

*Leave of Absence*

*Friday, December 15, 2006*

**HOUSE OF REPRESENTATIVES**

*Friday, December 15, 2006*

The House met at 1.30 p.m.

**PRAYERS**

[MR. SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Mr. Speaker:** Hon. Members, I have received communication from Mr. Roger Boynes (Toco/Manzanilla) and Mrs. Camille Robinson-Regis (Arouca South) who have both asked for leave of absence from today's sitting of the House. The leave which these Members have requested is granted.

**MISCELLANEOUS PROVISIONS (MINIMUM AGE FOR  
ADMISSION TO EMPLOYMENT) BILL**

Bill to amend the law relating to the minimum age for admission to employment in Trinidad and Tobago, brought from the Senate [*The Minister of Labour, Small and Micro Enterprise Development*]; read the first time.

**PAPERS LAID**

1. The Customs (Caribbean Common Market) (Origin of Goods) (Amdt.) Regulations, 2006. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Agricultural Development Bank of Trinidad and Tobago for the nine-month period ended September 30, 2005. [*Hon. K. Valley*]  
*To be referred to the Public Accounts Committee.*
3. Annual audited financial statements of CWC World Cup (2007) Trinidad and Tobago Limited for the financial years ended September 30, 2005 and 2006. [*Hon. K. Valley*]
4. Annual audited financial statements of National Helicopter Services Limited for the financial year ended September 30, 2004. [*Hon. K. Valley*]
5. Annual audited financial statements of National Helicopter Services Limited for the financial year ended September 30, 2005. [*Hon. K. Valley*]

*Papers 3 to 5 to be referred to the Public Accounts (Enterprises) Committee.*

## ORAL ANSWERS TO QUESTIONS

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, the Government is able to answer the following questions on today's Order Paper: Questions Nos. 12, 15, 18, 23, 24 and 26.

**Aubrey Armstrong Management Associates of Barbados  
(Consultancy Services)**

**12. Miss Gillian Lucky (Pointe-a-Pierre)** asked the hon. Minister of Labour, Small and Micro Enterprise Development:

Could the Minister indicate:

- (a) the total amount paid to Aubrey Armstrong Management Associates of Barbados with respect to consultancy services to the Cipriani College of Labour and Cooperative Studies; and
- (b) the names of the consultants who worked on these consultancies?

**The Minister of Labour, Small and Micro Enterprise Development (Sen. The Hon. Danny Montano):** Mr. Speaker, the total amount paid to Aubrey Armstrong Management Associates of Barbados with respect to consultancy services at the Cipriani College of Labour was US \$77,834 or approximately TT \$492,000.

The names of the consultants who worked on the consultancies were Aubrey Armstrong, Alvin Cobham and Roland Baptiste.

**Miss Lucky:** Could the hon. Minister indicate whether there has been any Auditor General's report on the financial activities of the college?

**Mr. Speaker:** That is not a proper supplemental coming from the answer the Minister has given.

**Computerization of Schools  
(Details of)**

**15. Dr. Hamza Rafeeq (Caroni Central)** on behalf of Dr. Adesh Nanan (*Tabaquite*) asked the hon. Minister of Education:

Could then Minister inform this honourable House:

- (a) How many computers have been delivered to the following schools during the period 2005—2006:
  - (i) The Mayo Roman Catholic Primary School;
  - (ii) The Gasparillo Government Primary School;
  - (iii) The St. Stephen's Anglican Primary School; and

(b) What software packages were purchased for the computers?

**The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Mustapha Abdul-Hamid):** Mr. Speaker, in the academic year 2005—2006, the Ministry of Education embarked on a very comprehensive programme of computerization of primary schools with a view to modernizing teaching and learning by the infusion of ICT in these processes. A total of 3,500 computers are being procured to be placed in 40 primary schools, which would each have a computer laboratory with 15 computers. This programme will continue into 2006—2007 and is scheduled to be completed by the end of fiscal year 2007.

The programme is being implemented in phases based on the readiness of the schools to have computer laboratories in terms of their physical accommodation, security and training of teachers. Phase 1 is now being implemented. The Mayo Roman Catholic Primary School, the Gasparillo Government Primary School and the St. Stephen's Anglican Primary School are scheduled for phase 3 of the programme, which is targeted for June 2007.

The software packages that will be used in the above schools are likely to be the same as those currently being utilized in some of our primary schools, that is the Class Works Gold Software. This is a very supportive tool for promoting student achievement in Mathematics and Language Arts and offers considerable professional development for our teachers. The Ministry is also training its own curriculum officers in the development of software appropriate to our local context.

**Dr. Rafeeq:** Hon. Minister, are you in a position to say how many have been delivered to primary schools?

**Sen. The Hon. M. Abdul-Hamid:** Not really. I am not the substantive Minister, but I see here 3,500 urgent computers are being procured.

**Mr. Sharma:** I would like to draw to the Minister's attention that, in county St. Patrick, there are a number of schools without computer teachers and without Internet access.

**Mr. Speaker:** That is not a proper supplemental question.

### **Secondary Schools (Lack of Mathematics/English Teachers)**

18. **Dr. Hamza Rafeeq** on behalf of Dr. Adesh Nanan (*Tabaquite*) asked the hon. Minister of Education:

Could the Minister indicate how many secondary schools have had no Mathematics or English teachers for the year 2006?

**The Minister of Science, Technology and Tertiary Education (Hon. Mustapha Abdul-Hamid):** Mr. Speaker, for the record, I would first like to say that the staffing of schools is a very dynamic exercise, having regard to the constant turnover of staff due to retirement, resignations, transfers and promotions. These events create permanent vacancies. However, parallel to these vacancies is a situation where temporary vacancies occur due to incumbents proceeding on maternity leave, study leave or approved extended sick leave.

The year 2006 has to be divided into two scenarios for the purpose of this question. One is up to July 2006. At the end of the academic year 2005—2006, there were 39 vacancies for Mathematics teachers and 22 for English. From September 2006 to December 2006, the beginning of the new academic year 2006—2007, there are 25 vacancies in 20 schools: 12 for English teachers and 13 for Mathematics teachers.

It is to be noted that while the Ministry of Education works closely with the Teaching Service Commission to fill these vacancies, in the interim, the Ministry's strategy is to recruit suitably qualified persons, on contract, to fill the vacancies. Thus the Ministry was able to fill 91.6 per cent of the vacancies for English teachers and 9.5 per cent of the vacancies for Mathematics teachers for the new academic year.

**Victoria District Education Office  
(Status of)**

**23. Mr. H. Partap (Nariva)** asked the hon. Minister of Education:

Would the Minister state:

- (a) whether the building housing the Victoria District Education office on Sutton Street, San Fernando, is state owned or privately owned.
  - (i) if privately owned, would the Minister state from whom is the property rented and at what cost to taxpayers; and
  - (ii) what departments are housed in the building and how is the floor space presently occupied?

**The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Mustapha Abdul-Hamid):** Mr. Speaker, I would like to state for the benefit of this honourable House that the building at No. 16—23 Sutton Street, San Fernando, which houses the Victoria Education District Office of the Ministry of Education, was purchased by the Ministry of Public Administration and Information

on behalf of the State for use by the Ministry of Education. There is no rent being paid for the building. The purchase price was \$9,500,000. The building consists of two floors and a mezzanine floor.

I would like it noted that the Government of Trinidad and Tobago, through the Ministry of Education, is continuing its decentralization and restructuring thrust. The first district that is being piloted is the Victoria Education District. The building is earmarked for renovation to accommodate the proposed fully decentralized Victoria Education District Office. To date the conceptualization of this facility has been completed and layout plans are now with the Education Facilities Company Limited for detailing and implementation. Construction is expected to start in the next fiscal year and the migration plan to provide all the resource requirements to facilitate the operationalization of district offices is now being implemented.

While plans are being developed, several departments are currently occupying the building. The Examination Section and the Student Support Services of the St. Patrick District are located on the ground floor and occupies 766 square metres of floor space. The storage area of 864 square metres is also on the ground floor.

On the top floor, office space is shared between the School Supervision, Victoria Education District Office, the Students Support Services Unit for Victoria Education District Office and the common area such as bathroom facilities, kitchenette, waiting room and lobby. There is also a mezzanine floor of 480 square metres of floor space, which is at present unoccupied.

**Mr. Partap:** Will the Minister tell us from whom the building was purchased?

**Sen. The Hon. M. Abdul-Hamid:** Mr. Speaker, I do not have that information. The Member will have to wait until the Minister of Public Administration and Information or the Minister of Education is back.

**Swaha Hindu College  
(Details of)**

**24. Mr. H. Partap** asked the hon. Minister of Education:

Could the hon. Minister of Education state:

- (a) when will the Swaha Hindu College in Coalmine, Sangre Grande be ready to accommodate students;
- (b) how much money has been spent up to October 31, 2006 on the building?

**The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Mustapha Abdul-Hamid):** Mr. Speaker, the construction of the SWAHA Hindu

College in Coalmine, Sangre Grande, is being undertaken by the SWAHA Board of Management in accordance with the provisions of the Education Act, section 17(1)(a), which states, inter alia, that:

“The board shall have control and management of all matters related to the establishment and maintenance of new schools.”

The most recent scheduling information obtained from the SWAHA Board of Management advises:

- (a) that the school can be completed by end of the first quarter of 2007;
- (b) under the terms of the Concordat between the Government and the denominational bodies, the State has agreed to assist in the funding of such projects.

Accordingly, in concert with the existing practices, the Government contributes to the design fees in the amount of up to 5 per cent of the construction cost and up to 66 2/3 per cent of the actual building cost. In keeping with the above provisions, government expenditure on this project, up to October 31, 2006, inclusive of contributions to design and construction cost, totals \$14,901,984.55.

**Mr. H. Partap:** Is the Minister aware that the SWAHA College has been under construction now for the past five years and the date for opening has been postponed? Are we certain that it will be opened by the first quarter of 2007?

**Sen. The Hon. M. Abdul-Hamid:** As the hon. Member is aware, the Board of Management of SWAHA is primarily responsible for the construction of the building and that is the information we have to provide.

**School Cleaners  
(Terminal Benefit/Pension)**

**26. Mr. H. Partap** asked the hon. Minister of Education:

Could the Minister please state:

- (a) whether school cleaners at Government-run primary schools receive a terminal benefit/pension on retirement;
- (b) if the answer to (a) is negative, would the Minister indicate what steps are being taken by the Ministry to address this anomaly?

**The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Mustapha Abdul-Hamid):** Mr. Speaker, in the 137 government primary schools

in Trinidad and Tobago, janitorial services are provided either by the employment of individual cleaners or the service is outsourced to a firm such as the National Maintenance Training and Security Company Limited (MTS). In 58 of these schools, the janitorial service is outsourced, while in the remaining 79, cleaners are employed as Cleaners I in Salary Range IV in the service's Classification and Compensation Plan.

The different scenarios for the provision of terminal pension benefits are as follows:

- (1) full time permanently appointed cleaners qualify, upon retirement, for pension benefits under the Pension Act, Chap. 23:52 of the laws of Trinidad and Tobago;
- (2) full time temporary cleaners with 10 years continuous and over qualify for pension benefits under Act 20 of 1997 upon their retirement; and
- (3) full time temporary cleaners with less than 10 years but more than one year's continuous service qualify for a lump sum ex gratia compassionate gratuity on the authority of the Ministry of Finance through the recommendation of the Chief Personnel Officer with respect to eligibility and the Comptroller of Accounts with respect to the quantum payable.
- (4) part-time cleaners are not eligible at this time under any of the existing pension laws for pension benefits.

Since the answer to part (a) is in the affirmative, no response to part (b) is necessary.

*The following questions stood on the Order Paper:*

#### **Brian Lara Stadium**

5. Could the hon. Minister of Sport and Youth Affairs:
  - (a) With regard to the Brian Lara Stadium, state
    - (i) the status of work being conducted;
    - (ii) the expected completion date; and
    - (iii) the cost overruns to date?
  - (b) What would the stadium be used for in relation to Cricket World Cup 2007? [*Mr. M. Ramsaran*]

**Early Childhood Care and Education Centres  
(Chaguanas)**

7. Could the hon. Minister of Education indicate whether there are plans to construct Early Childhood Care and Education Centres in the constituency of Chaguanas? [*Mr. M. Ramsaran*]

**Disbursement of Moneys**

16. (a) Could the hon. Minister of Education advise how much money was disbursed by the International Development Bank to the Secondary Education Modernization Programme during the period 2005—2006; and
- (b) How much interest has been paid by the Government on the undisbursed amount of the Secondary Education Modernization Programme loan for the said period? [*Dr. A. Nanan*]

**Deshifting of Government Secondary Schools  
(Status of)**

17. Could the hon. Minister of Education advise:
- (a) how many government secondary schools have been deshifting annually from 2005—2006; and
- (b) the time frame for the completion of the said deshifting exercise? [*Dr. A. Nanan*]

**Construction of Schools  
(2005—2006)**

19. (a) Could the hon. Minister of Education list the preschools that have been constructed annually for the years 2005—2006;
- (b) If no preschools have been constructed, could the Minister outline reasons for the delay in construction? [*Dr. A. Nanan*]

**Aluminium Smelters  
(Emissions from and Water required)**

20. Could the hon. Minister of Public Utilities and the Environment state:
- (a) what is the annual estimated total level of gaseous emissions from the proposed three (3) aluminium smelters; and
- (b) the annual total volume of water required for the operation of the said smelters? [*Dr. A. Nanan*]

**Biche Presbyterian Primary School  
(Opening of)**

25. Would the hon. Minister of Education state what plans the Ministry of Education has for the opening of the Biche Presbyterian Primary School, now that the Presbyterian School Board has made a formal request for the school to be opened? [*Mr. H. Partap*]

**Evolving Technologies and Enterprise  
Development Company Limited  
(Investments made)**

27. Could the hon. Minister of Science, Technology and Tertiary\_Education provide this House with a list of the investments made by the Evolving Technologies and Enterprise Development Company Limited (eTecK) for the period January 2005—October 2006? [*Mr. G. Singh*]

**Piarco Police Station  
(Rebuilding of)**

28. Could the hon. Minister of National Security indicate when the Police Station at Piarco will be rebuilt? [*Mr. G. Singh*]

**Trinidad and Tobago Electricity Commission  
(Demand for Electricity)**

29. Could the hon. Minister of Public Utilities and the Environment state the following:
- (a) what is the current demand for electricity in Trinidad and Tobago and the projected demand by 2010;
  - (b) what measures are being put in place in order to meet the current and projected demand;
  - (c) what is the current status of the implementation of Trinidad and Tobago Electricity Commission proposed Automated Meter Reading System? [*Mr. G. Singh*]

**Alescon Sporting Facility  
(Information on)**

30. Could the hon. Minister of Sport and Youth Affairs inform this House, with regard to the Alescon Sporting Facility, Charlieville, Chaguanas:
- (a) when will work on the facility begin;

- (b) what is the scope of work to be done; and
- (c) when will the work be completed? [Mr. M. Ramsaran]

*Questions, by leave, deferred.*

**STATEMENTS BY MINISTERS**  
**Tertiary Education**  
**(Government's Policy)**

**The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Mustapha Abdul-Hamid):** Mr. Speaker, I rise this afternoon before this august house satisfied that there exists great confidence and widespread support for the Government's policy in the tertiary education sector in Trinidad and Tobago. I rise fully aware that the population understands, welcomes and celebrates the establishment of the University of Trinidad and Tobago (UTT). I also rise recognizing that there have been some concerns expressed in the public domain which need to be clarified for the benefit of our citizens.

I remind this esteemed House that the Government of the Republic of Trinidad and Tobago has embarked upon a developmental process with the stated objective of transforming Trinidad and Tobago into a developed country by the year 2020. Of critical importance in the achievement of this goal is the creation of an educated and skilled work force to provide the expertise necessary to drive our social and economic systems. As a consequence, we have established education as priority number one.

Mr. Speaker, over the last five years, Government's investment in education has been unprecedented and unsurpassed in our history. Indeed, we are experiencing our second revolution in education. Our policy in education mandates that no one shall be left behind and no citizen shall be denied an education as a consequence of inability to pay.

For this reason, we have introduced the Government Assistance for Tuition Expenses Programme (GATE), providing for free tuition at the undergraduate level and, more recently, the Higher Education Loan Programme to assist students with the other expenses associated with pursuing tertiary education.

As a nation, we have embraced our target of 60 per cent of the graduates of our secondary school system moving on to higher education by 2015. We have been able to make steady progress from 14 per cent in 2002 to 33 per cent in 2006—[*Desk thumping*] a fantastic achievement by any standard. But we have still a fair distance to travel.

Ultimately we need to create capacity at the tertiary level. We have been undertaking major and comprehensive reviews of all our institutions to ensure that they are upgraded to have the institutional capacity to deliver programmes at international standards of excellence while they remain relevant to our specific national developmental need.

The University of the West Indies (UWI), the University of Trinidad and Tobago (UTT), the College of Science, Technology and Applied Arts of Trinidad and Tobago, soon to be the Community College of Trinidad and Tobago, the Trinidad and Tobago Tourism and Hotel Institute (TTHTI), the Metal Industries Company (MIC), the National Energy Skills Centre (NESC) and the many private tertiary learning institutions, among others, have all been and will continue to be strengthened and enhanced consistent with the Government's education policy objectives.

Mr. Speaker, I will provide some detail. In spite of the recent increased capacity of the University of the West Indies, St. Augustine Campus, which is almost entirely funded by the Government of Trinidad and Tobago, it has been recognized that UWI alone cannot produce the number of graduates in the relevant fields to keep pace with the increasing demand for graduate labour in a rapidly developing republic. We have been able to increase the enrolment numbers at UWI from just under 8,000 in 2002 to just over 15,000 in 2006. [*Desk thumping*] [*Interruption*]

**Mr. Speaker:** Order!

**Sen. The Hon. M. Abdul-Hamid:** Mr. Speaker, even so, these places are simply not enough. In this scenario, the Government had the vision to foresee the need to establish the UTT, an institution that would not only expand the opportunities of nationals to access quality tertiary, but also to provide the nation with graduates with the requisite skill sets that are needed in our rapidly transforming industrial sector, particularly the energy sector

In short, we need university education that is especially relevant to the development objectives of Trinidad and Tobago. [*Interruption*]

**Mr. Speaker:** Order!

**Sen. The Hon. M. Abdul-Hamid:** On the face of it, a strong argument can be and has been made that there is need for at least one additional university to meet fully the requirement. [*Interruption*]

**Mr. Speaker:** Hon. Members, the Minister is making a statement and I think it is only fair that he be heard. I ask you not to interject. [*Interruption*]

Order, please, Member for Couva South! I ask you please to show the Minister and the House some respect. Please continue!

**Sen. The Hon. M. Abdul-Hamid:** May I add that with the realization of the Caricom Single Market and the increasing free movement of various categories of free labour within the region, it is crucial that opportunities for education and training are available to our citizens; a responsibility that the Government confidently accepts.

It is, therefore, within this context that the hon. Prime Minister and Minister of Finance, in his budget presentation for fiscal 2003, first announced that the Government intended to establish a new university. Consequently, Cabinet in 2004 agreed:

“That the University of Trinidad and Tobago be established as a non-profit company as an interim measure until its inception as an Act of Parliament.”

**Hon. Member:** Lie!

**Sen. The Hon. M. Abdul-Hamid:** Mr. Speaker, I highlight immediately the very important point that it has always been the Government's intention to table in Parliament an Act to establish the University of Trinidad and Tobago. *[Interruption]* I hasten to add that UTT's establishment as a non-profit company was an interim measure. The Government, confident and secure in the fact that the practice of establishing a university as a non-profit company is almost ancient and certainly globally recognized, as this was the option selected by the world renowned London School of Economics founded in 1895. *[Interruption]*

**Mr. Speaker:** Order!

**Sen. The Hon. M. Abdul-Hamid:** Other universities established in this manner include had Singapore Management University, 1938, and the University of Buckingham, 1973. Even our own Arthur Lok Jack Graduate School of Business is itself registered as a non-profit company under the Companies Act.

In this vein, Mr. Speaker, I must alert you to the fact that the establishment of a university, that is any university, is by no means a simple task. A university is unique in character and cannot be established along similar lines to any other state enterprise. In order for any university to survive and succeed, it must enjoy academic integrity and independence. Every university in the world exists within the reality that it relies on financial donors, both public and private, but its quality must never be or seen to be compromised or contaminated by extraneous factors. *[Crosstalk]*

The question is: How do you establish a university assuring its independence while, at the same time, securing the interest of taxpayers?

**Mr. Ramnath:** Why did you not print that and publish it?

**Mr. Speaker:** Once more, to the hon. Member opposite and, in particular, the Member for Speaker of the hon. Minister for Couva South, let us hear the Minister. After the Minister is finished, you can engage him outside the Parliament. *[Exclamation]* You cannot, while the Minister is speaking, interject the way you are interjecting. *[Crosstalk]*

Again I am appealing to you, Member for Couva South. I am not sure how the House views your absence or your presence. I myself view your presence, once you are prepared to conform with Standing Order 40 as a most welcome sight in this House. I like to have you here, so please conform to Standing Order 40.

**Mr. Ramnath:** I like to have him here, but when he is talking such nonsense, what do you expect me to do?

**Sen. The Hon. M. Abdul-Hamid:** Mr. Speaker, the question is: How do you establish a university, assuring its independence while at the same time, securing the interest of the taxpayer? It is a complicated formula that is distinct and different to the setting up of any other type of institution. Therefore, the ingredient used in creating the formula must be carefully conceptualized and researched to ensure that in the end result, the quality of education is one that meets the needs of all stakeholders.

It should be clear by now that the process of establishing a university is a multifaceted one which mandates that its founders conduct rigorous and detailed research. This process has been under way since 2004 and research has been conducted on models adopted by universities in countries such as the United States, the United Kingdom, Singapore, India, Australia, New Zealand and South Africa, to name a few.

I assure this honourable House that the intention is the selection of a judicious mix of processes, utilized by globally renowned universities. The end result will be the creation of an institution which adheres to universally recognized standards and quality assurance mechanisms with the stated objectives of meeting the specific needs of the labour market of Trinidad and Tobago.

The culmination of this process and the intention of the Government is the creation of a recognized and respected institution that will be incorporated by an Act of Parliament by the end of the first quarter of 2007. *[Interruption]*

*Tertiary Education*  
[SEN. THE HON. ABDUL-HAMID]

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In short, we must get the formula right. We must also get the legislation right where the interest of our taxpayers is secured and the independence of the university is assured.

**2.00 p.m.**

May I point out, Mr. Speaker, that the Government is not satisfied that the formula used in the establishment of the University of the West Indies provides adequate protection of the interests of the tax-paying public of Trinidad and Tobago. Indeed, we are committed to providing hundreds of millions of dollars to the UWI, a regional institution, on an annual basis, yet the Government holds a single seat on a sixty-two member University governing council, enjoying equal voting rights as the Dean of the Faculty of Engineering and the President of the Guild of Undergraduates.

In the establishment of UTT, of foremost importance in this process has been the ability of the institution to govern itself independently while it subscribes to standard government accounting procedures. Government has sought to fulfil this requirement by the appointment of a board of governors, the members of which achieve an inimitable mix of representatives of academia, the public and private sectors. The board comprises extraordinary captains of industry, with strong reputations for success in both the private and public sectors. Unlike UWI, the initial board was appointed entirely by the Government of Trinidad and Tobago. The board of UTT currently comprises:

- Professor Kenneth Julien, President and Chairman;
- Mr. Frank Look Kin, President, National Gas Company of Trinidad and Tobago;
- Mr. Robert Riley, Chairman and CEO, BP Trinidad and Tobago;
- Mr. Ian Welch, Managing Director, PCS Nitrogen;
- Mrs. Allyson Ramkerrysingh, Attorney at law;
- Mrs. Gisele Marfleet, General Manager, Industrial Chemicals Supply Company (1995) Limited.;
- Mr. Gervase Warner, Executive Chairman, Neal & Massy Energy Business Unit;
- Professor Dyer Narinesingh, Dean, Faculty of Sciences, UWI;
- Mr. Ravindra Nath Maharaj, Hindi Prachar Kendra;

- Dr. Rene Monteil;
- Mr. Errol Pilgrim;
- Mr. Scott Hilton-Clarke; and
- Mr. Lincoln Warner, representative of the Tobago House of Assembly

One of the goals of this selection process has been to have the input of not only academia but also the important stakeholders to realize the objective of a relevant, high quality and well balanced graduate that meets the needs of the society and the labour market. It must be borne in mind that the role of the modern university has evolved considerably from the early Oxbridge models, which saw themselves as educator of individuals for the church and the classics in general. In developing countries like China, Malaysia, Singapore and Kuwait, universities have become one of the essential tools and driving forces of holistic development. In Trinidad and Tobago, the areas of culture, performing and visual arts, teacher education, raising the profile of our hidden cultures and outreach to the communities and young people so far deprived of a university presence or education, are but a few elements of the myriad of gaps and needs that can only be filled by an indigenous University of Trinidad and Tobago.

