

Leave of Absence

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SENATE

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The Senate met at 1.45 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Members of the Senate, I wish to announce that I have granted leave of absence to Senators J. Stollmeyer, A. Date-Camps and L. Wight.

HUGGINS, MRS. LILLA—DEATH OF

Mr. President: I also want to bring to the notice of the Senate the bereavement suffered by Her Excellency Lady Hochoy, on the death of her mother. I should like the Senate to stand as a mark of respect.

Senate stood in silence.

BILL BROUGHT FROM THE HOUSE

Water and Sewerage Bill

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,—[*The Attorney General*] read the First time.

Motion made and Question proposed, That the next stage be taken forthwith—[The Attorney General].

Question put and agreed to.

The Attorney General (Senator the Hon. G. A. Richards): Mr. President, I beg to move,

That the Bill be now read a Second time.

I realize that this Bill presents a formidable appearance but I should like to ask hon. Members of this Senate not to be unduly intimidated by it because its aims and objects are easily understandable and the purposes for which it is designed can be readily grasped without necessarily looking too closely into all its details. I had the permission of this hon. Senate to proceed through all the remaining stages forthwith and I should just like to assure them that necessity compelled that request. The conditions pertaining to the water supplies of the country make it very necessary that the Authority proposed under the Bill should be set up as early as possible.

Water is perhaps nature's greatest gift to man. Certainly it seems to me it is second to no other commodity as one of the essentials of life. When we consider the role of water in an organized community we must realize that there are so many aspects to its use. For example, it is used for domestic purposes, for sanitary purposes, for industrial purposes, for agricultural purposes and even for work and other social purposes like fire prevention. It is obvious, therefore, that any policy for proper economic development in a community must envisage, as an essential basis of such policy, the provisions of a plentiful, safe and cheap supply of water. Therefore, the production, conservation and distribution of water is obviously one of the most important enterprises in which a community can engage. This is realized almost everywhere and the threat of water pollution and the threat of a reduction

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in supply, which might be caused by denudations of vegetation due to building or land erosions, are perpetual headaches to governments everywhere in the world.

The Government of Trinidad and Tobago, as an alert government, conscious of the need to conserve the present and ensure the future supply, have always taken a forward looking policy in their efforts to provide a constant supply of pure water for all the domestic, industrial or sanitary needs of all the people of the country. That is the ideal and that is the aim, and in pursuance of that no less than \$52 million has been spent between the period of 1956-1964 in the development of the water resources of this country.

So far as the sewerage scheme is concerned, in spite of the many beatings that the sewerage scheme has received at the hands of certain people, it is now happily coming into effect. I do not think that any person interested in the health of the community can doubt the wisdom of the decision taken to extend that scheme to those parts of the country not so fortunate as to have had the benefit of sewerage before. It is nothing new. The sewerage scheme has been in operation in Trinidad and Tobago for many years although it was confined to certain areas of Port-of-Spain. Senators would know that as far back as 1904, I believe, a start was made with sewerage. And in reference to this matter, in a recent report of the Director General of the World Health Organization, special emphasis was laid on public health problems connected with water, and especially on water pollution and the necessity for proper disposal of wastes, so as to avoid widespread contagion; and it was there emphasized that the mistakes which had been made by other countries must at all

costs be avoided by developing countries where a water supply must have a very high priority.

1.55 p.m.

The need for the integration and co-ordination of the water services and the water resources of this country does not require any special advocacy; it has become quite apparent in recent years that that is a necessity. The need to eliminate delays, inadequacies, inefficiencies, lack of integration between the various agencies which supply water, has made it evident that sooner or later we would have been bound to come to the point, which we have reached today, of seeking to set up a unified authority to deal with all these matters.

At present the question of water in its various aspects is dealt with by a multiplicity of agencies. For example, under various bits of legislation, we have the Central Water Distribution Authority, which is responsible for the construction, operation and maintenance of distribution systems. We have a Government Water Division which is responsible for the granting of licences for the abstraction of water from underground sources. We have an Oil and Water Board that grants licences for the abstraction of water from rivers. Then there is the Works Department of Government which is responsible for drainage and flood control. There is a division of the Ministry of Agriculture which is responsible for the operation of irrigation and drainage works. There are the three municipalities, which are concerned with the distribution of water within their areas, and one of them is concerned with sewerage. There are the county councils, which have some responsibility in the matter of water. And finally there are various private users,

such as the oil companies, which deal to a greater or smaller degree with the production and distribution of water for their own needs. And so, with this wide spread of the various bodies and authorities which deal with water, it is inevitable that there should be a lack of the sort of co-ordination that is needed if we are not only to husband, but to increase our sources of supply and to make sure that what is produced is most efficiently used.

It is one of the commonplaces of modern life that the need for water seems to expand in inverse ratio to the growth of population. Our rate of population growth is comparatively high, and the need for water will continue to increase with that growth. Industry is a tremendous user of water. Sanitary works will require an ever-increasing amount, and in fact it is coming to be realized today that life in the tropics cannot be said to be lived at any decent level unless a certain *per capita* consumption of water can be undertaken to take care of all the everyday needs.

As part of this process of expanding and improving the water supply—I do not propose to go in any detail into the figures—in 1958, approximately at the start of the First Five-Year Development Programme, the Water Division of Government was producing something in the neighbourhood of 14 million gallons a day—some of which was supplied to the Port-of-Spain Corporation—and the Port-of-Spain Corporation approximately six or seven million gallons per day. At the end of that Five-Year Programme that rate of production had approximately doubled, with the Water Division winning something like 32 million gallons a day; the Port-of-Spain Corporation having increased its supply somewhat. And quite recently, in connexion with the opening

of the El Socorro project, it was anticipated that the daily production of water in this country would have reached a fairly stable figure of around 50 million gallons per day.

I shall not burden the Members of this Senate with the expenditure over that period, expenditure both capital and recurrent, except to say that in respect of the operations of the Water Division alone, the annual development expenditure was in the region of \$2½ million and the recurrent expenditure approximately \$2½ million. In fact, this country at present spends something like \$7½ million to \$8 million a year on water in various forms. The figure is of itself not perhaps excessive, but the question is whether we are getting all we ought to get out of that expenditure. It is conceived that the new approach which is sought to be made will certainly effect the necessary economies and enable more water to be produced for the expenditure of a given sum of money.

