

New Second Schedule read the First time.

Question proposed, That the New Second Schedule be read a Second time.

Question put and agreed to.

New Second Schedule ordered to stand part of the Bill.

Third Schedule.

Question proposed, That the Third Schedule stand part of the Bill.

Mr. K. Mohammed: Mr. Chairman, I beg to move that the Third Schedule be amended as follows:

(a) in the definition of “local authority” occurring in subparagraph (1) of

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paragraph 1 thereof by substituting for the words “sub-section (1) of section 63 (1) of the Public Health Ordinance” the words “subsection (6) of section 7 of the Act” and by substituting for the reference to section 22 a reference to section 2;

(b) in the definition of “order” in subparagraph (1) of paragraph 1 by adding thereto the words “, and includes a licence issued by the Authority under section 44 of the Act”;

(c) in subparagraph (1) of paragraph 6 thereof by substituting the reference to section 71 for the reference to section 74 occurring therein; and

(d) in subparagraph (1) of paragraph 14 thereof by inserting after the words “Water Purveyor” occurring in line 9 thereof the words “or licensee under section 44 of the Act”.

Question put and agreed to.

Third Schedule, as amended, ordered to stand part of the Bill.

Fourth and Fifth Schedules, ordered to stand part of the Bill.

Sixth Schedule.

Question proposed, That the Sixth Schedule stand part of the Bill.

Mr. K. Mohammed: Mr. Chairman, I beg to move that the Sixth Schedule be amended as follows:

(a) in paragraph E thereof by deleting the heading “Part III”;

(b) in section 35A occurring in paragraph E thereof—

(i) by substituting in subsection (5) of the said section 35A for the words “the proposed water supply to building lots or proposed sewer facilities” the words “any matters referred to in subsection (1) or in subsection (2) of section 36”;

(ii) by inserting in subsection (6) of the said section 35A immediately after the words “subsection (1)” occurring therein the words “or in subsection (2) of section 36” and by adding at the end of the said subsection (6) the words, “or under subsection (4)”, and

(c) in paragraph I thereof by adding at the end of subsection (4) of section 55 occurring therein the words, “or under subsection (2)”.

Question put and agreed to.

Sixth Schedule, as amended, ordered to stand part of the Bill.

Seventh Schedule.

Question proposed, That the Seventh Schedule stand part of the Bill.

Mr. K. Mohammed: Mr. Chairman, I beg to move that the Seventh Schedule be amended as follows:—

(a) by inserting the following item as item 1 thereof:

Enactment

" 1. Widows' and Orphans'
Pensions Ordinance Ch. 9
No. 8

Extent of Amendment

In section 45 thereof by substituting for references to the Central Water Distribution Authority, references to the Water and Sewerage Authority under the Water and Sewerage Act 1965, wherever those references occur;"

(b) by re-numbering items 1 to 8 occurring therein as items 2 to 9; and

(c) by substituting in subparagraph (e) of paragraph A of item 2 as re-numbered for the reference to section 10 occurring therein a reference to section 11.

Question put and agreed to.

Seventh Schedule, as amended, ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendments; read the Third time and passed.

JOHNSTON, SIR GASTON—DEATH OF

The Minister of Home Affairs (Hon. A. G. Montano): Mr. Speaker, before I move the adjournment of the House, I have a sad duty to perform. I desire to ask hon. Members to put on record the regret of this House at the sad passing of Sir Gaston Johnston. Sir Gaston was a figure of very great distinction in this country for a number of years. He served longer in his profession than perhaps any other lawyer in this country and brought more distinction to that profession than perhaps any other lawyer over the last 50 years. He was at one time, in spite of his pre-eminence in the field of law, a member of the City Council

for, I think 14 or 15 years, where he had the distinction of serving as Mayor of the town on five different occasions, and later found time also to serve as a nominated Member of the Legislative Council, a distinction which was accorded him purely on his ability.

His service at the Bar over a period, I believe, of some 60 years was longer and perhaps more distinguished than that of any other lawyer in the West Indies. His passing leaves a tremendous void in the legal profession and in the community. I am sure that hon. Members on both sides of the House will join with me in placing on record our regret at his passing and ask that a message of condolence be sent to his surviving relatives.

Mr. V. Jamadar: Mr. Speaker, may I on behalf of the Opposition say that we too join in expressing our deep sympathy on the passing of this great and distinguished lawyer. Sir Gaston Johnson belonged to the old heritage of distinguished lawyers who made a great mark in this country. He, more

than anyone else, represented the independence of the Bar. He was a great believer in the rule of law and I am quite sure that at this time of our independence his passing is a sad loss to the country.

It is our hope that the members of the Bar of our generation will emulate his great example and will follow in his noble footsteps. I join with my hon. Friend the Leader of the House in expressing our great sympathy on his passing.

Mr. Speaker: Hon. Members, this House will convey its sympathy to the relatives of the deceased Sir Gaston Johnston.

Motion made and Question proposed, That the House do now adjourn to Friday, 13th August, at 1.30 p.m.—[Hon. A. G. Montano].

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.12 p.m.