With specific reference to the accounting procedures of UTT, allow me, Mr. Speaker, this opportunity to allay the concerns, seemingly concocted, by the detractors of UTT. The UTT was incorporated under the Companies Act of the Republic of Trinidad and Tobago in September, 2004 and it therefore operates within the parameters of specific guidelines with respect to its governance and accounting procedures. The Companies Act provides for the University's bye-laws, which establish the governance structure for the administration of UTT. The bye-laws mandate the establishment of the following sub-committees:

Executive Committee—

- Professor Kenneth Julien, Chairman;
- Mr. Robert Riley;
- Mr. Ian Welch;
- Professor Dyer Narinesingh;
- Mr. Ravinder Nath-Maharaj;
- Dr. Rene Monteil; and
- Mr. Gervaise Warner

*Tertiary Education*  
[SEN. THE HON. ABDUL-HAMID]

*Friday, December 15, 2006*

Finance and Budgets Committee—

Mr. Gervaise Warner, Chairman

Mr. Errol Pilgrim;

Mr. Frank Look Kin;

Mrs. Allyson Ramkerrysingh;

Senior staff members: Vice President, Finance and Administration;

Vice-President, Planning Projects and Facilities

Human Resource and Appointments Committee—

Mr. Scott Hilton-Clarke, Chairman

Mr. Ravinder Nath Maharaj;

Mrs. Allyson Ramkerrysingh;

Professor Dyer Narinesingh ;

Mr. Gervase Warner;

Mrs. Gisele Marfleet;

The Provost of UTT; and

Vice-President, Human Resources and Administration

Planning and Development Committee—

Professor Kenneth Julien, Chairman

Mr. Scott Hilton-Clarke;

Mrs. Gisele Marfleet;

Mr. Lincoln Warner;

Dr. Rene Monteil; and

Mr. Ravindra Nath Maharaj

Audit Committee—

Mr. Frank Look Kin, Chairman

Mr. Errol Pilgrim; and

Mrs. Allyson Ramkerrysingh

Mr. Speaker, all expenditure of the UTT is subjected to rigorous internal processes overseen by nationals who are board members who enjoy the highest regard, assurance and confidence in the national community. Mr. Speaker, it is plain to see that contrary to what our detractors would have you and the population believe, in UTT there is certainly and absolutely no one-man show.

Further, UTT's accounts for 2005 and 2006 have been prepared and are ready for audit. However, the completion of the process was detained by the established public service regulations which require that a specific tendering procedure be scrupulously observed to ensure transparency in the selection of an accounting firm to audit UTT's accounts. I am pleased to report that this process has been completed and the firm of Ernst & Young has been selected to undertake the external audit of UTT's accounts.

Notwithstanding the proposed legislation to establish the University of Trinidad and Tobago by Act of Parliament, which will formalize the relationship between the UTT and the Parliament, I wish to point out that even now the UTT does not have access to an unlimited supply of funding, without reference to Parliament. I wish to beg your indulgence Mr. Speaker, although I feel confident that all the Members of this House are well aware of the procedures as they pertain to the allocation of funding to Government institutions. It might be useful that I take this opportunity to refresh the memories of hon. Members.

The UTT falls under the aegis of the Ministry of Science, Technology and Tertiary Education, therefore it can access funding allocated to it under Head 54, sub-head 09, titled Development Programme and sub-head 04, titled Current Transfers and Subsidies. These allocations are listed in the national budget and require the approval of Parliament. Such approval has been so obtained. Hence, Mr. Speaker, the esteemed Members of this House cannot dispute the fact that they are well aware and have had an opportunity to raise any concerns they may have had over the allocation of funds to UTT. Under the circumstances, Mr. Speaker, any contrary statements attributed to Members of Parliament can be construed as nothing but pretence, aimed at fuelling mischief.

Mr. Speaker, let me outline here for the benefit of this honourable House, a few salient facts related to the UTT's relationship with the Ministry of Science, Technology and Tertiary Education and its funding. Like many government entities, the UTT is required to prepare its draft estimates of income and recurrent expenditure, together with projections for the following two years. In accordance with Ministry of Finance stipulations, these estimates are then submitted, along with the necessary justifications, explanations and supporting documentation, to

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the line Ministry. After review by the line Ministry, the estimates are submitted to the Budget Division of the Ministry of Finance.

For capital works in particular, detailed proposals are considered annually by the Ministry of Planning and Development, which has the responsibility for reviewing all proposals for capital expenditure, before making a submission to Cabinet, on the size and composition of the Public Sector Investment Programme (PSIP). The UTT's draft estimates must be accompanied by a statement confirming approval by the Board of Governors. After, and only after the approval of the budget by Parliament, the UTT submits projections for the whole year on the basis of which the Ministry of Science, Technology and Tertiary Education requests and receives quarterly releases from the Ministry of Finance. The line Ministry then releases the approved government subventions to the UTT on a monthly basis at the end of each relevant month.

It should also be carefully noted, that in respect of capital expenditure, the Ministry of Science, Technology and Tertiary Education, like other ministries, convenes regular monthly meetings, chaired by the Director, Research, Planning and Technical Services, a public official, at which all line institutions, including UTT, are required to provide detailed progress reports of expenditure relating to capital projects, so as to satisfy government's requirements that allocations are in fact being spent in accordance with the terms of approval. It is only when these are satisfied that any further releases are considered. Put succinctly, Mr. Speaker, the UTT enjoys all the rigors of public service processes as TTHTI, COSTAATT, MIC, or any other line institution. Statements to the effect that there is no accountability related to funding provided to UTT are totally false and misleading.

Mr. Speaker, the Government's contribution to the UTT, since its inception in 2004, is \$552,723,000. This sum comprises both capital expenditure, totaling \$372,791,359 and recurrent expenditure, totalling \$179,931,645. An interesting comparison can be made in that for the period fiscal 2004—2006, UWI was allocated a total of \$1443,800,708, of which only \$7,756,824 was for capital expenditure. Mr. Speaker, it certainly surprises me that the protagonists who have trained their guns on UTT have not seen it fit to call equally on UWI to account for its expenditure of public funds. [*Continuous Crosstalk and Interruption*] One of these days I will talk about TTIT and the chairman.

**Mr. Speaker:** Please, continue with your statement.

**Sen. The Hon. M Abdul-Hamid:** Mr. Speaker, UTT is literally a new institution and one of the age old and time tested strategies used by newly established

Universities, especially those from developing countries, is to seek partnerships with recognized universities from the developed world and the big South. UTT has sought to venture along this path, by entering into formal collaborative arrangements with leading universities of global repute and standing such as:

- University of Cambridge, United Kingdom;
- John Hopkins University, United States;
- The Southampton Institute and Maritime Centre, United Kingdom;
- The Southern Alberta Institute of Technology, Canada;
- The University of Texas at Austin, United States;
- The Danish Technical University, Denmark; and
- TATA InfoTech, India.

There are immeasurable benefits to be gained from such collaborative efforts. These universities are undisputed global leaders at the forefront in the respective disciplines in which they specialize. For example, John Hopkins ranks second only to Harvard University in medical sciences in the United States. The Danish Technical University is one of the foremost universities in Europe, with particular expertise in processing and TATA Info Tech of India is world famous for its achievement in Information Technology. The University of Texas at Austin is a major university in the United States. Its Department of Petroleum Engineering has been rated number one in the US, over the last 10 years.

These campuses possess specific industry-relevant knowledge and skills that have been developed over a period of decades. All of their relevant expertise, their know-how, their research and experience, are being fed into the design and creation of UTT's various diploma and degree programmes. Consequently, UTT will be the centre of an amalgamation of the world's best, a meeting point for international excellence.

Statements to create the impression that UTT's association with these prestigious institutions is predicated on acts of dishonesty are indeed ridiculous and preposterous to say the least.

The value of partnering with institutions that have been established, in some cases for centuries, is evident. Expenditure to secure and develop these partnerships are extremely well justified for, in essence, we are purchasing intellectual property rights, in circumstances where the intellectual property is unrivalled, first rate and rare.

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As a newly established university, the UTT will benefit from collaboration in various ways, including assistance not only in the development of internationally recognizable programmes, but UTT and the people of Trinidad and Tobago also benefit in the following ways:

- Joint research projects—these are already under way with the University of Cambridge and the University of Texas, at Austin;
- Staff Development—our partners provide opportunities for staff training and upgrade;
- Continuing movement of distinguished professors—this allows for visiting professors to lecture entire modules within a degree programme;
- Short courses, usually at the request of industry—over 170 such short courses have been completed so far.

Mr. Speaker, the successful establishment of a university in the post globalization era is entirely a different prospect than might have been the case even 25 years ago. We do, indeed, have the wealth of the world's experience available to us. To describe any expenditure to access and mobilize this resource as handouts is nothing short of mischievous or at best, short-sighted and myopic. There are indeed costs associated with these partnerships which we are satisfied will redound to the tremendous benefit of the citizens of Trinidad and Tobago.

Mr. Speaker, I now wish to address the issue of accreditation as it pertains to UTT. The UTT, from its inception, has been in official dialogue with international accreditation institutions and the local Accreditation Council of Trinidad and Tobago. The fact of the matter is that UTT had requested the Institution of Incorporated Engineers (IIE) to conduct a preliminary quality audit, which was done early this year. The IIE visited UTT in February 2006, to conduct a preliminary quality audit, which I must emphasize is the only process for which UTT's programmes were eligible at the time, and the UTT sought this at the earliest possible instance it could have done so.

The IIE is based in London and was chosen because it was the only international organization that fully accredits engineering programmes at various levels, including the baccalaureate and sub-baccalaureate levels, that is bachelor's degrees and undergraduate diplomas. It was therefore the most suitable international accrediting institution for UTT.

The IIE has joined with the Institution of Electrical Engineers to form the Institution of Engineering and Technology (IET), the largest such institution in

Europe, with a combined history of over 130 years, and is indeed the second largest in the world. The IET is scheduled to visit UTT early next year to initiate an accreditation exercise of the bachelor's degree programmes offered by UTT, the earliest possible time that such an exercise can take place. So it is plain to see that UTT has been very proactive in seeking accreditation in the shortest time possible. It is important to note that some of our most successful and celebrated institutions operated for many years before securing external accreditation. In this context, UTT is again well ahead.

It is very important to note that an institution that gains accreditation, particularly for the first time, can have the accreditation retroactive for the cohort of students who graduated prior to the actual site visit of the accreditation team. Of importance to note is that the first priority of any university is to gain acceptance by the domestic industry, which is usually the main employer of graduates. In this regard, the curriculum of UTT includes a component where, in addition to academic training, the students are required to perform a compulsory on-the-job module which makes them more attractive to potential employers than graduates with only a textbook knowledge.

Mr. Speaker, today UTT proudly presents itself to the national community as a multi-campus establishment. A number of existing institutions have been integrated into UTT to form the nuclei of campuses, which will ultimately provide the world-class quality education our nation needs. All our campuses are undergoing major construction or upgrade. Developmental works are ongoing at campuses at O'Meara, Point Lisas, Chaguaramas, Pasea, San Fernando, Port of Spain, Valsayn, Corinth, Buccoo, and Tamana Park, to provide access to citizens all across the entire country.

UTT offers a range of programmes in disciplines critical to national development objectives including the National Engineering Technicians Diploma, the Bachelor's of Engineering and Bachelor's of Science in petroleum, in process and utilities, in ICT and in manufacturing among others. There is also UTT's Master's of Engineering and Master's of Science in petroleum, in industrial innovation, in entrepreneurship and management, to name only a few. UTT today is involved in training persons for the maritime industry, in leadership, in pan tuning, and a number of other disciplines unique to Trinidad and Tobago. The university is working to document our cultural practices in such institutions as Ramleela, Hosay and Carnival, as we prepare for the advent of the Academy of Performing Arts. As we continue to build, we can expect to see introduced in the future, degree programmes in biomedical engineering, in construction and in environmental sciences.

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Recalling the calibre of UTT's international partnerships, the relationship with and input of major industrial companies—for example BP, BG, MHTL NGC, PCS Nitrogen, among others—in the development of UTT's programmes and the willingness of the Government to invest in the institution to ensure that the required standards are maintained, UTT's graduates, without a doubt, have a very, very bright future.

Mr. Speaker, the Government of the Republic of Trinidad and Tobago is dedicated to the provision of quality tertiary education, of which UTT is an integral component. Every sector is dependent on available expertise to deliver goods and services to our people. We in education have a responsibility to create expertise by providing high quality education and training to our citizens. We are indeed experiencing an undoubted revolution in education. We accept our responsibility. We will not flinch. We will march steadfastly on ensuring that each individual citizen has the opportunity to realize his or her fullest potential, to fulfil his dreams and to live a better life. As a Government, as a nation and as a people, we are mobilized and determined to take our country forward to Vision 2020 and developed country status.

Mr. Speaker, I thank you.

### **Trinidad Rapid Railway Project (Status of)**

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, I am authorized by the Cabinet to make a statement on the status of the Trinidad Rapid Railway Project.

During the last week, there has been a call from a number of special-interest groups that the procurement process for the Rapid Rail Project be stopped. These special-interest groups include organizations that represent the local construction industry, such as architects, engineers and contractors, and other private sector organizations, including the Trinidad and Tobago Manufacturers' Association, the local chapter of Transparency International, and an unofficial organization that refers to itself as the Joint Consultative Council of the Construction Industry (JCC), and which, from time to time, portrays itself as the voice of the construction industry.

These interest groups are insisting that the contract for the railway project should be put on hold until a national transit authority, with responsibility for all transportation infrastructure, is created by statute and a transit feasibility study is conducted by this new statutory authority, in order to determine what type of transportation arrangements we should have in Trinidad and Tobago.

Mr. Speaker, as you will appreciate, these non-governmental organizations have made some very strong statements and some far-reaching policy recommendations, which are in fact the purview of the Government and the Parliament.

In particular, the policy recommendation that we create a national transit authority, by statute, with overriding statutory powers, will have serious consequences for a number of existing agencies, including the Port Authority, the Airports Authority, the Public Transport Service Corporation, the Civil Aviation Authority, the Maritime Services Division, the Government Shipping Service, the domestic air bridge, the Highways Division, the Transport Division, the Traffic Management Branch, the Ministry of Works and Transport itself, among several other government agencies, too numerous to mention.

It is noteworthy that if this recommendation for the creation of an overarching transit authority were accepted, it would unravel years of work done by three successive governments on our transport sector, over the last 20 years, using both local and international consultants, to strengthen and improve the regulatory framework and management systems for our transport sector.

The reality is, Mr. Speaker, that this recommendation, which has been used as one of the main reasons for calling for a stop to the railway project has been pulled out of a hat by this distinguished group of construction industry professionals, without even the benefit of a pre-feasibility study. Let me repeat that, Mr. Speaker, this brainwave, this brilliant solution to all of our transportation problems, namely the creation of an all-encompassing transit authority, has been proposed without the benefit of a feasibility study, the very thing that these professionals are now demanding that the Government undertake before proceeding with the rapid railway project.

As a consequence, this recommendation cannot be taken seriously, since it fails the very test that these special-interest groups have set for the Government, and it is both irresponsible and unprofessional of these groups to demand the virtual dismantling of the existing transport systems in this country to suit their own sectarian interests, without any in-depth analysis or even a shred of scientific data, to support their recommendations.

I will deal now with the actual feasibility of, and the need for, the railway project. Let me say at the outset that the Government is not, I repeat, is not, as these special-interest groups would have the country believe, proceeding with the railway project by vaps or without the benefit of studies. Indeed, over the last 40 years, a number of studies have been done which clearly indicate the need for the

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reintroduction of a railway system in Trinidad as a primary means of mass transit, especially along the East-West Corridor.

As far back as 1967, Mr. Speaker, when the first national transportation plan for Trinidad and Tobago, prepared by Parker and Parsons and Brinkoff, was published, it was obvious to the planners then, that in the future, some form of rapid transit would be required and should prove feasible for the capital region in Trinidad, as they called it. It is interesting to note that the 1967 planners felt that the most economic location for such a development would be along the median of the Churchill-Roosevelt Highway, since they felt—as far back as 1967, that the construction of a rapid railway line along the alignment of the old Trinidad Government Railway would be uneconomical since it would require extensive property acquisition, particularly in the San Juan and Tunapuna areas, in order to provide the necessary grade separations at intersections with the road infrastructure. This 1967 view is surprisingly in sync with the views expressed in 2006, almost 40 years later, in the mass transit study. They have also recommended that we look seriously at the Churchill-Roosevelt Highway as the alignment.

The 1967 plan recommended that consideration be given to different types of railway systems, including conventional steel wheel on steel rail rapid transit systems, as well as monorail systems and suspended rail systems, and concluded that the most economical form would be a conventional railway system. That was in 1967.

As you will appreciate, Mr. Speaker, that far-reaching plan, which has formed the basis for the development of our transport infrastructure from 1967 to the present day, saw the need for a rail transit system almost 40 years ago.

I now come to 1996, and to the East-West Corridor Transportation Study done for the then UNC administration, by the well recognised Canadian firm of EDM Cansult. This study confirmed that in 1996, over 215,000 people travelled into Port-of-Spain each day from all directions between the hours of 6.00 a.m. and 6.00 p.m., with 50 per cent of travel by public transport. That is from all points to Port of Spain. The East-West Corridor in particular carried over 60 per cent of the persons travelling into Port-of-Spain, with 60 per cent of these persons carried by public transport in peak periods, with the primary trip purpose being journeys to work. The study also confirmed that as far back as 1996, the peak morning travel period extended to three hours per day; 10 years ago.

Of particular relevance is Cansult's finding that in 1996, the peak hour peak direction person trips (phpdt) count along the East-West Corridor, which is a

widely used and internationally accepted benchmark for determining the most suitable type of mass transit system for a main transit corridor, was 21,000, and was projected to increase to 28,000 by 2015. To put it simply, the 1996 study confirmed that during peak periods 21,000 persons per hour were travelling in the peak direction into Port-of-Spain along the East-West Corridor.

This pattern of traffic was also confirmed by a later study done by the Halcrow Group, also during the time of the UNC administration, in 2000, which estimated that the daily inbound traffic into Port-of-Spain was 250,000 person trips in the year 2000.

Coming now to this year, in 2006, the traffic study, done by Cansult, has found that the peak hour person trips along the corridor has increased to over 30,000, which is far more than had been projected in the 1996 study 10 years ago. In fact, the 2006 study update has found that overall travel along the East-West Corridor is increasing at the rate of 5 per cent per year, which is why it has increased by 50 per cent in 10 years. This is almost five times the rate predicted in 1996. The 2006 traffic study also confirmed the need for a higher order transit system, such as a light rail system.

Mr. Speaker, in the face of all of this compelling data, the critics of the railway project insist that we need more studies, and further, that rather than introducing trains, we should buy thousands of buses. However, when asked which roads all of these buses will drive on, they make unrealistic proposals for the construction of a system of special-purpose busways that would be separate and apart from our highways. In so doing, they ignore the fact that the land space required for these busways is simply not available, without massive land acquisition, and that the cost of constructing these busways and operating this tremendously expanded bus system would be astronomical, and could far exceed the cost of the proposed rapid railway. They also ignore the fact that these busways could take up to a decade to construct, by which time road rage and frustration would have taken over most of our drivers and commuters, and they avoid the fact that the maintenance costs, manpower requirements and bureaucracy to support a bus transit system in Trinidad, with over 1,000 buses, would be entirely unsustainable.

[MR. DEPUTY SPEAKER *in the Chair*]

However, the most telling evidence of the feasibility of our approach, Mr. Deputy Speaker, has come from the findings of the Concept Paper done by Rites Limited, a Government of India Enterprise, in November 2003, through the auspices of the Ministry of Foreign Affairs of India, on the need for a railway system in

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Trinidad and Tobago. For those who may not be aware, it should be noted that Rites Limited provides consultancy services in transportation to over 60 countries, and has over 2,000 staff, including over 1,000 specialists in engineering, planning and project management. It is considered by many to be India's foremost consultancy company, with vast experience in the planning and execution of transport projects of all types.

In this 2003 concept paper, the Rites Consultants made the point, and I quote: "Experience has shown that road buses can optimally carry 10,000 persons per hour per direction (phpdt). When traffic density on a corridor exceeds 10,000 phpdt, the average speed of the buses comes down, journey time increases, air pollution goes up, and commuters are put to increased levels of inconvenience. Thus, when on a corridor, traffic density during peak hours crosses this figure (10,000 phpdt) provision of rail-based transport should be considered. In any case, a metro system/rail system may become inescapable if the traffic density on a corridor reaches 20,000 phpdt."

As you will appreciate, Mr. Deputy Speaker, you do not need to be a rocket scientist to understand what the experts from India were saying. You do not need to be an industry professional or a parliamentarian. Clearly, it is internationally recognised that buses become inefficient after you exceed more than 10,000 persons per hour travelling along your main transit corridor, and further, when you cross 20,000 persons per hour, a railway system becomes inescapable. In this context, the fact that we were already at 21,000 persons per hour in 1996, and we have now exceeded 30,000 persons per hour in 2006, should make it obvious to any sensible person that we passed the point where a railway system was required 10 years ago. I want to repeat that, we have passed the point where a railway system was required 10 years ago. Indeed, we are now at three times the international traffic benchmark, beyond which a railway should be introduced. Even a child in primary school could figure that out, Mr. Deputy Speaker, and it begs the question as to why the previous government did not pursue the development of a rapid railway system, when it received the findings of the Cansult traffic study in 1996.

Indeed, in the face of overwhelming evidence of the need to introduce a rapid transit system 10 years ago, the previous government could be justifiably accused of dereliction of duty. What is even more disturbing, Mr. Deputy Speaker, is that all of this information and analysis has been available to our local industry professionals for years, but they have blinded themselves to the data, and steadfastly avoided the true facts, and have persisted with the folly that the solution to our

mass transit challenge is to buy thousands of diesel-powered buses, and put them on our heavily congested roads to pollute the environment and compete for space with cars and taxis.

[MR. SPEAKER *in the Chair*]

I ask, Mr. Speaker, in the face of national gridlock, and the daily frustration that our people face in getting to and from work and school, do we need another study to tell us that the purchase of thousands of buses and the construction of an elaborate and costly system of grade separated busways cannot be a viable solution to our mass transit problems? I think not.

In the face of this, I wonder whether our local professionals have ever found themselves at City Gate on an afternoon—[*Interruption*]

**Dr. Rowley:** Or George corner.

**Hon. C. Imbert:** —and rubbed shoulders with the thousands of ordinary men, women and children who have to line up— I have been there—and wait hours for public transportation? I wonder whether they ever mingle with the common man, and speak to people about what they really want done in this country, because if they did, they would abandon their impractical demands. Just today, an informal poll conducted by the *Guardian* newspaper, which I do not think by any stretch of the imagination could be said to be a PNM newspaper, demonstrated that seven out of eight people, or 87 per cent of those interviewed, are in favour of the immediate implementation of the railway project, and our own surveys—because we are not doing that willy-nilly, we are conducting surveys—confirm that 90 per cent of the population is in favour of the reintroduction of the railway in Trinidad. To be blunt, the people want the railway, and they want it now, and as a responsible Government, we cannot ignore the will of the people in favour of a small self-serving group.

To put it even simpler, Mr. Speaker, do you need a feasibility study to tell you that if you jump off a 10-storey building without a parachute, you might not survive the fall? The proposal that we buy thousands of buses instead of implementing the railway project is similar, in terms of its obvious negative outcome, and basic common sense will tell you that the railway project is a viable solution to our mass transit problems.

The fact is, Mr. Speaker, that all of the studies done over the last 40 years confirm the need for the reintroduction of the railway, and further, it is clear that a railway system should have been introduced in this country years ago, when it

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became obvious that conventional modes of vehicular transport, such as buses, could not possibly cope with the increasing traffic densities along our major transit corridors.

This fact—that is a fact and not a theory—is further reinforced and confirmed by the Comprehensive National Transportation Study (CNTS) of 2006, which the special-interest groups keep insisting must be given to them before the consultants have fulfilled their contractual obligations. Not a bit of that. This latest study reaches the same conclusions as the 1967 study, the 1996 study, the 2000 study, and the 2003 study—“yuh hear study?”, 1967, 1996, 2000, 2003 and 2006 and they are asking for more—and makes the following point, among others, about the feasibility of the rapid rail project. Under the “No Build Scenario”, that is build no railway:

“Congestion will (continue to) increase (along the corridor) with time as vehicle hours travelled (VHT) approaches almost 300 million hours.

The rail change, which is the improvement, comes from the rapid rail project, which the model, a scientific computer model, shows, will result in a 44.1 per cent reduction in vehicle hours travelled in Trinidad, by 2012 and an 82.2 per cent reduction in vehicle hours travelled in Trinidad, by 2025.”

Let me put that in layman’s terms—That is the CNTS of 2006; current—it means that persons who are now spending an hour on the road will spend only 20 minutes on the road.

**Mrs. Persad-Bissessar:** Is that in 2025?

**Hon. C. Imbert:** That is in 2015. That person will spend 10 minutes on the road in 2025.

Without the rail project—I am quoting from the CNTS:

“It can be seen that the Eastern Main Road, Priority Bus Route and especially the Churchill Roosevelt Highway would experience considerably higher volume over capacity ratios, resulting in severe traffic congestion. Overall, the CNTS traffic assignment model shows that significant benefits will accrue from the rapid rail project. The rail system will offer customers a safe, efficient, reliable, fast and long-term permanent means of travelling the already congested East-West and North-South Corridors.”

I could not have put it better myself. You have the 1967 study, the 1996 study, the 2000 study, the 2003 study and the CNTS of 2006.

Mr. Speaker, in local parlance, what more do they want? Yet another study, which just requires more money to be paid to new consultants to arrive at the same conclusions? It is painful, Mr. Speaker, that in the face of the numerous scientific studies, conducted over many years by successive governments, not just the PNM, carried out by internationally renowned transportation experts, which have clearly demonstrated that a railway system for Trinidad will be a viable and effective mass transit solution, will significantly reduce travel time, and bring much-needed relief to the public, these special-interest groups would have us conduct yet another study, and would have us and the country wait for years while a national transit authority is created, by statute no less, before we implement a railway project, if we did so at all. We will be in our graves before that transit authority and the next transit study; the seventh one, is done. It appears that left to them, they would theorize and hypothecate forever, and tilt at windmills like Don Quixote, while the solution stares us all in the face, and the travelling public becomes more and more disgruntled. I am merely speaking the truth.

I wish to make it clear that the Government has no intention of allowing self-seeking provocateurs or misguided interest-groups to derail our transportation infrastructure programme, pun intended. In the interest of the common good and with our mandate from the electorate to govern the country in the best interest of the wider citizenry, and especially with the knowledge provided by all of the scientific data and engineering analysis available to us, particularly the several studies done over the last 10 years, I wish to confirm that we are going full speed ahead with the railway project—I am only halfway—and we are on target to select our preferred contractor within the next two months, if not before.

The other issue that has to be addressed is the claim that the process that is being used to procure the contractor for the railway project is flawed. Indeed, the special interest groups are insisting that the procurement process for any major contract in Trinidad and Tobago, such as the rapid rail project, must involve two stages, namely: stage 1, a request for qualifications, and then stage 2, a request for best value proposals.