This question of unification was realized quite long ago. In 1944 a previous Attorney General of this country, when he was introducing the Waterworks and Water Conservation Bill, which itself attempted some form of unification—partial, it is true—is credited with having said this in the course of his speech:

“...it is essential in an island the size of Trinidad that the control of water resources be in the hands of a central organisation which can secure the best available technical help and achieve the object in view with a minimum of expenditure. Water winning and water conservation schemes are long-term schemes which must embrace the whole Island if they are to be successfully carried out.”

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At about that time a firm of consulting engineers engaged by Government, in the course of their report, which I believe was published somewhere about August, 1942, had this to say:

"It will be evident that the programme of works based upon an island-wide appreciation of the situation will entail prolonged and continuous efforts if real progress is to be made, and the time has come when the whole of the island's water schemes should be placed under a unified control. An excellent example, which might well be followed, is given by the Metropolitan Water Board, which was formed in England to co-ordinate the activities of a large number of water undertakings."

2.05 p.m.

Of course, the Government were well aware of the necessity and the desirability of this, and it is for this reason that they sought the advice of a consultant of some eminence in this field; I refer to Dr. Jacobi, who is a consultant to the Puerto Rican Water Resources Authority. First there is a report by Dr. Jacobi, who surveyed the whole field of utilities, in the course of which report he recommends that immediate action be taken to consolidate the water supply and water distribution organizations so that full facilities could be made of the technical skills and administrative staffs available to the two organizations; he was then referring to the Central Water Distribution Authority and the other body which deals with water.

Following on this, the services of Dr. Ortega, who is the consultant of the Puerto Rican Aqueduct and Sewer Authority, were secured. He came here, he examined the position, and he made a report in the

course of which he strongly advocated the setting up of a central authority, and outlined his conception of the necessary powers to be given to that authority, of the legislation which would be required, and of what should be the relationship between that authority and the local authorities. Following on the reception of this report, a Cabinet committee was appointed, of which my Friend Senator Alexander and I were members, to consider the report and to make recommendations for implementing the report or otherwise. In the course of its deliberations that committee, as an appendage to its report, caused a draft Bill to be prepared for submission to Cabinet, setting out what were the considerations which, in its mind, ought to find place in the legislation dealing with the problem. By and large that draft is the Bill that is before us today. There have of course been several modifications made to it in the course of detailed consideration of its provisions.

As Members of the Senate would be aware, after the Bill was first published, public comment was invited. I may take it, I hope, that the public was so satisfied with the nature, style, and manner in which the Bill was drawn up as well as with its objects that in fact, I believe, only the Civil Service Association made any representations. They were indicating that there was a phrase in the Bill which too unduly restricted the powers of the Minister and they suggested that it be deleted. As a matter of fact their recommendation was acceded to. They also sought an undertaking with respect to the future employment of employees of the organization which is to be disbanded by this Bill.

The Bill itself contained sufficient provision to ensure that consideration, although

another section has been added, to clause 23 I believe, which seeks to take care of every possible contingency that might arise from the transfer of employees of those bodies to the new authority and perhaps those who may not elect to go or those who may not be found suitable. The position is completely covered and I would imagine that they are now completely satisfied. But that is only by the way. The point I am making is that no comment which could, in substance, affect the Bill was received. It is true that the Bill is of a formidable size. But there are a good many people in this country who read legislation carefully when it comes before them. I think we may take that as an indication that the public is ready for the approach which the Bill is seeking to make.

Perhaps it would be well if I gave a brief indication rather than a full outline of the present law relating to the bodies which deal with water. The law is contained in various bits of legislation scattered over our statute books. We have in the first place the Waterworks and Water Conservation Ordinance, Ch. 15, No. 2. Under that Ordinance lands which were owned by the previous Central Water Board, which was replaced by this Ordinance, held by the Crown, and certain scheduled waterworks and certain other movable property formerly held by the Central Water Board are vested, under the Waterworks and Water Conservation Ordinance, in the new Board. That Ordinance deals with waterworks more properly and it covers the supply of water for domestic purposes as well as irrigation, drainage and reclamation and sewerage outside the limits of the area of a municipality. Under that Ordinance, as it would be well known, there is a Water Advisory Board whose functions are, among others, to advise

the Chief Technical Officer in the exercise of the various powers given to him under the Waterworks and Water Conservation Ordinance, and there is a Board of Appeal to which appeal could be made from various decisions of the Authority. Under that Ordinance as well what are called local distribution authorities, such as the municipalities, and the Central Water Distribution Authority are responsible for the provision of water supply or distribution of water in the areas covered by their field of operation. Then there is, as I indicated earlier on, an Oil and Water Board which grants licences for the abstraction of water from watercourses.

There is also the Central Water Distribution Authority Ordinance, which set up the Central Water Distribution Authority, which controls waterworks that are not vested in Government and certain other forms of movable properties which were held by the now defunct Central Water Board. In other words, there appears to have been at one time a division in the functions of the Central Water Board and apparently one portion of its function was given over to the Authority set up under the Central Water Distribution Authority Ordinance and another portion to the Board set up under the Waterworks and Water Conservation Ordinance.

The matter of sewerage is administered, as is well known, by the Port-of-Spain Corporation under certain provisions of the Port-of-Spain Corporation Ordinance. Then the legislation of the three municipalities vests in the municipalities certain powers in relation to water other than water used for sewerage. These have relation not only to the provision of water for buildings but to the prevention of pollution of wells, reservoirs and so on.

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It is, in short, not easy to see the complete water picture at a glance and that is another reason why consolidation of these functions has been attempted in this Bill. The general explanatory note in the Bill sets out what are the main purposes of this Bill. Primarily, it will abolish the Central Water Distribution Authority and the other local distribution authorities. When I say that I do not want to be understood to be suggesting that it will abolish the municipalities; but there are special functions of the local distribution authorities which are to be now vested in this new Authority. The powers vested in the various Chief Technical Officers in the Ministries of Works, Agriculture and Health are to be vested in the new Authority. One portion of the present functions of the Oil and Water Board, that is, the one dealing with water, is to be vested in the new Authority and the responsibility for the construction and development of sewerage works and sewage disposal facilities will be vested in the new Authority. Generally speaking, that is the aim.

