

**THE
PARLIAMENTARY DEBATES**

OFFICIAL REPORT

IN THE SECOND SESSION OF THE NINTH PARLIAMENT OF THE REPUBLIC OF
TRINIDAD AND TOBAGO WHICH OPENED ON DECEMBER 17, 2007

SESSION 2009

VOLUME 9

SENATE

Tuesday, July 07, 2009

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence to Sen. The Hon. John Jeremie SC who is out of the country.

SENATOR'S APPOINTMENT

Mr. President: Hon. Senators, I have received the following correspondence from His Excellency the President, Prof. George Maxwell Richards, T.C., C.M.T., Ph.D.:

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

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

/s/ G. Richards
President.

TO: MR. NOEL GAYLE

WHEREAS Senator John Jeremie is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NOEL GAYLE, to be temporarily

Senator's Appointment
[MR. PRESIDENT]

Tuesday, July 07, 2009

a member of the Senate, with effect from 7th July, 2009 and continuing during the absence from Trinidad and Tobago of the said Senator John Jeremie.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 6th day of July, 2009."

OATH OF ALLEGIANCE

Senator Noel Gayle took and subscribed the Oath of Allegiance as required by law.

COMMITTEE OF PRIVILEGES

Mr. President: Hon. Senators, as you know, there is a matter that has been referred to the Committee of Privileges, of which the President is the Chairman. I have had discussions with several Members, as well as certain advisors outside of the Parliament, and an issue was raised by a Member of the Committee in the first instance, and secondly, by Sen. Mark—who is the object of the investigation of the Committee—as to whether or not the President, as the Chairman of the Committee, under the circumstances, and as a participant in the events leading up to the matter that gave rise to the matter being referred to the Committee, should not recuse himself from the proceedings that would take place.

I have given the matter considerable thought, and on balance, so that all fairness would seem to be done and that the matter could proceed as quickly as possible, without creating any unnecessary obstacles, I have decided to recuse myself from the Committee.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you, Mr. President. Mr. President, having regard to your ruling, I rise under Standing Order 24(d), and beg to move that in accordance with the provisions of Standing Order 83(1), this Senate agree to suspend Standing Order 67(2).

I also beg to move that in accordance with Standing Order 73, that this Senate appoint Sen. George Hadeed, the Vice-President of the Senate, as the Chairman of the Committee of Privileges for the matter involving Sen. Mark, only.

Mr. President: Hon. Senators, the question is that Standing Order 67(2) of the Senate be suspended and Sen. George Hadeed be appointed Chairman of the Committee of Privileges for the matter involving Sen. Mark, only.

Agreed to.

LOCAL GOVERNMENT BILL**Joint Select Committee
(Appointment of)**

Mr. President: Hon. Senators, I have received the following correspondence from the hon. Barendra Sinanan, Speaker of the House:

“July 07, 2009

Sen. the Hon. Danny Montano
 President of the Senate
 Office of the President of the Senate
 Office of the Parliament
 The Red House
 Abercromby Street
PORT OF SPAIN

Honourable President,

Appointment of a Joint Select Committee

At a sitting held on Monday July 06, 2009, the House of Representatives agreed to the following resolution:

‘RESOLVED that a Bill entitled ‘An Act to reform and modernize local government in Trinidad, to provide for certain Municipalities, the delineation of their boundaries, and their classification as cities, boroughs and regions, to provide for the continuation of certain Municipal Corporations and the establishment of new Municipal Corporations, to provide for a Municipal Council, an Executive Council and uniformed Departments for each Municipal Corporation, to specify the responsibilities of the Municipal Corporations, the Municipal Councils, the Executive Councils and the Departments and the role of the Government in relation to Municipal Corporations, to establish Central Administrative Districts and Central Administrative District Co-ordinating Committees, to repeal and replace the Municipal Corporations Act (Chap. 25:04) and to

Local Government Bill
[MR. PRESIDENT]

Tuesday, July 07, 2009

provide for related matters', be referred to a Joint Select Committee comprising an equal number of members of the House and Senate and that this committee be empowered to discuss the general principles and merits of the Bill along with the details and be mandated to report within three months.'

Accordingly, I respectfully request that you cause this matter to be placed before the Senate at the earliest convenience.

Hon. Barendra Sinanan, MP
Speaker of the House'

PRESIDENT'S EMOLUMENTS (AMDT.) BILL

An Act to amend the President's Emoluments Act, Chap. 2:50, brought from the House of Representatives. [*The Minister of Public Administration*]; read the first time.

MUNICIPAL CORPORATIONS (AMDT.) BILL

An Act to amend the Municipal Corporations Act, Chap. 25:04, brought from the House of Representatives. [*The Minister of Local Government*]; read the first time.

Motion made, That the next stage of the Bill be taken at a sitting of the Senate to be held on Wednesday, July 08, 2009. [*Hon. H. Manning*]

Question put and agreed to.

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Regulated Industries Commission for the year ended December 31, 2004. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Regulated Industries Commission for the year ended December 31, 2005. [*Sen. The Hon. M. Browne*]
3. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Public Transport Service Corporation for the year ended December 31, 1994. [*Sen. The Hon. M. Browne*]
4. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Public Transport Service Corporation for the year ended December 31, 1995. [*Sen. The Hon. M. Browne*]

Papers Laid

Tuesday, July 07, 2009

5. Draft White Paper on the Local Government Reform, 2009. [*The Minister of Local Government (Sen. The Hon. Hazel Manning)*]
6. Report on the Draft White Paper on the Local Government Boundaries Review Exercise. [*Sen. The Hon. H. Manning*]
7. Petroleum (Amdt.) Regulations, 2009. [*The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill)*]

**PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE REPORT
(Presentation)**

Sen. Wade Mark: Mr. President, I have the honour to lay on the Table the following report as listed on the supplemental Order Paper in my name; that is, the First Report of the Public Accounts (Enterprises) Committee for the 2007/2008 Session of the Ninth Parliament.

ORAL ANSWERS TO QUESTIONS

**Motor Vehicles and Road Traffic Act
(Date for the Full Enforcement)**

15. Sen. Wade Mark asked the hon. Minister of Works and Transport:

Could the Minister inform this Senate of the date for the full enforcement of the Motor Vehicles and Road Traffic Act with specific reference to the introduction of the Breathalyzer?

The Minister of Works and Transport (Hon. Colm Imbert): Thank you, Mr. President. With specific reference to the introduction of the breathalyzer, barring unforeseen circumstances, it is expected that the Motor Vehicles and Road Traffic Act would be implemented by the end of 2009.

Mr. President: Supplemental?

Sen. Dr. Nanan: Would the Minister say if the unforeseen circumstances include the problem with the Standards Act?

Hon. C. Imbert: No.

Sen. Mark: Mr. President, may I ask the hon. Minister when he intends to table the appropriate legislation in Parliament to meet the deadline that he has just identified?

Hon. C. Imbert: Before the end of 2009.

1.45 p.m.

**Trinidad and Tobago Amateur Boxing Association
(Monetary Assistance)**

31. Sen. Lyndira Oudit asked the hon. Minister of Sport and Youth Affairs:

Could the Minister indicate to the Senate the amount of monetary assistance which was provided individually to female boxers Wendy Alleyne, Ria Ramnarine and the late Jizelle Salandy, either directly or indirectly, through the Trinidad and Tobago Amateur Boxing Association for the period 2003—2008?

The Minister of Sport and Youth Affairs (Hon. Gary Hunt): Mr. President, in respect to the athletes referred to, it should be noted that the Trinidad and Tobago Amateur Boxing Association (TTABA) is the national sporting body responsible for amateur boxing. Amateur boxers are required to be registered with the TTABA in order to validate their competition categories. This facilitates any specific needs that will support their training and development. Amateur boxing is a sporting discipline overseen by the Sport Company of Trinidad and Tobago Limited. On an annual basis the TTABA is given assistance by way of a subvention which is based on their strategic and implementation plan and supported by a budget.

As part of the normal operations of the TTABA, registered amateur boxers are assisted with qualified coaches, medical attention, nutritional needs, dietary supplements and accommodation during training camps. The Trinidad and Tobago Amateur Boxing Association has advised that Miss Wendy Alleyne became a registered amateur with the association in 2007. In preparation for a female competition held in Ecuador in October 2007, Miss Alleyne received assistance during the period July to October 2007 in the sum of \$4,100 to facilitate her participation at training camps.

Further, in January 2008 Miss Alleyne received assistance in the sum of \$3,300 to enable her participation in a training camp in preparation for the Panam Female Championships held in Trinidad and Tobago in October 2008.

The TTABA has advised that Miss Ramnarine whose boxing career was dormant during the period 2005 to 2008 was never registered as an amateur boxer. Therefore, she was not the beneficiary of any monetary assistance from the association.

Miss Salandy was one of the most renowned boxers nationally, regionally and internationally, since she was a world champion and possesses eight world titles with her premier titles being from the WBC and the WBA. Trinidad and Tobago

Amateur Boxing Association has advised that the late Miss Jizelle Salandy was a registered athlete with the Trinidad and Tobago Amateur Boxing Association. However, at the time of registration she was under age and debarred from local competition. Therefore, Miss Salandy received no funding as an amateur boxer under the Trinidad and Tobago Amateur Boxing Association.

The late Miss Salandy received the sums of \$80,234 and \$150,000 in 2007 and 2008 respectively from the Ministry of Sport and Youth Affairs in preparation for her fights. The minister has been advised that Miss Salandy also received funds in the sum of \$25,200; \$63,000 and \$191,250 in 2005, 2006 and 2007 respectively from the Ministry of Community Development, Culture and Gender Affairs which represents moneys paid to purses in her title defence bouts. I thank you.

**National Test Results
(Details of)**

91. Sen. Dr. Adesh Nanan asked the hon. Minister of Education:

- A. Would the Minister indicate to the Senate whether all primary schools in Trinidad and Tobago have received the June 2008 national test results?
- B. If the answer to (A) is in the negative, could the Minister inform the Senate of the reason(s) for the delay?

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you, Mr. President. This question was in fact submitted and an amendment is required. I expect that on the next occasion it should be here and I would endeavour to meet that commitment.

Question, by leave, deferred.

**Chaguaramas Golf Course
(Time Frame for Expansion)**

104. Sen. Dr. Adesh Nanan asked the hon. Minister of Planning, Housing and the Environment:

Would the Minister advise the Senate of the time frame for the expansion of the Chaguaramas Golf Course from nine (9) holes to a thirty-two (32) hole facility?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde): There are no plans to expand the Chaguaramas Golf Course to a 32-hole facility. Instead the plans are for expansion to an 18-hole facility. The determination of the time frame for the expansion of the

Oral Answers to Questions
[SEN. THE HON. DR. E. DICK-FORDE]

Tuesday, July 07, 2009

Chaguaramas Golf Course from a nine-hole to an 18-hole facility is dependent on the grant of a certificate of environmental clearance by the Environmental Management Authority. At present the Chaguaramas Development Authority's application for a certificate of environmental clearance is pending before the EMA. The time frame for the expansion of the Chaguaramas Golf Course from a nine-hole to an 18-hole facility is 18 months after the issue of the certificate of environmental clearance. Thank you.

Sen. Dr. Nanan: Could the hon. Minister indicate when was the application made?

Sen. The Hon. Dr. E. Dick-Forde: Mr. President, I had that information in the process of providing the answer but it is not here with me, so I do not want to give an answer that is not correct.

Maqueripe Beach Upgrade (Status of)

105. Sen. Dr. Adesh Nanan asked the hon. Minister of Planning, Housing and the Environment:

- A. Would the Minister indicate to the Senate any cost overruns on the Maqueripe Beach upgrade?
- B. Would the Minister also state if there was planning approval for the said beach upgrade?

The Minister of Planning, Housing and the Environment (Sen. The Hon. Dr. Emily Dick-Forde): Mr. President, the answer to this question was collated, I believe it probably has not gone to the Parliamentary Questions Committee as yet, so we ask for a further deferral of two weeks.

Question, by leave, deferred.

Uriah Exchange Opening Ceremony (Details of)

142. Sen. Gail Merhair asked the hon. Minister of Works and Transport:

With respect to the opening ceremony of the Uriah Interchange, could the Minister inform this Senate what was:

- (a) The overall cost of the opening ceremony;
- (b) The cost of confetti and flags for the said opening; and
- (c) The cost of the helicopter that was used to transport "Bunji Garlin" and Faye-Ann Lyons to the opening ceremony?

The Minister of Works and Transport (Hon. Colm Imbert): Thank you, Mr. President. The National Infrastructure Development Company Limited (NIDCO) has advised as follows:

- (a) The overall cost of the opening ceremony of the Uriah Interchange was \$422,599.
- (b) The cost of confetti and flags inclusive of equipment, installation, manpower and supervision for the said opening ceremony was \$190,300.
- (c) The helicopter with associated services that was used to transport “Bunji Garlin” and Faye-Ann Lyons to the said opening ceremony was facilitated by the National Helicopter Services Limited at a cost of \$2,480.

By contrast, the cost of the opening ceremony for the new Piarco Airport building in 2001 was \$2,947,338—

Sen. Mark: That is totally irrelevant.

Hon. C. Imbert:—of which some \$99,715 was spent to provide cocktails for the invited guests—

Hon. Member: "Oooh!" [*Laughter*]

Hon. C. Imbert:—and over \$2 million was spent by the previous UNC administration on advertising the event.