No other procurement method used anywhere else in the world is deemed worthy or acceptable by these interest groups, and clearly, whatever the consequences for progress or human development, they are resolute that the status quo must remain, as is, where is.

The interest groups have raised a number of issues with respect to the procurement process for the rapid rail project, and among other things, they questioned the continued involvement of one of the companies that has submitted a

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proposal for the project, even though there is no evidence that this company is guilty of any wrongdoing in the tendering process. They also claim that the procurement process that is being used does not allow for competition on price and thus inhibits the determination of value for money, and they have gone further to claim that the use of quality based selection in the Trinidad Railway Project creates an in-built bias for international contractors.

Perhaps, Mr. Speaker, in the face of this astonishing allegation about an in-built bias for international contractors, you may be able to tell me which local contractor or firm has the requisite experience in designing, building, operating and maintaining a modern billion-dollar rapid railway system. I am certainly not aware of the existence of any local firm that has any such expertise or experience.

In summary, the special interest groups claim that the processes being used to procure a contractor for the rapid rail project do not exhibit a duty of care in the public interest—nice words—are contrary to the White Paper on the Reform of the Public Sector Procurement Regime and cannot assure the attainment of value for money. What lofty principles. Let me state at the outset, Mr. Speaker, that contrary to the assertions of the special-interest groups, there is nothing in the procurement process for the railway project that is in conflict with the White Paper on the Reform of the Public Sector Procurement Regime. Let me repeat that, there is nothing in the procurement process for the railway project that is in conflict with the White Paper on the Reform of the Public Sector Procurement Regime.

In fact, in their quest to discredit the railway project, the special-interest groups have not established the specific areas of the White Paper where the procurement process for the railway project has failed to meet the required standards. Instead, rather than producing any evidence of wrongdoing, they have relied heavily on innuendo, misinformation and emotionally-charged overtones, in order to paint a picture of perceived wrongdoing without making any definitive findings of fact.

In order to appreciate the extent of the misinformation that is being propagated in the public domain, it is necessary for hon. Members and the country at large to properly understand the methodology that has been adopted for the selection of a contractor for the railway project.

In pursuance of the process approved by Cabinet to procure the most qualified and experienced contractor for the design, building, operation and maintenance (DBOM) of the Rapid Rail Project, I am advised that the National Infrastructure Development Company (NIDCO), on behalf of the Government of the Republic of

Trinidad and Tobago, advertised the request for qualifications for DBOM services for the Rapid Rail Project, both locally and internationally, in the following media, this is the first element of transparency: the *Railway Age*, a reputable railway journal, advertised in January 2006 and February 2006 issues; the *International Railway Journal*, another highly regarded railway magazine, advertised in January 2006 and February 2006 issues; *Railway Gazette International*, another reputable railway journal, December 29, 2005 and February 01, 2006; *Engineering News Record*—for those of you who do not know, the *Engineering News Record* is premier engineering magazine in the world, January 16, 2006 and January 23, 2006 and its webpage, commencing January 05, 2006 for one month, and also February 20, 2006; not to leave out the local media, the *Trinidad and Tobago Newsday* January 04, 2006 through January 10, 2006 and also February 16, 18, 19, 21 and 22, 2006; *Trinidad and Tobago Daily Express*, January 04, 2006, January 08—10, 2006, January 12—14, 2006, January 17—19 and 21, 2006 and February 23, 2006; *Trinidad Guardian*, February 18, 19, 21, 23 and 24, 2006. They want more advertisement than that?

In keeping with the established procedures, an addendum to the request for qualifications was subsequently advertised by NIDCO in March 2006, in the same media. You should note that the request for qualifications required that proposers submit a letter of interest (LOI) by March 31, 2006 to indicate their intent to participate in the procurement process for the Rapid Rail Project. It is a process. We advertise, we ask firms to indicate their interest and we require them to submit a letter of interest.

After this, an informational meeting, which was open to the public and the media, was subsequently held on March 14, 2006 at the Crowne Plaza Hotel in Port of Spain. At this forum, interested parties were able to ask questions and receive clarifications in respect of the project. Attendance was optional and was not a prerequisite to submitting a letter of interest. I am pleased to tell you in excess of 130 interested parties attended this meeting and a total of 81 firms subsequently submitted letters of interest by the closing date of March 31, 2006. The majority of these firms were international contractors, as would be expected for a project of this technical complexity and magnitude, but several local firms also submitted letters of interest.

On April 10, 2006 NIDCO, in accordance with the advertisement, issued the qualifications forms and instructions document for and on behalf of the Government of the Republic of Trinidad and Tobago to invite proposals for the Rapid Rail Project. The qualifications and instructions document (QF&I) represents the

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tender document for the Rapid Rail Project and contains the requirements for the proposals, the basis for the qualification of proposals, the procedures for doing so, the procedures for evaluation of the proposals—all of this spelt out in the public domain since April—and the mechanism by which a preferred tender or preferred tenderers are to be identified. It also clearly defined, since April 2006, the evaluation factors, evaluation objectives and submittal requirements for each evaluation factor for the proposals. Contrary to the claims of the interest groups, therefore, we have engaged in total and complete transparency, Mr. Speaker, over and above—I would say way over and above—the standards set out in the White Paper on procurement that they keep referring to. I am sure, Mr. Speaker, you have never heard of a project in Trinidad and Tobago advertised this many times with this many public meetings, information documents and public dissemination of rules and procedures.

The QF&I was issued by NIDCO to the letter of interest respondents, who were required to submit an acknowledgement of receipt of QF&I Forms (the AF forms), no later than May 01, 2006 confirming receipt of the QF&I. I am pleased to tell you that 34 letter of interest respondents from North America, Asia, the Caribbean and Europe, representing industry leaders in DBOM rail projects from all over the world submitted AF forms by the May 01, 2006 deadline to NIDCO. You should note that the QF&I stipulated that only those LOI respondents who submitted AF forms would qualify to submit a proposal for the Rapid Rail Project. Everything painstakingly and carefully spelt out and published in the public domain since April 2006.

A first pre-tender meeting for LOI respondents who had submitted the AF forms was held on June 20, 2006 at the Crowne Plaza Hotel in Port of Spain.

At that meeting a former member of the local chapter of Transparency International commended the Ministry of Works and Transport for its transparency and urged us to follow best practice.

**3.00 p.m.**

**Mr. Manning:** Repeat that, please.

**Hon. C. Imbert:** At that first pre-tender meeting a former member of the local chapter of Transparency International...

**Mr. Manning:** A new member?

**Hon. C. Imbert:** A former member—a quite vocal member; a quite well-known member of Transparency International; member of the executive I meant;

still a member of Transparency International—commended the Ministry of Works and Transport for its transparency—this person is still part and parcel of the Transparency International process—urged us to follow best practice.

Another pre-tender meeting was held on July 25, 2006. The two pre-tender meetings were open to the media, and the proceedings were widely reported. At each meeting the LOI respondents who had submitted the AF Forms were advised as per the QF&I that the deadline for submission of Proposals for the Rapid Rail Project was 1.00 p.m. on August 28, 2006 at NIDCO's offices in Port of Spain.

The QF&I further required that tenderers submit a Tenderers Organization Information Form ("Form O")—and this is very important, Mr. Speaker—detailing the names of the principal firms and the consortium members, including subcontractors and consultants; both local and foreign. Form O's giving names and details of all of the firms and the consortium members, were received by NIDCO from nine (9) proposers giving details of the companies associated with each consortium.

The tender for the Rapid Rail Project closed on August 28, 2006 at 1.00 p.m., as advertised. Six (6) tenders were received by NIDCO, one of which, the tender from the consortium led by Siemens of Germany, arrived later than the specified closing date. NIDCO and the Ministry of Works and Transport accordingly sought the legal opinion of an English Queen's Counsel (QC) regarding actions to be taken in respect of the late submission and acting upon the said advice received from the QC, informed the Siemens group that no late tenders could be accepted as per the terms of the QF&I. Scrupulously adhering to the terms and conditions of the tender documents and international best practice. Accordingly, five (5) tenders qualified for the Evaluation and Selection process which would identify preferred tenderers.

Mr. Speaker, you will appreciate by this time, that contrary to the pronouncements made by the special-interest groups, the procurement process for the railway project has been one of the most transparent and open tender processes ever conducted in this country—*[Desk thumping]*—I dare say the world; I am not aware of any tender process that has been as open and transparent as this—which makes the claims of the interest groups even more disturbing.

Further, the stages of the Evaluation and Selection process leading to the identification of a preferred tenderer or preferred tenderers and the eventual award

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of the DBOM contract in accordance with the evaluation and selection methodology, published in the QF&I; known to everybody since April were as follows:

- Pass/fail or bid compliance test with the assistance of a chartered accounting firm.
- Evaluation of five (5) quality factors by a fifteen (15) member Evaluation Team of international rail experts.
- A selection exercise by a five (5) member Selection Committee comprising international experts consultants to collate, review and tally the results of the Evaluation Team and produce a Merit List of ranked tenderers.
- Site visits, confirmation and verification of references submitted in proposals of the ranked tenderers.
- Review of rankings by the Selection Committee and selection of preferred tenderer(s).
- Approval by NIDCO's Tenders Committee and Board of Directors.
- Announcement identifying preferred tenderer(s).
- Negotiations with Preferred tenderer(s).

Subsequent to the receipt of the five (5) tenders on the closing date, the evaluation process began. However, during the evaluation process, but before the results were made known to NIDCO or the Government, it was discovered [*Crosstalk*] that the project consultants, Parsons Brinckerhoff Quade & Douglas had a conflict of interest —

**Dr. Rowley:** Stop, stop, stop. Start over. You could go home if you want.

**Hon. Member:** You are free to leave.

**Mrs. Persad-Bissessar:** No, it is my duty to stay here.

**Hon. C. Imbert:** However, during the evaluation process, but before the results were made known to NIDCO or the Government, it was discovered [*Crosstalk*] that the project consultants, Parsons Brinckerhoff Quade & Douglas had a conflict of interest with one of the tenderers whose proposal was being evaluated.

In the interest of total transparency, and to preserve the integrity of the process, legal advice was sought and received from not one, but two eminent

English Queen's Counsel, experienced in contract law, and in accordance with this advice, the Ministry of Works and Transport took steps to immediately terminate Parsons Brinckerhoff's involvement in the evaluation exercise and the project, and to request NIDCO to redo both the pass/fail bid compliance test as well as the evaluation exercise test.

NIDCO in accordance with the rules in the tender documents subsequently advised the tenderers in writing, of the termination of Parsons Brinckerhoff's involvement in the project and of the decision to re-do the evaluation using independent international rail consultants. It should be emphasized that neither NIDCO nor the Government has had sight of the earlier evaluation done by Parsons Brinckerhoff.

Accordingly, NIDCO subsequently undertook a search for new international expert consultants to serve as members of the Evaluation and Selection Committee for the re-doing of the evaluation exercise. Reputable and highly recognized expert consultants were sourced from a number of countries, including the United Kingdom, Austria, Sweden, Australia, North America and Italy, which as you know, are all developed countries with modern railway systems.

After the necessary background checks were done on the new consultants, with the assistance of an international forensic firm—I want to repeat that. After the necessary background checks were done on the new consultants, with the assistance of an international forensic firm both the pass/fail bid compliance and the initial evaluation were successfully re-done by the new Evaluation Team during the period October 22 to October 24, 2006. At the end of this exercise, three tenderers qualified for the selection phase of the procurement process.

The Selection Committee comprising five independent international expert consultants, who were also screened for any conflict of interest, successfully completed its review and compiling of the evaluation scores during the period October 26 to October 29, 2006. A preliminary Merit List was subsequently compiled comprising two of the remaining three tenderers.

Site visits to project sites in the United Kingdom and France submitted by the two ranked tenderers were conducted by members of the Selection Committee on November 13 and November 14, 2006—I have plenty more to go.

Interviews and Presentations of the two ranked tenderers took place on November 20 and November 21, 2006 in Port of Spain before the Selection

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Committee and NIDCO's Tenders Committee. Full disclosure, Mr. Speaker. On November 28, 2006 the Final Report of the Selection Committee was submitted to the Tenders Committee of NIDCO's Board of Directors.

You should also note, Mr. Speaker, that in order to ensure the utmost transparency and accountability with respect to this project, in similar fashion to other major undertakings, Cabinet, in the interest of good governance, and also at my request, has appointed a Ministerial Committee to oversee the procurement process for the Rapid Rail Project. In other words, it is not Imbert alone doing this.

The Ministerial Committee is chaired by the Minister of Public Administration and Information, Sen. The Hon. Dr. Lenny Saith, an engineer with a PhD in transportation and includes the Minister in the Ministry of Finance, Sen. The Hon. Conrad Enill, the Attorney General, Sen. The Hon. John Jeremie, the Minister of National Security, Sen. The Hon. Martin Joseph, and myself; I make up the team. [*Interruption*] I am coming to that; do not be anxious.

The Ministerial Committee is supported by a technical team, comprising the Permanent Secretaries of the Ministries of Works and Transport and Finance, and other officials from the Ministries of Works and Transport and Finance, and NIDCO.

Mr. Speaker, now we come to one of the more important points. [*Interruption*] You asked for it. I wish to advise that contrary to the misleading pronouncements of special interest groups, in order to ensure that Trinidad and Tobago obtains best value for money with this railway project, the procurement process publicly established by the QF&I provides for negotiations on price with more than one tenderer at the same time.

**Mr. Manning:** Just repeat that, please.

**Hon. C. Imbert:** Mr. speaker, I wish to advise that contrary to the misleading pronouncements of special interest groups, in order to ensure that Trinidad and Tobago obtains best value for money with this railway project, the procurement process publicly established by the Qualifications Forms and Instructions—all of those gentlemen who are making noise have read the Qualifications Forms and Instructions; it is not that they do not know—provides for negotiations on price with more than one tenderer at the same time. [*Desk thumping*]

Further, in the negotiations stage, the Qualifications Forms and Instructions (QF&I) makes it clear—crystal clear; it is the first thing—

**Mr. Hinds:** Pellucidly clear.

**Hon. C. Imbert:** Pellucidly clear; thank you—that a primary objective of the procurement process is the establishment of the cost of the key elements of the project—I am going to repeat that. Further, in the negotiations stage, the Qualifications Forms and Instructions (QF&I) makes it clear that a primary objective of the procurement process is the establishment of the cost of the key elements of the project using international benchmark prices, and also—this is very important—that if reasonable and acceptable costs cannot be agreed with the tenderers, the negotiations will cease. You could get better than that?

In pursuance of this objective, I wish to advise this honourable House that the Ministerial Committee has authorized NIDCO to commence simultaneous negotiations with the two ranked tenderers—[*Interruption*]; coming to that—with a view to determining which of these two tenderers will provide the best value proposal. It is ironic that this is virtually the same process that the special interest groups are demanding. They asked us to do a qualification exercise and then invite best value proposals. Well, we have done our qualifications exercise and we are now going to negotiate the best value proposals. It is ironic, that this is virtually the same process that the special interest groups are demanding that we follow, yet we stand falsely accused of not following best practice. You think it easy, Mr. Speaker?

I also wish to advise this honourable House—because nothing is secret in this project—that the two ranked tenderers are the consortium led by Vinci Construction Grand Projects and the consortium led by Bouyges Travaux Publics, and further, that these two tenderers were judged by the evaluation team and the selection committee, comprised of highly renowned international railway experts and distinguished lawyers, to be essentially on par with each other in terms of their position on the Merit List; which is one of the reasons why simultaneous negotiations have been recommended to settle the contract.

And now, Mr. Speaker, I come to the most disturbing aspect of this matter. When the Siemens tender was declared unacceptable in September 2006 because it had arrived late, we began to experience attempts at interference in the procurement process by persons who apparently stood to benefit in some way from the Siemens consortium.

Various lobbies, both directly and indirectly, were made at the time for the process to be re-tendered, to allow Siemens another chance to tender. We resisted these attempts at interference and refused to entertain any notion of aborting the

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tender process, since it would have been highly improper to do so. And we were so advised by two distinguished, eminent British Queen's Counsels.

Now, we are faced with more attempts at interference. The third consortium that passed the initial bid compliance test was a consortium led by a company called SNC Lavalin. However, when the detailed assessment was done, the submission by this consortium was found to be seriously deficient, by the international experts, in material respects to the extent that it failed to meet the minimum quality standards established by the QF&I. This is by 15 international railway experts.

To put it bluntly, upon evaluation by the independent experts, the SNC Lavalin bid simply did not make the grade, and did not satisfy the minimum requirements for the implementation of a project of this magnitude. In accordance with the terms of the QF&I, therefore, they could not progress to the negotiation stage—let me repeat that.

To put it bluntly, upon evaluation by the independent experts, the SNC Lavalin consortium simply did not make the grade, and did not satisfy the minimum requirements for the implementation of a project of this magnitude. In accordance with the terms of the QF&I, therefore, they could not progress to the negotiation stage. A fact that has been known to them and their associates since November 07, 2006, that is more than one month ago, when they were informed in writing by NIDCO that their tender was unsuccessful. That is four weeks before the press conference at the TTMA building earlier this week.

It should be noted that this consortium contains a significant number of local construction firms—let me repeat that. The SNC Lavalin consortium contains a significant number of local construction firms, including a number of local contractors and engineers. In fact, included in the list of subcontractors submitted by the SNC Lavalin consortium are companies associated with some of the loudest voices among the special-interest groups and professional bodies who are now demanding that the Government stop the project. Let me repeat that. Included in the list of subcontractors submitted by the SNC Lavalin consortium—a consortium that did not make the grade—are companies associated with some of the loudest voices among the special-interest groups and professional bodies who are now demanding that the Government stop the project.

These loud voices include the current President of the Association of Professional Engineers of Trinidad and Tobago, who has been at the forefront of the call to stop the project, while his company, BBFL Consultants, is prominently

named as an engineering consultant in the SNC Lavalin tender; which has failed. The other members of the SNC Lavalin Consortium—in the interest of full disclosure—are as follows and Members can now draw their own conclusions:

Members and/or subcontractors	Role of Members	Country of Origin
SNC Lavalin	Principal	Canada
Rotem Company <sup>0</sup>	Principal	Korea
PNK JV (Korea Rail & Namkwang)	Principal	Korea
Samwhan Corporation	Sub—Civil Construction	Korea
Alcatel	Sub	Canada
ND Lea	Sub	Canada
Rizzani	Sub	Italy
Via Architecture	Sub	Canada

And the first local on the list:

BBFL Consultants	Sub	Trinidad
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A firm in which the President of the Association of Professional Engineers of Trinidad and Tobago is a partner. He is the “F” in BBFL.

Members and/or subcontractors	Role of Members	Country of Origin
Earth Investigation Systems	Sub	Trinidad
Yorke Structures Limited	Sub	Trinidad
Professional Presentations	Sub	Trinidad
Softcom Limited	Sub	Trinidad
Esprit Consultants Limited	Sub	Trinidad
Geometrics Surveying	Sub	Trinidad
ECO Engineering Consultants	Sub	Trinidad
Newel Lewis Broadbridge	Sub	Trinidad
Engineering Consultants	Sub	Trinidad

Members and/or subcontractors	Role of Members	Country of Origin
Dominion Capital	Sub	Trinidad
Welch, Morris & Associates	Sub	Trinidad
Zinc Research	Sub	Canada
Coosal's Construction	Sub—Civil Construction	Trinidad
Seereram Brothers	Sub—Civil Construction	Trinidad
Junior Sammy Contractors	Sub—Civil Construction	Trinidad
Nagarjuna Construction	Sub—Civil Construction	Hyderabad
Shanghai Construction	Sub—Civil Construction	China

Almost 20, if not more than 20 persons and firms of which at least half, if not more than half, are members of these special interests groups who are so loud in their call, that we stop the project, yet they are all part and parcel of the consortium that did not meet the minimum requirements.

Mr. Speaker, to put it simply, having participated fully in the procurement process since March 2006; having raised no objection to the Qualifications Based approach to procurement for six months—this thing going on since March—some members, and I am not blaming all of them; I could not possibly, of these special-interest groups have obviously decided, after having failed to meet the minimum standards established in the QF&I, to scuttle the railway project, by any means. [*Desk thumping*] I repeat that; to put it simply—I am answering them—having participated fully in the procurement process since March 2006; having raised no objection to the Qualifications Based approach to procurement for six months some members—and I want to repeat—some members, not all of these special-interest groups have obviously decided, after having failed to meet the minimum standards established in the QF&I, to scuttle the railway project, by any means.

In other words, if they cannot get the project, nobody else must get it, and the project and the procurement process must be utterly discredited.

**Dr. Rowley:** And the people must suffer.

**Hon. C. Imbert:** And the people must suffer while we do studies and more studies and more studies. This self-serving approach to public procurement is unacceptable—[*Desk thumping*—]in a democratic society that has a proper regard for proper standards of behaviour, and should be rejected by all right-thinking citizens of Trinidad and Tobago. [*Desk thumping*] Let me repeat. This self-serving approach to public procurement is unacceptable in a democratic society that has a proper regard for proper standards of behaviour, and should be rejected by all right-thinking citizens of Trinidad and Tobago.

In conclusion, Mr. Speaker, I am certain that you and the Members of this honourable House, the national community and the people we are elected to serve, are now properly enlightened with respect to the true facts surrounding the Trinidad Rapid Rail Project, and that you now understand and they now understand that the call for the project to be stopped, so that yet another wholly unnecessarily feasibility study can be conducted, is merely a thinly-disguised self-seeking attempt to obstruct this very important and long overdue project. [*Desk thumping*]

I am also certain that you will now appreciate that the claim that the procurement process for the railway project is not designed to obtain best value for money is completely false, and in fact, the opposite is true, since the tenderer with the most competitive and reasonable price will be the eventual winner of the contract.

Mr. Speaker, I thank you. [*Desk thumping*] [*Crosstalk*]

#### ORAL MINISTERIAL STATEMENTS

**Mr. Speaker:** Order! Order, please! Hon. Minister, as is the usual practice, that statement will be circulated to Members. May I inform the Government Members that oral ministerial statements should not be taken on Private Members' Day; today is not a Private Member day and I would only allow oral ministerial statement on Private Members' day if it concerns a matter that is very urgent and such statement on a Private Members' day I would not allow to be more than 10 to 15 minutes.

**The Prime Minister and Minister of Finance (Hon. Patrick Manning):** Mr. Speaker, on behalf of the Government I will like to give you and hon. Members of this House the assurance that this Government will make no attempt to make Government statements on Private Members' day and will only do so in very extreme circumstances. On the other hand, if the Government has issues that have to be adumbrated properly before the national community, we consider the route of ministerial statements before this honourable House to be a proper way of doing so.

**Mr. Speaker:** Yes, I do not think we disagree on that. I think we are perfectly at one with that. Proceed.

**AIRPORTS AUTHORITY OF TRINIDAD AND TOBAGO (AMDT.) BILL**

Bill to amend the Airports Authority Act, Chap. 49:02 [*The Minister of Trade and Industry*]; read the first time.

**CUSTOMS (AMDT.) BILL**

Bill to amend the Customs Act, Chap. 78:01 [*The Minister in the Ministry of Finance*]; read the first time.

[*Crosstalk*]

**Mr. Speaker:** Order!

**ADVANCE PASSENGER INFORMATION BILL**

*Order for second reading read.*

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Thank you very much, Mr. Speaker. I beg to move,

That a Bill to make provision for the transmission of advance passenger information respecting persons travelling to Trinidad and Tobago and for matters related thereto, be now read a second time.

Mr. Speaker, let me set this Bill in its context. As early as 2001, out of concern for the escalation in organized criminal activity in the region, Caricom Heads of Government decided on a collective approach to deal with the problem. A regional task force on crime and security was therefore established to examine the causes of the phenomena and to make recommendations accordingly.

The task force which comprised representatives at the technical and operational levels of regional governments had hardly begun its work when the tragic events of September 11, 2001 occurred. The Conference of Heads of government convened a special meeting and added the issue of terrorism to the remit of the task force.

In 2002, after commissioning a number of studies and following numerous regional and extra regional consultations, the task force submitted its report, which contained 100 recommendations. The implementation strategy included prioritization and demobilization of resources, national, regional and international since all could not be effected at once, and in any case, not without extra regional help.

Many of recommendations could have been grouped under four major headings; Border Security, Information on Intelligent Sharing, Human Resource

Development and Maritime Cooperation. Shortly after, a security cooperation plan was developed with the United Kingdom in the context of these agreed priorities. At the same time, countries began on their own or through bilateral arrangements to implement aspects of the recommendations.

Border Security programmes were initiated and to date, several member States are poised to commission systems which will incorporate machine readable passport readers and the technology to receive advance passenger information.

It was recognized however, that a task force, as it was then configured, could not drive the implementation process which was not progressing at the desired pace. It was also recognized, that a structure for the management of crime and security issues in the region had to be developed. This structure would have to include policy advisory, technical and operational levels and to have as its centre, a strong and independent implementation agency.

At its apex, would be the Conference of Heads of Government, to which a council of Ministers responsible for national security and law enforcement would report. The Conference of Heads of Government approved the management structure in July 2005 after it was considered by a special meeting of the council of Ministers in May of the same year.

It was at this special meeting that it was realized that security issues surrounding the hosting of Cricket World Cup, 2007 as they related to national and regional security needed to receive the attention of the relevant Ministers of Government, since at the operational level throughout the region only venue security was receiving the attention it deserved.

Another special meeting of Ministers of national security and law enforcement was convened a month later specifically to address these issues. Cricket World Cup was not only a major global sporting event but a major security undertaking. For the last 14 months a comprehensive planning exercise has been taking place at the regional level to ensure a secure and successful tournament.

The four areas identified as requiring priority attention for the security of the region will also be at the centre of this planning process. The problem though was time; everything had to be fast-tracked. Regional officials however, chose to regard this as an opportunity to put in place in record time, those security measures that needed to go hand in hand with globalization and more particularly, the free movement associated with the Caricom Single Market and Economy. Cricket World Cup, 2007 was to be in essence, the catalyst, but it was also intended to leave us with a legacy. Not only as it relates to our economies, but also, equally important as it relates to our security.