If I may comment briefly on certain features of the Bill I should like to make reference to the fact that the transfer of some of the functions of the municipalities to the Authority was not done in such a manner as to leave them without a say in the matter, because the Bill itself makes provision for the setting up of Standing Advisory Committees which will advise the Authority in matters relating to the areas in which the Committees operate. Then too, the complaint that the Government were taking away everything from them is not accurate. Under the Bill, they will be constituted statutory agents for the central authority but there is provision

for a portion of water rates to be returned to them as a subvention so that they will not lose by reason of the operation of the scheme. Furthermore, if their statutory agency is being terminated so that they have no connexions with the enterprise there is provision for compensation to be paid to them.

The Bill indicates the nature of the Authority that is to be set up and its composition—three technical officers from the three Ministries concerned and four members who are required to have had experience in law, finance, science or administration. There are to be a chairman and a deputy chairman; and one perhaps novel feature of the portion of the Bill dealing with the Authority is the provision making it mandatory for a commissioner to declare any interest he may have in a matter coming before the Authority. It is not completely new of course—there is a similar provision in the amended San Fernando Corporation Ordinance to that effect—but it is thought to be a useful thing to include in this Bill.

There is provision too in the Bill for an appeal to the Minister in the case of certain acts of the Authority, such as in bye-laws which make too stringent a demand on people with whom the Authority is dealing.

So far as the sewerage provisions are concerned, people living in the area will be required, of course, to connect to the service but there is some provision permitting the Authority to exclude premises from the scheme under certain conditions; for example, if there is not a sufficient water supply in the district, if the premises are more than a certain distance from a collecting sewer, if they cannot be collected within a reasonable time because of technical difficulties or because of the

non-availability of people to do the work. All these are grounds on which they can be excluded from compulsory compliance with the obligation to connect to the scheme.

An important feature of that are the provisions that are made to assist people who might be in financial difficulty so far as installing sewerage facilities is concerned. The Authority may do the work and the sum so expended will bear a small interest but repayment may be spread over a number of years—15 years, I believe. In addition to that, existing facilities need repair and renovation. The Authority may either require that to be done by the owner of the premises or do it itself and recover the cost from the owner.

So far as water is concerned, there has been some relaxation in the provisions of the law relating to the person who is held to be responsible for charges under the existing law. For example, water is now connected to premises only at the request of or by the consent of the owner of the premises. This Bill will permit, in certain circumstances, tenants to be connected and be responsible in certain circumstances for the charges and rates.

It will be observed that there are some schedules attached to the Bill. They appear to be rather lengthy but they are necessary. Certain amendments had to be made to existing legislation which it was not sought to repeal entirely. A lot of the public health provisions from the Public Health Ordinance have been written into this Bill by means of these schedules in order to make clear what are the responsibilities of the new Authority *qua* local authority and vice versa.

One schedule which was the subject of an amendment which was circulated some-time ago but which is now incorporated

in this Bill because it has been accepted by the other House, deals with the powers in connexion with acquisition orders, compulsory purchase orders. It sets it out in a great deal of detail because it was necessary to make sure that no hardship would be occasioned to any person by reason of the operation of this power.

It would be tedious to attempt to enter into every detail of this Bill, which runs substantively to 91 clauses and whose schedules contain in volume rather more than that. But I believe most of the Member; of this hon. Senate have examined the Bills and to those who may not have examined it so carefully I give the assurance that if, when the Bill becomes law, it is operated in the spirit which was intended, certainly there ought to be a vast improvement in the position within the next few years, from the point of view of administration, from the point of view of a wider dispersal of water supply, from the point of view of an improvement in public health, from the point of view of a more abundant supply of water being available for industrial purposes and generally for the happiness and comfort and prosperity of the people of this country.

I beg to move.

Question proposed.

2.25 p.m.

Senator T. T. Bleasdel: Mr. President, in this Bill the question of unification is something very good especially for a small country like Trinidad and Tobago. We have unified electricity and some time ago I suggested that they should unify the library services. Why Government hesitated in bringing this Water and Sewerage Bill, I do not know. They must have their

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reason. I hope they will see the need for unifying the library services just as they have now seen the need for water and sewerage. This, in my view, is a good thing.

The Attorney General remarked a while ago that a previous Attorney General had suggested something similar. I shall go further and say that our present Chief Justice some years ago when he was in the political arena in the City Council suggested, despite very great criticisms, the unification of water services. It is unfortunate that we cannot manage to see the unification of trade unions in Trinidad and Tobago. It is strange that although Government have control over all these public utilities—telephone, water, electricity, sewerage, transport and what not—economic progress is not more evident than appears. Apparently the ideas are evident but we still lack the initiative. This is understandable as a young nation. We shall have to get training and in the process of training we shall suffer many disadvantages but I still feel Government should make more efforts in training people to fill these positions and to do a better job than we are doing.

The composition of the Water and Sewerage Authority seems quite good on paper, but I think they should have included in the Authority a civil engineer. My reason for saying this is that Government have made several appointments and appointed various commissions and I myself have criticized Government here in this Senate for not appointing people with the necessary qualifications. There is no aspersion being cast on any particular person, but I think they should have been qualified in special fields and co-opted on these various commissions. If a civil engineer is brought in on this Water and Sewerage Authority he will be of valuable service

to the Authority. Here in Trinidad, as we know, when men are placed in certain positions they have a tendency to use their authority wrongly sometimes and if they are given the necessary directions this can be avoided.

The Attorney General said a while ago that \$7½ million was spent every year on water. This, I believe, can be reduced because this question of winning water in Trinidad is a very technical subject. It is my view that Government are selling water at a loss because of the high cost of winning water in Trinidad. For example we have a great number of wells at Aranguez and the water is won there and we have to pump it down to Picton Reservoir, and from Picton we have to pump it to Maraval and then further pumping from the Maraval reservoir to a height where it can come to the people's homes. Can you imagine the cost of that water when it reaches the consumer? These are things I believe we have to go into and we must place these things in the hands of competent people if we are to succeed and to be encouraged to run this country in the best interest of the country.