Sen. Mark: Totally irrelevant, man. They spent \$400,000 to open a—
[*Inaudible*] [*Crosstalk*]

[*Mr. President pounds gavel*]

LOCAL GOVERNMENT (AMDT.) BILL

Joint Select Committee (Appointment of)

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move the following Motion:

Be it resolved that the Senate appoint an equal number of Members as that of the House of Representatives to a joint select committee to consider a Bill entitled an Act to reform and modernize local government in Trinidad and Tobago, to provide for certain municipalities, the delineation of their boundaries, and their classification as cities, boroughs and regions, to provide for the continuation of certain Municipal Corporations and the establishment

Local Government Bill
[SEN. THE HON. C. ENILL]

Tuesday, July 07, 2009

of new Municipal Corporations, to provide for a Municipal Council, an Executive Council and uniformed Departments for each Municipal Corporation, to specify the responsibilities of the Municipal Corporations, the Municipal Councils, the Executive Councils and the Departments and the role of the Government in relation to Municipal Corporations, to establish Central Administrative Districts and Central Administrative District Co-ordinating Committees, to repeal and replace the Municipal Corporations Act (Chap. 25:04) and to provide for related matters and that this Committee be empowered to discuss the general principles and merits of the Bill along with the details and be mandated to report within three months.

Question put and agreed to.

LAND ACQUISITION

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Mr. President, I beg to move,

That this House approve the decision of the President to acquire the lands described in Appendix II to the Order Paper for the public purposes specified.

This Government takes its role as a functionary of the people very seriously. In furtherance of this role, the Government formulates initiatives and facilitates programmes and projects that will increasingly redound to the benefit of each and every citizen of the Republic of Trinidad and Tobago. Numerous proposals have been repeatedly brought to this honourable Senate that have resulted in increased and improved access to public goods, services and facilities for the people of the Republic of Trinidad and Tobago.

It is inevitable for the purposes of advancement in our country's development that the Government acquired land for public purposes despite the fact that the State owns approximately 53 per cent of the lands in the country since appropriate and adequate lands for a particular purpose may not be identified from state lands.

Today, this Government is presenting a Motion before this honourable Senate that would facilitate yet another significant project for public purpose. This project would impact on the social, economic and educational well-being and overall development of the citizens of Trinidad and Tobago in the area of education on this occasion. This project for the public purpose of the construction of the Mason Hall Secondary School was intended to provide for the educational needs of the resident population of the immediate area and geographical environs. The construction of schools throughout Trinidad and Tobago is part of this Government's commitment to providing quality and accessible free education to all.

2.00 p.m.

A sound education system and the provision of educational facilities are fundamental bases on which sustained national development, poverty reduction and eradication are in part, founded. A sound education helps in the building of an inclusive society and is pivotal to the attainment of developed country status.

Mr. President, this honourable Senate is being asked to approve the decision of the President of the Republic of Trinidad and Tobago, to acquire one parcel of land described in the Schedule on the Order Paper under No. 1, as a parcel of land comprising 4.9698 square hectares more or less, situated at Adelphi Road, Mason Hall in the Parish of St. George, in the ward of Tobago and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated January 02, 2001 and filed in his office.

Mr. President, the land which was acquired for the public purpose of the construction of the Mason Hall Secondary School, is the parcel of land comprising 4.9698 square hectares more or less, situated at Adelphi Road, Mason Hall in the Parish of St. George, in the ward of Tobago and is said to belong now or formerly to Adelphi Estates.

This parcel of land is more particularly shown coloured raw sienna on a survey plan under Survey Order 86/91—or 86 of 91—and signed by the Director of Surveys on January 02, 2001 and filed in Book No. 1243 as Folio 45, in the vault of the Lands and Surveys Division, Old General Post Office Building, Wrightson Road, Port of Spain.

Mr. President, this acquisition was at the request of the Ministry of Education and as mentioned earlier, was for the public purpose of the construction of the Mason Hall Secondary School.

The school has since been completed and the building is presently being used for the purposes specified and intended. The owners have submitted—the owners of the land, that is—a claim for payment for their land, and the land has been valued by the Commissioner of Valuations at and for the sum of \$3,933,811.50. Eighty per cent of that sum, in the sum of \$3,147,049.20 has been paid to date. The outstanding balance of \$786,762.20 plus interest thereon at the rate of 9 per cent per annum will be paid upon approval by resolution of the Parliament of the Order of the President, that the land in question is required for public purposes.

Mr. President, on this occasion, the Ministry of Agriculture, Land and Marine Resources is indeed honoured to contribute to the process in this manner, and I

Land Acquisition
[SEN. THE HON. A. PIGGOTT]

Tuesday, July 07, 2009

wish to reiterate that this Government is committed to providing new and improved educational facilities in diverse locations throughout the country, and more particularly on this occasion, in our sister isle of Tobago.

Mr. President, I beg to move. [*Desk thumping*]

Question proposed.

Sen. Wade Mark: Thank you, Mr. President. The whole issue of land acquisition for public purposes and in this particular instance, in Tobago, we on this side, once land is being acquired for a particular purpose, and in this instance, the construction of a school which as the Minister has rightly indicated, has already been completed and fully operationalized—as far as my investigation goes, I however, would like to ask the hon. Minister a few questions.

My research has revealed that this Adelphi Estate, which we understand is on Adelphi Road, Mason Hall in Tobago is made up of about 300 acres of land, and we understand this particular estate is occupied by thousands of residents in Mason Hall. In fact, without that estate, Mason Hall would be like a ghost community. So that estate is very important for the people of Mason Hall, and I understand that there are over 300 to 350 homes on that particular estate and you may have close to about 2,000 to 3,000 citizens living on that estate.

I would like the Minister to tell us why the Government has chosen to acquire only a small portion to build a school? In this instance, the Mason Hall School which would be between seven and 10 acres of land, we understand, would be in occupation for the construction of that school which as I said, is in complete operation as we speak today. I would like to ask the hon. Minister whether he is aware this estate is owned by the Monteil family. I understand Andre Monteil and his family are in charge of this estate, the Adelphi Estate.

I have further researched, and I understand there is evidential documentary material to show that the Chief Secretary is on record in the Tobago House of Assembly, as stating that the THA has acquired over 100 acres of that Adelphi Estate at a price of \$11 million. So we find it a bit strange if the information I have been able to access in terms of being informed by the people of Tobago. If it is that the Chief Secretary's information is correct on this Adelphi Estate that they have acquired—this is, the THA has acquired—that particular estate, 100 acres of it for \$11 million, we find it a bit strange and the math a bit awkward for seven to 10 acres of land. We understand the school sits on about seven to 10 acres of land, which are the hectares that the Minister outlined in the document. Therefore, \$4

Local Government Bill
[MR. PRESIDENT]

Tuesday, July 07, 2009

million is quite steep and we would like to ask the Minister whether it is the intention of the Government, through the Tobago House of Assembly, to acquire the entire Adelphi Estate.

We understand it is very important for the people of Mason Hall in Tobago, and I would like to urge the Government in this acquisition which has begun in terms of the construction of a secondary school in Mason Hall, that the Government go a step further in acquiring the entire estate, because the people of Tobago from my research, and the residents who are on that particular piece of estate have been there for over 50 years. Some of them have been renting lands for over 35 years. Therefore, if the THA as we understand has acquired 100 acres of land so far at \$11 million, and now we are seeing that the Government is acquiring some 10 acres of land to construct, and they have already constructed the school, we find that something is wrong with the numbers and I would like the Minister to really address this issue. Is it the intention of the Government, through the THA, to acquire the entire Adelphi Estate and to regularize the people who currently occupy that estate?

It is our information that five years ago, a Member of the THA on the Opposition Bench moved a Motion to have this entire estate acquired, and that Motion was not supported by the majority in charge of the Tobago House of Assembly, which is the ruling party. Therefore, we would like to know whether the Minister is aware that the Chief Secretary of the Tobago House of Assembly, before the Tobago House of Assembly elections recently held in 2009, distributed Letters of Comfort to residents on that particular estate? If he did, Mr. President, we would like to know under what authority he did that and we would like the Minister to tell us whether the THA has indeed acquired 100 acres of this estate.

Mr. President, I want to let you know that the whole question of land acquisition is very critical, particularly for the people of Adelphi Estate, which is in the middle of Mason Hall as I understand it, and these people have toiled and laboured to really bring that particular area of Tobago to certain development level. I would hope that the Government would in fact give these residents first preference upon the acquisition of the entire estate, which the Government ought to acquire on behalf of the residents of Tobago, through the Tobago House of Assembly.

So, this particular secondary school which is already in operation—we understand that it has been in operation for close to some five years now. Construction started back in 2001. We understand that the school took about three years to be completed and it has been occupied for about five years by students and teachers. So the school is in full operation, although the impression that is

Land Acquisition
[SEN. MARK]

Tuesday, July 07, 2009

given in the note here is that it is an attempt to acquire the lands to construct the school. The Minister has indicated that the school has been constructed.

2.15 p.m.

So, Mr. President, on this acquisition of this piece of land at the Adelphi Estate, to build this Mason Hall Secondary School, we would like the Minister to clear the air on, one, whether it is within his knowledge that the THA has acquired 100 acres of the Adelphi Estate; two, whether it is the intention of the Government to acquire the entire Adelphi Estate; three, whether the estate is owned by Andre Monteil and his family, or the Monteil family, and four, could he verify whether there are close to 3,000 persons, or thereabouts, living on this estate. They need to be regularized, given the fact that they have been there for between 30 and 50 years. I also understand that homes have been destroyed by the Tobago House of Assembly on this estate; we would like him to tell us whether he is aware of that development as well.

As we deal with Tobago and this question of acquisition of the lands in question, I want to ask the Minister whether he is aware that at the level of the THA, my information is, that advisors to secretaries are being paid some \$62,000 a month. I would like to ask you if you are aware of this and whether you could investigate that on behalf of the people.

As it relates to land acquisition, I want to deal with land claims in Tobago. It is my information that, as we speak and more so at the end of 2005, I have information dealing with some 120 outstanding claims, where lands have been acquired by the State for several years, and the citizens of Tobago have been suffering and are yet to receive their just due. We are talking about lands that were acquired in 1994. As an example, one Mr. Francis Hislop, his lands were acquired compulsorily in 1994. To date, this particular individual is still awaiting payment.

I have names like Harold Sandy, whose land was acquired and, to date, claims he has not been compensated. Mr. President, I can give you the names of 120 persons who have experienced this particular development, and yet still no payment has been made.

The Minister has indicated that in the case of Adelphi Estate, I do not know if that is an exception to the rule in Tobago, where the owners have gotten, according to the Minister, 80 per cent. We were told by the Minister that the land which was acquired was valued at \$3.9 million. To date, the owners have been paid \$3.1 million. There is a balance of \$786,000. I am just simply asking: Is this

an unusual development? Is it because the lands that were acquired were lands owned by the Monteil family? Is that why they have been able to get into the first line and be in the first order of business?

What about the 120 persons whose names I have here. I will take the time to call them out for you. I will make that list available to you, because the hon. Minister must be able to explain to this Parliament why the inequity, why in this instance 80 per cent has been paid.

I have no problem with the landowners getting 80 per cent; all I am saying is, be fair. Where is the justice? Where is the equity in terms of the people of Tobago who have had their lands acquired and yet still they have not been paid? I understand the former Minister of Foreign Affairs, Knowlson Gift, is still crying out for justice. He got his money? That is what I understand. He has not gotten his money? Maybe he has.

You have a situation where Margaret Mc Donald, living in Speyside, they acquired two parcels of land, and the survey is still outstanding. We go on, Mr. President, to one Mr. George Solomon, acquisition of land at Mount St. George, Tobago, for a cemetery. He is awaiting Cabinet approval to get payment, after several years. The Tobago United Co-operative Society Limited, Government acquired their property for the Lower Scarborough Mall development; to date, the survey remains outstanding.

One Mr. William Sebro—*[Interruption]*

Mr. President: Senator, I hope you are not going to read out that whole list.

Sen. W. Mark: Not all, Sir; just a few.

Mr. President: I think you read enough. At this point it is starting to sound like a filibuster and it is really not on the issue at hand at all, so please try—

Sen. W. Mark: I was just dealing with the land acquisition in Tobago and the people outstanding.

Mr. President: The subject at hand is to acquire a specific piece of land; you have made your point in a generic sense. I think you can move on from that point now.

Sen. W. Mark: Mr. President, I could probably make this available to you as well, along with the Minister, because I think the population needs to know that there are persons in Tobago whose lands have been acquired, like what has happened in the case of the Mason Hall Secondary School, Adelphi Estate. But

Land Acquisition
[SEN. MARK]

Tuesday, July 07, 2009

some persons seem to get their moneys quickly, so I want to appeal to the hon. Minister to give us an undertaking that he, as the Minister with responsibility for agriculture and the person who is responsible for land, in the case of the people in Tobago and Trinidad, but I am dealing with Tobago specifically today, the outstanding funds owed to the persons whose lands have been acquired would be satisfied within short order. This is what I would like the hon. Minister to really give us an undertaking to accomplish and achieve on behalf of the people.

Mr. President, you would recall that some time ago we had in our Senate Independent Senator Dr. E. Mc Kenzie. Something was reported in the *Guardian* of November 2002, on page 2; the headline was:

"Settle all land claims in Tobago"

I just want to read the first two or three paragraphs of this particular article written by Sita Bridgemohan at the *Guardian* Tobago Bureau. It reads:

"Independent Senator Dr. E. Mc Kenzie wants Government to publish a list of all Tobagonians whose lands have been acquired or entered into by the State and who are awaiting compensation. Mc Kenzie a Tobagonian, also wants Government to state when such compensation will be made to those who have been affected."