**3.30 p.m.**

We cannot therefore separate the steps we need to ensure the security of CWC 2007 from those we must take for our long term security of the region. The work of the regional security community resulted in July 2006 in an agreement by the Conference of Heads of Government of Caricom to a number of recommendations of the Council of Ministers of National Security and law enforcement. At the core of these decisions was the creation of a single secure domestic space comprising the nine host venue countries namely: Antigua and Barbuda, Barbados, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines and Trinidad and Tobago; plus Dominica which has chosen to participate in the arrangements.

In order to secure this space the conference also agreed inter alia to the following:

1. Enhanced border security arrangements with the following components:
  - (a) A secure Caricom visa label to be issued after the prescribed security checks;
  - (b) Timely access to advance passenger and cargo information including the introduction of the Advance Passenger Information System;
  - (c) Real time connectivity among police, immigration and customs across borders utilizing common standards ED and custom forms.
2. The establishment and implementation of a Caricom Intelligence Sharing Network (CISNET) strengthened by the establishment of a regional intelligence fusion centre supported by the participation of international partners.
3. The execution of a regional security plan involving regional and international support and the establishment of an international security assistance support programme.

Mr. Speaker, I should like to point out that all the security planning has taken place against the backdrop of national and regional threat and risk assessments taking into account the global security situation and the potential for importing into the region by reason of the creation of a world stage and the arrival of persons from those areas which are facing major security challenges.

Mr. Speaker, I would like to point out that it is a well-established fact that no one country or region, as small as ours, can stage a global event without the help and support of international partners. We have the benefit of assistance provided

by the United Kingdom in the persons of two officials who were responsible for advising on and mobilizing the international support necessary for the security of the Athens Olympics. Cricket World Cup is an event which has been labelled the third largest international sporting event after the Olympics and World Cup Football. The vulnerability and the potential threat to the region in the context of CWC 2007 was articulated as follows and I quote:

“The attacks on the World Trade Centre in New York on 09/11 radically changed major international event planning forever. The threat environment has subsequently become even darker with Al-Qaeda plots and attacks mounted through the globe. The risk of a mass casualty attack on world stage sporting events has increased. The responsibility of the host nation or nations in this case has proportionately increased.”

This is a report from the two experts assigned to the Caribbean from the UK.”

There had been no 09/11 when the West Indies bid for CWC 2007. I put this on the table not to alarm Members of this House and the national community but simply to provide the backdrop to the security planning that has been taking place over the last 14 months. The advice given by these experts was as follows and again I quote:

“The Caribbean needs to work harder to build strong defences. Caribbean governments must work together to make the region a hostile environment for terrorists in which to operate. Other countries are ready to assist in this work. The Caribbean and its allies must cooperate closely on international intelligence and other forms of information exchange.”

It is in this context that member states of the region have come together to put in place a regional security plan which incorporates a package of security measures to meet this challenge while at the same time ensuring that our citizens and guests are facilitated to the maximum for the tournament.

Mr. Speaker, the legislation: Decisions made at the Conference of Heads of Governments of Caricom must now be given legislative effect. In order to fulfil the obligations of timely access to advance passenger information this Government has produced the Bill that is before us, to make provision for the transmission of advance passenger information respecting persons travelling to Trinidad and Tobago and for matters related thereto.

Mr. Speaker, this is an obligation that falls on all other host venue member states and Dominica. The short title is described in clause 1 and clause 2 is the

interpretation section. Clause 3(1) of the Bill, however, embodies the essence of the Advance Passenger Information System and reads as follows:

“Subject to subsection 2, the master of every vessel destined for Trinidad and Tobago, prior to departure of the vessel from the last port of call before Trinidad and Tobago, shall provide to the Chief Immigration Officer the advance passenger information data detailed in the schedule.”

Clause 3(2) highlights that only ships falling short of 100 net tonnes will be exempted from the provisions of the legislation. Clause 3(3) creates an offence and depicts the corresponding penalty. Clause 3(4) authorizes the Minister of National Security to waive the requirement for a master of a vessel to provide the advance passenger information data. And this legislation will expire on June 30, 2007 as stated in clause 4.

Mr. Speaker, the following are some of the elements of the legislation to which I shall give further attention:

1. The advance passenger information: The advance passenger information means the information in respect of a passenger, crew member or other occupant transported in the vessel. The details are not privileged and are subsumed under two headings: the vessel data and the passenger data as set out in the schedule to this Bill. The vessel data is self explanatory; it includes:

Traveller’s Status, that is, if he is a passenger, crew member or in transit;

Flight or Vessel Identification;

Scheduled Departure, date and time;

Scheduled arrival, date and time;

Last Place/Port of Call;

Place/Port in the country of destination where the vessel arrives from the last place or port of call;

Subsequent Place/Port of Call within the country;

Total number of passengers on board.

2. The passenger data would include:

Official Travel Document Number;

Issuing State or Organisation of the Official Travel Document;

Official Travel Document Type;  
Expiration Date of Official Travel Document;  
Surname/Given Name(s);  
Nationality;  
Date of Birth;  
Gender;  
Additional data elements (if applicable);  
Visa Number;  
Issue Date of the Visa;  
Place of Issuance of the Visa;  
Type or Other Document used for travel;  
Other Document Number used for Travel;  
Place of Birth.

The information in a person's passport inclusive of visa details which is customarily obtained electronically or manually by the carrier at the ticket counter is submitted by the master of the vessel. No additional or private information is sought. The data required is in conformity with guidelines of the International Civil Aviation Organization; the World Customs Organization and the International Civil Aviation Organization.

Definition of the master and the vessel: The "master" is defined as "a person having command or charge of any vessel". A "Vessel" includes any ship, boat, aircraft or other floating or airborne contrivance." The obligation will therefore rest on the master, the person in control of a vessel to provide the advance passenger information to the Chief Immigration Officer of Trinidad and Tobago.

The benefits of the advance submission: This advance passenger information system has been in existence for many years in other countries. The system serves a two-fold purpose in that high risk passengers can be identified prior to arrival and clearance for low risk and risk free travellers can be expedited. With the increased growth of passenger traffic expected in anticipation of Cricket World Cup the country must ensure that threats are minimized. One of the best ways to do this is to be proactive and employ preventative measures. One such preventative measure is to know beforehand the persons who will be arriving here. The information once received by the Chief Immigration Officer will be examined and analyzed in conjunction with information on various watch lists, databases and

other intelligence sources. It is anticipated that the system will allow for the identification and interception of those who have active warrants out for criminal arrest or activity, are subjects of a deportation order, are the subject of intelligence or other information that may identify them as security risk, are identified as or suspected of being terrorist.

Aside from the security aspect, immigration officials need to be prepared for the anticipated influx. Mr. Speaker, it is anticipated that somewhere between, at the lowest estimation, about 50,000 and the highest estimation 100,000 visitors are likely to be in the Caribbean during CWC 2007. The APIS allows for some degree of control over the clearance process and will facilitate faster processing of legitimate travellers; this is paramount in view of the large numbers of visitors expected. I can assure you that there are operational safeguards to ensure that the data received will be cross referenced for accuracy to minimize misidentification of passengers. In addition, immigration officials will conduct the standard personal investigation if there is need to confirm or disprove security concerns. It should also be pointed out that the APIS is not intended to be a profiling tool and will not be used as such by this Government.

The infrastructure: As stated before, the information to be collected from passengers and crew members from vessels consist of the information contained in the passenger's documents. For the system to work effectively as it is intended, most of the information will be collected from the machine readable zone of an official travel document. Many countries, in fact, have issued the machine readable passports to their nationals, some have not. Trinidad and Tobago intends to begin the introduction of these passports in January 2007. Certainly these types of passports make the collection of the data simpler because the document is just swiped. There is no additional form for the passenger to complete. Let me repeat, there is no additional form for the passenger to complete once the passport is machine readable.

As already alluded to, the information contained will be electronically matched against several databases which Caricom either operates or to which it has access, for instance, Interpol and other international partners. If there is such a match against information stored on a database the person may be prevented or denied entry; allowed entry but there will be a note made of the area of concern or the relevant security or law enforcement authority will be apprised of the report of the individual. All data remains the property of Caricom member states and will be stored for security law enforcement and border purposes only, and will be stored only as long as it may be required by the relevant agencies.

Under clause 3(2), vessels under 100 net tonnes do not have to provide advance passenger information in conformity with the APIS Bill. We are not saying that smaller vessels do not need to provide passenger information at all. There are mechanisms already in place to treat with these vessels since they have to clear customs and immigration authorities at ports of entry.

The Bill today is geared towards commercial vessels that transport large numbers of passengers, but rest assured that the small vessels will be expected to comply with other laws of Trinidad and Tobago. The legislation seeks to impose a penalty on the master who intentionally or recklessly fails to transmit the data required or transmit incomplete or false data. However, in practicality, it is expected that the carriers would bear the responsibility for paying the fines. With respect to the waiver this will not pertain to individual persons but in respect of particular flights. For example, it may be a military aircraft and a commercial flight with respect to dignitaries that may be on board.

This legislation should, indeed, be a legacy item for Cricket World Cup 2007, but, in that we do need to have the APIS in place even after Cricket World Cup. The approach we intend to take, Mr. Speaker, at present, however, is to have the legislation enacted for the sunset period of Cricket World Cup. The advantages of having such a system will be clearly tested and proven and thereafter we propose to include it as part of our immigration laws. APIS allows a government to receive data about travellers in advance of their arrival into the country. It is an efficient and effective border alert processing system to check and verify a passenger's data. Currently the data source is provided upon entry and now we seek to have that information provided in advance which will allow sufficient time to process the arrival.

The model used by the Caricom Drafting Legislative Facility to prepare this Bill is based on existing laws in India, Canada, the United States, New Zealand as well as international guidelines on advance passenger information. The legislation can be an essential tool for the detection of unwanted entrance prior to the arrival and will auger for the efficient inspection of passengers. In the premises this Government proposes that the Immigration Bill, 2006 be passed.

Mr. Speaker, I beg to move.

*Question proposed.*

**Dr. Roodal Moonilal** (*Oropouche*): Thank you very much, Mr. Speaker. The matter before us this afternoon deals with a relatively short Bill, but one of some significance relating to the provision of advance passenger information and

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relating, indeed, to what the Minister referred to as the APIS (Advance Passenger Information System) that is part of our own regional security effort.

Mr. Speaker, while it is a relatively short Bill, there are very serious and far reaching issues that must be addressed in such a debate. Regrettably, the Minister chose not to discuss some of the wider and deeper issues associated with this measure apart from the very basic matters pertaining to definition and outline of the Bill, purpose and so on. I want to divide my contribution along the following lines to raise some issues as they relate to the wider and deeper issue of advance passenger information to place this measure within a regional and indeed an international context as the Minister attempted to do. Also to raise some questions pertaining, specifically, to the few clauses in the Bill, also noting that the Bill did undertake some transformation after passage in the other place and that transformation indeed dealt with some of the more touchy issues arising from the initial Bill that was provided to Members in the House and I will touch on some of the changes. I will look at the changes in relation to what the Minister sought to do—the fears the Minister sought to allay and to what extent those changes really addressed the fundamental issues being raised by the Opposition.

Mr. Speaker, it is no secret that in the aftermath of the attack on the World Trade Centre in the United States in 2001, the United States administration moved with haste to tighten its own grip on national security and its own information gathering effort and indeed, its own monitoring of international activities as it relates to serious crime and terrorism in particular. And the United States moved with haste to enter into all sort of agreements with several countries throughout the world and indeed several regions and regional organizations to accelerate this process of providing advance passenger information. And that has a history, Mr. Speaker, and later in my contribution I will address some of the issues arising, particularly as they relate to the United States and the European Union; issues which are very pertinent to this measure, because this measure I want to underline and I think the Minister did that as well, must be seen not only in the context of Trinidad and Tobago but in terms of the region. This is a measure that deals with the Caricom Single Market and Economy; this is a measure that deals with regional security as a whole, but is really brought before us given the urgency relating to the Cricket World Cup 2007 to be hosted in the Caribbean, so it is indeed a regional issue.

Mr. Speaker, given the genesis of this type of legislation and this type of measure in the region and throughout the world, as the Minister indicated, there are several issues of international concern that are raised, particularly, and I will

speak later to the issue of data protection. As you know, the CSME is a relatively new and underdeveloped regional attempt to integrate economy, trade and so on and in our region. Unlike the European Union for example, we do not have that strict separation between our trade and commercial matters and our security matters. And this is a matter dealing with security in the first instance and the protection of the regional community from threat by terrorists and international organized crime in that context.

Mr. Speaker, data protection is a serious matter throughout the world and there is a saying that data needs a safe harbour. We need to ensure as we collect data and we control data, increasingly, in a technologically driven and electronic technology and so on, that we protect data. That data that is collected is used for the purpose for which it is collected; it is not kept for longer than is necessary and there are strict guidelines as to the sharing of data with third parties and with other agencies that the data was not collected in the first place for. Mr. Speaker, you will know that even when you go as a user of the Internet there are times when you are reading an agreement; you want to access a particular page and you have to click "I agree" with certain agreements and so on. Many people will not read the fine print, they will just say I agree and click, but included in those fine prints would be important commitments that your data or whatever information you type in will not be used or will not be transmitted to another party or, alternatively, it will be used; you give permission that your information will be transmitted to another party or to another agency and so on. That is really the heightened concern with data protection, a culture of protecting data.

Because, Mr. Speaker, we are not living in the world that our fore-parents lived in a generation ago where you go to an agency and you type in on a small card; a cue card or these cards all your information and they store it in a filing cabinet and you have a sense that that filing cabinet stays at the particular department; it certainly cannot leave the country. Today, any information you provide on a computer will be information that is capable of moving and because of this, we have now, this concern about data protection. A measure like this you need to begin by asking to what extent is data protected. Is data collected for a particular purpose and protected, notwithstanding the Minister's assurance that the data is already basic data; travel documentation data and so on? To what extent is it protected and I will just give one small example at this stage?

When you submit data, for example, to a local domestic agency and that agency has to share data with, let us say the Government of the United States and I will come to some of those issues later. But what is the Government of the

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United States? The Government of the United States includes the Federal Bureau of Investigation, the Central Intelligence Agency, the Centre for Disease Control and Prevention; several agencies of the United States Government. So when you agree to share information with the Government of the United States, are you agreeing, therefore, that your information could be shared with all agencies of the United States, and particularly, with agencies that may not be connected directly to the purpose for which you submitted information and data? And that brings to the fore the issue of protecting data.

You have well developed regulatory and legal instruments in the European Union and so on, they have a data protection culture that goes back to 1984; they have key legislation of 1998 that deals with data protection. In the region and we admit that we do not have that culture; we do not have that rich culture of strong institutions and regulations that protect data; there is certainly no developed legal infrastructure in the Caribbean and in Trinidad and Tobago to protect data. I wanted to begin by saying that the time has come, given the advances we have made in the CSME and in the Caricom, to put on the front burner in Trinidad and Tobago and indeed in the region, legislation dealing with data protection. Where persons giving information can be assured by law that their information is protected and used for the purpose for which they gave this information.

And indeed I want to put the nation on alert that the future UNC government will consider strongly [*Interruption*] [*Desk thumping*] legislation dealing with data protection. Because it is the time of the year when we need to indicate clearly some of the intentions of the next Government of Trinidad and Tobago—

**Hon. Member:** Yes, yes.

**Dr. R. Moonilal:** I wanted to put that on the record, Mr. Speaker. A future UNC government [*Interruption*] will not subject this House to the onslaught of boredom we got between 1.30 p.m. and 3.15 p.m. [*Interruption*] We will not abuse the privilege of this House to suffocate debate in the nation's Parliament by such extended statements from Ministers. [*Desk thumping*] That is another cultural feature.

Mr. Speaker, the data protection law? [*Interruption*] I will come back to some of the international legislation later. This matter deals with terrorism and the protection of the region; the protection of our Caribbean territories from the threat of international terrorism and so on. I wanted to ask the Minister specifically a direct question and this measure deals with protecting Caricom, protecting Trinidad and Tobago, not only US and European interests but the interests of citizens of Trinidad and Tobago. This is not a measure to protect only United

States capital in the region; it is a measure to protect the lives of citizens of Trinidad and Tobago. And I want to ask the Minister to clarify at the earliest opportunity that will come to him, later, clarify reports in the Press both in the written media and the electronic media, that citizens of Trinidad and Tobago employed at our Mission in Nigeria, whether or not they are under any threat by terrorist organizations or criminal elements in Nigeria surrounding the matter involving the detention of Nigerian prisoners in Trinidad and Tobago.

It is the information circulated in the Press, Mr. Speaker, that terrorist elements have threatened by letter, employees, staff and citizens of Trinidad and Tobago in Nigeria and they have threatened to take action—I will not say what action, the Minister, if he has any information would know—unless and until the Government of Trinidad and Tobago releases and sends back to Nigeria prisoners being held here; persons in detention. And the Minister may want to clarify that for the national community at an appropriate time.

Mr. Speaker, the advance passenger information data requires—the first question to ask in this matter is advance passenger information, how advanced is advance? [*Interruption*] Is advance information 72 hours or three days before departure as is with agreements involving the European Union and the United States; seventy two hours flight information must be sent? Is advance 15 minutes after take-off which is another practice that is used in matters concerning advance information sharing on passengers? What are we talking about when we use the term advance? Because I will tell you why; we are not convinced on this side. We are not convinced at all that this Government has the capacity, the competence to manage a measure of such magnitude in Trinidad and Tobago. This is a Government that admits that in May 2003 a leading operative of the Al-Qaeda came into this country in May 2003; the Government admits that fact, and was allowed entry.

**4.00 p.m.**

It is claimed a major operative passed in and out of Trinidad and Tobago and that person, that alleged terrorist suspect also carried a Trinidad and Tobago passport in May 2003. That is what the Government has admitted to. If for example, we had this passenger information measure, would that have prevented the passage of this person through Trinidad and Tobago, necessarily? The Minister has to tell us a few steps further how we are implementing this, what is the machinery?

The Minister by his own admission will tell us, we are dealing with at maximum maybe, 100,000 persons passing through the region. Do we have the capacity whether it is IT, personnel, resources to process and accept passenger

information at that level in advance? Because, Mr. Speaker, I will tell you why. I am not sure as it is now when you board an aircraft to come to Trinidad and Tobago whether you are returning or not, you fill out a form, I am sure we are all familiar with it. It is a very huge form and they ask, are you bringing any explosives into Trinidad and Tobago—you know, sometimes people may be tempted to put yes, and see what happens; are you bringing any weapons; are you bringing any narcotics and so on and you tick off no, of course and so on.

We are not sure what happens to that information, whether it is used; whether discarded. What happens?

**Mr. Ramnath:** How much scotch they are bringing in.

**Dr. R. Moonilal:** They ask of course, how much alcohol you bring into the country and so on. Persons may declare every time they travel, five times a year they bring X and Y, we do not know what happens in the case of persons who are bringing extra; bringing in much more than they are legally entitled to. But what is the status of the current passenger data which you receive on arrival? And now you want information before you arrive—we do not know whether it is 72 hours or 15 minutes after the departure of the flights and so on. Can the Government tell us what machinery; what infrastructure is being put in place to handle this information?

A related question, what is the status of our own capacity in terms of identifying terrorist suspects; in terms of dealing with some of these measures? Because I want to argue and the Minister I suspect will agree, that in this matter of dealing with international crime and terrorism, a country like Trinidad and Tobago is really dependent on the assistance of foreign governments, particularly those with the huge databases and the technology to support our effort. You are collecting passenger information in Tobago, I am not certain that we have databases at Scarborough that will permit us to track every traveller on the planet who is coming here.

**Mrs. Job-Davis:** What are you saying that—[*Inaudible*]

**Mr. Ramnath:** You are not part of the THA.

**Dr. R. Moonilal:** I am speaking about a serious issues they are on to their rubbish.

**Mrs. Job-Davis:** [*Inaudible*]

**Dr. R. Moonilal:** Well, let me change it then. I am not sure whether at Piarco International we have—because they hear Tobago. They never speak for two years on Tobago, but they hear about Tobago and they get touchy.

**Mr. Speaker:** Order!

**Dr. R. Moonilal:** For two years now this person has not spoken. Anyway, I am not sure whether at Scarborough or Piarco, we have data that will allow us to process advance information. So clearly you are participating in some type of collaborative effort with other Governments and with the United States and the European Union as the case may be.

Mr. Speaker, the point I want to make and it is related to, that, is one cannot look at this Bill in isolation, this deals with Cricket World Cup as the Minister indicated. You cannot deal with this Bill in isolation from another document which is the Memorandum of Intent between the Government of Trinidad and Tobago, the Government of the United States of America and Member States of the Caricom Community. A document that has been brought to the public attention; a document that has been referred to by the Government, has been in the press and so on, where Trinidad and Tobago has entered into a Memorandum of Intent with the United States government dealing with advance passenger information.

The two documents go hand in hand, the MOI and the Bill because the Bill asks for passenger information dealing with World Cup sunset legislation and so on. The Memorandum of Intent deals specifically—it is intended measures for participants for the purposes of the CWC 2007. I repeat that, Mr. Speaker, Scope of Collaboration Article III of the MOI, the measures initiated by the participants, meaning Caricom territories pursuant to this MOI are for the purposes of the Cricket World Cup 2007 and are intended to continue after 2007 for such period and pursuant to such terms as determined by the participants as part of a long term partnership—I just want to complete this. According to Article IV, each Member State Caricom territory makes a commitment, their intention to promptly enact and confirm the existence of laws, such as the measure before us to:

- (a) Promptly to mandate commercial air and sea carriers to provide prior to departure for and from that Member State as the case may be, what is called advance passenger information (API) data in an electronic format;
2. Permit the API data to be transferred to the Government of the United States of America.

So the MOI states that the country intends, Trinidad and Tobago, to permit API data to be transferred to the Government of the United States of America and I quote this in relation to a statement the Minister made. The Minister said a few minutes ago, “that it must be clear that the API is the property of Trinidad and

Tobago”. This information we collect, it is our property. The Minister may go on to say, it is our property which we will be sharing. So it is our property, yes, but we intend to share with other agencies and governments for the purpose of giving effect to this measure.

3. Member States agree, it is the intention to preclude entry into its territory of persons identified as being known to be or suspected of being involved in or otherwise supporting terrorism or other serious criminal offences.
4. Member States intend to provide for enforcement of the obligations referred to in sub-paragraph (II) dealing with advance information, including by the imposition of appropriate penalties for non-compliance.

Our Bill before us says a \$600,000 fine for non-compliance. This is very consistent with the MOI.

- (b) Member States intend to provide the Government of the United States of America with applicable watch list information to facilitate the collaboration.

Now, if it is that today we stand in the Parliament to surrender a piece of our national sovereignty to the United States of America, then we should be clear and we should say so. We should say today, the Government of Trinidad and Tobago intends on behalf of the people to surrender part of our sovereignty. Because we are entering into an agreement with the United States government that deals with advance passenger information and according to the MOI, the MOI states that Member States like Trinidad and Tobago will pass legislation like this.

So this legislation—and the Minister can clarify that—is not legislation arising from a treaty agreement; unlike earlier legislation we dealt with, the CWC, it is not legislation that is part and parcel of our agreement with the International Cricket Council (ICC). This legislation is really giving effect to the wishes of the Government of United States of America as it relates to advance passenger information and this I think should be made abundantly clear to the House.

Mr. Speaker, another important detail and I am still on this point about property, the property rights of the information collected via the measure before us, the detail of that information. To make a reference, in several countries in the European Union and elsewhere, where they have the very high advance technology and so on to support this type of measure, information will pass in what we call real time. In Trinidad and Tobago, what are we suggesting? Because I will like for the benefit of certainly myself, but I am sure others, to walk through the legislation, what happens.

According to this legislation, you book a flight—let us assume it is in the United States—you buy a ticket in the United States; you submit information for that ticket. You are departing the United States; you present information on what is called a travel card of one sort or another. That information must be sent by electronic means—although I do not know if electronic means is necessarily in the Bill. I am not sure, in the Bill before us you provide information, advance information provided.

The Minister may want to consider an amendment, if it is not here, to state categorically that you must provide this in electronic means because it seems to me to be counterproductive to talk about providing information with pen and paper. So it has to be by electronic means you provide the information.

So, walking through the Bill, you are coming into Trinidad and Tobago, you want to support—we have a big match to be played next year here, I think it is Bermuda playing Canada, courtesy the Prime Minister, so you have a riot at the ground for this match; the fans are coming from United States to see Bermuda play Canada; they submit what is called, the advance passenger information. Now, if they do not submit the advance passenger information according to the Minister, the person will be refused to board an aircraft.

**Hon. Joseph:** [*Inaudible*] board the aircraft because that information—

**Dr. R. Moonilal:** Okay, I understand.

**Hon. Joseph:**—forms part of—

**Dr. R. Moonilal:** So the person cannot leave. Therefore a flight would certainly come to Trinidad and Tobago, but with the passengers on board who have submitted their information duly and they have sent their information. The United States would have an agreement like this.

Mr. Speaker, what happens—and I am just asking—in the case where a passenger is coming using another country where there is no legislation like this? None; no legislation. Let us assume the passenger is coming from Panama and I say that because by January, I think COPA, the Panamanian airline would come directly to Port of Spain. They are coming from Panama and there is no legislation like this there assuming that, I do not think there is because I saw the list of countries that they cited. You are saying that that passenger that may be allowed to board the aircraft in Panama, but they have no agreement with advance passenger legislation here, that aircraft as a whole certainly cannot arrive at Port of Spain because they have not satisfied a requirement of this Bill.

Are we considering the fact that we may not have communicated to the airlines—not the countries—in the whole world who will fly from Caracas, from Panama to Costa Rica, from the Dominican Republic, from Haiti, from wherever to Port of Spain, these airlines must be told that come whenever, there is a law in Trinidad and Tobago that you need to provide advance passenger information? There may be no law in the country that you are coming from, but there is a law here and unless you do not do that, you cannot land because you have not submitted advance passenger information or according to the Bill, the Minister said, you can land, but you face a fine. So, it is not that they cannot arrive, you can arrive, but on arrival, you face a fine of \$600,000 because you have not satisfied the provision of advance passenger information coming from a country— Well, the brilliant Minister from Laventille East/Morvant who I thought should have been given the honour of piloting this measure being a Member of this Chamber has been denied that, but it is not the first time the Government has refused him permission to speak.