On page 45 of this Bill there is something that struck me. Clause 66 reads thus:

66. (1) On or after the commencement by the Authority of the construction of sewerage works in a sewerage area, the Authority shall give notice by advertisement or otherwise to the owner of every house, building or premises requiring him, within such time as may be limited by such notice—

(a) in respect of every house, building or premises within the sewerage area not having a water-closet, to construct and install a water-closet on the premises; and

(b) to connect every water-closet, sink, basin, bath or other receptacle which discharges sewage, that is situated in or on any house, building or premises within the sewerage area, by means of soil pipes and a house sewer, or such portion thereof as may be necessary:

- (i) to the collecting sewer, if any; or
- (ii) to the house connection, if any; or
- (iii) to the street sewer.

I should like to get some explanation on this. We have in this country an electricity authority. The electricity authority runs its lines throughout Trinidad and Tobago and the consumer is free to take the electricity if he can afford it and he is free to burn kerosene lamps if he cannot afford to purchase electricity. In the area where sewer pipes are laid I think this freedom should be given to the consumer.

In very many cases we have people here with houses and they have spent quite a tidy sum of money to build sewers. The soak-aways have lasted for a number of years in areas where there are no sewerage mains and these soak-aways will continue to last a number of years. I think that these people should be allowed to be free from paying the sewer rates so long as their soak-aways are all right and only in cases where they have to renew or repair their soak-aways or the soak-aways have become obsolete or bad that they should be forced to take connexions from the main sewer pipes. People may have spent \$300 or \$400 to establish their sewer mains and now because Government have come and established sewer mains in the area, it means they will have to pay a tidy sum for getting these connexions.

Compare this with electricity. The Commission has established a policy that in areas where people cannot afford to put in electricity in their homes they have gone into an assisted wiring scheme where they wire the homes of these people at a very minimum cost and these people pay monthly instalments along with their units consumed and it becomes easy on the consumer. This encourages the people to wire their homes and use electricity which is beneficial to themselves and their children and thus build a better nation as a result. I believe that if this Water Authority would employ such a system in areas where the people are poor and are in need of sewers but cannot afford it, and would have these people's homes sewerred allowing them to make a small monthly payment towards this job, I think people will be willing to agree to such a system. That is the duty of any good government : to help the people who cannot afford.

2.35 p.m.

I shall make one final point here on this question of putting people in court for dues. I imagine that this authority will be given power to take people to court for non-payment of dues. I should like an explanation from the Attorney General as to whether this matter should not be a matter for the civil court rather than the summary court. When we owe money to the National Housing Authority or to the Electricity Commission or to the City Council, if we fail to pay our dues our properties are put up for sale, and then obviously, not wanting our properties to be sold, we go and pay our dues. If we have to borrow the money we get it and pay our dues. But it seems to me that this Ordinance is bent on people who are not owners of properties that could be

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put up for sale, those people who are tenants and have nothing to sell. So this big stick is dangled over their heads, this threat of jail is dangled over their heads in an effort to get the money. I do not think that this is really a reasonable thing to do. This, in my view, has a tendency to make it appear as though we are a dishonest people. If we are, then there must be a reason for it, and if there is such a reason, then this reason should be removed. I think it is Government's business to take care of their people, despite the various dishonesties we may possess, and it is Government's business to set the example and to assist our people.

Senator M. T. I. Julien: Mr. President, I rise to support this Bill because it has become very evident over the years that the Central Water Distribution Authority is a most inefficient statutory body, and had it not been superseded it would certainly have ended in ruin, chaos and bankruptcy. I was indeed surprised to read quite recently that in another place the mover of the motion congratulated the staff on a job well done. I wondered whether he really knew the staff, a staff, in my view, of an exceptionally high standard of unexceptionable mediocrity.

Every year one pays bills in the early part of the year, January or February—it happens to me personally so I am speaking from personal knowledge—and in every year, around June, July or August, you get bills saying you are owing arrears, and a notice is put at the bottom in red informing you that if you do not pay what they intend to do to you. This is an institution which does not even like to give you receipts for money that you pay—a most shocking thing to exist in a Government department. This year I have had

to write the Permanent Secretary of the Ministry of Public Utilities asking him to request the Authority to forward me my receipts and it is only then that I got my receipts. Later on I had to pay another bill. Again, not getting the receipts, I had to write the Chairman of the Authority in order that he should forward me these receipts. Something is radically wrong with that department.

Some time ago, I think it was during the budget debate, I actually asked for a commission of enquiry to go into this matter because I thought it a very serious matter. I am not the only person who complains about these things. I see quite recently that Government have thought fit to hire a firm of private accountants to examine the books of these people. But what really worries me, Sir, is now that they are superseded—and I am very happy about it—this new Board is just going to take over lock, stock and barrel the whole staff, the majority of whom should be weeded out of the establishment. I understand that a few years ago a one-man committee had recommended a wholesale weeding out of the whole staff and the employment of a new staff. I am hoping that opportunity will be taken, now that this new Board is being established, to weed out the bad eggs. It is time that we do so. Do not continue with this mediocrity; there is already too much of it going on in Trinidad. It is not because we are a new nation and independent that we should be satisfied with mediocrity.

I did hear Senator BleasdeLL mention, however, that a civil engineer should be on the Board. I do not understand his reason for this. I do not agree with him. As a matter of fact, I think the post of Civil Engineer is one of its technical officers, as I strongly believe it should be. Do not

put him on the Board. We want him to do the work for us, but do not put him as a member of the Board.

Finally, Sir, I should like to take this opportunity to congratulate the legal draftsmen on the preparation of this Bill. I must say it is a long time I have not seen a Bill prepared with so much thought and care. Hitherto I have been castigating that department for the sloven way in which it has been presenting Bills here; we have had to amend them so many times because there were so many errors. But this one having come up to standard, opportunity should be taken to congratulate them. I understand the reason why hitherto these Bills had been presented in that way was because of the bulldozing and pressurising which they had been getting from Cabinet from time to time. However, let us hope this is the dawn of a new era in the Government's legislative policy.

Senator Dr. A. R. Sinanan: Mr. President, one of the functions of an Upper House is to act as a check, a sort of brake, on the other place, and to ensure that legislation which is hastily passed in the other place is revised in the Upper House. That is why I begin by making the point that when it comes to the hasty passing of legislation I believe we are greater offenders than the other place, whereas it should be the other way around. The reason I say this is because to send this Bill to a Member of this Senate about two days before a meeting, together with a host of amendments, is not satisfactory.

2.45 p.m.