At that time in 2002 the Independent Senator said that she had a list of some 50 Tobagonians who were still awaiting State compensation for their lands, with claims dating back to 1958. She went on further to say that some of the persons on the list have since died.

All I am advancing is that we support the acquisition of land for public purposes, but there must be a mechanism, and it is there in the law, to have a speedy resolution to settle all outstanding compensation claims by the people. In this instance, I am dealing with Tobago, and Tobago alone. I call on the hon. Minister to give us an undertaking. As Sen. Dr. Mc Kenzie then requested, we want a list of all the moneys that are outstanding, the names of the persons who are owed and when the Government intends to pay outstanding commitments to the people of Tobago whose lands have been acquired.

Mr. President, those are the points I would like to raise as it relates to this particular Motion, and to get the Minister to give us an undertaking that something will be done rapidly to bring some justice to a very unjust situation affecting, in my instance today, based on my research, over 120 citizens or former landowners in Tobago.

I thank you, Mr. President.

Sen. Dana Seetahal SC: Mr. President, the Motion before us has as an appendix of the description of the land, which is contained in Appendix II, the last page of the Order Paper today. As it stands, the description of the land, which is part of the Motion, makes absolutely no sense. Accordingly, it is my view that if we were to vote on this Motion and affirm it, then we would be voting on something that is totally illogical and nonsensical.

I refer to the description of a parcel of land comprising an uncertain number; there is a "4" with a comma, then 9698. It is uncertain if it is meant to be 4,969.8 or if it is supposed to be 49,698 hectares.

The reason I say this is because clearly there is a significant difference if we are paying, whatever we are paying, for something that is 10 times the acreage. So is it 49,000 or is it 4,969.8? That is repeated in the Schedule. Therefore, if this Motion is to pass, we need to clarify that, because there is no such figure with a comma as it is stated in the Motion. That is one thing.

Secondly, there is a description of "square hectares". Both Sen. Ali and I share this view, which is not exactly a view, but an observation, that makes no sense, again. The description of hectares in the dictionary, if I may, is:

"a metric unit of square measure..."

So this is talking about square, square measure. Just for clarification, it is equal to 100 Rs. By the way, an "R" is 100 square metres. So you see the definition of the term already includes "square". It would seem to me that, not only is it redundant, but it smacks of a degree of, not just carelessness, but a lack of edification on the part of the persons who drafted this.

2.30 p.m.

I hardly think that this Parliament will want to go on record as being comprised of persons who are not edified. Those are my two observations shared by my colleagues on either side of me, that the square hectare does not exist and ought not to exist in rational, written or spoken language. The numbers must be incorrect. Those are my observations.

Thank you. [*Desk thumping*]

Sen. Annette Nicholson-Alfred: Mr. President, I am quite supportive of the acquisition of land even if it is compulsory acquisition, as long as it is for the good and welfare of society, as in the case of the Adelphi Estate for the building of that secondary school at Mason Hall. I am also asking the question as asked by my colleague, Sen. Mark. I find that this is very quick action for the owners of the

Land Acquisition
[SEN. NICHOLSON-ALFRED]

Tuesday, July 07, 2009

Adelphi Estate to earn their moneys when in Tobago, we have the Dalrymples, Lovells, Walcotts, Henrys and you name them being owed large sums of money for over 20 years. I am wondering if there is something special about the Adelphi Estate that those people can be paid.

Mrs. Dalrymple, an 85-year-old woman came to my house day before yesterday. She said, "I am going down. I have not been paid." She is one of the strong ones who decided, "I am not going to take nothing for my property." When I say that, I mean from the government. I mean government on the whole; I am not saying that of the one in power only. Governments and their agents tend to call a number of properties in Tobago, agricultural lands. That is how they term them. We know that everybody here in Trinidad and Tobago wants a piece of Tobago, and we know it is not agricultural land. It is prime land from Crown Point where the airport is to Pigeon Point to Charlotteville. Prime lands.

In this instance, I am calling on the government authorities to change or improve the archaic laws governing land acquisition that the valuers and Town and Country Planning use with their procedures. They must understand and I know that the Government can correct this, that Tobago is prime land. You cannot tell me that on this side of a street Mrs. Dalrymple would be paid \$4.50 per square foot for her property and on the other side of the street, a former government minister would be paid \$20. We do not understand that. I am told that has actually happened. I am not blaming the former minister. Get me straight. He is right to fight for his right.

If you have prime property you must not allow anybody to take it away from you. I am not blaming him. I am blaming the valuation people and the Town and Country Planning people who have much work to do in order to bring their procedure up to standard. Real archaic! Would anybody in here tell me that Crown Point is agricultural land, why have they not paid the people? I do not even know when they are going to pay. When you are ready to pay those people who are affected, would they be paid interest?

For example, Mrs. Dalrymple lives in rented quarters because she has not been able to build. They said, "You cannot build here, we are going to acquire." They are still going to acquire. They have eventually acquired some of her property. She has not been paid. She is 85 years old. What is she going to do? How will she be able to share what she has? You know we like to give our siblings and young ones what we have. We want to pass it on. What is her position? As Sen. Mark said, it is a number of people in Tobago that this affects. I am asking the Minister, he is not here, but somebody will tell him. He has much work to do with regard to the acquisition of properties in Tobago and it must be done urgently.

The value for properties you are paying me this year must be what the price is this year. I cannot go to the shop to buy something when the money is not enough. I ask the Government to pay these people their money. Those on Adelphi Estate got theirs early. You pay me when you take my stuff. When I come to the shop, I take your goods and I pay you. I go to Courts and I take out something on hire purchase and if I did not pay for it in three months or whatever, they take it back or take me to the courts. Pay people on time. This man or these people are very lucky because they got their compensation. Pay people on time.

I want to raise another matter of acquisition. Probably this is my time to say it. A former school principal in Tobago had his land acquired for the running of the Claude Noel Highway. Now you know that those people as hard as they worked for us, are getting a pension on the ground. The Government acquired the man's property and up to now, it is over how many years, he has not been paid. He said to me, "Annette, I will have to take the pittance." He is 89 years old. "I have to take the pittance so that I can get something to go by." The practice is unfair. People should earn value for their properties. They should be properly compensated just as how others are being compensated.

I want to draw another example. You know where Crown Point is in comparison to Pigeon Point. Pigeon Point got their money long time—Private treaty. They got their money. What is wrong with the people, or let me say, the locals at Crompton and Crown Point? Shadow asked, "what wrong with dem or what wrong with me?" They too, must get their moneys.

More or less, my point here is that I have no problems with acquisition for real good reasons. I see the acquisition for the Mason Hall High School as a good for us, our children and our children's children. The acquisition of many properties is good. We wanted the Crown Point Airport so you had to move those people, but those people now cannot feed themselves. They are begging and waiting to be compensated. Some have tried to use legal means to get their money and they are still not getting it. Mr. Minister, look at things like these and ensure that there is equity in what we are doing. People must feel comfortable that just what is their due, you give it to them, not that there are favours and stuff like that within our system.

On this note, I think I have made my point. I agree with the Motion, but I want to see those other people who have been denied their compensation for all these years, being compensated and well compensated. I am talking about the interest

Land Acquisition
[SEN. NICHOLSON-ALFRED]

Tuesday, July 07, 2009

after so many years, because we know how it is. They must get their interest. I also want to include those people who took the pittance because they could not have done better. You have some money for them. It is back pay time.

Thank you. [*Desk thumping*]

Sen. June Melville: Mr. President, I rise in support of the Minister of Agriculture, Land and Marine Resources on the land acquisition at the Mason Hall Secondary School. Land ownership in Tobago is an integral part of our Tobagonian psyche. You find that the majority of Tobagonians will own even if it is just a little piece of land here and there. It is a very sensitive topic. Going back to the Mason Hall School, this is one of my favourite schools in Tobago because as the manager of YTEPP, I have courses at the school. I usually call it the new university. It is a huge beautiful school built by the People's National Movement, of course.

Adelphi Estate where this school is located has been in the news quite a lot, recently. I remember up to last week the hon. Chief Secretary mentioned that they are in the process now of regularizing the lands which were purchased recently for the persons living on those estates. As the hon. Sen. Mark mentioned, there are persons who have been living there for decades. As being the accepted norm recently, over the past eight years since we had a PNM administration in Tobago, quite a number of the estates were purchased because we have at present a significant number of young persons who need land and houses. The Tobago House of Assembly would have purchased land not just from Adelphi, but at Courland and Pembroke.

There are houses now at Roxborough. We have actually distributed some of those keys last week, at Blenheim in Hope. Lands were purchased at Plymouth, Castara and no doubt, during the next three years of this administration, this PNM administration will purchase any other estate as it deems fit. [*Desk thumping*] Shirvan Park, if you remember the old race course, that too was recently purchased because the PNM administration appreciates that there is a need for housing. That is why these lands were purchased.

Let me mention something else about the Adelphi Estate. After Mr. London had a press briefing giving information on the estate, I saw it on the TV up to yesterday, there was a member of the opposite side with a loud speaker going around the estate informing the owners to continue building. Even though Mr. London had mentioned to hold on for a while, let us sort out the paper work and then you can do whatever you want to do on your land, a member of the TOP went

around encouraging people to build and even encouraging new people to go on the estate. You simply cannot encourage persons to break the law. You have to give credit to the Orville London administration.

Sen. Mark also mentioned that lands were acquired since 1994 and even Sen. Nicholson-Alfred mentioned that the Claude Noel Highway has been built for such a long time and the owner has not been paid. These lands were used or acquired under the National Alliance for Reconstruction. It was not under the People's National Movement administration in Tobago. You have to give credit to the Orville London administration of today. They have purchased land and are doing the very best to see that whatever wrong was done yesterday would be corrected in a timely manner. Rome was not built in a day. The same persons in Tobago who are now complaining that people had not been paid, when the National Alliance for Reconstruction was in power, they never paid anyone for their land as they should have done. You have to give credit to the Orville London administration.

2.45 p.m.

I agree, yes, it is long overdue. The payments are long overdue. Notwithstanding whichever party is in power, the payments are long overdue, but give credit to what Orville London is doing right now.

Mr. President, this was just a short—I did not plan to speak, but having heard what Sen. Mark said, I had to say something. Let us give some credit to the Orville London administration. Let us congratulate him for giving hope to the people of Adelphi. It does not matter who owns the estates, the fact is that Tobagonians who are living there right now and who are squatting, for want of a better word, will soon have their document, not just at Adelphi but other estates in Tobago. I am extremely proud of that fact. As I have said, owning a little piece of the land is integral to our psyche in Tobago. That, to me, deserves some credit. The Orville London administration deserves some credit. I am hoping too that, as soon as possible, those persons who are owed moneys, would be paid in a timely manner.

Thank you.

Sen. Dr. Adesh Nanan: Thank you, Mr. President. I rise to bring an historical perspective to this particular Motion, because this particular location of the site for the Mason Hall Secondary School started under the UNC administration. It was part of the World Bank loan. In fact, the Mason Hall Secondary School was one of three schools to be constructed under the World Bank programme. The actual location of this particular site was based on a study done by a Swedish firm.

Land Acquisition
[SEN. DR. NANAN]

Tuesday, July 07, 2009

In terms of the actual layout and landscaping of these schools, both the primary and the secondary, the World Bank loan was mainly for the early childhood care and education sector and the primary education sector with a small component in the secondary environment. It is in this particular area the Swedish firm did the study with respect to the geographical mapping and location. That is why this particular site was selected; a portion of land in Adelphi Estate.

In this debate, we have heard from the Minister of Agriculture, Land and Marine Resources, in terms of the 53 per cent state land. The Minister of Agriculture, Land and Marine Resources made reference to quality and accessible free education to all. The speaker before me pointed to the University of Mason Hall, which is the secondary school in Mason Hall. May I remind the speaker before me that it was the UNC administration that designed that particular school? The school was designed by the UNC administration and also the actual identification of the parcel of land. Based on regulations, a primary school would utilize approximately five acres of land and a secondary school would utilize around 10 acres of land. If we are dealing with this particular Motion for a parcel of land for a secondary school, 10 acres should be sufficient and not 4,9698 square hectares. That has to be corrected. In terms of acreage, it would be around 10 acres.

Mr. President, the particular location was based on the feeder schools in the vicinity, which would be the primary schools in that particular area in Mason Hall. At that time, we had no stereotyping of secondary schools. The architects were free, in terms of the design, to do whatever appealed to them. That is why that particular school is so outstanding. It is not the same as all the other secondary schools. That was the opportunity, in terms of building a secondary school, to have a new design.

The location of a secondary school in Tobago was paramount. If you look at the placement for secondary school students in Tobago, there was an acute shortage. That is why a secondary school was placed in Tobago. We were constructing three secondary schools under the programme and one of those was actually placed in Tobago, because of that particular situation of the shortage of places for secondary school students. *[Interruption]* I will continue. That was the actual location of this particular site.

In terms of what we have heard in this debate, with respect to people's land being acquired and not being paid for 25 years in some instances, we still have to ask several questions.

We have heard, from the speaker before, of the Chief Secretary's acquisition of lands in Tobago. We still have to ask the question of the difference in budgets for Tobago. It was a few hundred millions when the UNC administration was there and even less when the NAR administration was there compared to \$2 billion now. We have to look at this particular question, in terms of land acquisition.