Mr. Speaker, we are being told that two things can happen; either the flight will not be permitted to land in Trinidad and Tobago or upon landing, the master, the airline effectively will be charged. Which one is it and under what circumstances alternative (a) obtains as opposed to alternative (b)? That is an interesting question for you to ponder because you cannot say you cannot take off, you cannot land, but if by chance you land, we fine you \$600,000. That requires some clarification that I will like the Minister to address.

Another related matter and the Minister raised these matters, concerned issues as they relate to profiling, issues as they relate to using this information that can be used indeed to discriminate against passengers whether they be nationals of Trinidad and Tobago or elsewhere, whether these passengers, their data could be transferred to third parties that may want to start building a database on the travel of persons from this country. They may use this to build databases and to do profiling, either on religious or ethnic grounds so that effectively discriminates against legitimate passengers who, for all intents and purposes are honest, innocent, law-abiding citizens of Trinidad and Tobago and the region. Because, Mr. Speaker, we are very worried and the concern is that this measure is being driven not by the ICC, but by the United States Government and I will explain that.

Mr. Speaker, in the European Union there is a concern, it was reported in the months of October and November this year, that the European Union authorities have said that they are not convinced that the United States has data protection regulations and institutions to adequately protect citizens of the European Union

from discrimination and profiling. So imagine the European Union is saying, they are not convinced that the US authorities can protect data and we are accepting this lock, stock and barrel, that we are just here as small fries in the whole scheme of things and we surrender data to the United States authorities. That, Mr. Speaker, led to a case before the European Court of Justice where the European Court of Justice indicated that a system of passenger arrival information, API was illegal under the laws of the European Union as it was presented.

The pity is that this Government is not bringing the comprehensive legislation to deal with the ICC World Cup; they are bringing it in bits and pieces. Two months ago, the Minister of Sport and Youth Affairs ran in the House and one afternoon told us we have to pass this measure by 12 o'clock tonight, otherwise we are in trouble. Today, months after we got another piece of legislation saying, well look this does not have to do with ICC, but this has to do with the United States government, they are concerned that there is a World Cup in the region and they need us to take security into consideration and so on. When you come with this type of piecemeal approach, we have the problem that we are unable to integrate these issues and to look at the situation in its entirety.

Mr. Speaker, clearly according to this legislation, the United States government will determine who comes into this region and who may not be permitted to leave this region because if the persons need to go to New York or Washington they would simply not be permitted to go. So that is a serious, serious matter. I also want to note that when this matter went to the other place, they did not include any provision about sunset legislation. Did not! Whether that was deliberate or inadvertent, we do not know, but no provision was made. But having faced the fire there, the Minister came with an amendment that provided a sunset clause as we call it, June 30, 2007. Having said that, the Minister in another statement indicated that this is the legacy item, meaning it will continue. It is a legacy of the World Cup that they expect will continue long after the World Cup.

I want to say, Mr. Speaker, to touch on another point in that while the Minister may outline in this measure, the sunset legislation—and I want to tell the Minister the only reason the Minister is able to provide a Schedule Part I and II is because you put in a clause expired June 30, 2007. If you did not have that clause, you would not have been allowed to put this Schedule in the Bill because this is the first phase. The second phase of advance passenger information deals with personal information, what is called the Personal Number Information (PNI), where the next phase of this will be to ask persons to state other information? First airline related information, your seat; how many times you have travelled

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before; your flight record, including information as to your diet and there is a reason why they include diet because by pointing out diet and so on, they will also do another tracking to link to religion.

So while you bring this information here, the other personal number information is around the corner that deals with personal issues of religion, of race, of diet, of travel record, including—and it is very alarming and I wanted to raise that alarm here—issues of political persuasion and trade union membership. These are matters that lead in the long run to the prosecution and persecution of political opponents, harassment; these are measures used by dictatorial governments and it is only because we can put June 30 and call it a World Cup measure, that you can put Schedule Part A and Part B that attempts to track these issues. But in the European Union—there is an enormous amount of information coming on this matter and I want to quote—imagine the issues that they asked: your history of missing flights; your frequent flyer miles; your seat location aboard; your e-mail addresses.

This is advance passenger information that the United States government will seek to claim because while the Bill is for the World Cup and so on, the Memorandum of Intent is under this Bill. The Bill really is the child of the MOI and the MOI says you must transfer all information to the United States. And I ask again, how are we protecting the data of citizens of Trinidad and Tobago from third party countries and other agencies within a third party country? How are we protecting information because I am not convinced that this Government can first collaborate and collate this level of information properly? They must get it with help and the Minister may want to tell us because he raised another interesting point—it may have passed some, but not the Member for Oropouche—of the infrastructure required, the infrastructure required to give effect to this measure. But the Minister may not tell us that infrastructure is also being developed through the MOI, what they call the joint—there is a big term they use in this. And you know, the sad thing about this is, it will take the UNC government to clean up this mess that they are creating with all of this.

Mr. Speaker, there is something called the Joint Regional Communication Centre. They will establish a Joint Regional Communication Centre staffed by appropriate persons from immigration, customs and so on that will provide infrastructural support for this very far-reaching and advanced measure, because the Minister said, this is a legacy item. This item will not end on June 30; it may be in the Bill here so we can get it passed without much confusion, but this is not a measure that will end on June 30. This is a measure that will go way beyond, transferring information.

Let us call upon this Government once and for all to clarify the relationship between the Trinidad and Tobago Government and the United States government as it relates to advance passenger information. And I am calling on the Minister to state categorically that the Government of Trinidad and Tobago, this one-year Government left—has no intention to enter into any agreement with the United States to provide information on citizens beyond what is required in their travel documents; what is required in your immigration forms and passports and so on.

**Mr. Ramnath:** Abdul-Hamid will not be able to travel because of his terrorist records.

**Dr. R. Moonilal:** Well, Mr. Speaker, it is out respect that I did not want to tell the Minister where and when he was appointed, when he was speaking about UTT. But on another occasion I am sure—I do not want to speak in his absence—I will tell him where and when and who appointed him and who appointed him was not the Prime Minister of Trinidad and Tobago. He merely took the name.

**Mr. Singh:** Was part of the agreement.

**Mr. Ramnath:** That is right.

**Dr. R. Moonilal:** Mr. Speaker, my friend from Point Fortin, I do not want to get him angry either because we know. Let me move on to this matter before me and do not get sidetracked by the Member for Couva South.

I want to raise another matter and it has to do with some issues on the Bill. The Minister indicated and read from the Bill and it was the same in the first and second draft, the size of vessel that we are talking about, 100 tonnes or less and so on. But, Mr. Speaker, persons who are serious about conducting illegal activities and plotting terrorist attacks and so on, they will not only look for a business elite seat on an airline, the chances are they would also be interested in entering your country through other non-visible routes and through an assortment of vessels and craft and so on. So the Minister, if he is serious must tell us what they are doing to upgrade our ports of entry because in Chaguaramas at a pier—was it I or II?

**Hon. Member:** If it is not II, it is III.

**Dr. R. Moonilal:** Two, I think because I myself am not sure how these things work down there—which is the fete one?

**Hon. Member:** Three.

**Dr. R. Moonilal:** At the fete one belonging to a Government Minister, they arrested and detained an individual with millions of dollars worth of cocaine entering Pier II which is really run by a Government Minister.

**Hon. Member:** [*Inaudible*]

**Dr. R. Moonilal:** Mr. Speaker—I will give you time. In two minutes I will give you time—while at Pier II, persons from Venezuela entering on a vessel with cocaine—[*Interruption*]

**Hon. Member:** Pier II.

**Dr. R. Moonilal:**—at any Pier belonging to the Government Minister. We are now talking about preventing terrorist elements from coming in with advance—what advance passenger information we had a Pier I? What advance information we had because that is outside the scope of this measure? So persons coming in whether to participate in organized crime, drug trafficking or terrorism can come in as they want—[*Interruption*]

**Mr. Ramnath:** As they do.

**Dr. R. Moonilal:**—as they do and they have official entry. In fact, they may be greeted by a moko jumbie and the Minister of Tourism when they come in here. But now you want the Trinidad and Tobago population to feel you are serious about protecting citizens in this country.

Mr. Speaker, if the protection of our country depends on the Minister of National Security, God help us. God help us! He is about to celebrate a record here in terms of murder. The other indicator that they are celebrating is how much murderers walked free. So if we depend on them, God help this region for the Cricket World Cup. It is best we ask Vivian Richards, Dickie Bird or somebody to provide security rather than the Minister of National Security and the Government of Trinidad and Tobago. They cannot even prevent persons from coming in at Pier I; they want to prevent people from coming on an aircraft. In May 2003, known suspect from an international terrorist organization passed through Trinidad and Tobago.

So I want the Minister to clarify this matter with the size of the vessel and whether the Government of Trinidad and Tobago and maybe even the Caricom in the regional security arrangements and so on are dealing with this fact, that persons intent to disturb the World Cup and cause havoc will not be coming on a 747 airliner; and they may not be coming from the destination that you outlined where countries are subject to this measure, they may be coming from other countries. In fact, Venezuela—and we know of the sensitivity involving Venezuela/US relations in the region. Venezuela is not one of countries that will be recognizing advance passenger information. They will charge Mr. Chavez \$600,000 for every aircraft that lands.

Mr. Speaker, in terms of another matter the Opposition would wish to raise, it deals—

**Mr. Speaker:** Hon. Members, the sitting of the House is suspended for tea and will resume at 5.00 p.m.

**4.30 p.m.:** *Sitting suspended.*

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

**Dr. R. Moonilal:** Mr. Speaker, before the break I was seeking to raise several issues relating to the measure before us and I wanted to continue in that light, but I want to make one statement and then a couple of points before closing and to state that there will always be a tension between the need to protect data and citizens, and in the globalized environment in which we live that will increasingly become a challenge. You have to protect person and data, who or what do you protect? It is a challenge that all developing countries will eventually have to face and it is important that a country like Trinidad and Tobago that is indeed a plural society, with so much tension and so much stress and antagonism and so forth—

**Mr. Speaker:** Hon. Members, the speaking time of the hon. Member for Oropouche has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Dr. H. Rafeeq*]

*Question put and agreed to.*

**Dr. R. Moonilal:** Thank you very much and thank you colleagues on both sides of the House.

Mr. Speaker, I was making the point that in a country and region like ours, we need to be extra sensitive as it deals with data protection matters, and to what extent we can allay the fears of citizens as we seek to collect data for one purpose, but to turn them over to other agencies for another purpose. Indeed, there is a legal issue here as well in that; to what extent data collected for commercial reasons can be used for security reason.

When you give information at the passport office in Port of Spain or San Fernando, you are doing so for the purpose of processing an application for your identification card. To what extent we can take this data and use it for other purposes in a wholesale way? Of course, if persons are requesting an identification card and the police suspects a particular individual on a case by case basis, then you have authority under the law to take information from any department if you

are pursuing an investigation and so forth, you always have that. But to what extent on a wholesale basis you can take the information of every single applicant and send it for policing and security measures? That, to me, is a difficult question that law makers must consider because in the debate on data protection, that is the key issue; data provided for one purpose to be used for another. The issue of profiling—and the Minister raised this in his presentation—and I am sure he would have been informed by an article on the CBS news in August 2006: “Muslim doctor wants apology from US airline” and I will give a summary of the article.

“A Winnipeg doctor is demanding an official apology and compensation from United Airlines after being kicked off a flight in the US this week, an incident he has characterized as ‘institutionalized discrimination’.

Dr. Ahmed Farooq, a Muslim, was escorted off an airplane in Denver on Tuesday. According to Farooq, reciting his evening prayers was interpreted by one passenger as an activity that was suspicious.”

The passenger, a medical doctor, was escorted off the aeroplane for interrogation, suspicion and so forth. This matter was on CBS news, I remember the issue, and he remarked that the whole situation is frustrating. It makes you uneasy because you realize you have to watch everything you say and do and it is worse for people of colour who are identifiable as a minority.

The point being raised here is, it is not just your intent in the law that is important, it is also the general feeling of fear, discrimination, and hysteria in the minds of the public. So the Minister of National Security may want as a part of an initiative to implement this legislation to have some type of public education communication dealing with this matter so that minority groups and persons who may be in a state of hysteria may not feel that this is to be used for profiling, discrimination, or for unjustly treating someone unfairly. That is not the point that comes across from this experience by the doctor in Winnipeg going to the United States of America. There is a communication dimension to this, a very sensitive matter that the Minister may want to take account of.

For example, I would advise humbly, and the Minister may reply and tell us if it sounds logical or not. In the immigration cards in our travel documents which we already have, we insert in black and white where a statement to the effect of advance passenger information is required under “x”, “y” law and will be advanced to countries in such and such a manner. Very short, brief, factual statement so persons do not feel that in some way we are targeting any certain group of people by colour, ethnicity, or religion and so forth.

Another example was reported again in 2006: “Mutiny as passenger refuse to fly until Asians are removed”.

“Passengers refuse to allow a holiday jet to take off until two Asian men are thrown off plane”

These are the realities we deal with as they relate to passenger information and so forth.

“British holidaymakers stage an unprecedented mutiny—refusing to allow their flight to take off until two men they feared were terrorists were forcibly removed.

The extraordinary scenes happened after some of the 150 passengers on a Malaga/Manchester flight overheard two men of Asian appearance apparently talking Arabic.

Passengers told cabin crew they feared for their safety and demanded police action. Some stormed off the Monarch Airlines Airbus A320 minutes before it was due to leave the Costa del Sol at 3 a.m.”

At 3.00 a.m. people fly off the plane and not the plane flying them or taking off because they were in fear of two Asian looking people speaking Arabic.

Mr. Speaker, this is the sort of hysteria and general confusion that result from these types of matters and my humble suggestion to the Minister is that your Government already spends about \$10 million—20 million a year on all types of public relations and so forth, it may not hurt to explain some of these measures to the general population but not in a statement from the Minister. We want to avoid those lengthy statements coming earlier during the day. [*Crosstalk*]

I want to tell my friends on the other side if they have no regard for us on this side; at least they should for the national population. This business is live on television. What do you want to do, kill the country with boredom that every Friday they must hear the Member for Diego Martin East; the UWI graduate attacked the University of the West Indies earlier today?

Another issue, the Minister is aware I am sure, given the informed information we are dealing with that in some of these matters concerning advance passenger information, carriers that fail to provide information can be liable for fines only for the passengers you are dealing with. So if a carrier brings transport passengers but there are one or two passengers on whom you did not provide advance information, there are ways now the carrier can be fined for the persons, not the whole airline.

Apart from that, you can put in policy that the landing rights of a particular airline could be threatened if, after a period of time they regularly violate this type of law. You can threaten with their landing rights, withdrawal of landing rights, you can attempt to punish, not the entire airline, but the passenger. This is also another matter that has been suggested and the Minister may want to deal with.

Mr. Speaker, before the break I was talking about the type of information involved in the passenger name record (pnr) and persons in the House were a bit surprised when I told of the information. The point I wanted to make—and the Minister will share my view I am sure—is the demand for information as it relates to travel will not go down, it will go up. I think the Minister is aware of that. This is a one-way street we are on, given the crisis in the world as it relates to crime, terrorism and security information demand is going up not down. You may put a particular type of information now but it will increase and the type of information requested according to the (pnr) includes personal data revealing racial and ethnic origin, political opinions, religious, philosophical beliefs, trade union memberships, and data concerning the health or sex life of the individual. All that is passenger information data that security services sometimes take an interest in for one reason or another. So it is important to alert the authorities that we are on a particular stream here, information demand will go up and without adequate data protection we are in trouble in terms of managing this business.

Mr. Speaker, one of the final points I want to raise deals with a matter raised by the Minister concerning the introduction of new passports. If I heard him correctly, the Minister said by January 2007 it is the intention of the Government to introduce a new passport for citizens of Trinidad and Tobago that would be machine readable. I want the Minister to assure us that between January to March when we expect the influx of persons and travel to take place before the World Cup, within that short period, as citizens of Trinidad and Tobago are we required to obtain a new machine readable passport, or can we use our existing passports? At the same time there is a transition to machine readable ones so the majority of people will have our known passports, but new applicants for Trinidad and Tobago passports would have machine readable ones.

It seems to me if that is the case then the machine readable passport really would not help with much tracking of international terrorism and crime and so forth because it is for new applicants. So it is hardly likely that our original travellers—what percentage of people going around the Caribbean to see cricket will be the new Trinidad and Tobago passport holders; whether young persons, first-time travellers, or renewals? I got the impression that there was to be a

wholesale transfer to the machine readable passports to allow for the synchronization within the Caricom and in light of the United States of America Government's request as well, but the Minister is indicating no and we will probably hear more on that matter later as we get to it.

Mr. Speaker, with those remarks I want to end by asking the Minister to state categorically the Government's position as it relates to the status of the working of the memorandum of intent vis-à-vis the legislation before us today. I also called upon the Minister earlier in my contribution to speak to that issue that has arisen in the last 24 hours or so over the crisis at the mission in Nigeria. We have raised several matters relating to the specific clauses in the Bill and we look forward to the response of the Minister on some of these issues.

Thank you very much.

**Mr. Manohar Ramsaran** (*Chaguanas*): Mr. Speaker, this Bill before us could easily be mistaken for a simple one, however, when closely examined many questions arise. One may say there are so many risks involved in flying and travel nowadays; there are terrorists, hijackers and many devices such as bombs, hand grenades, et cetera to threaten all forms of travel therefore, anything done to discourage any illegal acts should be welcome.

Mr. Speaker, when I listened to the hon. Minister and I took some notes, he spoke about organized criminal activity in the Caribbean. You know, coming to Parliament and making that announcement I raised my eyebrows, opened my ears expecting to hear what this increased criminal activity is in the Caribbean that will affect Caribbean nations as a whole. I heard nothing more on it, so that was just an opening statement.

The Minister spoke about security re: Cricket World Cup 2007 and I am one who will agree that Trinidad and Tobago should provide security for our visitors, I have said it many times. I heard two statements which were quite lengthy and I hope that maybe this is something that we would see in the future, that when you come to Parliament you may get policy clear and this is in the case of crime. I told the hon. Prime Minister that with or without the police Bills the political will by the Government to solve crimes might not be there and I am still waiting with bated breath to see when crime will be solved, and I am saying this as we prepare for Cricket World Cup 2007.

As I said, I was in Germany and I saw the preparation made for visitors, it had nothing to do with airline travel and so forth, but once you landed there you could

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feel safe to walk, to talk, and as a human being, but in Trinidad and Tobago could we feel safe? I want to tell you what has happened in my constituency in the last 10 days as an example. People in the community of Bejucal were invaded by criminals for the last 10 days, people were beaten, robbed, and a calm village was thrown into disorder by a few criminals. The defence the Minister may use is that he is looking at the cities for Christmas shopping to help the citizens there, but in doing that the vulnerable parts of the country are left open to attacks so to speak, and the same can happen if we do not have an aura of safety in Trinidad and Tobago. We would be protecting from Piarco International Airport to the Queen's Park Oval and all else will be forgotten, and I am not predicting gloom but just think of the reality of the situation when we are promising the world—my colleague, the Member for Oropouche said—maybe we are promising the United States of America certain things, so to live up to that expectation, we protect where the visitors would be and we leave our backdoors open and this could spell disaster.

I am just telling the hon. Minister that when we prepare for World Cup 2007 let us do it thinking about every citizen of Trinidad and Tobago. This is important. If we do not do that, all the security that is planned across the Caribbean will fall to naught. Yes, we may protect the lives of those on board vessels and so forth, but what about those in Trinidad and Tobago?

The Minister spoke about CSME and the economy. I do not know how this came in this Bill but it was referred to in his opening statement. I would like to correct my friend, the Member for Diego Martin Central, about a statement I read in the newspapers this morning when he said that the cost of chicken is dropping. I want to let him know that imports from Belize and Guyana have no import surcharge of 40 per cent, he misled the population and there is no import duty as these are Caricom countries. [*Interruption*]

**Mr. Valley:** [*Inaudible*]

Mr. Speaker, as he answers, I would like him to—what about the producers in Trinidad and Tobago? I remember my first cricket tour—

**Mr. Speaker:** The only nexus I can see here is “duck”, but I think we need to get back to the Bill.

**Mr. M. Ramsaran:** I will. Mr. Speaker, I am responding to—you know, we sat quietly and listened to the Member for Diego Martin East for two hours, the fact is that we are talking about Caribbean integration and CSME as was said by

the hon. Minister, I have it here. I remember the hon. Prime Minister saying last week that when we speak in this House as Ministers, people tend to believe us so I just want to disabuse the minds of people out there that chicken from Belize and Guyana are duty free and attract no import surcharge.

Let me get back, we heard about passenger and information.

**Mr. Imbert:** With is the issue?

**Mr. M. Ramsaran:** Mr. Speaker, this is the real problem with this Government you know, and every time I get up to speak I say it. Someone, somewhere would request that this be done and without looking at the consequences or overall picture, this Government puts together a three-or four-clause Bill to plaster a particular sore and this is the case here.

As the hon. Minister who is in charge of the Caribbean security for this Cricket World Cup 2007, I hope one of these days he too can come as the Member for Diego Martin East and give us a statement that would satisfy the people of Trinidad and Tobago and the Caribbean that their safety is also important and not only the visitors, and I get the impression that we are catering for the visitors safety and not ours. I have not heard it said as yet what we are going to do for our safety and my colleague asked whose tune we are dancing to. Is it USA, Cuba, Venezuela or the European Union?

Mr. Speaker, what does Trinidad and Tobago benefit from knowing beforehand who is on board a vessel? Maybe the Prime Minister can answer this one. Are we on the list of countries on terrorist risk attacks? We have to understand why we are doing this. Is it that we are now targeted as a country that terrorists could attack? I do not know. I do not want to go into the smelter, Mr. Speaker, that is another debate but I am sure I could send out the message so now we can brace ourselves for terrorist attacks.

I have a few more points on what the hon. Minister said as he opened the debate. Something curious was announced; the time of boarding and the time of landing. In all fairness to everybody in Trinidad and Tobago, and I am not knocking our country, could we within an hour—most planes will come to Barbados before coming to Trinidad in that time, and the Bill clearly states on the last port of call. Could we really ready ourselves to deal with passengers on a half an hour trip? I will go more into that as we get into the Bill. You said that list must be sent prior to a landing at the airport but from the last port of call, and I think we have to look at that very carefully if my reading of the Bill is correct.

**Mr. Joseph:** Thank you very much for giving way. Hon. Member, let me explain quickly for you the intention here. Any vessel coming outside the single space, once it lands in any country it is deemed to have literally landed in all the other nine countries so that movement within the territories will be as hassle free as possible. So the question of an aircraft leaving Barbados to come to Trinidad, if Barbados would have been the first point of entry, the information of the passengers coming to Barbados would have already been cleared so there will be no advance from Barbados to Trinidad. The entire nine countries are treated as one domestic space for the purpose of January to May, 2007.

**Dr. Moonilal:** Where in the Bill says that? It is not in the Bill.

**Mr. M. Ramsaran:** I thank the Minister for that information, but the Bill says:

“...prior to departure of the vessel from the last port of call before Trinidad and Tobago, shall provide to the Chief Immigration Officer the advance passenger information...”

as the Minister may, by Regulations, prescribe.”

Mr. Speaker, I am confused. Maybe with your legal learning, you can guide me.

**Mr. Manning:** But it is one port.

**Mr. M. Ramsaran:** I understand what you are saying, but it is not in the Bill.

**Mr. Manning:** The Bill is wide enough to accommodate that.

**Mr. M. Ramsaran:** No, no. When you are passing laws, do not make it wide, you have to make it specific. Mr. Speaker, look at the wording, my training elsewhere tells me a port of call is where the plane came from and the last port of call is the last port of call.

Mr. Speaker, all vessels must be given clearance. The Minister mentioned that the small vessels would have to be given clearance; I want to put it on record that all vessels must be given clearance especially leaving Trinidad and Tobago, all, small or big, and the 100 tonnes is used in the customs and immigration legislation to differentiate between small and larger vessels. The larger vessels are treated with more flexibility.

For example, if a small vessel is leaving Trinidad and Tobago, it must be given clearance before it leaves, however, the bigger vessels, over 100 tonnes, could be given clearance after they have left; they have 24 hours to do so because

we have to deal with the smaller vessels in a particular way. Exempting the smaller vessels from coming in without a passenger list is very dangerous and I want to put on record that all the drug trade in Trinidad and Tobago, as far as I know is carried on by small vessels and they also bring passengers. If you check the records at the airport and that at the small boats area, more stowaways into Trinidad and Tobago come via these smaller ports in the country and these vessels are less than 100 tonnes. It is important that we understand that, and they could also disrupt Cricket World Cup 2007, so we have to look at it and I believe that all vessels should be required to give advance passenger information.

**Hon. Joseph:** Again, thank you for giving way. As I made it clear, the 100-tonne requirement for providing advance passenger information is because one expects vessels of that size will carry a larger number of persons who will be processed. Smaller vessels will not be required to provide advance passenger information with the same requirements, as it stands now, advance passenger information is not provided. When the vessels reach all sizes then they are processed, the smaller vessels will still have to meet the requirement but will not be required to provide advance information.

**Mr. M. Ramsaran:** I hope your words do not haunt you. I thank you again for attempting to clear up that.

Mr. Speaker, I am finished with what I took from the Minister's presentation so I am now going to examine some of the Laws of Trinidad and Tobago. First, I want to go to the definition or interpretation of what will be passed and we have three; one is "master" and according to the parent Immigration Act of Trinidad and Tobago in case it was not looked at, even the definitions differ and I want to know why. Maybe the hon. Minister has a good explanation. In the parent Act, "master" means a person in immediate charge or control of a vessel. I do not see why it should be changed. The Bill before us says:

"'master' means a person having command or charge of any vessel;"

The language here is so different as if we are expecting a war ship to invade us. In the original Act, Chap: 18:01, "master means a person in immediate charge or control of a vessel". I want to know why the difference. Why change something you do not have to change?