One needs a little time to go through a Bill like this. As you can see, Mr. President, it is a very lengthy Bill, and if one has to study the proposed amendments which

were also provided, it takes some time. I do not know the reason for bringing this Bill in such a hurry but the point is that this is just another instance when, instead of acting as a check or brake on the other House, we are acting as an appendage. And we are actually acquiescing in the hasty passage of legislation.

Mr. President, it is only in Trinidad that one can witness the spectacle of a sewerage scheme being conceived, being put into effect, being implemented and an authority being set up without the public being fully aware of what the scheme actually cost or without the public being fully aware of what the cost will be in terms of each individual householder. To my mind, when the history of the past ten years comes to be written it will have to be recorded that the particular Minister of Health under whose regime this sewerage scheme was conceived was the first one to take the Prime Minister's advice and "get to hell out of here".

Now, as Senators know, we have said before in this hon. Senate that there are certain aspects of this sewerage scheme which disturb us. I mention one example. I think about two-and-a-half years ago in a little resort in Switzerland in a little village called Zermatt a case of typhoid fever cropped up. That was one case. A few days later another case cropped up and yet a few days later another case occurred. And cases of typhoid fever began appearing in different parts of the village. Now, Sir, you can imagine what havoc it would play on the revenue of a health resort if cases of typhoid fever were discovered. So the authorities tried to conceal the cases of typhoid which were cropping up here and there; but when the figure crossed 300 it was no longer possible to

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conceal the fact that a full scale epidemic of typhoid fever had broken out. When the public health people, the engineers and the sanitation officers, investigated, to their horror they discovered that the cause of the epidemic of typhoid fever was a burst sewer main which was leaking into a water main.

I cannot speak about Port-of-Spain or Arima but I have stood up in the streets of San Fernando and watched the workmen at work on the sewerage scheme and nobody can tell me that I am telling an untruth. Because I have seen with my own eyes sewer mains being criss-crossed, being lodged just on top of water mains with a distance of just a few inches between them. So I shudder to think about what would happen to the inhabitants of San Fernando if one of these sewer mains were to burst in the vicinity of a water main and were to leak into a water main as can well happen. But that, of course, is assuming that the sewerage scheme works at all in San Fernando because with the shifting ground and with the pipes shifting, I have seen workmen digging up one particular place as many as five times trying to correct certain disorders, and all these things must necessarily throw some doubt in our minds.

With regard to the personnel of the Water and Sewerage Authority, we see that there are three technical officers representing the Ministry of Health and the Ministry of Local Government; and Government now have to appoint another four members. Again I think Senators are tired of hearing me make this plea: please let us have these people appointed in accordance with the laid down criteria. For the first time I am seeing that in this Bill—that certain criteria are being laid down according to which these four members are going to

be appointed. That is, the four members—I am reading from page 8 of the Bill—who have had experience of, and shown capacity in, matters relating to trade, law, finance, science, administration or labour relations, of whom one shall be chairman and another deputy chairman. But the point I am making...

Senator M. T. I. Julien: That applies to the Port Authority.

Senator Dr. Sinanan: I concede the point to my Friend Senator Julien. Having done a good job with the Port Authority and with the Central Bank, I do not think you did such a good job with the Transport Authority. I am glad my Friends over there are here to hear me because as far as I can see their only achievement to date has been to antagonize the unions with which they have had to deal.

So I am making this plea: let us make these appointments on the basis of the criteria which you have laid down in the Bill. Do not let the appointments be on the basis of party affiliation. The last time I made that point the Attorney General made a most amazing remark and I think it was to the effect that should we discriminate against people because they belong to a certain party? I pondered that remark for many days afterwards and I could not see any reasoning in it.

With regard to the financial implications of the Bill, once again certain burdens are going to be thrown on the householder. I have heard people complain that it is becoming a burden even to live in this country because now we have to pay for water, lights, this and that, and shortly we shall have to pay sewerage rates as well. With regard to the actual cost of

the sewerage scheme I do not think anybody has given a definite figure but I would make a suggestion to the Government. They have admitted they are in need of revenue; no less a person than the head of the Government himself has stated that he is anxious that this Bill be passed because the country needs the revenue. Now, if you are going to have people paying the cost of installation of the sewerage scheme in small amounts I do not think that small collection of revenue is going to do the Government any good. What I would suggest is that Government give an incentive to people.

Let me make it quite clear. I have my doubts about the sewerage scheme, but the point is that people have to pay for connexions. You are going to force them to make connexions. If you are going to need revenue for connexion, as has been stated, then give an incentive to people to pay this revenue in a certain bulk. In other words, if a man wants to pay for the cost of his installation over a period of 10 or 15 years that is all very well and good; let him do so. But I am suggesting that in the case of the householder who wants to pay for his installation within a short period, say, every six months, until he pays off a few hundred dollars within a year or two, that householder should be allowed to pay off for his installation, but should be given some incentive such as a tax deduction on it or something like that. In this way I think Government can collect revenue in such a way that they can make use of it; whereas if you are going to collect from everybody over a long period of time I do not think that the collection of a small amount of revenue over a long period of time is what the Government are really seeking.

2.55 p.m.

Now I should like to ask one last question. What is the position of the landlord who has to pay for connexions? I have tried to examine the Bill as best I can, but I should like to have some light on the point. We know that certain categories of houses come under the Rent Restriction Ordinance. Is the landlord, who has to pay for connexions and incur further expenses with regard to sewerage connexions, going to have to stand the expense of sewerage connexions and still not be allowed to increase the rental on his house which now by law he is unable to increase?

Those are all the points I wanted to make. As I said, some of us have always stated our doubts as to whether a sewerage scheme can work in this country. In Port-of-Spain I do not think you may have much difficulty. Arima I do not know very well, but certainly in San Fernando, where the ground is hilly and is shifting, I think certain precautions will have to be taken to ensure that the health of the inhabitants is not in jeopardy.

Subject to these reservations, I agree with my Colleague, Senator Bleasdel, that there is need now for a certain unification and a certain reorganization of the water services in this country.

Senator R. Lange: Mr. President, there is no doubt whatever that water and power in the form of either gas or electricity, are most essential to the economic development of a country and it is most encouraging, therefore, to see that we now have a Bill before us which seeks to embrace all the many ramifications of winning and distributing water throughout this country and that connected with water is also the control of sewerage and sewerage works throughout

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the country. It is encouraging to know that Government feel that there is a sufficient supply of water but I think if one looks through this Bill one will find that in one or two places some doubts must have arisen on this score.