As I continue in terms of the particular Motion and that particular site in Tobago, the same thing that happened in Tobago happened in Trinidad. We saw it with respect to the national gas pipeline that was built in Trinidad and we saw the same thing happening with respect to people in Trinidad not being paid by the National Gas Company, which was running the particular pipeline. We have to address the question to the Minister of Agriculture, Land and Marine Resources, in terms of the payment for the people. I am asking the Minister and he will reply in his winding up.

This particular Motion brings us to the policy of land acquisition and what the procedure for payment is. It was filed in 2001 and part payment was made in 2009. I do not know, we probably would get from the Minister when it was paid. Was it paid in 2000? What year was it paid?

The Minister also has to explain, in terms of the comparison of land in Tobago and land acquisition. The Minister needs to tell us, in terms of state lands in Tobago, what is the acreage of state lands in Tobago. We have 53 per cent overall, in terms of state lands. We need to know why, as the speaker before me said, is there so much land acquisition taking place in Tobago, in terms of private property? What is the comparison between state lands? Is there a massive thrust by the Government to acquire private lands? What is the comparison between state lands in Tobago and private lands?

The Minister must also indicate—this particular Motion can go in different directions. We have heard of the discrimination and non-payment of the members who have their lands acquired and also in terms of the policy, with respect to acquisition. What is the valuation being placed on the land that is being acquired? Why is there some discriminatory practice in terms of payment time and the value for land?

I want to extrapolate a little bit, with respect to this particular Motion and the situation in Trinidad, because it is also important. I am sure that there are many secondary schools. If I recall, when this particular matter was being dealt with, in terms of the location of site for schools on the whole, whether it is secondary or primary—State land, of course, would be first choice, but if the situation is—

Land Acquisition
[SEN. DR. NANAN]

Tuesday, July 07, 2009

When we were in Nariva in the Biche area and we were looking for land, it was very difficult to find state lands that were suitable. We may need—In terms of the location, when the survey was done, it was done in terms of the feeder schools, the areas and also the site. You would see that neither secondary nor primary schools are being built on state lands. There were a number of acquisitions that took place.

I recall there are many schools where the owners have not been paid for their land. When you extrapolate from Tobago, there is also a problem in Trinidad. I can name many, but I do not want the President to say I am filibustering, so I will not name any.

I am making the reference to show that there are people in Trinidad who also have that problem with respect to payments for lands that have not been acquired, based on the same World Bank project that was driving, not only this secondary school, but also the secondary school in Cunupia.

Before I wind up, I want to make one more reference, in terms of extrapolation on this particular important point with land acquisition. It is very important if we are dealing with this particular area, in terms of the acquisition for environmentally sensitive areas. That will also include some of the private land within the environment. The Minister of Agriculture, Land and Marine Resources needs to take note of that, in terms of the environmentally sensitive area and possibly the Minister may need to include private land, together with state land in the acquisition.

Mr. President, I thank you.

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Thank you very much, Mr. President. Sorry. *[Interruption]*

Mr. President: Minister, are you giving way to allow her to make her contribution? I looked around; I saw no one and I called on you. Are you giving way to her?

Sen. The Hon. A. Piggott: Yes, I am giving way.

Sen. Dr. Jennifer Kernahan: Thank you, Mr. President. I thank the hon. Minister for giving way for me to have the opportunity to say a few words on the Land Acquisition Motion before us.

The Minister indicated, when he made his presentation, that the state lands are not available in Tobago for this particular project and, therefore, that is why private lands have been acquired for the particular project of the Mason Hall Secondary School. Clearly, the issue of acquisition becomes important when there are no state lands available for the purposes of developing projects for public purposes.

It is also important for us to note that acquisition must take place, or should take place, in the context of comprehensive, physical development planning for Trinidad or Tobago, as the case may be. It is not enough to say that we do not have enough state lands and, therefore, we must acquire private lands for public purposes. It is also important, when you are acquiring lands, that you are acquiring lands in the context of some socio-economic framework, a planning framework, or a framework that would ensure that you acquire these private lands for public purposes, but you also acquire it in the context of a land use policy.

3.00 p.m.

I think Sen. Dr. Nanan just made that point. He said that we must look at the issue of environmentally sensitive areas and we must look at the optimal land use for certain lands and so on. We are talking here about an agricultural estate where many people live, and which is presumably used for food production and so on. Many people on those lands will be producing food and, therefore, all these things must be taken into consideration when acquisition takes place.

The other point that came out this afternoon, and I want to support it very strongly is that with respect to the acquisition of land, there is the constitutional basis for it and the legal basis for it but, at the same time, it must be transparent, it must be just and it must be equitable as was so strongly pointed out by Sen. Nicholson-Alfred when she made her contribution. She made that plea so movingly. She said that there is this lack of transparency with respect to land acquisition and the payment made to different people for their lands, sometimes in the same area—different strokes for different folks.

If our people are to feel satisfied that the law works with them and not against them in this question of land acquisition, there must be a transparent process and a verifiable process by which values are decided on for lands. There must be equitable payment for lands, given equal circumstances, but there must also be prompt payment for lands given the circumstances. Other Senators have pointed out here this afternoon that apparently that does not obtain. I think Sen. Mark made the point that there are persons who are long awaiting payments for land acquired and so on, and there are others who seem to have no problem with getting their money for lands that have been acquired. That is something the Minister must address when he winds up. He must assure the population that this is not being done in a *vaille que vaille* manner; this is not done in a manner to favour certain persons, and that all citizens are equal in the context of land acquisition.

Land Acquisition
[SEN. DR. KERNAHAN]

Tuesday, July 07, 2009

In the Minister's presentation, he also talked about the importance of education, and he said this is why we need this particular 4.9698 square hectares of land at Adelphi Estates. He said it is for the purpose of the secondary school and so on. We agree that education is important, but we also want to make the point that the first duty of education is to educate our people on the issue of land use; on the issue of land preservation; and on the issue of conservation of our physical environment.

If we are moving ahead in the context of acquisition without taking these issues into consideration and without having the Minister come here and really expound on these issues and give us the assurance that these issues have been taken into consideration in the acquisition, then what is the use of education? There will be many students being educated in that school, but their very environment is inimical to sustainable development, and that will make absolutely no sense.

Trinidad and Tobago is a small land mass, and Tobago is particularly a small land mass and students have to be educated as to the value of their land, the importance of conservation and land use and so on and, therefore, they will be able to stand up and promote proper use and conservation of their land and environment. So, education is important; land use is important; conservation is important; and the consciousness of the environment is also important.

Whenever the Minister comes to this Parliament to talk about land acquisition and so on, we always ask, in what context are you asking for this land? How does it fit in with the whole framework for socio-economic development of the area and for physical planning of the land mass? And this never comes. We will keep on asking for it as long as the Minister comes to ask us to agree for land acquisition.

When we look at what is happening in terms of physical planning in Tobago, we understand that the planning function in Tobago—the socio-economic and physical planning—is coordinated by the Department of Planning within the Division of Finance and Planning, which falls within the portfolio of the Chief Secretary. So, apparently the Chief Secretary of Tobago has a very important role to play and the Department of Finance has a very important role to play in the future of land development and land use policy and so on.

What we have found out and which concerns us is, in spite of the fact—my colleague, Sen. Dr. Nanan pointed out that the design and the development of this school was planned in 2001 under a UNC administration and so on, but that does not take away from the importance of forward planning—the development of the whole area of this Adelphi Estate is over 300 hectares. This school will take maybe about nine to 10 acres of this land.

So, what is important to us at this point in time is the context of the acquisition of that portion of land in the context of the development of that entire area. It is even more important, because we understand that there are people living on that estate—people who are involved in different types of activities. So, therefore, the physical planning and development of that whole land mass which is called the Adelphi Estate is important.

Mr. President, we have seen certain reports on the assessment of state land management in Tobago, which were produced by the Tobago House of Assembly. We have seen attempts at the preparation of a physical development plan for Tobago, which is, I quote: “essentially to provide a socio-economic framework, to guide the process of transforming Tobago into a competitively viable economy and society in the Caribbean and the wider world, while being essentially socio-economic in orientation. The plan, however, also comprises certain physical development elements as represented by several of the policies to be issued over the planned period.”

Apparently, this is the vision for the preparation of the physical development plan for Tobago. It would have been interesting if the Minister were to come here this afternoon and tell us—apart from the acquisition of that small part of that estate—what is the context of the wider plan for the Adelphi Estate as a whole, and how the school as a social structure fits in with the economic plans and the social plans for the area and so on. These are the things that we are concerned with. This is our pre-occupation. We are not concerned with education in a “bubble”.

The education of those students on that estate is not going to be totally apart from their physical environment and economic environment. What kind of education would they acquire in that school in the context of living on an estate? Will it be strongly agricultural oriented so that when they leave that school they will be able to fit in with their environment? So, therefore, physical, economic and social environment go together.

I think this is the problem that the Minister has when he comes to this House. A lot of times he deals with these matters in isolation and, therefore, when the Minister is speaking about acquisition, especially in that context where there are so many other related factors on that estate, we need to get more to satisfy us that this acquisition really takes place in the context of physical and socio-economic planning.

When we look at the report coming out of the assessment of state land management in Tobago, we are concerned. Here it is the Minister comes to acquire—he says that there is not enough state land—private land for development purposes, and we have a

Land Acquisition
[SEN. DR. KERNAHAN]

Tuesday, July 07, 2009

report that says state land management is not optimal in Tobago. There are serious problems with state land management. So, when you take private lands and make them state land, and your whole policy and administration for state land management is not optimal—it is not the best—then you can see that the State is amassing problems for itself, because it is taking more and more lands and it is not optimizing the use, and there is not proper planning and so on.

I just want to quote some of the problems that have been divulged in this assessment of state land management in Tobago to give us an idea of what the Minister is up against when he said that he is going to acquire these lands for the State. It says in this report that the Tobago House of Assembly does not carry out any physical planning function, especially with respect to forward planning. This is the question I was asking. What is the context in which the Minister would acquire these lands for this particular school? We do not get a sense of where it fits into any forward planning.

It says that none of the technical or professional skills to carry out physical planning functions are in Tobago, and there is a lack of understanding of the physical planning function by the public, and there is lack of participation by the community in the physical planning process. That is important.

What we understood from the discussions here today is that there may be hundreds of residents on Adelphi Estate. Some of them may have been given letters of comfort and so on. It would be interesting to find out what kind of dialogue and what type of conversation ensued in the whole context of the development of that school on that particular piece of land, in addition to the rest of the land and the people who live on that land.

So, all these are issues which we must touch on. It is our responsibility to touch on them when we come to give the Minister the support that he wants for the acquisition of land. Acquisition of land is not something in isolation. It is for a social purpose; it is for an economic purpose, and it has to do with what is very closely related to what your physical development would look like, not only five or 10 years from now, but 20 or 30 years from now. This is the vision we require of this administration. This is the vision that we do not ever get when they come here to present Motions of this sort.

Mr. President, we are very strong in our point that there is need for integration of all the planning elements. We are very strong on the issue with respect to the Minister's acquisition of land. It must not be seen in isolation, but it must be seen in a context and he must explain the context. He must reassure us that measures

are being taken to deepen, intensify and improve the whole question of the management of state lands so that when he comes to acquire more lands from private persons for the State, we would be assured that the lands would be properly managed, properly dealt with and the land use and so on are optimal and that we would be able to support the Minister. In the absence of this type of information; in the absence of this vision; and in the absence of this information, it makes our job on this side very difficult.

Mr. President, I thank you. [*Desk thumping*]

The Minister of Agriculture, Land and Marine Resources (Sen. The Hon. Arnold Piggott): Mr. President, thank you very much. First of all, I would like to correct what appears on the Order Paper on the schedule as “4,9698 square hectares” as the land to be acquired. It is “4.9698 hectares”. Sen. Seetahal SC is quite correct. On the Order Paper that is reported, and in my notes I have it as 4.9698 hectares.

Mr. President, in terms of acquisition of land, land is acquired—

Sen. Mark: Talk about the square.

Sen. The Hon. A. Piggott: I correct that. It is 4.9698 hectares. That is what I said. I believe we have it recorded in the *Hansard*.

3.15 p.m.

So, that is out of the way. Location is based upon the use to which the land would be put, and I want to say early enough, to Sen. Dr. Kernahan, to correct the misconception of that which she is reporting, I did not say that there was not enough state land in Tobago to do the things in Tobago, necessarily.

What was being reported was that for a school or a particular activity, there may not be enough state land in that particular location, as in the case of Trinidad. You may wish to build a health centre in Tacarigua, but there may not be enough state land in Tacarigua, but there may be State land in Chaguanas, but it is the area of Tacarigua that you are seeking to serve. Therefore, to the extent that state land is not available in sufficient quantity in Tacarigua, then you would seek to acquire land from private citizens.

Sen. Dr. Nanan takes credit for the design of the school in Mason Hall, I am told. Whereas we are happy that the school is there and we are happy for the students who attend there, there are some facilities that could have been better provided for in that location. Now, I am told that the terrain in some parts may be challenging and Sen. Dr. Nanan knows that and is part of the process.

Land Acquisition
[SEN. THE HON. A. PIGGOTT]

Tuesday, July 07, 2009

Therefore, to come here and mislead or say to the national population, there is no playing field—I am told, as an example, but we understand. We need to put a school in there for students in the area, and we are trying to deliver a service to the people, and we should be more forthright in what we say, especially when we take credit for doing something in a particular area.