**5.30 p.m.**

"Minister" in the Parent Act "means the Minister responsible for immigration;" I agree with that. Here we have:

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“‘Minister’ means the Minister to whom responsibility for national security is assigned;”

Suppose tomorrow our Prime Minister says: “I am going to move Immigration from the Ministry of National Security to the Ministry of Finance or somewhere else; the Ministry of Tourism, why change the definition? This, to me, is elementary.

Then we go to “vessel”. It is interesting. You are getting the interpretation wrong.

The parent Act states:

“‘vessel’ means any ship, aircraft or other means of travel by sea or air.”

Here we have:

“‘vessel’ includes any ship, boat, aircraft or other floating or airborne contrivance.”

Are we thinking about the blimp or some log coming across from Venezuela? I agree with the Parent Act definitions. Why change things you do not have to change?

**Mr. Manning:** Mr. Speaker, the arrangements for Cricket World Cup 2007 are special arrangements and there is an agreement among the various countries and in that agreement it has already been predetermined who is the Minister who will accept responsibility for action under the laws that have to be passed, and in the case of the agreement it is the Minister with responsibility for National Security. In other words, that is the reason it is put in what is known as sunset legislation, because when the event is passed, that legislation goes out of being and the parent Act stays. So what the Member for Chaguanas is, in fact, doing is mixing up two entirely different purposes.

**Mr. M. Ramsaran:** Mr. Speaker, again, we deal with legislation that comes before this Parliament and here I have the Bill in my hand. This will become an Act and this has no clause which says that it will expire at so and so date.

**Sen. Joseph:** Look at clause 4. No wonder. The Member is using the wrong Bill.

**Mr. M. Ramsaran:** No, no. The definition has not changed.

**Sen. Joseph:** No.

**Mr. M. Ramsaran:** Well, who is responsible for giving me this? Not me. I cannot make this up. *[Interruption]* I stand corrected. Look how you jump up. I am trying to correct you on an important thing—*[Crosstalk]*. Okay, I accept that. If it is there, I have no problem with that.

**Mr. Speaker:** Basically, what the Minister is saying is that he caught you offside, but now you have the correct Bill, please continue.

**Mr. M. Ramsaran:** I am caught offside, Mr. Speaker, but still my basic question is: Why change the definition? You said the Caricom Ministers agreed on it. Was it presented to this Parliament? Do we know about it?

**Mr. Manning:** We are now presenting it to you.

**Mr. M. Ramsaran:** Nobody presented it. It does not make sense, but I will move on. I do not want to be sidetracked because we need to understand that when we pass legislation—and I want to say that, yes, this was handed to me a while ago and I spoke to my colleague and it was not circulated. So whose responsibility is it? Is it mine? I am seeing it now and this is because of your incompetence—always late.

**Mr. Imbert:** You have the wrong Bill and we are incompetent?

**Mr. M. Ramsaran:** No, no. I have the Bill that was circulated to me by the Parliament of Trinidad and Tobago. That does not make me withdraw why the changes in definition. If you bring something and tell me that you are changing this for some reason, I will accept that too, but as far as I am concerned, that is improper and we are interfering with legislation that we are not supposed to interfere with.

I will go on to show that we do not have to reinvent the wheel when we make changes to our legislation. We also argue what we will operate under; what exists or what is new. Would the sunset legislation take priority over other legislation? If somebody is brought before the courts, what are you going to use, the sunset legislation or the parent legislation? What comes later? The fact is, why interfere with things you are not supposed to interfere with?

I move on. I have much more. When we go to section 44 of the Immigration—*[Interruption]*—you are my colleague too. Section 44 is where the parent Act would give the Minister—you see, if you read the legislation and we understand what is taking place, maybe we would not have to come and waste an entire day, except to give two statements. But if you look at the parent Act again, and go to section 70 of the regulations, it would show that the Minister—and I want to read it for the Minister. Maybe he could guide us and tell us why. Page 35 of the Immigration Act, Chap. 18:01 states:

“The Minister may make regulations for carrying into effect the purposes and provisions of this Act and, in particular, may make regulations respecting...”

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A myriad of things. It ends by saying:

“Regulations made under subsection (1) shall be subject to negative resolution of Parliament.”

Let me read:

“The Minister may make regulations (respecting manifests)”

What we have before us is part of a manifest.

“(m) manifests, bills of health or other records or documents concerning the persons carried by vessels to or from Trinidad and Tobago;

(n) the obligations and duties of transportation companies...”

That is the airline and ship lines, and so on:

“and members of a crew to safeguard persons on board vessels, to report escape from custody of persons in their custody and to take such other precautions or steps as may be required to prevent such persons from unlawfully coming to Trinidad and Tobago or, in the case of persons in their custody who are ordered deported or rejected, from failing to leave Trinidad and Tobago;

(o) the obligations and duties of transportation companies to ensure that persons who are carried by them and who are seeking admission into Trinidad and Tobago are—

(i) outside the prohibited classes; and

(ii) in possession of the proper medical and travel documents;”

So what I am saying is that the regulations are there and I think coming to Parliament to amend the regulations would make life so much easier for what is taking place.

Let me just again read into the record, and this is clear—and I am confused as to why we have to reinvent the entire wheel. Go to section 32(1) of the regulations:

“The manifest referred to in this regulation shall consist of—”

The manifest, for those who would not know, is that declaration that an airline will have to make to the immigration officer at the airport or any port of call. I repeat:

“The manifest referred to in this regulation shall consist of—

(a) a list of all passengers;”

So the list is there. How it happens is when the agent of the aircraft prepares a manifest, this manifest will be presented to the immigration officer when the plane lands. This document is what the immigration officer will take to the captain or the master of the vessel and verify. This is what the manifest contains, a list of all passengers. All you should do now is amend the regulations and say: Send it before. I want to say in my experience at Piarco Airport, we had immigration, travel index and customs, and travel index was the branch that would deal with this—special officers of the police service; special branch if you want to call them that—and they are the ones to use their intelligence and they always have advance passenger information. So I do not know if they were operating outside the law all this time. But they had the list of the passengers and this is in our laws already.

“The manifest referred to in this regulation shall consist of—

- (a) a list of all passengers;
  - (b) cards containing such information with respect to each passenger...
  - (c) both the list and the cards whenever both are required to be set out in the manifest under these Regulations.
- (2) The master of every ship arriving at any port of entry in Trinidad and Tobago from any foreign port shall...”

And Barbados is a foreign port. I do not know where the Prime Minister got it that it is not a foreign port.

“forthwith after the arrival of the ship and before examination of the persons deliver to the immigration officer in charge the following documents:

- (a) a General Declaration (Arrival Report)...
- (b) a crew list...”

You must have a list of the crew; you must have a stowaway's list; a passenger list and a list showing in transit passengers. It is covered. It also goes on about people who are not wanted in Trinidad and Tobago and there is a long list of people who are not allowed to land in Trinidad and Tobago: People who have been jailed; people who have records of terrorism and so on.

Mr. Speaker, they are here in the parent legislation. I do not know; I am a bit confused about what is taking place. So I am putting the Act, Chap. 18:01, before the hon. Minister to have a look at it to see why all this was necessary. You

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simply come to this Parliament, amend your regulation or you add one line and have it a negative resolution of Parliament and being debated or not debated. But we are here using up an entire day with a non-Bill.

Again, another question that will arise is: Are we protecting aircraft? Because that is the impression I got. Is it aviation security or aviation safety? Which one is it? In today's world—and the Minister outlined terrorism in the Caribbean and I always make this statement—are we just correcting mistakes? Are we plastering sores or are we really preparing for any eventuality? This is something that I always ask when I come to Parliament.

This was done a couple years ago. [*Shows document*] It is not even what is happening today, but it talks about aviation security and terrorism; a review of the economic issues. This is why I ask the question. Is it taking care of the airline or taking care of the passengers? There is a distinct mark there. I just want to read into the record:

“Historically, aviation security has been provided by three main partners: airlines, airports and the FAA. Generally speaking, providing security has been the responsibility of air carriers and airports. Governments, through FAA, perform primarily a regulatory role. The airlines were responsible for passenger and baggage screening, both carry-on and checked. The usual practice was for airlines to contract with private companies who provided trained screeners at security check points.”

When I read this I want to know what this Government is trying to do. Are we trying to just look at a security list, a list of passengers, and determine what they have? Or is this obvious that this would be done? Because when the Minister got up he talked about facilitating travellers. I want to know if we are only dealing with particular passengers; those who are on that list and who somebody might pick out and say: “Take this one and that one.”

It is something I want to have explained to me, because we have all the security checks. When you talk about the Americans today and how they treat with their passengers when they are leaving their ports, we cannot quarrel with them because we go to their country and when we are departing we are subject to everything. You are searched. Yet on the other hand, we in Trinidad and Tobago would not have that treatment reversed. Is it that we as a Third World country must do the bidding of the bigger countries? I want to put into proper perspective where we are going with this piece of legislation. We now use the sunset clause, but we know that there are many things behind this. That is why I say it is a simple Bill, but could we really understand the thinking of Government?

I want these things cleared up. I do not plan to talk long this evening, but passengers' rights must be protected. I want this question about the last port of call clearly defined because nobody could tell me—we do not have a federation; we do not have a united Caribbean where we have one law. Every country has its own law and a last port of call cannot mean Miami, if it passes through Barbados, it cannot be; also the whole question of the immigration, how it is dealt with in this. I want to touch on that briefly and look at the new Bill, because the new Bill and the old Bill would not change that, I am sure. This one is very interesting. Again, did we give it any thought? For example—look at clause 3:

“Subject to section 2, the master of every vessel destined...”

Look at the scenario, Mr. Speaker:

“for Trinidad and Tobago, prior to departure of the vessel from the last port of call before Trinidad and Tobago, shall provide to the Chief Immigration Officer such advance passenger information...”

Again, it is a question of interpretation. If you look at the parent Act, I am sure the hon. Minister would not expect the Chief Immigration Officer to be at all ports. You did not have to reinvent the wheel here. Again, if you look at the regulations, what would you see? I believe that this Bill was not given any thought at all, because this Bill is telling us that we have to report to the Chief Immigration Officer, but if you go to page 47, it states:

“‘immigration officer in charge’ means the senior immigration officer assigned for duty by the Chief Immigration Officer at a port of entry;”

When you look at the law, it must not have loopholes. You say to report to the Chief Immigration Officer, but in the regulations we have “in every port of call an immigration officer in charge”, and it is defined in the parent legislation. So when you go to Piarco, you would not have to send your report to the Chief Immigration Officer, which has a meaning assigned to it in the laws of the country.

“‘Chief Immigration Officer’ means the person so appointed for the purposes of this Act and includes a person to whom the Chief Immigration Officer delegates any of his powers, duties or functions;”

So it is, again, a repetition. I would like it to be the Chief Immigration Officer in charge for the ease of the work. Yes, we know that all police officers represent the Commissioner, but for ease of reference, use the definition given here in the regulations, where each port would have an immigration officer in charge to facilitate the smooth running of the Bill. Because if somebody wants to be technical he could say: “I sent it to Port of Spain to the Chief Immigration Officer

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who has not sent it here.” So you have to hold back the plane or charge somebody \$600,000 because they did not send the thing to the officer in charge. This is how it operates. We do not expect the Chief Immigration Officer to be everywhere, so when you are doing the laws, do it properly.

I thought I would make these suggestions as to what this Bill actually is trying to do and what it actually does. There are many loopholes in this Bill and before it is made law let us compare it with the parent Act to ensure that we do not have a runaway Act that has nothing to do with immigration, because as far as I am concerned, the immigration department and the Chief Immigration Officer, the immigration officer in charge and his officers, will be the ones to deal with this Act, and to make it as difficult as this is will create a nightmare. It will have the reverse effect of what we are trying to do. So the last port of call, Barbados, is a foreign port; it is not Miami; it is not Bombay; it is the last port of call.

With these few words, I thank you very much and hope that the Minister and the Government would get this one right—a four-clause Bill with so many errors.

**Mr. Chandresh Sharma** (*Fyzabad*): Mr. Speaker, I join this debate to raise a few very important points. One of the first things I want to raise—and this, perhaps, would need your blessings. The Parliament is made up of Members from both sides of the House and we are here to debate legislation that, hopefully—or the intent of any legislation is to add value to the lives of all the people in this country and elsewhere, and ever so often the Government brings the legislation and it has the advantage of getting information from its research department, which is paid for by taxpayers and on no occasion it provides that information. It is in this context I am suggesting, through your good office and influence, that the information that comes to the Government, which is paid for by taxpayers, should be made available. In fact, the next UNC government would make sure that that information is available to all legislators at all levels.

What happens is that oftentimes during the actual debate, the Government would invite a number of persons who are paid by the State to give information and it creates a small degree of discomfort, even for those in the Government, because many times the Minister cannot understand what the advisor is saying in the shortness of time. He is trying to rush through the piece of legislation. It would be interesting for the Leader of Government Business to indicate the Government's position in treating with the Parliament in a mature way, as if you are really aiming for 2020. Because you come here; you say very little; you read what the Bill says, but beyond that you could explain very little; you cannot give information.

We are here to lend support; we are your partners in governance and ever so often you do that. In fact, today was a good example. You saw the Member for Diego Martin East attacking everybody, using the comfort of the Parliament. But you have to appreciate, when I go back to Fyzabad tonight, the business people would be saying: “Why did you allow the Member for Diego Martin East to attack us and you said nothing?” But the constituents of Fyzabad will not know that we were not allowed to speak. We cannot cross-examine; we cannot ask for a debate on that. *[Interruption]* There must be queries on information that comes to the House. You saw that with the Minister. The whole country knows that the UTT is a big deal. A lot of people are making money. When advance passengers are coming into this country, what are they seeing? Imagine somebody from New York booking a flight and on the web cast they see this debate and the only sensible contribution is coming from Members on this side, and when they look at what the Member for Diego Martin East said, are we going to a banana republic? In fact, it was the day before yesterday a Trinidadian doctor called me from New York—a young professional woman; a consultant at a New York hospital—

**Mr. Valley:** What is she calling you for?

**Mr. C. Sharma:** Listen. “Yuh” busy? “Yuh hear woman, yuh rushing.” Hold on. This doctor in the United States who is of Trinidadian origin called me on the telephone and said: “I am working in this large hospital with doctors from about 30—40 countries and they are laughing at me. It is a banana republic. Somebody goes into the former Prime Minister’s constituency and takes away everything and just goes in a truck—

**Mr. Speaker:** No. I would suggest that you leave that severely alone. Continue. Come back to bat and ball, please. *[Laughter]*

**Mr. C. Sharma:** I was making the point that the Government is not adding any value. You know, we come here today for so many hours and when you look at it, absolutely nothing is being achieved. My colleague from Oropouche and my colleague from Chaguanas—you see how we cooperate on this side. We share the information, all in the interest of Trinidad and Tobago.

What happens in the current scenario? We saw this with the Tobago Express. Trininis have a culture. If there is a death in the family, they go to the airport and try to get on the next flight. With this new API arrangement, they cannot get on that flight.

**Mr. Hinds:** Why not?

**Mr. C. Sharma:** Because of advance information they do not qualify. I purposely said that because the Government does not understand the legislation. I qualified it by using an example. You saw in the Tobago Express where six passengers could not get on board because now you need to purchase your ticket maybe 48 or 72 hours in advance.

Let us look at the scenario in Trinidad and Tobago and put it in this context. What does 350—360 murders have to do with it? What does 100 kidnappings have to do with it? What does a robbery every day—maybe once, twice, three times per hour—have to do with this legislation? Think of it. Somebody sitting in the United States, Canada or Europe and he or she gets a message that a relative was murdered—technology; cellphone—10 minutes after the murder he or she gets a phone call and says—okay, well, father dead; mother dead; sister dead; whoever it might be—“Let me tell my boss.” The boss says: “Okay, you can leave. Go to Trinidad if you care.” You go to the airport. There is a death here and they cannot get on that flight. Somebody was raped or kidnapped.

How is this legislation assisting the national community? The Government does not think things through. It has no intelligence. That is why I have suggested that we share information. We will lend it to you. We have been there; we understand what you are going through. But you have power! You know how to spend money. The Member for Diego Martin East said: “We got two Queen's Counsel.” He will not take the advice of the Member for Laventille East/Morvant. They do not recognize the local lawyers. Not that he could deliver, I agree with you and the Minister is agreeing, so on that case you win.

Still, you see what is happening again. The Government also has the habit of piecemeal legislation. This Government does not see the bigger picture; it does not approach things in a holistic way and ask: “How is this going to help Trinidad and Tobago?” Everything is for the moment. That is how it spends the taxpayers' money; spend it left, right and centre; no savings; no security. You would recall when we entered into the Shiprider Agreement sometime ago—the Minister would remember that—it is very interesting when the PNM was in opposition, as it soon will be, on a previous occasion the same professionals that the Member for Diego Martin East condemned today, when they said something a few years ago it was the mantra. These were all professionals, highly qualified, doing millions of dollars in business. Today, when that same group, more qualified, comes and says that there is corruption in the matter at hand—

**Mr. Imbert:** How are they more qualified now?

**Mr. C. Sharma:** That is it. How are they more qualified now? They were less qualified when it was convenient to the PNM. This is what the national community is seeing. Thank God for Channel 11. People are seeing that the Government has no good intentions. It just comes, helter-skelter and uses its forces.

Now look at what is happening. This legislation is now saying to us that the US would look at the passengers who are coming into this country. What say will the Government of Trinidad and Tobago have? For instance, if a Trinidadian is boarding an aircraft in New York, the US will now be able to say whether that Trinidadian is fit and proper to land in Trinidad and Tobago. It is no longer the Government of Trinidad and Tobago. The Chief Immigration Officer cannot intervene and say: "I am satisfied that this person can enter Trinidad and Tobago." If you say you are doing it only for the period of the cricket—now you are going to have people from all over the world coming and as the Member for Oropouche indicated a while ago, somebody was speaking Arabic—what will happen to the Swamis who come to Trinidad and Tobago who speak in Sanskrit?

So they are coming to Trinidad and Tobago and are speaking in the aircraft—he is there with his disciples—can you imagine what is going to happen? Religious people from all walks of life come into this country at different times. What would happen to somebody coming out of Africa speaking Swahili? Again, there must be a culture. The Government of Trinidad and Tobago must not fall for piecemeal. That is why I said we could look at it in a holistic way and communicate and consult with the Opposition.

One of the suggestions I want to make as I am on this point is that the Government should cause to be placed during this cricket period, immigration officers at the major international airports. If we are going to expect a lot of people coming from India, for instance, place some at the New Delhi airport so they can be processed and we would save that embarrassment. If we are expecting lots of people from Canada or New York, whatever the major airports are—in fact, we did it under the UNC administration during Christmas and other times when we had heavy traffic. We would place the immigration officers there; in some instances, the customs officers, so that when they come here it can be a smooth flow.

The information that is intended is to be sent to the US in this instance before the aircraft leaves the ground or 15 minutes after it leaves. What will happen with your technology when it fails? Because you are going to send this via e-mail or

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some kind of cookie medium and oftentimes it can be intervened. We have seen where people with a computer background have been able to get into the bank accounts and get into all kinds of information. How are you going to guarantee that? The Minister just demonstrated he has with him a Blackberry and he can send an email from right there. One would say: "How did you do it?" So that is the technology.

Again, the Minister has not indicated how you will protect the country. They said the master of the aircraft—using the aircraft as an example—will be responsible. So a young Trinidadian pilot, let us say 25 years, is responsible. Who is going to cover his cost when the technology fails? There is no legislation for that; nothing in this is addressing that. The Government is not fit for governance of this country. It does not think through things at all.

**6.00 p.m.**

The question of profiling as indicated in one of the contributions we heard—someone dressed in a particular way and speaking a particular language has been profiled as a terrorist and people refuse to board that aircraft. We have a culture like the Orisha and Baptist people who dress in a particular way and speak a particular language. How are we going to protect them? They being our sons and daughters, mothers and fathers, coming from New York or wherever, we cannot guarantee their arrival in Trinidad and Tobago. Is this what the Government is legislating? Our sons and daughters who go to Pakistan to study Islam, we cannot guarantee their travelling on an aircraft. Our sons and daughters who go to India to study and dress in a particular way and the Minister is suggesting Libya as well. He is correct.

We must not legislate to create problems. The intention of legislation is not to create any inconvenience. In this particular bat and ball that we are legislating, it must be noted that we will have players and visitors from Pakistan, Sri Lanka, India and of course, Trinidadians and Tobagonians returning. The Minister must be prepared to walk us through this and not make a presentation that says very little at the end of the day.

We saw recently in a particular case where United Airlines told the press in Winnipeg that the airline is obliged to take seriously any allegation threatening passenger safety. This article is about 10 days old. How do they measure that? The Minister has not told us.

**Mr. Hinds:** That is no business of the Minister.

**Mr. C. Sharma:** Of course! You are allowed to speak in this debate, I think. I am sure that permission is granted to you. When all these types of claims are made we have a duty to investigate. Do you know the cost of this investigation? You can imagine a Trinidadian showing up at any of the international airports his mother was murdered; his brother was perhaps kidnapped or sister was raped—trying to get on an aircraft and being denied and becomes emotional as is expected. He may raise his voice or use a phrase that they in New York or London do not understand. Not only is he prevented from boarding the aircraft but also seen as a terrorist and taken into custody and an investigation starts immediately. The Government has not satisfied us that it walked through this and thought it out.

I will raise the whole question of passengers coming to Trinidad and Tobago. What are we doing about them? The first thing I would do is to congratulate the Government for having Piarco International Airport graded first class. That is an airport built by the United National Congress. Mr. Speaker, you would appreciate the amount of blows the Government attempted to give us in government when that airport was being built. At the end of the day the airport has stood the test of time.

Recently, somebody from the United Kingdom caused me to look at a destination guide on this website. He wanted to find out about the Pitch Lake because some research was being done at the university he attended. On the destination guide he discovered there was no tour operator listed for La Brea. There is no listing of hotels, bed and breakfast or any type of accommodation for La Brea. The shot did not stop there. He went further and looked at a larger map with places to see and behold the Pitch Lake, one of the world's most famous landmarks, a natural treasure is not mentioned. The Minister indicated that we are expecting close to 150,000 persons to come to our shores during the cricket period. *[Interruption]* More? How many? *[Crosstalk]*

The Minister has corrected me. We are expecting a maximum of 100,000 persons in the Caribbean. Assuming 5 per cent, that is 5,000 want to visit the Pitch Lake there is no mention of the Pitch Lake or the facilities that might be obtained. In the entire website promoting this country the Pitch Lake is mentioned once. There is a map and when you click on ecotourism La Brea Pitch Lake is noted along with several other points of interest. What is the intention of the legislation? You want to bring 100,000 persons to the Caribbean; you said this would generate revenue and showcase Trinidad and Tobago. What are you trying to do? Embarrass the Member for La Brea? He does not need you to embarrass him. *[Interruption]* I will bat for you any time.

On numerous occasions we have raised the question of community tourism. I ask the Minister: What of persons who have been flagged by the United States and prevented from entering a specific country? Have you thought about that, Minister? Sometimes I feel that the Opposition doing all this research is a waste of time. I do not want to talk for the record. I want to serve my country to the best. It takes much effort to do this research with the limited resources given to us by Parliament. Do you know what they pay a research officer? What a CEPEP worker gets. One has to work two hours and the other has to work 12 hours.

Bear in mind that these persons would have left their country, as those from India and spent many hours and days in transit; bought tickets for matches and they would not have known that they would not be allowed in the country. We have no say in that. Minister, you have not thought out this. I think you should defer this debate and let us talk.

**Mr. Hinds:** Joint select committee.

**Mr. Sharma:** Yes. The point is that you are not prepared to treat with anything. You have not thought out this. [*Interruption*] I do not think that you will want to go there. Do you think we will have time? Do you know how many rupees it takes to come to Trinidad?

**Mr. Imbert:** How much?

**Mr. Sharma:** About 150,000 rupees. You do not represent Trinidad and Tobago. You represent a little piece of the country. For one passenger, it is 150,000 rupees. Check the other costs if a husband and wife are coming to cricket and one partner is not permitted for some reason and he or she is told that just before boarding. All that money would go down the drain and there is no refund. The hotels and tickets for the matches that he has paid for would go down the drain. That would be no fault of his. The Government of Trinidad and Tobago has no say in that. This is a Mickey Mouse government. How can I say that I am partnering with this Government?

**Mr. Hinds:** The man is imputing improper motives.

**Mr. Sharma:** To whom?

**Mr. Hinds:** Mickey Mouse.

**Mr. Sharma:** I think that you have just qualified, even if I wanted to reconsider.

The intended visitors whether they are coming from London or the Far East would have bought return tickets and paid the hotels for several days and would

not be able to return immediately and there is no investigation or opportunity to revisit it at that point in time. The Minister must tell us if a passenger is denied boarding that aircraft, what recourse that passenger has. I looked through the legislation and it has absolutely nothing. I wonder who drafted this legislation. It is very interesting.

When the Minister spoke he indicated that this was to reduce terrorist coming to the country. What foolishness is this? Do terrorists depend on government legislation to enter or not enter any country in the world? Is this 2020? *[Interruption]* The Member for Laventille East/Morvant is making a very important point. He said that they know because they have terrorists' connections. In two of the last elections that was clearly demonstrated. It went further in a court right here in Port of Spain. There is an affidavit that says that. *[Crosstalk]* Mr. Speaker, the Member for Port of Spain North/St. Ann's West is disturbing me by asking if we have nowhere to go. This Minister is wasting millions of dollars in the health sector. He has a party to go to at Mount Hope Hospital that is costing taxpayers \$500,000. They are vexed when we stand to represent Trinidad and Tobago. You go to your party. I will do the work here. I will represent Trinidad and Tobago.