On page 45, clause 66, it states:

“66(1) On or after the commencement by the Authority of the construction of sewerage works in a sewerage area, the Authority shall give notice by advertisement or otherwise to the owner of every house, building or premises requiring him, within such time as may be limited by such notice . . .”

And under (b):

“(b) to connect every watercloset, sink, basin . . .”

But they do have doubts. On the next page, under section 66(3), it states:

“(3) Nothing in paragraph (a) of subsection (1) shall apply to the owner of any such house, building or premises, unless a sufficient water supply is available, whether on the premises or in the street.”

I appreciate the necessary cautioning because I think it would be ridiculous to see a lot of connexions and no water.

There is another point I should like to make. There seems to me to be a contradiction in terms and that is under the regulations on page 75.

“PART V

Constancy and pressure of supply

10. (1) Subject as hereinafter provided, the undertakers shall cause the water in all pipes on which hydrants are fixed, or which are used for giving supplies for domestic purposes, to be laid on continually and at such a pressure as will

cause the water to reach to the top of the top-most storey of every building within the limits of supply.”

That sounds very good until one reads:

“(2) Nothing in this section shall require them to deliver water at a height greater than that to which it will flow by gravitation through their mains from the service reservoir or tank from which the supply in question is taken and they may in their discretion determine the service reservoir or tank from which any supply is to be taken”.

So at one point they tell you they will reach the top storey; that is, providing the top storey is not higher than the point to which the water flows by gravity. However, like all these Bills which come before this hon. Senate, it is so much easier to make the laws than to put them into practice.

Senator Julien has pointed out some of the difficulties he ran into and I should like to refer to page 21:

“25. (1) All officers charged with the receipt, accounting for, or disbursement of moneys or with the custody or delivery of stores, or other property belonging to the Authority shall be individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all property entrusted to their care, and for the due observance of all rules and regulations, and of all orders and instructions prescribed for their guidance.”

It is rather unfortunate that this clause applies only to officers charged with receipt and accounting of moneys. It is a pity they did not say the entire staff because those same officers can find themselves in

a lot of difficulty if the staff do not exercise efficient discharge of their respective duties, and I should like Government to take particular note of that.

On page 22, it says:

“28. (2) Where the Minister of Finance is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under the provisions of this section, he shall direct the repayment out of the general assets and revenue of Trinidad and Tobago of the amount in respect of which there has been such default.”

I sincerely hope that before the Minister of Finance makes any such default good by directing that the repayment should be out of the general assets of Trinidad and Tobago he takes care and finds out why the default occurred and does not let us have a situation such as exists with the contractors of the Navet Dam. I hope we shall hear more on that accounting some time.

3.05 p.m.

In that connexion on page 24, clause 32(4), we read:

“After the end of each financial year of the Authority, the Authority shall, as soon as the accounts of the Authority have been audited, cause a copy of the statement of account to be transmitted to the Minister, together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.”

But it does not state how soon the accounts have to be audited. I think I am right in stating that by the Companies Ordinance there is a statutory limit to the time in which company accounts must be filed

with the Registrar and I would have liked to have seen that after the end of each financial year the accounts should be audited within a specified time and submitted to the Minister.

We now come to 64(c). The Authority may:

“(c) employ sewerage contractors, who shall be in charge of and responsible for the construction of the works mentioned in paragraphs (a) and (b) and such statutory provisions with respect to the breaking open of streets and entry of premises as are applicable to the Authority shall, with any necessary modifications and adaptations, apply to the contractors”

I wonder if this is retroactive to the present contractor, and if so, does regulation 20 under Part III on page 67 apply?

Regulation 20 on page 67 states:

“When, for the purpose of executing any work, the undertakers break open the roadway or footpath of any street or bridge, or any drain or tunnel, they shall with all convenient speed and to the reasonable satisfaction of the persons having the control or management thereof complete the work and fill in and consolidate the ground, and reinstate and make good the roadway or footpath, or the sewer, drain, or tunnel, as the case may be, and remove all rubbish resulting from their operations, and shall, after replacing and making good the roadway or footpath, keep it in good repair for three months and for such further time, if any, not being more than twelve months in the whole, as the soil may continue to subside.”

I remember at one time certain Members of the Opposition complained about the

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disgraceful condition of the roads particularly in the San Fernando area. Drains were left open and people were falling into them. At that time I was extremely tolerant. It was not that I did not sympathize with what was being said. I used the expression that we could not have an omelet without breaking eggs, but I am glad to see Government realize that it is one thing to have the omelet and another thing to have the egg-shells lying around the kitchen for an interminable time; not only that, but apparently the kitchen itself was getting into a terrible state of disrepair.

I think it is absolutely disgraceful the way the contractors have been permitted to damage not only the roads where the pipes are being laid, but the heavy equipment which they employ damages far more than the roads, and they should be called upon to effect the necessary repairs. I would not say more on this score for the simple reason that it is a daily self-evident fact to most of us and I hope Government are taking note of it.

On page 46, clause 66(6) states:

"Subject to any bye-laws made by the Authority, no person shall construct or reconstruct any house or building on any premises within a sewerage area unless he first submits to the Authority for approval (in accordance with bye-laws) the plan of the water-closet, house-sewer and the connection to the street sewer, and any alteration or extension of a house-sewer already constructed."

This, read in conjunction with clause 69(1) dealing with the appointment of sanitary constructors, leaves me a little concerned that a great deal of time is going to be taken up and be wasted before plans get approval, and then if only licensed sanitary constructors can do the job of connecting

up and installing water-closets, I am afraid we are going to run into a situation where a lot of work is not going to be done because it might be very difficult, and even impossible at times, to find sanitary constructors.

I appreciate that the question of electricity the work is more highly technical and it may require a licensed wireman, but any mason who is any kind of a mason should be able to install a water-closet. What happens when one gets broken? Do you have to rush out and look for one of the licensed sanitary constructors or do you run into a situation like Senator Sinanan described? It has been suggested that I might fix it myself but apparently I cannot—according to this Ordinance. It is getting very highly technical to live today.