Under this administration of the People's National Movement, we are pursuing a course, is what I said, of providing educational facilities. I did say that we are providing the educational facilities up to the tertiary level—I did not say that then—free. It is under this administration that we have taken the free education to all its levels and we are going beyond tertiary level. [*Desk thumping*] We may yet have to acquire more land for this school that Sen. Dr. Nanan takes credit for.

Additionally, under this administration, there are models being developed based on population and based on the needs of the area, so as to provide educational facilities, the infrastructure and other, to meet the demands of the area. So, we are doing modelling, in terms of provision of educational facilities in Trinidad and Tobago.

The question of preferential treatment to some people and why is someone getting paid some money, 80 per cent of it, so quickly. Though Sen. Mark says it is quickly, I am hearing Sen. Dr. Nanan saying, it took some time. So, there is some contradiction in the camp on that side; on the front bench on that side. Were you in the Senate when the Land Acquisition Act, 28 of 1994 was passed? Were you here? If you were here, did you not know that you agreed that 80 per cent of the payment will be made from 1994 in the Land Acquisition Act, 28 of 1994? Were you here?

It is on that basis that the lands are being paid for at 80 per cent. The amount of 80 per cent is prescribed in law. [*Interruption*] I am telling you what happened and perhaps Sen. Dr. Nanan was not here in the Senate, he might have been downstairs, but Sen. Mark was here. Therefore, he should not be making those accusations and calling names of people who are not in this Senate or in this House, to defend themselves. Why are we calling names of people as owners, and as people who were getting preferential treatment, when that is absolutely incorrect? It is improper for you to do so, Sen. Mark

On the question of payment being high. Sen. Mark, you have been the Minister of Public Administration at some point. I mean, for God's sake, do not come to this Senate at this stage, and mislead the general population or the new Members of this honourable—

Mr. President: Minister, I do not want you to suggest that the Senator is misleading the Senate unless you have some evidence.

Sen. The Hon. A. Piggott: Mr. President, I thank you, but when Sen. Mark says or suggests that the payment of 80 per cent of the total value of 100 per cent of \$3.9 million is high or is excessive, or is plenty in comparison to other, what is the “other” that Sen. Mark is querying?

I want to ask Sen. Mark the question, is it that he is questioning the professional advice being provided by the Commissioner of Valuations? Values that have been placed on this land are values placed there by the Commissioner of Valuations. The Commissioner of Valuations is who places value, and that is the value on which we paid or the payment of 80 per cent was made. [*Interruption*] I do not want you to answer me now, I am winding up the debate. You asked questions, so I am giving you something to reflect on.

We are so happy that Sen. Dr. Nanan has claimed paternity for the planning of the school; I do not know what else Sen. Dr. Nanan is claiming paternity for. He claims paternity for the school and then he queries what is happening in terms of the acquisition of these lands for a school. Now acquisition of land, I must tell Sen. Dr. Kernahan, is not a matter for the Minister of Agriculture, Land and Marine Resources. There is a constitutional process. The division or Ministry seeks to get a piece of land for public purpose, to do whatever has to be done for the people of the State. The President seeks to acquire the land. The Minister of Agriculture, Land and Marine Resources is the constitutionally appointed Minister to bring that Motion to the Parliament or to the Senate on behalf of the President; that is clear. It is written there in the Motion, on page 3 on the Order Paper.

I bring the Motion here, on behalf of the President, in the name of the President. It is not the Minister of Agriculture, Land and Marine Resources who is seeking to acquire land in Trinidad and Tobago. As I said before, the acquisition of land is based on the need for public use. The amount of land would be based on whatever activities are to be engaged in, whether it is a river that you are seeking to divert; a bridge you are seeking to build; a school you are seeking to erect; a roadway you are seeking to build.

As I understand it, this Government is pursuing a number of initiatives, one of which is, the Ministry of Education is presently pursuing a mapping exercise to assist in school construction. A mapping exercise is being undertaken right now and that would take into consideration matters of sociology, economics, population, among several other issues. It is an IDB-funded process, being undertaken by a Swedish firm. That process is ongoing, and alongside that, the Ministry of

Land Acquisition
[SEN. THE HON. A. PIGGOTT]

Tuesday, July 07, 2009

Planning, Housing and the Environment is pursuing some other studies. The Ministry of Agriculture, under the Lands and Surveys Division, is also pursuing a GIS programme, to collect data on land in Trinidad and Tobago, so that we would know where the lands are, what use they are being put to, and how we can use the lands for various activities, be it housing, road construction, whatever.

So, we have a programme that they did not have. They were there for a while, they were doing nothing, and that takes me to the fact that prior to 1994, they were there and they allowed arrears of payments to several people. Why did they not correct it? Why did they not pay these people whom they owe the money? I have come before this honourable Senate and I have brought to this honourable Senate, a Motion for 14 sets of land plus this one, 15. [*Desk thumping*] I am only here for 17 months. How many did they bring?

This Government is seeking to bring to this Senate, matters of land acquisition, so that we can settle these things. They were doing nothing. They come here to complain about that which they created. I am saying we ought not to do that. My colleague here, Sen. June Melville, said give credit where credit is due. I am seeking no credit, but give credit where credit is due. We brought 15 sets of land before this honourable Senate and you have brought none. I say to you that we shall proceed, we shall continue our programme. You will not be able to derail us in our developmental thrust. [*Desk thumping*] Our thrust is going to continue. [*Desk thumping*] We shall continue to build more schools. [*Desk thumping*] We shall continue to build more roads. [*Desk thumping*] We shall continue to help with disaster flood relief. [*Desk thumping*] We shall continue to do a number of things; help programmes. We shall build more health centres. [*Desk thumping*] We shall provide more for the weak and the poor in this country. [*Desk thumping*] We shall! I shall invite you to join my preaching area in time to come. [*Laughter*] I shall invite you.

Sen. Mark: "You on ah roll. You on ah roll."

Sen. The Hon. A. Piggott: You help me get on a roll. I am energized by your teasing, but I am also very energized by the fact that when you come to talk in this Senate and you interfere with a process that we are pursuing with all decency, with all goodwill, with all the desire to help the people of this country to advance, then you must tell the truth, you must not deviate from the truth.

Sen. Rahman: Would the Minister give way?

Sen. The Hon. A. Piggott: No, I am not giving way, I am winding up this debate. [*Interruption*] I want to let you know—

Mr. President: [*Pounds gavel*] Sen. Rahman, enough! Minister.

Sen. The Hon. A. Piggott: Mr. President, I thank you. I was beginning to think that the Senator was beginning to misinterpret where he sits. You are sitting on that side, not that side, you are not in the Chair.

In terms of the land acquisition process, this Government cannot say that it is very happy with all the programmes that have taken place in terms of payment to people whom we owe money. I am talking now about a state as distinct from an administration. The State owes people money, derived from a number of administrations. We are concerned about this and it is for that reason that I have brought so many motions here, in respect to so much land. I made that point on the last occasion when Sen. Mark was being, again, critical, I brought the motion.

On that day when I brought it to this Senate, we included two more parcels of land, and that would be recorded; it is in the *Hansard*. It is because of our interest and our anxiety to meet the needs of these people and to satisfy their payments, that we are bringing these matters. Until this Senate approves these payments, we cannot finalize all the payments, approve the Motion.

In terms of the process, we are reviewing all the outstanding claims we have now. Just two weeks ago, at a meeting of our executive in the office, I asked to be provided with a list of all the outstanding payments. Sen. Nicholson-Alfred, I did ask about Tobago, because I was aware that in Tobago there were matters that needed our attention, even before I became a Minister of Agriculture, Land and Marine Resources.

So, these matters are receiving our attention as we speak. We are aware that there are claims arising out of Crown Point, Sen. Nicholson-Alfred. We are aware that there are claims arising out of the Claude Noel Highway. These are matters that are receiving our attention, and wherever there are people in Tobago, in the sister isle, who the State owes money—and the State is not a dying State; the State will live—we are going to, in the process of time, be able to pay.

3.30 p.m.

Now, you would appreciate that no Government under any administration will be able to find all the money that is now outstanding in arrears to be able to pay it in any one year. That is just not possible! Therefore, in our allocation year after year, we make some provisions. We also make some forward provisions so that in the event we want to acquire lands during the course of the year and in order to satisfy and to be in keeping with the laws of this land, the Land Acquisition Act of 1994, we make provision for future—that which we are going to acquire. Therefore, we make provision for 80 per cent payment.

Land Acquisition
[SEN. THE HON. A. PIGGOTT]

Tuesday, July 07, 2009

I wish, therefore, to ask the honourable Senate to support this process, that which I have brought in the name of the President to acquire lands for the public purpose of a school—the Mason Hall Government School—in Tobago, I ask the hon. Senators to support this Motion so that we can move the process along.

Mr. President, I thank you.

Question put and agreed to.

Resolved:

That this House approve the decision of the President to acquire the lands described in the Appendix II to the Order Paper for the public purposes specified.

APPENDIX II

DESCRIPTION OF LAND	PUBLIC PURPOSES FOR WHICH TO BE ACQUIRED
<p>A parcel of land comprising 4.9698 hectares more or less, situate at Adelphi Road, Mason Hall in the Parish of St. George, in the ward of Tobago and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated 2nd January 2001 and filed in his office, is required for a public purpose: Construction of the Mason Hall Secondary School.</p> <p style="text-align: center;"><u>SCHEDULE</u></p> <p>The parcel of land comprising 4.9698 hectares more or less, situate at Adelphi Road, Mason Hall in the Parish of St. George, in the ward of Tobago and said to belong now or formerly to Adelphi Estates.</p> <p>This parcel of land is more particularly shown coloured raw sienna on a survey plan issued under Survey Order 86/91 and signed by the Director of Surveys on 2nd January, 2001 and filed in Book 1243 as Folio 45, in the vault of the Lands and Surveys Division, Old General Post Office Building, Wrightson Road, Port of Spain</p>	<p>Construction of the Mason Hall Secondary School</p>

METROLOGY (AMDT.) BILL

Order for second reading read.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Mr. President, I beg to move,

That a Bill to amend the Metrology Act, 2004, be now read a second time.

The Metrology Act was passed on June 25, 2004. The purpose of this Act is primarily to make the international system of units the primary system of measurement in Trinidad and Tobago.

The international system of units is the modified and internationally accepted form or what is commonly known as the metric system. Subsequent to the passage of this Act, stakeholder consultation between the Trinidad and Tobago Bureau of Standards, the body which is responsible for the administration of the Act and the energy sector resulted in some concern being expressed regarding the non-inclusion of the British thermal unit as a unit of energy. This is a unit of energy that has been traditionally used to quantify natural gas. Given the crucial role which natural gas and the trade in natural gas plays in our economy, this amendment should be made. The Bill is a very short Bill which consists of four clauses.

Clause 3 proposes the amendment of section 4 of the Act by inserting a new subsection (3A) after subsection (3) to include British thermal unit as a unit of measurement of energy to be used specifically in connection with the trade in natural gas. The new section states:

“Without prejudice to the legality of the use of metric units of measurement, the British thermal unit...referred to in the Fifth Schedule shall be used only in connection with the trade in natural gas.”

Clause 4 proposes to amend the Fifth Schedule of the Act by inserting the British thermal unit as a unit of measurement in the relevant table. I should point out at this stage that the Bill that was circulated does include a typographical error, the zero in the value of measurement, there is a zero missing. The figure should be 1055.056 and not 1055.56 as is currently in the Bill. During the course of previous debates, I had the opportunity to have extensive discussions with Sen. Basharat Ali who has had a long and specific interest in this Bill and who, I might add, has oftentimes asked when it would be brought to Parliament. I am happy to say that it is here today and he made several contributions and suggested several amendments as a result of which we had a long discussion over the last hour, and I think we have come to the conclusion that we are amenable to those amendments.

Metrology (Amdt.) Bill
[SEN. THE HON. M. BROWNE]

Tuesday, July 07, 2009

Those amendments will be circulated, if they have not yet been circulated and we will address them in the committee stage.

Mr. President, the maintenance of a consistent, accurate and relevant system of weights and measurements is important especially as Trinidad and Tobago seeks to participate fully in the global trading arena, and as such it is important that our system of measurements is in keeping with internationally recognized standards.

Mr. President, I beg to move.

Question proposed.

Sen. Dr. Adesh Nanan: Thank you, Mr. President. The first thing I have to ask with respect to this particular Act is why this could not be done as the Metrology Act points out in terms of an order, because you could amend the Fifth Schedule by order. If you look at the Fifth Schedule that the Bill points to in terms of the amendment, we need some definitions. I thought the Minister would have defined—he just mentioned British thermal units but he did not give us an idea of what is a British thermal unit as compared to the SI units which is the joule.

[MR. VICE-PRESIDENT *in the Chair*]

The Minister only pointed to a value of changing a figure of 1055.56 that they have to 1055.056, but I think we need to have some history in terms of British thermal units. [*Interruption*] It is important because to understand the concept here in this Fifth Schedule we need to relate the joule to the British thermal unit.

I just want to simplify the joule, because in the 18th Century we had a conflict in terms of heat and what was the concept of heat in the 18th Century, and what has happened and some people thought that heat actually was a fluid that came out of a metal; some people thought it was the particle moving that was heat, that is why joule was so important—the British physicist.