I want to visit Trinidad in the last week. What have we seen? I draw this in the context as we pass this legislation which requires a simple majority. They do not care for us and that is why they behave in a particular way. Passengers are looking and they want to go to Trinidad and maybe, the other Caribbean islands. What are they seeing? They are looking at the newspapers; front page, murderers; second page, kidnapping; third page, former Prime Minister and former Leader of the Opposition, gone; fourth page, pilot's wife kidnapped, no word, ransom demanded. This is what the intended passengers are seeing. How do they treat with it? How is the Government giving that intended passenger confidence that he or she could come to Trinidad? This is what the fifth page has. A gentleman, his wife and daughter were beaten by gunmen and the police told him that they had no vehicle to render assistance. What would this signal to the tourists? They are going to a country and the police do not have vehicles to respond. This is what the tourist from New York, Canada or elsewhere is reading. He drove to the station and having had no assistance he went home to find his family traumatized. Do you think this man and his family can ever have faith in the police? He is living here. Think of the tourist coming here.

This is what the tourists from London would be reading if they read the *Guardian*. Earlier this week, a thief put a knife to the neck of a three-month-old baby in Erin. When the victim whose name happens to be Mr. Sharma Abdul

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went to the police station for help he was told that they could not leave. This is in plain English. At the press of one button the story on this newspaper shows up. This man, a public hero who saved a fisherman who had been shot last month by pirates at sea returned to find his family traumatized and robbed. You are passing legislation to do what? Embarrass the country? You want the Opposition to agree with everything you say; ask no questions; raise no concerns because you have a party to go for which the taxpayers are paying \$.5 million.

When you talk about passengers you talk about passengers coming via sea and aircraft. This country is well known for drugs and every criminal having a gun. The question has to be asked as would be asked by people who want to come and they would call the offices of Members of Parliament, hotels and tourist centres. They would ask: What protection is the Government going to offer us? As a Member of Parliament what guarantee can I give a tourist coming to Trinidad for the first time and asks about protection after reading these articles? What would be our answer? We can only be guided by what obtains in the country. It means that the Government has collapsed. They cannot offer the citizens here as the three-month-old baby; 13-year-old Shenelle Sookoo from the constituency of Fyzabad whose funeral was a few days ago. We cannot offer police protection and health care. What will happen to the 100,000 tourists who may come here and 1 per cent gets ill? How will you care for them, Mr. Minister? You are concerned with passing this legislation and getting out of here.

Let us look at what obtains elsewhere when this legislation came about. Air travel profiling violates EU privacy laws. Has the Government learnt anything from this? The answer is no. The Minister has not been able to tell us anything. European Parliament opposes passenger data disclosure. A large number of members of the European Parliament have adopted a resolution expressing opposition to an arrangement allowing the transfer of airline passenger data to US customs. European airline checks US no-fly list. What does it say here? Uncovered government document showing that the transformation security administration maintained two watch lists against which European and other airlines flying to, from or within the United States check their passenger names. One is the no-fly list. Do the Minister of National Security and the Chief Immigration Officer have a no-fly list? Can we advise people? Are there any Trinidadians on that no-fly list? Have they had the benefit of all corrective measures available to them?

The other list is that of people who are to receive additional searching at security. What does this mean? Does this apply in our context? The passengers'

names are approved for list inclusion on the basis of secret criteria. You are invading the privacy of people. You are only concerned about passing legislation. The information is supplied by intelligence agency. We know what obtains in Trinidad and Tobago. The junior Minister of National Security always tells this House, we have information on you and you and you. You could manufacture information on any Member of Parliament as you have done in the past or any businessman. When you heard the Member for Diego Martin East, some of those business people he attacked today, would now be in a particular list and you could use that because you are the Government of Trinidad and Tobago. You have a habit of using the police service to do your dirty work. We have seen many instances of that.

In fact, this is a very important observation. Recently, in the courts of Trinidad and Tobago I observed two particular cases. In both cases they used the same Queen's Counsel from the United Kingdom and in one, they were able to get a particular verdict and in the other one, they also got the verdict that they wanted. You saw the intervention of the risk that I am raising here.

**Mr. Hinds:** Would the Member give way?

**Mr. Sharma:** Are you going to say something intelligent?

**Mr. Hinds:** In the past, when the Member for Fyzabad alleged that he was cuffed and sought to get the police to take action, was he not trying to get the police to do dirty work?

**Mr. Sharma:** You never fail to disappoint me.

The passengers' names are approved for list inclusion on the basis of secret criteria. The Minister has just confirmed it. That is how they operate. If you are against the PNM they would put you in a secret criterion. Nobody would know about it. The information is supplied by intelligence agencies. These are PNM created agencies. They have a police service and a parallel police service. They have one under the Commissioner of Police; one under the Minister and maybe, one under the DPP too, the Brigadier. Look what this country has reached to.

The documents do not show that the agency has any due process rights or suspected passengers or any easy method for individuals to take their names off the list. I want the Minister to tell the Parliament the list of all persons who are on the no-fly list. *[Interruption]* That is okay. I am doing my duty. I am talking to the national community on Channel 11. I ask the Government to provide a list of all Trinidadians and Tobagonians who are on the no-fly list. *[Interruption]* Again,

even in joke the Leader of Government Business says, “Your name might be there.” I do not doubt that. That is how the PNM operates.

**Mr. Imbert:** No extension of time for you.

**Mr. C. Sharma:** Whether it is there or anywhere, it makes no difference to me. No extension. That is okay. Who cares? [*Interruption*] You go and enjoy your \$550,000 party.

Europe and US negotiate passenger record access changes. This is the kind of information we must have. We must be able to exchange information. When you bring legislation and you want the Opposition’s support you must not present a Bill and end the story there. When we are finished, you say that the Member for Oropouche or the other Members said certain things and I am responding to that; close the Bill; you have a simple majority and you go home. It affects the people of Trinidad and Tobago.

There must be a campaign against a profiling of passengers. You cannot allow that. It is an invasion of privacy. People have religious practices and there might be invasion of religious practices. When this matter came up in the European Parliament—

**Mr. Valley:** The President did not invite you?

**Mr. Sharma:** It is tonight. The Member for La Brea and I have another place to go.

What is the punishment for the passenger? When the passenger’s rights are infringed would you have corrective measures? You talk about punishment of \$600,000 for the airline. How would a passenger standing for his right and refusing to give certain information be protected? You are opening a can of worms and leaving the poor passenger to defend himself. You want us to legislate that.

In the case of vessels or even an aircraft, do you expect the pilot or ship’s captain to visit all the cabins with 3,000 passengers? How will he be able to ascertain information? You have not thought out this. You are following what some external partner wants you to do. Why are you doing it? To say that you are the Minister who cooperated in bringing legislation.

I raise the question about vessels and the number of entry points in Trinidad which are known to the Government. My colleague, the Member for Oropouche, talked about Pier 1. We know that that has been used as a transshipment point for

drugs. It has a Government connection and it continues to be used. I do not know for what.

**Mr. Speaker:** You cannot stay there and make these statements. You know better than that. Could you come off the boundary and either get to slip or short leg or something. You are parading on the boundary too long.

**Mr. Sharma:** I see you do not want me to go long leg.

**Mr. Speaker:** No.

**Mr. Sharma:** I will remember that.

We are legislating to bring 100,000 persons to the Caribbean. If Trinidad is the centre of focus, if 30 per cent come here that is 30,000 persons. We must ensure that the legislation takes into account that they would go to Maracas or Cedros and while they are there a ship or boat may be coming with pirates; shoot them and there is no protection. That is a major concern for all of us. The Minister is saying that they would charge the captain of that ship \$600,000 if he fails to tell us who is on the ship. That does not make sense. We want to know what is on that ship.

Everyday we see a young child being destroyed or families being broken up because of cocaine use. It means to say that the cocaine is coming through our ports, whether seaport or airport. During this period more ships and aircraft would come. Where is the protection? We will legislate to bring 30,000 persons who may bring a revenue of \$30 million into the country. Great! But with that \$30 million will \$100 million come in cocaine that would destroy our country and economy? In that shipment will another thousand handguns come in? There are 360 murders. Would it move to 560?

I am very concerned and I am asking the Minister how this information would be communicated. When the information fails to get to the point that it is being sent for whatever reason, what is the protection? I am thinking about the young pilot who might be faced with a \$600,000 bill through no fault of his. *[Interruption]* Thank you. They destroyed that too. "Hear nah, when yuh make a list of everything all yuh destroy, Caroni, BWIA, National Fisheries, Tanteak, Air Caribbean, Lord, the only thing left to destroy is the PNM."

As I indicated I intend to be short. I do not wish to seek an extension because I think that some of us should really go to observe that party, \$550,000 and young Shenelle Sookoo aged 13 years Form 2 student of Holy Faith Convent was cremated last Tuesday. We are passing legislation that adds no value. With these

few questions I see the Minister went to seek some answers. I hope that you treat with the matters raised and do not dismiss them.

Thank you.

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Mr. Speaker, let me thank all Members who made a contribution during the debate. I think that it is unfortunate that from the general tenor of some of the contributions we seem to have a serious misunderstanding of what the legislation is designed to do. It is also unfortunate that even though on the basis of corrections made in another place as a result of comments raised and addressed there, persons seemed pre-prepared and those issues were still raised.

Let me as far as possible respond to some of the concerns raised. The hon. Member for Oropouche raised the concern about data protection and gave a discourse on the question of data protection.

He raised that within the context of the Memorandum of Intent signed between the Heads of Caricom and the United States government as part of the preparation of this single domestic space.

**6.30 p.m.**

The Memorandum of Intent—and again, I did not address that in my opening remarks because I spent a considerable amount of time dealing with the Memorandum of Intent in another place and I thought that we had dealt with it there—it is just that. It is a Memorandum of Intent, and the intention is to see how the technical aspects of the cooperation between Caricom and the United States—Caricom is not giving data information to the United States. As I indicated, the information is going to be matched against databases, it is going to be matched against a watch list and I gave some indication of some of those watch lists, for which it is going to be matched against.

Interpol—the United States also has a database. We are not giving the United States Government any data. No country will give data, so that we are not giving and as a result, we are not at the beck and call of the United States but more importantly, it is Caricom that requested assistance from the United States in putting together the entire network.

I heard the hon. Member for Oropouche saying this Government cannot even handle the mechanisms that need to be put in place. It is not a mechanism that is unique to Trinidad and Tobago. All of the nine countries will have the same servers and the other mechanisms that would allow for what I said was almost

immediate connectivity, real time sharing of data. Unfortunately, I cannot provide all of the specifics and the details as to how the mechanism is going to work because to do that would be to allow people to know exactly how it is going to operate and as a result exploit. I was very clear to indicate that there are certain safeguards that are going to be put in place to minimize the question about profiling and some of those other things.

Secondly, what happens in a country that has no similar legislation? It is a matter of landing rights. The IATA policy allows for circulation of developments, legal or policy, amongst the carriers in the industry. So the question if Venezuelan airlines will know that there is a requirement for this advance data process, the answer is yes, and at the end of the day there are also discussions taking place with the airlines and the airlines will know what the requirements are especially during the period of time for CWC 2007. How advance is advance prior to departure of the vessel? The one we are talking about is the 15 minutes.

Let me immediately deal with an unrelated question that the Member for Oropouche asked for us to clarify, whether or not there are threats. I guess he is talking about one of the weeklies.

Mr. Speaker, there are 19 African nationals who are here as a result of immigration rule violations. The Government has been attempting to repatriate these people for some time. One of the challenges the Government faces is getting transit—

**Mr. Speaker:** I am sure your junior Minister would like to hear you wind up as would the Member for Diego Martin East and Arouca. So please, let us hear the Minister.

**Sen. The Hon. M. Joseph:** One of the challenges we face is getting in-transit visas for the persons to be repatriated. We tried at first through commercial links. We were able to get the Spanish government to provide in-transit visas, and when we attempted to move the first group of persons from Port of Spain to Caracas, to Spain, and when they got to Caracas six of them created problems and as a result they had to be returned to Trinidad. We have been attempting to charter an aircraft to repatriate as I said these 19 Africans. Notwithstanding our best efforts we were unable to do that and as a result we had to revert. *[Interruption]* So we had to revert to commercial arrangements. To date, we have repatriated another four and my understanding is that the schedule is such that hopefully by the end of the year or at least early in January we will be able to repatriate all of the outstanding Africans who are still with us.

We are aware that some concerns have been expressed and we are, in fact, looking into that. As I said, the trigger for it is what was seen as a delay on the part of the Government to deal with the matter, but the Government is, in fact, dealing with the matter.

**Dr. Moonilal:** I have been in contact with persons in Nigeria and one of the problems I am told is that the High Commission in Nigeria is having problems contacting Port of Spain and officials at the Ministry of Foreign Affairs and the Ministry of National Security.

**Sen. The Hon. M. Joseph:** I am not aware of that but I will check into that.

Questions were asked about what happens to information received. Currently it is stored on an information database. There is no time limit for its destruction. Documents are stored on hard copy at the Immigration Department and these forms have been in existence since 1998.

I have addressed the Memorandum of Intent and a considerable amount of time was spent dealing with the Memorandum of Intent. Then there was the question about the European privacy issue.

I think it is unfortunate because the issue referred to deals, as the hon. Member for Oropouche indicated, with personal number records and not the advance passenger information records and he knows that, and as a result he said it is a precursor for more information. We are not aware of that. The infrastructure in place to receive the advance passenger information, I have indicated there is an integrated border management system, there is the system in terms of intelligence sharing system and there is a Caricom data base. I indicated earlier on that a considerable amount of time has been put in place to develop the security arrangements.

The hon. Member for Chaguanas asked what is the relationship between cricket and CWC. We are saying one of the legacy items would be an integrated security arrangement for Caricom for CSME. It would allow for the very first time and for member states to be aware of developments that are taking place within Caricom especially with respect to criminals and the whole networking that is taking place.

I have indicated, and I am again indicating to the honourable House, that we intend to come subsequently to make it permanent legislation and at which time, we would address all of the issues that Members have raised. It is not piecemeal.

**Dr. Rafeeq:** In relation to the issue you were just addressing when the Member for Chaguanas was speaking, I think you intervened and said if, for

instance, an aircraft is coming from the United States and the first port of call is Barbados and then the information will be sent to Barbados because this is now considered as one large country that is, countries of Caricom. Will the information be sent to Barbados or will the information be sent to Barbados and Trinidad and Tobago or will it be sent to all Caricom countries? What would be the position on that? Secondly, does this Bill also cover in-transit passengers who are coming on a cruise ship to spend an hour?

**Sen. The Hon. M. Joseph:** I indicated that there would be a single domestic space. The nine Caricom countries and Dominica constitute a single domestic space. Advance passenger information—if a vessel or aircraft is coming to Trinidad, the advance passenger information is received—as I indicated there is real time connectivity. There will be a processing information centre in Barbados where that information will be spelt, the information will be submitted and processed so that all nine countries will also have access to the information. A Member also indicated whether or not computers are likely to fail and so forth.

**Dr. Rafeeq:** I understand that all the nine countries will have the information at that same time. If the aircraft from Miami comes to Barbados and then there are new passengers who board the aircraft from Barbados, what about those passengers in relation to Trinidad?

**Sen. The Hon. M. Joseph:** Information with respect to those new passengers will be forwarded and as a result they will have to be processed. The cruise ship passengers, if it is they are on vessels that are of 100 tonnes, the advance information will have to be provided and also will be processed.

Under what circumstances—there was also another concern raised by the Member for Chaguanas. The Member made a lot of reference to the parent Act. Mr. Speaker, this Bill is not an amendment to the Immigration Act. This Bill is independent of the Immigration Act, and as a result there is no parentage in the Immigration Act.

Mr. Speaker, with these few words, I beg to move.

*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.*

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*Clause 2.*

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

**Mr. Sharma:** Where the word “Minister” appears, means the minister, does it also mean the person designated by the Minister? What would be the role of the Chief Immigration Officer in this context? Can you establish whether the Chief Immigration Officer can act for the Minister in such situations?

**Mr. Chairman:** The “Minister” means the Minister.

*Question put and agreed to.*

*Clause 2 ordered to stand part to the Bill.*

*Clauses 3 and 4 ordered to stand part of the Bill.*

*Schedule ordered to stand part of the Bill.*

*House resumed.*

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

#### ADJOURNMENT

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I beg to move that this House be now adjourned to Monday, December 18, 2006 at 1.30 p.m.

Mr. Speaker, one expects that it is going to be our last sitting for this year. It is simply that we have some unfinished business. There are some Members on the other side whose desire it is to speak on the Heritage and Stabilisation Fund Bill. Let me make the point that there is a possibility that we want to extend the Bail Bill. As you know, it was subject to sunset legislation. It is supposed to expire on December 21<sup>st</sup> and there might be a possibility we might have to extend it.

**Dr. Rafeeq:** Mr. Speaker, I really wanted the Leader of Government Business to tell us whether, in fact, we are doing that Bill. That Bill does require as you know special majority, and if there are Members who are absent it might not get the special majority.

**Hon. K. Valley:** Mr. Speaker, but that is the consideration. I have passed it to your Leader this evening with a note, and if we know that we have the support of Members opposite, obviously we would do it on Monday. Your Leader mentioned that you may have to have some discussions. I think Members should come expecting that that Bill will be piloted by the Government.

*Adjournment*

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**Mr. Speaker:** Before I put the question for the adjournment of the House, there are two matters to be raised.

**Pharmaceuticals/Non-functioning Equipment  
(Absence of)**

**Dr. Roodal Moonilal** (*Oropouche*): Mr. Speaker, in accordance with the provisions of paragraphs two and three of Standing Order 11, I raise as a matter on the adjournment, notably, the absence of basic pharmaceuticals, beds and the non-functioning of essential medical equipment at the San Fernando General Hospital.

Mr. Speaker, for some time now, I think the national population would be aware there have been severe hardships regarding the provision of medical services and facilities at the San Fernando General Hospital.

Throughout Trinidad and Tobago, it is no secret that the health sector is under severe stress and distress, whether it is allegations of corruption at the North West Regional Health Authority, whether it is problems at the Port of Spain General Hospital, St. Ann's, Caura, wherever you go in the health sector in Trinidad, we have enormous problems, corruption, mismanagement, the misuse of funds. While all of this is happening, the Minister of National Security and his staff have been spending millions of dollars on commercials, public relations and advertisements, all trying to tell the population that they are happy that they are doing a good job.

I am not here this evening in such a short time to speak about the problems at Mount Hope, the problems in Port of Spain. I want to address the problems in San Fernando. As Member of Parliament for the constituency of Oropouche, I visit the San Fernando General Hospital on a regular basis to see constituents and so forth, and thousands and thousands of citizens in the South particularly lower middle-income families, and low income persons, persons on public assistance, disability grants, pensioners and so forth, depend on the San Fernando General Hospital. It is the single most important health institution in South Trinidad.

Over the recent past, that institution has been under severe stress. We read in the newspapers of problems as they relate to the provision of pharmaceuticals, beds, essential medical equipment. I raise in my Motion, these three matters and I wanted to bring the evidence in the short time permitted on the three items.

The first relates to basic pharmaceuticals. I want to quote from a couple letters that have come to my attention on this matter. A letter from the acting Medical

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Chief of Staff to the Medical Chief from the Senior Pharmacist dated November 30, 2006 and the letter reads:

“Please find a copy of a letter from Mr. Nicholas George, Medical Supplies Coordinator, NIPDEC to ...the Chief Medical Officer, Ministry of Health...

As you are aware, the Institution has been plagued with non-availability of narcotics as well as other critical items for the last four months.”

This is the senior pharmacist writing the Medical Chief of Staff in San Fernando and indicating, as you are aware we have been plagued with the non-availability of critical items for the last four months. And they indicate a copy of a letter sent to the Chief Medical Officer, Ministry of Health:

“Our Medical Officers and Nurses continue to be frustrated with this unacceptable situation, for it is impossible to provide an acceptable level of care in the absence of these pharmaceuticals.

Morphine is the narcotic of choice for optimal pain management...for acute and severe post operative pain. Because of the lack of these first line agents, needless pain and suffering result.

Imagine the senior pharmacist is saying we do not have these critical items and “needless pain and suffering results”. Regrettably it can be deducted from the letter of one Mr. George that these items are not only available but they continue to have problems in borrowing these items from private and public institutions. The letter is making the point that at the San Fernando General Hospital they have resorted to borrowing from the supplies of private and public institutions critical pharmaceuticals. Letter dated November 30.

Second letter dated November 23, one week before. The letter is addressed to:

“The Office of the  
Chief Medical Officer  
Ministry of Health  
Park Street  
PORT OF SPAIN

Re: Unavailability of Narcotics.”

This letter is sent by Mr. Nicholas George, Medical Supplies Coordinator San Fernando General Hospital:

“I wish to inform you that Central Stores is virtually out of narcotic preparations, in spite of having placed purchase orders well in advance.”

And they list all the items.

The point I am making here is this is solid evidence of a state of disarray and collapse of the San Fernando General Hospital in terms of the provisions of basic and critical pharmaceuticals needed at the hospital. The senior people are complaining that for four months, they do not have pharmaceuticals which result in needless pain and suffering to the very poor people in South Trinidad who depend on this hospital for their services. This is supported by an article in the *Guardian* of Saturday, December 09, 2006. Headline: "San Fernando Hospital forced to borrow drugs".

Is this Vision 2020?

"The San Fernando General Hospital had to resort to borrowing painkillers from two private nursing homes yesterday, in order to perform between 20 and 25 elective surgeries."

They are borrowing. This is the problem, basic pharmaceuticals.

Mr. Speaker, in terms of the provision of beds at the San Fernando General Hospital, that is also a crisis. In a letter to the Medical Officers and Registrars in San Fernando from the Medical Chief of Staff dated January 29<sup>th</sup>, 2002, re: "Overcrowding of Wards", it states:

"Please be advised that ...the Medical Wards is becoming a serious problem which is leading to a crisis."

In 2002, this information as dealt with by the authorities that there was overcrowding, that there were no available beds in the hospital and the Medical Chief of Staff, Dr. Austin Trinidad and it reads:

"Please be advised that overcrowding on the Medical Wards is becoming a serious problem..."

I would like to suggest that when your wards have been completely filled and there are no other available beds in the hospital, that the Accident and Emergency officers are immediately advised to inform patients that the hospital is full and no beds are available, thus giving patients an option to seek alternative courses."

Mr. Speaker, there is no alternative for poor people. Poor people are not like Ministers of Government; they cannot be treated at private institutions for exorbitant amounts of money. They cannot afford care at the elite private medical centres, they depend on the hospitals. Imagine in 2002 the Medical Chief of Staff raised the flag to say there is a problem with beds telling the Accident and

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Emergency section that when people come to send them somewhere else, they do not have beds. We are in 2006 and there is still this complaint about the lack of beds at the San Fernando General Hospital, the lack of space.

And as if that was not bad enough, there is now the problem with security, another headline:

“Security Woes plague Sando hospital.

Staff concerned about personal safety”

This is in the *Guardian* of Thursday, December 14, 2006. Mr. Speaker, they had had problems with security at that hospital for the protection of medical staff and protection of property in terms of cars and so forth.

Mr. Speaker, the final point I want to raise which is really touching to me as a Member of Parliament is at that hospital the CT scan equipment has been in a state of disrepair for some time now, for months. They have not fixed it—[*Interruption*] It is not working now, is that true? In any event, the Minister will have to explain why they were referring persons for CT scan at a private medical institution in South.

**7.00 p.m.**

If that was working, then the Minister will have to tell us that the hospital had no reason to refer a patient to the Southern Medical Clinic on November 27, 2006. [*Interruption*] I have a bill from a medical institution in south for a CT scan, referred by Ward 3, San Fernando General Hospital, on November 27, 2006, the cost to a poor family to get a CT scan being \$2,775.

**Mr. Rahael:** What is that name of the patient?

**Dr. R. Moonilal:** I will pass this to you.

I have, this week, written to the Chief Executive Officer, Mr. Harris, in San Fernando. I have copied that letter and all bills to the distinguished Minister of Health and I have called upon the Ministry and the San Fernando General Hospital authorities to reimburse 100 per cent all the moneys paid by the poor people who were referred by the hospital for CT scans at a medical facility in San Fernando.

**Mr. Rahael:** What are the names of the people?

**Dr. R. Moonilal:** I have three cases. Do you want me to call the names for you? Samdaye Harbachan. Write that! You can spell that? I will send the bill for him; he cannot spell anything resembling Moonilal and Harbachan and so on. It is not John Lewis we are dealing with here.

I have three constituents, but there are many more in south who have had to be referred from the San Fernando General Hospital for CT scans. I have written to the hospital authorities and copied to the Minister and I call on him this evening to explain why that machine was not functioning; for how long it was not functioning and to assure us and the public that the persons who spent their money will be reimbursed 100 per cent for their expenses.

What is even more disgusting is that, in Trinidad and Tobago, under Vision 2020, a dog went to the hospital at Mount Hope and got a CT scan free of charge and the poor people in San Fernando have to pay thousands of dollars for a CT scan. Under this Government, even the dogs are better off than the poor people of Trinidad and Tobago. Let them answer why poor people must pay.

Mr. Speaker, within recent times, a child named Sookoo died and when they investigated it was because there was no room and they could not do surgery in time. What angered the residents in south Trinidad is that when the doctor was interviewed he said, in the most dismissive way, with contempt, that these things happened and that it was an untimely death; as if that child was not the daughter of someone, a member of a family, a sister. Worse, that doctor without a heart said that they should have called him, as if every patient in south Trinidad, the 50,000 persons, should call him on his cellular if they do not get surgery on time. That is the contempt that the authorities at the San Fernando General Hospital have demonstrated.

I call upon the Minister to show some compassion, even if he has to manufacture it, and tell us what they are doing to help the people and, finally, to tell him to tell the San Fernando General Hospital authorities that, instead of spending \$400,000 on a Christmas party to drink premium Scotch and to “wolf down” ham, they should return the money to the poor people for Christmas 2006.

**The Minister of Health (Hon. John Rahael):** Mr. Speaker, first of all, let me dismiss that last remark about the San Fernando Regional Health Authority spending the sum of money that he indicated for any party for Scotch and so on. I have no idea of that and I do not think that is accurate. [*Interruption*] That is not accurate. Like everything else that was being said by the hon. Member for Oropouche, it leaves a lot that was not said.