I have gone through a few of the points that have come to my mind. I shall vote with a great deal of pleasure in support of this Bill. Let us hope that practice will make perfect and that the regulations regarding certain types of officers will be exercised all down the line; that due regard be given to all contractors who have got to do a job under the Act; and that we do have efficiency in the future.

Senator Sir Patrick Hobson: Mr. President, I have always admired my good Friend the Attorney General's gentle manner. It appears that there are delicacies of refinement in his make up also, as in his opening speech he barely, if at all, touched on the subject of sewerage.

We in Trinidad are accustomed to superlatives. We have the most beautiful women in the world, we have the best climate in the Caribbean and we have the biggest pitch lake in the world, which are matters with which we all agree, in particular the first which I mentioned. But we have

some superlatives which are not so nice to hear. We have for instance what I regard to be the filthiest city in the Caribbean—Port-of-Spain. Our roads are probably in the most deplorable state of any roads in any independent nation in the Caribbean. It is that particular subject which I wish to touch on and I am touching on it in reference to the quotation which Senator Lange read from the Third Schedule of this Bill before us.

We have not been allowed to see the "secret contract" between Government and the company which is presently engaged in the sewerage scheme in Trinidad. The reason for this I do not know. It may be that it is not in the public interest so that is why I call it the "secret contract". I am not aware from my own knowledge what the terms and conditions of that contract are in regard to the restoration of damages to streets, pavements and the like. I have been told that the restoration is limited to the actual filling in and repavement of the digging which has taken place.

3.15 p.m.

Again I refer to Senator Lange when he points out that in digging, the digger, or whatever the piece of equipment is called, itself damages roads to a considerable extent. It appears that there is no authority to which one can appeal to have this damage fixed. The contractors fill in their trench and gaily move off, and you are left with a road in which the middle and one side are recently paved and the rest of the road is full of potholes which collect water and generally add to the filthy condition of our city.

I live in Bayshore, and there the contractors did just that. The main entrance to Bayshore has been paved on one side

where the contractors dug up, very nicely paved, very smooth, probably about two wheels' width. The rest of the road is a mess. I have myself written to the St. George County Council who, I understand, are supposed to look after the roads in Bayshore. But, of course, I have not even had the courtesy of a reply. I shall continue writing up the bureaucratic line, such as I know the line to be, until I get to the Prime Minister, because at present unless you appeal to him nothing is done.

I feel very strongly on this question, and I am asking the Attorney General to give the undertaking, on behalf of Government, that the Ministry responsible for the administration of this sewerage contract will have investigations conducted into the conditions of the roads, wherever those roads are, whether those roads come under the City Council, the county councils or the two boroughs. But to expect the poor—to use a hackneyed phrase—long suffering citizens to complain to some authority which they do not even know to come and fix the roads is, to my mind, taking it a bit too far. After all, we have high taxes to pay in Trinidad; let us have some services for them.

I am rather like Senator Sinanan, in that having received this document rather late I have not had the time to read and really digest it. I am fully aware of, and am in full sympathy with, the reason why it had to come to this Senate at this present time at such short notice. It is not for me to explain the reason. That will be done by the Attorney General if he wishes so to do. There is only one comment, therefore, which I can make on this Bill, and it refers to the actual composition of the Authority: three members being technical officers representative of three Ministries, and four

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members who have had experience of, and shown a certain capacity in, matters relating to trade, law, finance, and the like. I am sorry Sir, but I have lost the page to which I intend to refer. But another section of the Bill says that the executive director and the deputy executive director could both at the same time be commissioners. I am aware that that is a controversial point. In the commercial and industrial field you can have a managing director whose duty in a way would be to carry out the policy of a board in managing the affairs of the company, and he remains on the board. But in this particular case I merely draw attention to the fact that you could have an authority consisting of three technical officers, that is, three Government appointees, and a chairman, a deputy chairman, an executive director and an assistant executive director, and I wonder whether that is really what is intended.

Thank you, Mr. President. I am sorry I had to let off some steam about the roads, but I do hope some action will be taken.

The Attorney General (Senator the Hon. G. A. Richards): Mr. President, I am very happy to note the acceptance which this Bill has received in this Senate, but by way of explanation I think it my duty to refer to a few points made by the speakers. In the first place, I thank Senator Julien for his remarks of commendation. I assure him that a lot of time and thought was devoted to this Bill, and if it meets the approbation of the Senate I, on behalf of the members of my Ministry, am thankful that what they have done has met with public satisfaction.

With regard to the shortness of the time in which the Bill was produced, I should just like to remind Senator Hobson and,

I think, Senator Sinanan that the Bill, in fact, was published several weeks ago. Then the period which elapsed between its introduction in the House of Representatives and its Second reading, while public comment was awaited, was about five weeks. I ought to have made some excuse for its coming here comparatively quickly. We had hoped that the Members of the Senate would all have been quite seized of its contents by then. But, as I said in my opening remarks, it is the attempt to avoid some of these inefficiencies to which Senator Julien referred which has caused us to be in a hurry to get the new Authority set up.

The point made by Senator Bleasdel about the engineer was in fact dealt with by Senator Julien, and there is no need for me to belabour it. What is intended here is that the technical officers of the Ministries concerned will not really be there so much to exercise their skills as professionals, but their general knowledge and competence, both within the field of their profession and the requirements of the Ministry. They would be of assistance to the board but even though they may be technical officers, would still require advice from other technical people. It is competence, commonsense and experience that are required here, and we hope these will enable the board to direct its technical personnel and to see that they do what is expected of them.

Someone made reference to the complications of certain aspects of the present water supply and cited a case in Maraval as an example of that. I think it was Senator Bleasdel. Well, we do hope that when the Authority is set up things of the sort will be avoided. It is to integrate these things, to co-ordinate them eventually, that this authority is being set up, and

we hope that such absurdities will not continue to occur.

I am sorry that the Central Water Distribution Authority has incurred the wrath of Senator Julien. But may I humbly remind him that it is not really a Government department—it has some independent status. The Minister, after all, can give only policy directions to a body; he cannot direct it in its day-by-day operations or in all aspects of its administration. He can, however, take steps to see that attempts are made, where the public complains about the inefficiency of any body, to see that the position is remedied. I know that that is being done. I say this merely in passing. We hope that the new authority will live up to the expectations which we entertain of it.

3.25 p.m.