I am sure the Minister of Trade and Industry is aware of Count Rumford, because in your brief you must have been told of Count Rumford, I am sure. [*Laughter*] His real name was Benjamin Thompson, and the reason I made reference to Count Rumford is that he was a General and he recognized that when they were using cannons in the old days, when they were loading the cannons a certain amount of heat was generated and many people told him it was because of these particles that were moving and fluid was coming out, that is how we got heat. He decided to set up an experiment and test it himself. What he did was actually transfer the heat that was being provided when they were loading the

cannons to water and he found out that the heat actually was because of friction as they loaded the cannons within the metal and how they were loading the cannons. That is how heat became recognized as a form of energy.

The concept here is important in terms of the use of energy and the relationship with heat. The British thermal unit is really utilizing one pound of water under standard atmospheric temperature and pressure and convert it by one degree Fahrenheit. So, you have an increase in temperature of one degree Fahrenheit with one pound of water and that is the British thermal unit.

However, Joule did an experiment and he found—which in similar terms is very close—what is interesting at that particular time—that was the 19th Century because Count Rumford was 1798 so he was in the 18th Century and then Joule was in the 1840s, so you are looking at a difference of years there. He did the experiment and he came up very close to the British thermal unit in terms of the relationship between the joule and the British thermal unit. I am sure this would take us to a little extrapolation towards the calorie, because the Minister of Health must be aware of the calorie and the definition of a calorie in terms of raising one gram by one degree Celsius. So there was a comparison at that time in terms of Fahrenheit and Celsius and the calorie and the British thermal unit was used in the 19th Century to define heat.

In terms of the physicist Joule, what he did was to actually recognize that mechanical effort produced heat. So, he did an experiment where he utilized weights and in utilizing the weights he was able to actually use weights to create heat and that is how he also recognized that. Do you know what is interesting, you may want to understand the concept of a joule in terms of the energy production but some of the literature is that if you take a small apple and you exert a force and lift it one metre straight upwards, that is the amount of energy, that is what a joule is in simplified terms.

So in terms of this particular Schedule and the definition of the joule, actually the joule's definition is if you have force of one newton moving a distance of one metre, you have a joule in terms of energy capacity. But we are dealing with kilojoules in this particular schedule.

[MR. PRESIDENT *in the Chair*]

If you are dealing with kilojoules, the question has to be asked in terms of the international environment on British thermal units and the relationship between

British thermal units, because I do not know if the Minister is aware in terms of air conditioning units. The question has to be asked of the Minister, this particular new clause:

“Without prejudice to the legality of the use of metric units of measurement, the British thermal unit...referred to in the Fifth Schedule shall be used only in connection with trading natural gas.”

So what about air conditioning units? They are being quoted in British thermal units. We all know about BTUS, are we going to talk about kilojoules? I do not think we are going to go to kilojoules. So we need to have a national standard in terms of if we are going to use the British thermal unit. Are we going to keep it strictly for the natural gas trade or are we going to have other things included?

So in terms of the natural gas and the British thermal units, the question is, are we going to deal with natural gas in terms of volume, like we are quoting in trillion cubic feet or are we going to utilize British thermal units? Why are we utilizing British thermal units? The Minister has to explain that because if you are using the British thermal units, we are dealing with the heating capacity. We are dealing with heat and not volume. There is an interesting example in history that Joule and Kelvin utilized—and what is the significance of that particular experiment at that time is that they recognized that if you have a gas at high pressure and it goes from a high pressure environment to a low pressure environment you will have a cooling effect and that cooling effect was with respect to the energy that the molecules must exert to expand into the environment. What was the significance of that particular experiment at that time?

3.45 p.m.

If you recall, carbon dioxide as a gas if it is utilized at high pressure it remains a gas, but if it goes from a high pressure to a low pressure environment, it moves away from the liquid phase and goes straight to the solid phase.

So the importance of that in terms if you compare it with natural gas—and it is important when we are dealing with air condition units and the actual explanation of how an air condition unit works, simply, is that when pressure is utilized on the gas, you have it being converted into a liquid and the heat generated is moved away, so you get a kind of cooling effect and this is a more simplified version of the air condition unit in terms of your refrigerator. So the concept here is we are dealing with the heating capacity, and heat capacity is defined as the heat that will require mass or a unit to be increased by what is in terms of Kelvin, by one degree Kelvin.

So, we are looking at utilizing an increase in temperature and utilizing that generation of heat because in terms of natural gas—and what they are utilizing actually is the natural gas capability of creating a certain degree of heat, and heating capacity of any substance is really the actual specific heat capacity of the element multiplied by the size of the object. So it is all dealing with that particular situation. So the question that is being asked in terms of the unit of energy on the Schedule, that is the British thermal unit utilizing the heating capacity as compared to the joule, which is utilizing a different concept. Joule is using the mechanical effort concept and the British thermal unit is utilizing the heating capacity.

If we go further to look at the Fifth Schedule, you would recall in the Fifth Schedule of this Act, we are still maintaining barrels of oil. We are still retaining the barrels of oil concept in the Fifth Schedule. So the question is being asked in terms of our trading we are utilizing in the petroleum sector, what we are seeing is the dominance really of the Americans. Because they have not gone into the SI system and they are utilizing their units of measurement which is the volume in terms of barrels of oil, and now the British thermal unit of the 19th Century is being utilized. Also, what has happened from the 2004 situation where it was left out in the Metrology Act? What has happened in terms of that particular analysis from the Metrology Act, 2004 to now, with respect to the British thermal unit? What was being utilized for the actual calculations? I do not think it is going to be kilojoules because I do not think the world is going to use kilojoules to trade in natural gas. So, there has been some anomaly with respect to the Metrology Act.

Mr. President, I agree in reading the literature that it should have been included at that particular time in 2004, with respect to this particular unit of energy because no country that is dealing with the petroleum sector is going to move *carte blanche* to joules and to another measurement for barrels of oil. So that is the status quo as far as we are concerned. But the question that has to be asked in terms of the Metrology Act—because the Minister made reference to the Metrology Act and gave us some definitions of metrology in terms of the implementation because the Minister spoke about the Bureau of Standards in the Metrology Act. The question that must be asked in terms of the inspectors and especially at our ports, because when we are dealing with inspectors at our ports in terms of the Metrology Act, we are dealing especially in trade with respect to the goods and services produced for export, as well as import and for usage in Trinidad and Tobago. Are these inspectors on board? Is the Metrology Unit functioning? Because if we are dealing with an amended Schedule, we need to have this kind of reporting.

We need to find out if this Act is being implemented because we knew it was passed in 2004 and we have not heard much in terms of the Metrology Unit that has to be set up for the implementation. It goes even further in terms of the public education campaign and what is happening with respect to the public and the switching of— There is a little joke that used to go around, that when we ask somebody what is three feet in a yard, they would ask how many people in a yard. But now in terms of moving to the SI system, that will no longer be relevant because people are moving away from the old system into the new system, and that three feet in a yard joke will no longer be applicable. But in terms of the SI unit, we have grown up with pounds, inches and feet, and the new generation is moving towards the SI system.

In terms of the actual operation in the country, the Minister needs to give us an idea of how this Act is being implemented; what is the response from people who are actually trading in goods and services, in terms of utilizing the metric system; and how is the response of the public especially where weights and measures are being utilized. We saw which is very important too, especially in the joule section, they are keeping the old traditional weight. If you are keeping the old weight in the joule area, we need to know what is the policing mechanism or what is the Metrology Unit doing with respect to that particular area, especially in joule where we can have people being swindled.

In terms of our national standards, the Act actually speaks to a review that is supposed to be taking place 10 years, then it is five years and then it is one year. We need to know what the Metrology Unit has been doing in terms of our standards. And as we are dealing with standards, we need to be concerned about the utilization of the Metrology Unit for our various standards in terms of our laboratories. Because we have to have a national standard and we must be able to utilize goods that are coming from abroad, and the Bureau of Standards together with the Ministry of Consumer Affairs must be looking at this particular area in terms of preventing anti-dumping.

We heard about anti-dumping legislation. I do not think that has been brought to the Parliament with respect to that particular area. The Minister of Trade and Industry might need to look at that, especially in a situation of an economic recession where countries will want to be able to export to various countries, and we have to be careful in terms of what is coming into the country. We have seen it from time to time in terms of inferior goods ending up in our market. So the Metrology Unit is a vital tool especially in trade, and to maintain public confidence. And as we go in our daily activities, it plays a major role, even in the

breathalyzer. I think the Metrology Unit has a major role to play in terms of the implementation of the breathalyzer because we are dealing with standards, and it is mainly about standards. Even in the ambulance sector, we need to have standards and the Bureau of Standards needs to play a role.

So in every area of life in Trinidad and Tobago, in the Metrology Act the tentacles are there in terms of its particular implementation. That is why it is so important in this particular—although it is a short amendment, it has far-reaching consequences in terms of this particular Metrology Act because it can be difficult. You do not have to be a physicist to be able to understand the Metrology Act, you just need to understand certain concepts. If you understand the concepts, then you will know the relevance of standards. Because if you look at the Schedules, you will see some references to things that are very far in terms of scientific principles, and the principle of the base units in the SI system is very difficult to comprehend at some point in time, in terms of the triple point of water as a reference. That is a very vague area.

Now as we are having a situation in terms of our marketing capability and throughout the country, we have to look at our prices because we are not talking about pounds any more, we are dealing with kilograms. But whether we are dealing with kilograms or we are dealing with pounds, our prices are still going up. So we have to look at those things too, Mr. President. The other area that this particular amendment can make reference to in terms of the importance is not only in the sectors of weights and measures. If you recall, the Bureau of Standards has responsibility for everything except food, drugs and cosmetics. So it is a wide area in terms of its role and responsibility, and there are certain things that we need to find out in that particular unit, in terms of its areas especially—

Mr. President, I was looking at the Jamaican Bureau of Standards and I was seeing that they had purchased equipment. They had purchased equipment to do certain tests on the level of certain minerals. How are we doing in terms of our capability at the Bureau of Standards, in terms of the analysis? What is the research and development capability of that particular unit? We need to know those things because we need to know how the Bureau of Standards in terms of our analysis of situations whether—I am speaking about these minerals because it is important in certain areas. But in terms of a spectrophotometer, there are certain advances in spectrophotometry that we need to know about and the unit has to be staffed and equipped in such a way that they will be able to utilize the most up to date equipment, especially when they are identifying certain levels of minerals and metals in certain areas.

So in terms of that particular area and its far reach, we need to know in terms of the acquisition and equipment, if the Bureau is operating on old equipment or have they acquired new equipment. We need to know in terms of public confidence, so if we are trading, we will be able to say yes, we are trading, but in terms of our laboratory capability, we are able to match the international standards. Because if we do not have a national standard or a national reference, how will we know what is our standard?

Many of our private sector companies are well ahead in terms of standards because they have to maintain a certain standard, not only within our own country, but especially in the international arena. We also saw it in terms of the analysis especially when we are dealing with the aluminium smelter because we heard from the Environmental Management Authority that the levels are going to be on a certain level in terms of permissible levels, but the question needs to be asked in terms of the permissible levels. We know that these companies cannot operate outside. They have not been able to operate in the United States and they are looking for other areas where they can go under the level at which the standard was set.

It is a possibility. Yes, Alcoa said that. Alcoa said that they were going to do that and we still have no confidence in them, because we have no confidence in the Environmental Management Authority to say that the levels were permissible. We are not guaranteed that from the Environmental Management Authority, so we are afraid. We must be afraid with respect to the mission of hydrofluoric gas into the environment.

Mr. President, I did not want to go into the smelter. I just make a reference to that particular area to deal— I went there because I wanted to point out the danger of hydrofluoric and the levels in terms of the capability.

4.00 p.m.

The Bureau of Standards must also be involved in that particular issue. Do you know what is important? The Bureau of Standards should have been involved— I do not know if they have been—in the acquisition of the digital Itron meters by T&TEC. The relationship there is that when we are dealing with standards and national reference standards, we have to know that the Bureau of Standards is involved. If you are acquiring digital Itron meters to be used, as T&TEC did for analysis of our electricity usage, the Bureau of Standards must play a role. Weights and measures come in there because we are dealing with standards.

Mr. President, in terms of the digital Itron meters, also with the poles that T&TEC actually acquired, the Bureau of Standards should be involved there too. *[Interruption]*

Mr. President: Senator, this Bill is not about the Bureau of Standards. If you could somehow relate what you are talking about to the Bill, I would allow you; otherwise, please, drop that line of discussion and talk about the matter before us. I have given you a lot of time to express yourself.

Sen. Dr. A. Nanan: Mr. President, I was just showing the linking between the Metrology Unit, the Bureau of Standards and this particular Schedule. *[Laughter]* This particular amendment makes no sense if a Metrology Unit is not functioning. That is the link; I just went out a little to get some public confidence in the process. *[Laughter]* *[Crosstalk]*

Hon. Senators: A little!

Sen. Dr. A. Nanan: I extrapolated a bit to utilize the opportunity, so that the public could get some confidence in a government they have very little confidence in. The polls are showing that if you go to the local government election you would lose, obviously. *[Laughter]* *[Crosstalk]* I do not want to get there.

We are dealing with standards. I do not want to say that this Government has no standards; I would not say that, because that would be improper motives, but that is what we have to deal with. So we have to utilize the opportunity to show the country that with the introduction of the metric system, we have the standards in place, and we are confident that if we are trading in goods and services, our public would be able to have confidence that whatever the Government permits to come into the country, the Bureau of Standards would ensure that—

Do you know what, Mr. President? The Bureau of Standards must be at all our ports doing the inspections, because we are dealing with weights and measures, and the Metrology Unit is in that particular Bureau of Standards. *[Crosstalk]* If you go on the Bureau's website, you would see the Metrology Unit, so it is inextricably linked to the Bureau.