First, let us talk about pharmaceuticals. The Government of Trinidad and Tobago has made available all the necessary funding to purchase pharmaceuticals for all public health institutions, to satisfy the requirements of all public health

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patients of our institutions. Nipdec has been commissioned, for many years, to acquire and distribute the medication to all public health institutions in Trinidad and Tobago.

We know that at times, for whatever reason, either Nipdec not getting the orders on time or running low or short on the supply of a particular medication, they cannot make it available to the RHAs. This is not something new, but this Government has decided to inform all the RHAs that if at any time, for whatever reason, they do not get the required supplies from Nipdec, they have the authority to go out and purchase the medication at any public pharmacy or from the agents; or borrow. In other words, we are saying to the RHAs that they have no cause for not having the medication, as long as it is available in Trinidad and Tobago. [*Desk thumping*] We have given them the authority to go out and ensure that they get it, so there is no excuse for not having the medication.

Look at what happened when he talked about the surgeries being cancelled. The doctors waited until the morning in question to notify the Medical Chief of Staff and the Chief Executive Officer that they do not have the drug and, therefore, they were cancelling the elective list of 20 or 25 patients who were entitled to have surgery that day.

There is a policy that no surgery should be cancelled because of lack of medication. When they informed the Medical Chief of Staff and the CEO that morning at 7.45, after they had cancelled the entire day, by 10.00 a.m. the medication was available. Why was the medication not available before? That was a whole question of notification and management; the doctors waiting until the last minute to indicate that to the management.

When it comes to pharmaceuticals, we have gone beyond; we have provided policies; [*Desk thumping*] we have provided all the requirements, so that the RHAs will have no reason for not having the medication. That is it with medication. I will not talk about the Chronic Disease Assistance Programme (CDAP). We will leave that for another time.

With respect to beds, the Member for Oropouche talked about a shortage of beds. There is a shortage of beds in all our hospitals if patients are allowed to remain there without being discharged. You will recall that in San Fernando itself, there was a doctor's brother living in the hospital. [*Interruption*] Before I reach to the woman—he actually took up residence in the hospital and that doctor himself

saw nothing wrong with it. I had to intervene. As a matter of fact, I had to get another place for that doctor's brother to go so that he could be removed.

**Mr. Sharma:** Shanelle Sookoo was sent home to die.

**Hon. J. Rahael:** Then there was a doctor who was actually practising privately in High Street and who would get up every morning and go down there. That went on for the entire period they were in government. [*Desk thumping*] [*Interruption*]

**Mr. Speaker:** Hon. Members, the Hansard reporter is having great difficulty because the Minister is speaking and you all are doing the same thing; all of you. Let the Minister speak and let the Hansard reporter be able to take down what he is saying.

**Hon. J. Rahael:** When we found out about it, we did something about it. They did absolutely nothing, so when it comes to the question of beds, it is a fact that doctors need to make rounds in the afternoon in order to discharge the patients when they should. As you all know, we are having serious difficulties with the time doctors are putting in, in our hospitals. Again, this is not something new. Steps are big taken to address that but, in due course, you will see that unfolding. [*Interruption*]

**Mr. Speaker:** I do not want to invoke the Standing Orders. For disorderly behaviour, I can put any Member out, you know. So, please! Continue, hon. Minister!

**Hon. J. Rahael:** Thank you, Mr. Speaker. This term, we increased the number of beds at the San Fernando General Hospital. [*Desk thumping*] Did they increase the number of beds by one? We increased it by over 100 beds at the San Fernando General Hospital. [*Desk thumping*] [*Interruption*]

**Mr. Speaker:** I am giving all Members the last opportunity to behave; otherwise I will put any Member who is misbehaving outside. I mean that.

**Hon. J. Rahael:** Mr. Speaker, we opened two new wards in San Fernando—an orthopaedic ward and a general surgery ward. Those are state-of-the-art wards, air conditioned, and, as I indicated, over 100 brand new beds.

I talked about pharmaceuticals and about beds, now let us talk about the equipment. This Government has outfitted the San Fernando General Hospital, like the Port of Spain General and the Eric Williams Medical Sciences Complex,

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with state-of-the-art equipment over the past five years. Mr. Speaker, for the very first time in San Fernando General, there is a C-arm, so that when they are doing surgery, the surgeons would be in a better position to carry out the surgery more professionally.

We have put in a 16-slice CT scan at San Fernando General Hospital. We also, as a forward-thinking Government, knowing that maintenance is a critical part—

**Dr. Rafeeq:** Mr. Speaker, on a point of order, the Minister is misleading the House. They have not put in a 16-slice CT scan at San Fernando General Hospital. It is not true. [*Crosstalk*]

**Hon. J. Rahael:** Mr. Speaker, I withdraw that. The Member is correct. The 16-slice CT scan is at Mount Hope. There is a new CT scan put in at the San Fernando General. I thank you for that intervention.

I am making the point that, not only did we provide new equipment for our general hospitals, having recognized in the past that one of the main areas is that of maintenance, we, in putting out the bids, incorporated a maintenance contract, so that CT scan had a maintenance service contract. I have a list of all the patients who required CT scans and who were sent to the Executive Medical Director of the San Fernando General Hospital and could not get one done because the scan was down; those who were sent to the private institutions to have the scans done.

Based on our maintenance contract, the supplier will pay for every CT scans that was referred from the San Fernando General Hospital to any private hospital. [*Desk thumping*] Do you understand the kind of forward thinking this Government did? Not only did we take out the maintenance contract, we talked about downtime. If any machine is down for more than a certain period of time, then they are responsible for it.

It was down for approximately two weeks. The machine was operational last Friday when it was brought to my attention by the Member for Oropouche and the fact is that money will be paid by the supplier of the equipment to all those patients referred by the San Fernando General Hospital to a private hospital. [*Desk thumping*] However, we are not going to pay individuals, who may be friends of the Member for Oropouche, who may have gone to a private institution, gotten a CT scan, without being referred by the San Fernando General Hospital. That is why I was asking the names of patients to which he was referring. [*Interruption*]

**Mr. Speaker:** Order, please!

**Hon. J. Rahael:** So, Mr. Speaker, this Government is improving the delivery of health care in Trinidad and Tobago. I will speak more about that at another time.

To deal with the Motion on the Adjournment, all the funding of medication required is provided for and all RHAs can access the medication on their own if they cannot get it from Nipdec, the supplier. With respect to beds, we have opened new wings and added new beds, when they did not add one bed. With respect to equipment, we have installed state-of-the art equipment in all our major hospitals and, more than that, we have taken out maintenance contracts and in those contracts any time the machine is down for more than a certain period of time, the supplier will reimburse the hospital for patients being sent to private institutions to have it done.

I thank you.

#### **Flooding in Penal/Debe Region**

**Mrs. Kamla Persad-Bissessar** (*Siparia*): Mr. Speaker, I rise to deal with a matter on the adjournment with respect to flooding in the Penal/Debe region, Barrackpore and Caparo and the absolute and persistent failure of the Government to take the requisite steps to alleviate the problem of flooding in Penal, Barrackpore, Oropouche, Caparo and environs.

Last weekend, the villagers of Penal, Debe, Barrackpore and Caparo were virtually marooned in their homes following very heavy rains on Saturday and Sunday, which continued into Monday. There was great devastation in the area with respect to the loss of livestock, crops, damage to property and homes and the health risk that comes from having flood waters in the area that are still affecting residents.

Before I give more details about that, I would like to indicate to this House that, on Monday, I made a public call for assistance for the residents of these areas, who had suffered damage and loss. The Prime Minister, in a media statement coming out of his office on Tuesday, promised villagers food and water, following a tour of the affected district by officials of the Office of Disaster Preparedness and Management, Ministry of Works and Transport.

I record with great concern and, of course, with disgust, that, as I stand to speak now, not a single grain of rice or a single drop of water has been delivered to the affected residents as at today, Friday, following the flooding.

When the flooding took place in Sangre Grande, the very next day food and water were taken to these residents. When the flooding took place in Mayaro,

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Tunapuna and other areas, the very next day they received food and water. Instead, what is happening to the residents of Penal, Debe and so on is that through the regional corporation they are being asked to compile a list of names and the corporation has been doing that I am totally, absolutely disgusted with the contempt with which this Government has treated residents of this area and the Members of Parliament for these constituencies.

I raised this matter since Monday. The Prime Minister made his promises on Tuesday. Today, the one day at 1.30 p.m. that I am in the Parliament, this is when the Minister of Local Government is touring the constituency of Siparia, in my absence. I am the representative of the people. They come to me with their problems. I raise their problems. The Prime Minister made a promise, yet again, which has not been honoured, and today the Minister of Local Government, knowing this Motion will be raised in the Parliament today, is in the constituency touring, starting from 1.30 p.m.

He did not come with food and water, but one week later, he is touring up and down Penal Rock Road, Debe and those areas without bringing any relief whatsoever for the residents of the area. They will come one week later when the flood waters have gone. They will not come when the flood waters are there. They will not come to see the damage and suffering of these poor people.

It hurts me to know that, today, in the Mount Hope hospital, Minister of Health, a party that costs over \$.5 million is taking place. I have the budget proposals here. It was approved for \$396,000 for a party at Mount Hope. The final amount was \$550,000. Out of that \$165,000 is being spent on T-shirts. These are people in Debe who do not have a single thing to eat and drink because of the flooding and this callous Government, up to today, despite the pleas and the promises, has failed to come down there.

This did not happen today. In 2004, the Prime Minister visited when a similar flood had taken place and large areas were affected. Similarly, I was not advised as the Member of Parliament for the area that the Prime Minister would be visiting the Penal area in the constituency of Siparia. I was told that he was in the area and I went to look for him. I did that, fortunately, because where the officials he was with were taking him was not where the flood waters were. I was able to take him where the flood waters were and these were so bad two days after the flooding that the Prime Minister stopped his car and would not proceed across the water. It was still so bad.

Following that tour, with the then Minister of Works and Transport, officials from the Ministry of Local Government and other officials from the Office of

Disaster Preparedness—there were 20 technocrats in full view of the public; all the cameras; all the media—the Prime Minister said that whatever was needed to deal with the flooding problem, let us deal with it. He asked the technocrats of the Penal/Debe Regional Corporation to prepare an estimate. Thereafter, the Member for Oropouche, the technocrats, the officers, councillors and the chairman, Allan Sammy, of the Penal/Debe Regional Corporation and I prepared a document of what was needed. That letter, sent by the Penal/Debe chairman, set out an estimate with a breakdown of what was needed for repair works because damage had now occurred to many bridges, culverts and drains and so on and further remedial works were needed to try to abate future flooding. At that time, \$15.4 million was the estimate in the letter sent to Mr. Manning on November 26, 2004 by the chairman of the corporation.

I wrote to the Prime Minister myself on December 13 because up to then nothing had been done in spite of the promises. I pointed out that the figure of \$15.4 million communicated to his office on December 08 was very conservative and that at a meeting of senior government officials chaired by his Permanent Secretary certain measures were eliminated from the first roster of what was to be done. The original sum was decreased by about 93 per cent and came down to \$1.2 million. From an original estimate of \$15.4 million, it was whittled down to \$1.2 million and, of course, all that money was never released. That was in 2004.

The floods came again in January. The floods came again in January 2006. It is back here in November and will be back again in January. So the chairman of the corporation has again written a letter to the Office of Disaster Preparedness and Management setting out what is needed for the flood victims and for the area as a whole. They have given again a breakdown and an estimate. They have outlined the areas that have been affected and they have sent what they feel could be assistance for immediate relief.

One thing for immediate relief will have to be food and water for those who have lost their belongings. Immediate relief also has to be with respect to the health problems because the entire area needs spraying and cesspits need cleaning. They do not have the equipment, chemicals or the manpower with respect to the spraying and they need to get these urgently before people fall ill. After the flooding, there are mosquitoes and bacteria that could lead to serious health problems for the residents in the area. Immediate as well are certain things that should be done in the short term. This is action plan to deal with the flooding. So there is the short term immediate request and these are the things being requested.

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I heard the Prime Minister speak on Tuesday night about setting up a drainage authority for a comprehensive plan to deal with flooding. We have been there and done that. We have been hearing that for five years now and year after year the Government continues to pay no attention to the infrastructure whether it is local government, Ministry of Works and Transport or Ministry of Health, so the flooding continues year after year. I am saying that the residents who have been affected are now being treated callously. I do not know who will respond because this touches the Ministry of Health and the Ministry of Local Government, who is right now in the area.

I raise publicly today that I was advised that there is one councillor in one of the areas that were seriously affected, who is a PNM councillor. I am being told now that the Minister came today and talked about hampers and they are going to give 100 hampers to that area where the PNM councillor is and maybe 20 or 15 to all the other areas. I say right away that that is disgraceful. I ask whoever is responding on behalf of the Government that you give the same treatment to Penal, Debe and Barrackpore that you give to Mayaro and Sangre Grande.

**Mr. Valley:** I can say Diego Martin, too.

**Mrs. K. Persad-Bissessar:** And the same to Diego Martin, of course; to any part of the country. I agree with what the Member for Diego Martin Central is saying. The Penal residents who are there now, every flood that comes they get it and nothing is being done. I am talking about the persistent failure to deal with the flooding problem.

Secondly, we are talking about rural folks who are very, very poor people and I am asking for equity of treatment. I am saying further that this 100 hampers to the Diptee area will not work, therefore you need to send more. I spoke to the Prime Minister personally because I saw that he was leaving. I brought it to his attention that something was happening there that seemed to be going wrong all over again; nothing had come, in spite of his promise on Tuesday, of food and water and I was hearing that they were going to pick up 100 hampers and give it to the PNM councillor to distribute to this area.

I proudly say thanks to the kindness and goodness of heart of some UNC supporters that yesterday I was able to go in the area and distribute 50 hampers on my own within the affected areas. We need more than that, so I ask Government to use its resources in the Oropouche constituency, which is the Debe and Penal area and Barrackpore, which is the Naparima end.

With these words, I wait to hear, with bated breath, the promise—[*Interruption*] I gave all that I had to that area. That was a very heavily affected area. I went in yesterday. [*Interruption*] No, no, no. I went into all the areas. I could just have gone into one. I gave 50 hampers there. I am going into the other areas. I did not have time yesterday.

I should not be taking only private citizens funds to assist. This is a disaster brought about by the failure of Government to deal with the flooding problem and I should not have to beg everybody for 5 cents and 10 cents. The Member for Diego Martin Central and the Member for La Brea are totally agreeing with me. That is what we have the social services delivery for. That is what the funding is for and it cannot be that what is good for Peter is not good for Harry. It must be the same.

So, Member for Diego Martin East, I would be very happy to hear about your great plans for drainage authority and what you will dredge. I really want to hear something about getting immediate relief to the residents of Penal, Barrackpore, Debe and, of course, the Caparo region.

I thank you, Mr. Speaker.

**The Minister of Works and Transport (Hon. Colm Imbert):** Mr. Speaker, if the hon. Member wanted to hear—[*Interruption*]

Mr. Speaker, would you quieten the noises over there? If the Member wanted to be updated on the relief effort, then the Motion should have addressed that. The matter raised on the Motion on the Adjournment of the House deals with steps to alleviate the problem of flooding. If you examine the—[*Interruption*]

Mr. Speaker, would you?

**Mr. Speaker:** I think the Minister is appealing for protection. Let us hear him.

**Hon. C. Imbert:** When the hon. Member was speaking, I did not interrupt her, neither did I—[*Interruption*] Mr. Speaker, would you really quieten that side? I appeal to you.

This Motion addresses steps to be taken to alleviate the problem of flooding. In no part, no word, no full stop, no comma, no semicolon—no part—does it express anything to do with any relief effort or assistance required.

**7.30 p.m.**

Therefore, how on earth does the Member for Siparia expect any Government Minister to be a clairvoyant, a psychic or have some kind of insight into the inner

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workings of the mind of the Member for Siparia? The Member for Siparia has brought a Motion to deal with steps specifically to alleviate the problem of flooding in the Penal, Barrackpore, Oropouche—[*Interruption*]

**Mrs. Persad-Bissessar:** Mr. Speaker, under Standing Order 33(4), which speaks about being misquoted or misrepresented, if one is to read the wordings of the Motion, it is not what the hon. Member is saying.

**Mr. Speaker:** It is not a Motion; it is a matter raised on the Adjournment. Please continue.

**Hon. C. Imbert:** The matter to be raised is absolute and persistent failure of the Government to take the requisite steps to alleviate the problem of flooding in Penal, Barrackpore, Oropouche, Caparo and environs. At no point in this notice is there is anything to do with any relief effort, any offer of food, water—nothing. This is purely a matter that addresses infrastructure issues. The Member for Siparia is very well aware of that. I know and the Member knows that I know that the Member has a certain command of the English language and is able to comprehend and interpret the English language. Since the notice of the matter does not in any way address anything to do with any relief effort, I will deal with the matter that has been raised in this notice.

There is certain misinformation put on the record by the Member. Let me correct the record. The Member spoke about an estimate of \$15.4 million, arising from flooding that took place in fiscal 2004/2005 in the Penal/Debe region and alleged that the \$15.4 million budget was reduced to \$1.2 million and further alleged that of the \$1.2 million, not the entire amount was released to the Penal/Debe region. That happens to be entirely untrue.

Mr. Speaker, the Penal/Debe Regional Corporation for fiscal 2004/2005 received an original allocation of \$750,000 for their drainage programme. After the midterm review in 2005, they received a supplementary allocation of \$5 million. After the flooding referred to by the Member for Siparia, they received a further supplementary allocation, resulting in a total allocation to that municipality for fiscal 2004/2005, of \$10,380,000. Those are the facts. Members opposite are, warned not to come in this House and give misleading information. I have the actual allocations for every municipal corporation in fiscal 2004/2005 and I can say without any fear of contradiction that the Penal/Debe Regional Corporation received the highest allocation of the 14 regional corporations in Trinidad in fiscal 2004/2005, \$10.38 million. This hard luck story that a certain

budget was agreed on and it was reduced to \$1.2 million—When I went to school \$10.4 million could not go into \$1.2 million. The fact is that the Penal/Debe Regional Corporation received an enhanced allocation. Because of this caring Government on this side, they received an enhanced allocation in that fiscal year of \$10.4 million.

Let me move on. Since the notice dealt with steps to alleviate the problem of flooding—it had nothing to do with water, food, OPDM or anybody going to provide relief—it was steps to alleviate flooding. Let me deal with steps to alleviate flooding. In fiscal 2005/2006, the Ministry of Works and Transport spent \$10 million in Barrackpore and surroundings. It cleaned 22 rivers and tributaries at a cost of \$3.4 million; desilted seven rivers at a cost of almost \$2 million and upgraded the Mitchell Drain at a cost of almost \$5 million. In Siparia, Penal and surroundings it also cleaned 22 rivers at a cost of \$3.4 million; desilted seven rivers at a cost of \$1.8 million and upgraded the Goolcharan River. This is not work to be done, this is work done. We upgraded the Goolcharan River at a cost of \$5.9 million, a total expenditure of \$11.1 million.

In Oropouche, the Ministry of Works and Transport cleaned 18 rivers and tributaries at a cost of \$2.7 million; desilted 12 rivers at a cost of \$2.8 million; and upgraded the New Cut Channel at a cost of \$4.5 million, a total of \$10 million.

In the Caparo and Mammoral areas, the Ministry of Works and Transport constructed the Santa Phillipa Bridge—I opened that myself the other day—at a cost of \$2.9 million; dredged and straightened the Caparo River. I was right there on top the bridge over the river a couple of weeks ago—at ten locations at a cost of \$2.9 million and desilted 15 tributaries of the Caparo River Basin, at a cost of \$5 million; a total expenditure of \$10.7 million. When you add the expenditure in the areas mentioned in the Motion, the Ministry of Works and Transport spent in excess of \$40 million.

If you look at the amount of money that was spent on dredging and clearing rivers when that administration was in office, when they were in charge of the government in the constituencies that they represented, they spent a fraction of \$40 million in those constituencies. [*Continuous interruption and crosstalk*]

The other thing that—[*Interruption*]

**Mr. Speaker:** Hon. Member for Caroni Central, I am imploring you as the Opposition Chief Whip to educate your Members about Standing Order 40. I

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think I have just about had it with Members on both sides but in this particular instance Members opposite flagrantly breaching Standing Order 40. Carry on.

**Hon. C. Imbert:** Let me recap. We spent over \$40 million in fiscal 2005/2006 in those areas listed in this note by the Member, over \$40 million. That is at least five times what they sent in that area in any particular year, when they were in government. That is their area.

I also think it is necessary for people to understand what is going on. We are talking about rainfall that occurred on and around December 10. It is a myth being propagated by Members opposite and their colleagues that the Caparo River overflowed. It most certainly did not. On December 10, the Caparo River performed extremely well, it affected nowhere, there was no overflow and no spillage out of the Caparo River. That was because of the—*[Interruption]*

**Mr. Speaker:** Anytime you want to bring a Motion against the Speaker, feel free. You are the closest to the Hansard Reporter. I do not know what the problem is. Is it because the Hansard Reporters are women that you behave that way? It is totally disgusting. Please, continue.

**Mrs. Job-Davis:** Unmannerly, insulting!

**Hon. C. Imbert:** Because of the work done and the expenditure by this administration, because we are a Government for all—and because of the almost \$11 million spent in improving the drainage infrastructure in the Caparo area, in fiscal 2006—there was no overflow or spillage from the Caparo River during the periods of heavy rains, what happened in Caparo because we dredged the river, straightened it and built the—*[Interruption]*

**Mr. Sharma:** Mr. Speaker, the Member is misleading. There was flooding. It was reported in the print and electronic media. He is overdoing it.

**Mr. Speaker:** Please, continue.

**Mrs. Persad-Bissessar:** They do not understand the Standing Orders. The main problem in the Caparo—*[Interruption]*

**Mr. Speaker:** Please, Member for Siparia, you cannot sit there and accuse a Member of lying. You know that. *[Continuous Interruption and Crosstalk]* Please, I am asking you to withdraw the statement.

**Mrs. Persad-Bissessar:** He is lying.

**Mr. Speaker:** You cannot sit and accuse a Member of lying and now you are saying—I am asking you to uphold the dignity of your office and do the proper

thing. [*Continuous interruption and crosstalk*] No, no, please. You have to withdraw. I am on my legs.

**Mrs. Persad-Bissessar:** He should uphold the dignity of his office.

**Mr. Speaker:** I am on my legs! Take your seat. [*Interruption*]

Please, Member for Nariva. Member for Siparia, I am asking you to withdraw the statement.

**Mrs. Persad-Bissessar:** I was saying that as an aside.

**Mr. Speaker:** No, you cannot sit—I have heard it, Members opposite have heard it and I am sure the Hansard Reporter has it recorded. Please, withdraw the statement.

**Mrs. Persad-Bissessar:** I withdraw it, Mr. Speaker.

**Mr. Speaker:** Thank you.

**Mrs. Persad-Bissessar:** I do wish to say that I am really disturbed with the statement made to the Member for Oropouche. I did not see where women came in to what he had to say.

**Mr. Speaker:** Please, take your seat.

**Mrs. Persad-Bissessar:** That was disrespectful too.

**Mr. Speaker:** Take your seat. Please, continue.

**Hon. C. Imbert:** I certainly hope that I would get copious injury time. Hon. Members opposite want to dwell in ignorance. I am seeking to educate them. I repeat, because of the expenditure of \$10 million and the work done in the Caparo area in fiscal 2006, there was no overflow of the Caparo River on December 10. What happened—they do not want to know—was that there was overland flow not reaching the Caparo River quickly enough. Mr. Speaker, they are like children.

In addition, some of the areas in the Caparo Basin, this is well known, are low lying and one of the projects we are engaged in right now is to elevate some of the areas in the Caparo area, in addition to the bridge that we have put in and the dredging that we have done on the Caparo River. If they would not behave like little children, I would educate them.

The other thing that Members opposite need to understand is that they need to deal with the facts. The mean rainfall for December, the 30-year average rainfall—

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[*Interruption*] Mr. Speaker, I did not interrupt the Member for Siparia—for December is 155 mm. [*Interruption*]

**Mr. Sharma:** That is the level of the House? What a shame!

**Mr. Speaker:** Order.

**Mr. Sharma:** What a shame! What a shame!

**Mr. Speaker:** Member for Fyzabad, would you keep quiet. [*Interruption*] I have heard you too. Please, I am sure you want to withdraw that statement.

**Mr. Bereaux:** I beg to withdraw.

**Hon. C. Imbert:** What I am stating now are the facts. The 30-year average mean rainfall for December is 155 mm. The rainfall for the whole of December 2005 was 141 metres. I am speaking to you, since they do not want to hear.

**Mr. Speaker:** Member, you have one minute more.

**Hon. C. Imbert:** On December 10, 2006 the rainfall in Penal on one day was 130 mm. You have a situation where, in December 2005, the rainfall for the whole month, the aggregate, was 141 mm and on one day in 2006, December 10, it was 130 mm. Almost the entire monthly rainfall for the 30-year average for December fell on one day in the Penal area.

Under those circumstances, there is no drainage system in the world that can deal with that kind of rainfall intensity. Members opposite have to grow up. We are dealing with issues here. The Government has spent \$40 million, dealing with drainage infrastructure in that area. It has reduced and minimized the frequency of flooding. The Government will continue to spend millions of dollars upgrading the infrastructure in that area and will continue, notwithstanding the childish behaviour of the Members opposite, to upgrade the drainage infrastructure in the Penal area in order to assist the citizens of Penal.

I thank you, Mr. Speaker.

**Dr. Hamza Rafeeq:** Mr. Speaker, you did address me and ask me to speak to the Members, I wanted to say that we are getting dangerously close to an election year and the temperature will certainly go up during the coming months.

**Mr. Speaker:** I understand all of that. I did not only direct that to this side of the House. The Leader of Government Business has a responsibility too.

*Question put and agreed.*

*House adjourned accordingly.*

*Adjourned at 7.46 p.m.*