I do not think I need assure Senator Sinanan that the selection of the commissioners of the new authority will be in keeping with the principles set out in this Bill. I do not think that he intended to suggest that there would be some breach of faith or some attempt on the part of Government not to so appoint the commissioners, and I only hope that when the Authority is established its membership will meet with public approbation.

This is a serious task that is being attempted here. There is no intention to play politics. However, Senator Sinanan said he was surprised at a remark I made some time ago. I do not think there is anything in that to be surprised about. I merely said that if a person was competent and fitted for a job he should not be discriminated against merely because he belongs to a particular party. I think it was an unexceptionable statement.

Senator Sinanan has presented to our eyes a rather frightening possibility of the spread of a disease caused by burst sewer mains, but I wonder if he would compare the threat to public health that is posed by existing conditions with a merely contingent burst in an existing sewer main. Take the case of San Fernando, which the Senator knows so well. I have lived in San Fernando for many years myself and I must say that one of the things which ran shivers down my spine was standing up at the edge of the San Fernando market and seeing sewage from these market cesspits seeping down to the place where food was being sold. There are other problems in connexion with that area. Due to the nature of the subsoil of San Fernando, certain parts there are impermeable to water and the overflow from septic tanks and things of the sort do not readily drain off the soil in several cases. That is a problem not confined to San Fernando.

I was thinking of a remark which was made by Senator Bleasdel about permitting the retention of septic tanks. They are not by any means as safe as Senator Bleasdel would like us to believe. They are immeasurably superior cesspits but not the equal of efficient sewer mains, and while there might be risk attendant on any human enterprise, the good reputation in these matters of the firm of contractors should ensure efficiency. They are skilled people and I have no doubt that the scheme would work satisfactorily. The mains which are being made are not the sort of mains that leak. They are a type of concrete mains. Possibly one could get broken but perhaps Senator Sinanan may have observed that, for very short distances, there is provision for manholes through which access can be achieved very quickly to a broken main

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and they could be repaired quickly. I have no doubt that the scheme when completed will prove eminently satisfactory. I did not, as hinted by Senator Hobson, expand to any extent on sewers because I do not like to talk sewage as a rule.

One point was made to which I should like to reply particularly. That is the suggestion of an incentive to people to connect. I do not know if the Senator overlooked this point but clause 67, sub-clause (3), contains such an incentive. On page 48 it provides that the Authority may, in the case of people who promptly comply with the requirement to connect, make certain allowances in respect of their appliances, and we do hope that that would be an incentive to connect. As to the position of house owners who connect, it is probably not sufficiently widely realized that the Rent Restriction Ordinance itself contains certain provisions, which can be used. I seem to remember that there is a provision where by reason of the coming into being of an amenity in a district, even if not contributed by a householder, he can approach the Rent Board and seek an increase in rent. It would seem to me, by parity of reasoning, that if he actually effects expenditure which makes the house a better house to live in and which increases its value, the Rent Boards would consider that a factor which would entitle them to raise the rent previously fixed by them. I am quite sure that that provision could apply without specific legislation.

Senator Lange has indicated that he has read the Bill with a great deal of care but he considers that there is a conflict. I really do not think so. He first referred to his doubt as to whether sufficient water would be available. That is merely a precaution taken so that it cannot be said

that in the event of a breakdown anyone is being penalized by paying a rate when he cannot get service.

I particularly wanted to refer to his comment on the provision in one of the schedules with regard to the duty of undertakers to preserve a continual supply. It is true I am no engineer but it seems to me that what is meant here is by and large that most water supplies are gravity fed. The source of the water would be located at a certain height and although an undertaking is given that it should reach the highest floor on any building, all that is being said in the second part of the regulation is that the undertakers will not be required to supply water to a higher height than the source. They have a discretion to select the source which would give them sufficient height so that gravity could take care of the rest. It seems a very reasonable provision; that is why reservoirs are placed at certain heights so that at the supplying end the effect of gravity would make itself felt. I do not think that it is intended to relieve the undertakers of their general obligations

3.35 p.m.

Some remarks were made about the Navet Dam. I would rather not say anything about that because, as Senator Lange has suggested, the last word has not been said on that matter yet. I do wish to remind him, however, that the obligation is not merely to lay the accounts before the Minister; accounts will also be placed before Parliament. The following subclause makes that a duty.

As to the question of licensed sanitary contractors, it seems to me that is merely in keeping with a desire to elevate standards generally—something I should imagine he

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too would very much wish. It will help to avoid the danger of poor work, which Senator Sinanan fears. I think it is only reasonable that the Authority should have some standard of competence for people who attempt to do such work. It is not really every mason who can do certain work. Most occupations in the world are becoming highly skilled and specialized and specific requirements are increasing.

To pass on—I do not want to be unduly long—I sympathize with Senator Hobson about the difficulties that have been caused to certain people by reason of the state of the roads. It is one of the prices we pay for progress but one of the problems attendant upon the opening of these roads and the refilling of them is not that the contractors are under no obligation. I have been reliably informed that the problem is a question of subsidence. It frequently is not wise to refill a place as soon as it is opened because after subsidence occurs the level may drop considerably. However, without giving any specific undertaking, I can tell him that I do know that the Minister concerned has been giving attention to these problems. Indeed, in the face of public comments, we could hardly avoid doing otherwise. I do know that steps have been taken behind the scenes in cases where perhaps a local authority has not been able effectively to secure what is wanted to meet the complaints about repairs and that there has been Government intervention to ensure that the contractors meet the obligation under the contract and that the process will be continued. But I do hope that the day is not far distant

when this nightmare of open roads will pass. In fact, in some parts of the country it has already passed. The Arima portion of the scheme is actually ready now for house connexion and I do hope that in spite of all the misgivings that have been uttered in the past about the sewerage scheme, in the end its greatest enemies will come to realize that it was one of the wisest things ever undertaken by a government. Incidentally, let me say that the Bill is not really about the sewerage scheme but is intended to ensure that the scheme that exists will be effectively and efficiently administered to the satisfaction of the people of this country. Thank you.

Question put and agreed to.

Bill accordingly read a Second time.

Bill committed to a Committee of the whole Senate.

Senate in Committee.

3.45 p.m.

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

Senate resumed.

Bill reported without amendment; read the Third time and passed.

Motion made and Question proposed, That the Senate do now adjourn to a date to be fixed by the President.—[The Attorney General].

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 3.51 p.m.