I made the point with respect to the various areas and the tentacula approach by the Bureau of Standards, and the importance of the Metrology Unit. If I were to go back to the little area of kilojoules and the British thermal units (Btu), which is important— If we are dealing with the British thermal units and kilojoules, we have to ask a question. You are going to use the British thermal units.

Metrology (Amdt.) Bill
[SEN. DR. NANAN]

Tuesday, July 07, 2009

Mr. President, we are dealing with the trade in natural gas, and we want to ask the Government, with respect to this trade: We are going to use the British thermal unit in terms of natural gas, but in terms of our reserves— We are trading in natural gas with this British thermal unit, that is going to be in the First Schedule. In terms of our natural gas reliance over a 20-year period and a trillion cubic feet, I think we are utilizing a figure of over 7 trillion cubic feet over the next 20 years, what is going to happen? Are we having any more explorations? Are we having any finds in our natural gas that we are utilizing the thermal energy for? That question has to be asked as we utilize the units. I want to ask that question to the Government, which is important before I wind up.

I have to ask that question in terms of trading in natural gas. The Government must answer in terms of a 20-year span. We want an answer in terms of our reserves. Are you seeing our reserves increasing or will our natural gas run out in 20 years' time? That is the question to the Government, as I wind up on this particular Bill.

Sen. Basharat Ali: Mr. President, it gives me great pleasure to speak on this Bill. I hope it is a sign of things to come.

This Bill is very close to my heart, because on June 01, 2004 I was a certain age, and I had to forego my birthday party to come here and speak on metrology. So five birthdays have gone past, but we have not reached anywhere yet in metrology. In a way, this is a bit of sunshine in the dark. I was hoping that we would have gotten through where we wanted to. I will speak of proclamation later.

I will not be too very long. As you may not be aware, I have looked at the Bill before us, which really has two effective clauses: clause 3 and clause 4. I thought we did not really do full justice to this Bill. It is something that has been there for a long time. In 2004 I asked about this. On June 01, 2004, I said:

"Already we are legitimizing the barrel as a unit of capacity measurement. There is no reference to units of measure for natural gas, now our biggest earner of gas revenue."

I do not know whether today that is so. I think for yesterday's figure, Henry Hub was \$3.24 per million Btus and WTI was \$64; \$3.24 is only \$18 a barrel of oil; so you work out the figure. I do not know whether we have any gross income on that basis. When we back out all the costs associated with the production of LNG, we might not be making a profit at the level of \$3.20. That is why I asked the question of the hon. Minister, who is wearing his other hat as the Minister in the

Ministry of Finance, whether I was correct from five years ago in saying that natural gas was our biggest earner of gross revenue. Perhaps he may give us some good news that we do not know about.

Mr. President, I had spoken about the cubic foot and the British thermal unit not being included in that. On that day, in fact, I offered to sit with the persons concerned to see whether I could work out an amendment, which could have been included in the Bill at that time, but that did not happen. So five years later I have come and we have this amendment before us. I would like to now go straight into it, because I myself have a proposal for a number of amendments. I would like to speak to those amendments, before the committee stage, because that is what we would want to do, what I propose to be done in this whole matter.

I have asked for the amendments which I have prepared to be circulated. I believe that is going to be done. If you bear with us, I will get to that. I can start speaking to it, Mr. President.

Going back to the Bill, the first amendment I am proposing is to clause 3, which gives an amendment that requires us to insert a new subsection (3A). I thought with what I was going to propose, that we did not have to use that subsection (3A), that we would, in fact, omit that and just amend subsection (3). Subsection (3), if we have the amendment before us, goes something like this—this is the new subsection (3) which should have been circulated:

"Without prejudice to the legality of the use of metric units of measurement, the barrel, the standard cubic foot (scf) and the British thermal unit (Btu) referred to in the Fifth Schedule shall be used only in connection with trade in petroleum, petroleum products and natural gas."

It is really a widening of that exception; these are the special provisions relating to the petroleum industry. It gives the opportunity then to cover, not only the measurement of natural gas, but also the measurement of other things.

I think there has been some reservation from National Petroleum, for example, that their other product, CNG, for example, is not covered, because CNG is done in a rather peculiar way. It is sold as litres of gasoline, but it is litres of gasoline equivalent, but it is derived from the basic units of Btus and standard cubic foot. When I spoke on the CNG Excise Duty Motion, not so long ago, I did give some figures then. This is why I am saying by expanding it this way, we are covering that.

We speak of this litre of gasoline equivalent, and the information then which was provided by NP said that one litre of gasoline was equivalent to 32,644 Btus,

and the heating value of our natural gas is not 1039 Btus per standard cubic foot. Therefore, they worked out that one litre of gasoline is equivalent to 31.4 per standard cubic foot. So you see the repetition of two items which we did not have in this: Standard cubic foot and British thermal unit, which is now one of the amendments.

This is why we had proposed this clause here and the amendments to the Fifth Schedule. In the Fifth Schedule there will be a new subhead, "Unit of Energy", and in the Bill before us it says unit of energy, Btus, British thermal units (International). I said:

“...delete the word ‘(international)’ and insert the words ‘(ISO 31-4)’.”

That is because it is the actual standard that we are working to, to arrive at this joule figure which has been corrected, one Btu is equivalent to 1055.056. That is, in fact, covered by the ISO Standard that I am quoting here. That is one of the amendments I have on that one.

The other inclusion, of course, I have said is the standard cubic foot, which comes in the Fifth Schedule. For that one we will simply add it after or below the word "Barrel" in the Fifth Schedule. The name is standard cubic foot; the abbreviation is SCF, derivations from the metre, and in column four the value is given as .028316847 cubic metres.

4.15 p.m.

Inclusion of these is quite critical. I have to point out that for natural gas or any gas for that matter what is measured is not being used. What is being measured is standard cubic foot. That is, actually the physical measurement that takes place in natural gas at the line pressure of 1,000 pounds or whatever and the temperature. When that is measured it is corrected to 60 degrees Fahrenheit and 14.7 pounds per square inch pressure to arrive at the standard cubic foot volume.

How do we get to the state of British thermal unit (Btu)? That is by chromatographic analysis. A sample of the gas gives you how much methane, ethane, propane and butane in terms of volume in that gas. You get the proportion of each and you can then take that and convert it to the heating value of the gas. For that you will use the necessary tables. There are many tables. Companies like National Gas Company will have those tables. Eventually, we measure natural gas at high pressure; standardize it to 60 degrees Fahrenheit and 14.7 psi and apply the calculated heated value in terms of Btus per standard cubic foot to arrive at the Btus. That is what we are selling. With any of the companies here we sell Btus based on these calculations. That is why it is important to include not only Btus but also standard cubic foot so that you are covered.

You are talking metrology, measurement and measuring devices. That is basically measuring devices when you are in the field or otherwise and laboratory measurement of the calorific value. I am told that one company has online chromatographs which do the testing of the composition of the gas as it flows. They can work it out like that without having to wait for any laboratory analysis for how many Btus they are providing.

I did ask the question about LNG. I was told that we sell LNG in tonnes at the delivery port here. We sell in metric tons so that whether the customer accepts in Btus, because there will be figures for that too, they can work it out. I am told that what we are doing here does not affect the sale of LNG because of the fact that it is done by mass. The idea is that by the amendment of section 4(3), you would have had these special units, barrel for liquid fuels, petroleum and crude oil for example. We would have had standard cubic feet for the measurement of gas volumes and the British thermal unit for the calculation of any of the matters, particularly the natural gas.

To me, that is the best way of handling it because all three of those things are petroleum, petroleum products and natural gas and are defined in Chap. 62:01, which is the Petroleum Act. We make assurance doubly sure by doing it this way. NP can even sell their fuel oil like bunker fuel, in barrels to their customers, which they probably do. We cover them for that and CNG sales in litres of gas equivalent. If there are any questions with respect to these matters, I will be happy to take them as we go along.

I know that Sen. Dr. Adesh Nanan mentioned the question of Btu in air conditioning. I am aware of it. I tried to get one of my friends who runs an air conditioning business, but unfortunately I did not get him. There is not a measurement per se, I think that it is a rating. They will say so many Btus per hour or whatever it is. How you test that or not, I could not put it in here not knowing what it is. I think that he raised a very good point. I did think about it but I did not get a feedback which would say whether or not we are restricting them. That may be one of the areas that we have to look at. I do not know who certifies the rating or how it is tested for that matter. That is not within my scope of knowledge; that is somewhere else. We have to look at that.

Those are the basic things that I would like to address. The amendment is circulated to all concerned. If there are any questions I would be happy to answer them. On the basis of this, I wondered whether I was getting a birthday present by

Metrology (Amdt.) Bill
[SEN. ALI]

Tuesday, July 07, 2009

the date of proclamation being announced. We have gone five years, one month and 14 days. On the 25th June the Act was assented to. I hope that the Minister will give us some figures.

I did have some questions some of which are related to where we are. When is the date of proclamation? More importantly, I was looking at where we are in the process. Where is the Bureau in the process? The Bureau has very stringent tasks to do in the Act. Their functions are stated there. They may set up a metrology laboratory. I think that in this country it may be there. They may have a laboratory but whether it is adequate is another question.

Section 21 of the Act says:

“without prejudice to its powers and duties under this Act, the Bureau may—

- (a) establish a Metrology Laboratory...with such metrological testing equipment as it may require to carry out its functions under this Act;
- (b) provide services for calibration and determination of accuracy of measuring devices other than prescribed measuring devices...;
- (c) examine persons seeking certificates in pursuance of the requirements of sections 12 and 13...”

The Bureau also has to appoint the chief inspector and the crew of inspectors. That is an important part of this whole process. Many people are concerned about that.

National Gas mentioned to me that they were very concerned because they have so many instruments which have to be inspected and calibrated, et cetera, that they wondered if this Act is proclaimed, how that would be dealt with. The Minister has many tasks assigned to him in making the regulations. Under section 21 or 22, a number of tasks are assigned to the Minister apart from all the other work that the busy Minister has to do. This is why I ask: Where are we?

There is another Bill awaiting proclamation, but that proclamation has to be after this one, that is the CROSQ Act, the Caribbean Regional Organization for Standards and Quality. That was assented to but it cannot be proclaimed until this is functional. I will like the hon. Minister to give us some indication of the time line that we can expect this. I understand that this question of Btus to natural gas is an important one, but I do not know whether the Minister intends to proclaim the whole Act, or in parts for that matter and just hang on to the Weights and Measures Ordinance which will remain in force for certain things until everything else comes into place. That is as much as I would like to say on this issue.

I look forward to good news and before my next birthday. I do not know whether I will live that long. I have to acknowledge the people who interfaced with me in looking at these amendments as my very good and close friend, Mr. Barry Barnes who is the special advisor to the Minister of Energy and Energy Industries; my friend Frank Look Kin who was president of National Gas and now a consultant to National Gas and Mr. Wade Hamilton, also from that organization. I thank the parliamentary staff who helped me in making sure that this was amended in the fashion in which it should be done.

With those words, I wish to say that I look forward very much to an early proclamation. I hope the Minister will give us some indication when he is wrapping up this Bill. [*Desk thumping*]

Sen. Dr. Sharon-ann Gopaul-McNicol: Mr. President, today's debate is the continuation of what has been debated some years ago, on the Bill to re-enact and revise the laws pertaining to weights and measurements and to give effect to the international system of units which is now cited as the Metrology Act, 2004. This Bill is long overdue and it replaces the Weights and Measures Ordinance, 1939. I am pleased to see that this is being discussed today, because when I think back 30 years ago in high school, we were approaching this discussion. As a matter of fact, we had to change our Mathematics books to reflect the metric system. I am quite surprised that we are still talking about a need for conversion in 2009.

In any event, our present law is very outdated and certainly deficient, in that in stamping of weight masses, it is difficult to weigh anything that is less than one quarter of an ounce and anything that is more than 112 pounds. Likewise, length measurements less than six inches and more than two yards are hard to tabulate in our present system of measurement. Then, there is the matter of volume measuring, less than a quarter of a pint and more than 288 gallons. Even buying bulk goods such as aggregate, is a problem with this outdated measuring system. Imagine it is difficult to measure capacities more than four gallons which in some quarters is still the largest equipment measuring device that is being used.

As was said earlier on, air conditioners are still specified in Btus per hour and there is also a deficiency in the use of measuring devices such as scales that are used in the post offices and other governmental units here in Trinidad and Tobago. The scales used in post offices often result in a loss of revenue and oftentimes the overcharging of citizens of Trinidad and Tobago. The very foundation of the construction industry is built on the imperial system and this would have to be changed to the new metric system, since in many circles we are still using the outdated measuring devices.

Metrology (Amdt.) Bill
[SEN. DR. GOPAUL-MCNICOL]

Tuesday, July 07, 2009

When we look at the whole question of the conversion in the oil sector even, we still use imperial measures even though at the gas stations, diesel, super, premium and unleaded gas are being used and sold in litres. There is no question that there is a need to make the international system of units the primary system of measurement in Trinidad and Tobago, since it is internationally, the accepted form of the metric system.

Mr. President: Hon. Senators, it is now time for the tea break. We shall resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Dr. S. Gopaul-McNicol: Mr. President, since 1980, there has been an attempt to introduce the metric system as the primary system of measurement and to date there is no legislation in place. We have to ask the natural question: Why does it take so long to pass a Bill and to proclaim a law? What is even more frustrating is that since 2004, the Bill was debated in Parliament and here we are again, five years later still talking about this.

In the interim, many unscrupulous business persons surely would have benefited from unfair trading practices by utilizing both the metric and the non-metric system. Certainly, they would not have been considered to be breaking the law. It is time we put legislation in place to correct this lacuna in the current law. It is time that all units of measurement be determined on the basis of the metric system, so as to prevent any competing system of measurement that could be considered acceptable in Trinidad and Tobago.

As we continue to engage in global trading and be the trading hub of the region, it is critical and certainly commendable that we are attempting, yet again to pass this Bill.

I want to support the current proposed Bill by the Government of Trinidad and Tobago which, in my view, is progressive. I must add here that there are some concerns, which, notwithstanding my interest in supporting this Bill, I would like to mention. I am concerned about the provision of the Bill, whereby the Inspector of Metrology would have limitless power to enter the premises of traders to inspect measuring devices, ensure that they are in keeping with the requirements of the Bill and seize any devices that are in violation of the law. We have to be very careful with this type of power given to inspectors and we also have to ensure that they do not use or misuse this power and violate the rights of the citizens of Trinidad and Tobago. I think we have to make provisions in the Bill to ensure that their powers are exercised within the limits of the Constitution.

My next concern is: how does the average vendor understand what the Government of Trinidad and Tobago is proposing here at this point if public education is not done as part and parcel of this exercise?

I am almost finished with my contribution. I have a couple of concerns, which I wanted to mention, so that we will be aware in considering the clauses in the Bill before us.

If we do not engage in public education, small vendors may very well be breaking the law and would not know that they are breaking the law. For instance, while we go to the supermarket and we see on the shelves items listed in grammes and kilogrammes, the small vendor in the small shop or even at the side of the road may have his products listed in pounds and ounces and as such, they would be breaking the law and would not even know it. [*Interruption*]

Mr. President: Senator, you are talking about issues that have already been decided by the Senate. You are talking about the issues that are in the Act itself and that is out of order. You cannot go there. I was wondering where you were going to take us. Clearly, you have missed the point. You can really only talk about the Bill before us and the measures in this Bill and not the measures that are in the original Act, which have already been passed.

Sen. Dr. S. Gopaul-McNicol: All right, what I would like to make reference to is that maybe the Bureau of Standards could produce charts for public consumption, so that they can be put in public places and be given to small business persons throughout Trinidad and Tobago. That would prove to be helpful in the context of our discussion today.

I really hope that a period of education would be allowed, so if there are any changes that have to happen, people will be aware before and have enough time to prepare themselves, so that they would not be held in violation of the law.

Quite frankly, I look forward to the passing of this Bill, the bringing about of an official metric system, so that we would not be operating on a dual system, as we are at the present time. This means when we are engaging in trade all around the world there must be a common standard for measuring performance. I look forward to supporting the Bill as long as the considerations made earlier are taken into consideration.

Thank you very much for giving me the opportunity to contribute to this debate.

Sen. Wade Mark: Thank you very much, Mr. President. I rise to contribute in a very limited manner, on a very important measure. One of the reasons I have

Metrology (Amdt.) Bill
[SEN. MARK]

Tuesday, July 07, 2009

decided to intervene is because this Bill, the Metrology (Amdt.) Bill, was really the brainchild of the UNC back in 2001. It does not, however, mean to say that there were no other efforts back in the 1980s. I must tell you that the Bill we have is an Act of Parliament, if you look at our Bill that was introduced in 2001, you would see a replication of almost all the clauses in the Bill. I thought it was important to make a limited intervention.

In so doing, I want to begin by saying that the amendment in clause 3, which deals with the question of:

“Without prejudice to the legality of the use of the metric units of measurement,...the British thermal unit (Btu) referred to in the Fifth Schedule shall be used only in connection with trade in natural gas.”

I also want to take on board the amendment circulated by Sen. Basharat Ali. There is an amendment in circulation. In that amendment, he is seeking to strengthen the proposed amendment in the Bill that is before. The Senator is saying:

“Without prejudice to the legality on the use of metric units of measurement, the barrel, the standard cubic foot (scf) and the British thermal unit (Btu) referred to in the Fifth Schedule shall be used only in connection with trade in petroleum, petroleum products and natural gas.”

I take it that the Government, having sat with Sen. Basharat Ali for a long period of time, is in agreement with his proposed amendment. Therefore, I want to refer to this amendment in my contribution. In doing so, may I put on the record of the Parliament my congratulations to Sen. Basharat Ali, because it was him, when this matter was being debated here in this Parliament in 2004, at the committee stage, Sen. Basharat Ali said:

“Madam Chairman, is the Minister going to react to my question of natural gas measurements? The basic unit of volume is standard cubic foot.”

We are now dealing with standard cubic foot in his amendment.

“The other one is the basic unit of heat...”

Which my colleague spent some time addressing.

“which would be the British thermal unit...”

Which, again, we have in his amendment.

“which could be related to base unit for energy, which would be the joule.”

He went on to say:

“There are two principal things. That is what you are going to get from the gas, the volume in standard cubic foot and the heat capacity in British thermal units. You are paying on the basis of heat. That is why I raised the question.”

Mr. Valley, the then Minister of Trade, reported to have said:

“My technician says he is willing to discuss it with you and we would make a suitable amendment in time.”

This was in June 2004. We are now in July, 2009, almost five and one-half years later. We are now dealing with amendments that were advanced by an Independent Senator, acknowledged by the Government and we are now dealing with that in 2009. It has taken almost five and one-half years to have this simple amendment addressed. What is significant about the matter we are dealing with today is that the Bill, which is now an Act, has not yet been proclaimed as law. The regulations have not been tabled in the Parliament. We have the Bill, which is an Act, yet to be proclaimed, and the regulations, which is subject to negative resolution of the Parliament, yet to be brought to this honourable Senate to give effect to the legislation.

I want to tell you that the whole issue of measurement—this is what the amendment says:

“Without prejudice to the legality of the use of metric units of measurement...”

Metrology is the science of measurement. We all know this, but the wrong and inaccurate measurement of any unit, in terms of the international system of units, could lead to very wrong decisions, which could have serious consequences for a country, particularly costing that country money.

The manufacturing sector is very critical in this regard. Wrong decisions, based on poor measurements could be very detrimental. That is why it is important for us to have reliable, accurate, traceable and comparable measurements. That is why in the world today, there is a growing demand for greater accuracy, greater reliability and rapidity of measurements. It is against this background that I want to ask the question. We talk about trade in natural gas in accordance with the amendment that is before us.

I want to refer you to the definition of “trade” in this Bill called the Metrology Bill.

“trade”—in this Act—“means the selling, purchasing, exchanging, leasing, rendering, consigning or providing any goods, land, facility, service or work

on the basis of measurement and it includes the collecting of tolls, duties and taxes on the basis of measurement and the business of providing facilities for measuring by means of a prescribed measuring device;”

When we talk about trade, we are not just talking about selling or purchasing, exchanging or leasing, we are also talking about the collection of duties, tolls and taxes. This is why this amendment that is being proposed here is very important and it links clearly with the role of the Bureau of Standards of Trinidad and Tobago, which is called the Trinidad and Tobago Bureau of Standards, because they are supposed to be the supervisory agency for ensuring that standards at the national, secondary and working level are in fact in place.

5.15 p.m.

I want to ask the hon. Minister when he is winding up, whether the national reference standards are in place. According to the international literature on agreements, the national reference standards must be upgraded and reviewed every 10 years. I would like the Minister to tell us where we are with respect to the national reference standards? Where are we with the secondary standards and the working standards? These three are critical when we are talking about trade and international standards in the line of measurement.

I would also like to ask the hon. Minister, whether the Trinidad and Tobago Bureau of Standards is, in fact, a member of the International Committee on Weights and Measures? That is a very important international body and we need to be associated. The last time I checked, which is a few years ago, Jamaica and Trinidad and Tobago were not yet members of the international committee on weights and measures.

I would like to also ask the hon. Minister, as we are dealing with this particular amendment, is the infrastructure in place at the Trinidad and Tobago Bureau of Standards to give effect to the very amendment that we are addressing today? I would like to know whether the resources have been made available in order to put the critical personnel in place so that we can have the necessary infrastructure to deal with this critical function and duty of this particular agency. The government body must carry out this function in the interest of not only competitiveness, because trade and the transition from the imperial system of measurement to the metric system of measurement bring about cost reduction, if it is done properly, because there is an international standard. If we are able to ensure that we in Trinidad and Tobago are linked to the international standards of measurement, then there will be no need for us to cross-check when we export.

So, it means to say that if that system is in place, there will be significant cost savings and cost reduction and, therefore, the competitiveness of our manufacturing sector will become very important in this regard.

My mind goes back to 2004 when we were debating this measure in this honourable Senate. There was an article in the *Business Guardian* sometime in June of 2004, if my memory serves me right, which concerned the whole issue of the Trinidad and Tobago Manufacturers Association. They were calling on the Government to take measures to bring this Bill into being. They were saying that they were exposed and they were vulnerable in the absence of this piece of legislation. That was in 2004, and we are now in 2009, and this Act is yet to be proclaimed. I did not hear any noises coming from the Trinidad and Tobago Manufacturers Association. At that time, they were saying that the Opposition was holding back the legislation and that was not so.

I would like to know whether this Bill, in the absence of it being proclaimed—could the Minister indicate to this honourable Senate how the non-proclamation of this Act has impacted on trade in Trinidad and Tobago, particularly in the manufacturing sector? We are dealing with trade in natural gas, and there is where I want to turn my attention.

I made the point that under the Metrology Act, in the interpretation section, trade does not include the selling, purchasing, exchanging and leasing of goods alone. It also deals with the collection of taxes and duties and tolls and, therefore, this amendment is very important as it relates to trade in natural gas.

We have been told that trade in natural gas is this country's main revenue earner. We have been told repeatedly by the Government that oil does not matter anymore, or it does not hold significance anymore as natural gas does. In this context, I would like to know what the role of the Trinidad and Tobago Bureau of Standards is in ensuring that this particular amendment dealing with trade in natural gas and the measuring of trade in Btu—how is the Bureau of Standards safeguarding the national interest as it relates to the export of natural gas from Trinidad and Tobago to the rest of the world? I would like to know what is the role of the Bureau of Standards in this regard.

Mr. President, I believe that the management of our resources and, in this instance, oil and gas, it is my considered opinion that the management of our revenues from oil and gas—in this instance the trade in natural gas—is in some degree of a mess. I believe for instance—I would like the hon. Minister of Energy

Metrology (Amdt.) Bill
[SEN. MARK]

Tuesday, July 07, 2009

and Energy Industries to tell us, whether when we are trading in natural gas—now we have an amendment in petroleum products—whether we rely on the goodwill of the multinational corporations that are engaged in the export of petroleum products, including the export of oil from BPTT to the United States of America; the export of gas by BPTT to the United States of America; the export of gas and oil by British Gas Company and BHP Billiton. What kind of supervisory function does the Bureau of Standards have to ensure that we get revenues that we are entitled to? We are talking about the importance of measuring the export of natural gas in Btu.

My information is that the Government relies solely and singularly on the information given to it by the multinational corporations which export our oil and gas to other countries. That is what my information is. My information is that the Government of Trinidad and Tobago, under the Petroleum Act, has not established what is called the permanent pricing committee. This committee has not been established for the last 10 years.

The Prime Minister in his 2006 budget presentation threatened to bring into being the permanent pricing committee. The reason for that committee is to ensure that when the multinationals tell us that they have exported so many thousand barrels of oil or they exported so many million cubic feet of liquefied natural gas, there must be a check, audit and balance. Where are the check, audit and balance supposed to come from? It is from the Board of Inland Revenue. They are six years behind schedule in terms of auditing these oil companies. When we talk about trade in natural gas, we have to consider whether our country is being given a raw deal and whether this trade and measurement that we are supposed to be supervising to ensure we get value for our export, that we are not being underpaid.

I remember when the former Minister of Energy and Energy Industries was in charge, there was a big statement in the newspaper where we were being robbed by the multinational corporations. They were telling the Government that they were selling our natural gas at one price, the Henry Hub price, and we discovered that they were selling the gas through Boston to other locations, and they were making hundreds of millions of dollars in profits at the expense of the people of Trinidad and Tobago. There is where I believe that the Ministry of Energy and Energy Industries has a big role to play in this matter.

The Petroleum Act seems to be dead, insofar as that ministry is concerned. I want to ask the hon. Minister, as it relates to this particular regulation and the trade in natural gas, where is the system of reporting so that if I want to know

what is taking place in terms of gas export and oil export? Where are the monthly bulletins coming out from the Ministry of Energy and Industries as is envisaged under the Petroleum Act? Where are the annual reports? I understand that the last report issued by the Ministry of Energy and Energy Industries on matters like trade bulletins and reports was five years ago. We do not have access to these things. We do not know the production of these oil companies. We are talking about oil and natural gas. The amendment to this particular Bill from Sen. Basharat Ali talks about trade in petroleum products and natural gas.

I said earlier that the measurement is critical, because if you make wrong decisions in measuring, it will be costly to our country in money and, therefore, this particular amendment is very important in the context of our ability to manage the revenues in this country from oil and gas.

I am not being critical of the Minister of Energy and Energy Industries. He inherited a rundown ministry. I am not saying that he is responsible, but I would like the hon. Minister to know that he is in charge of the Ministry of Energy and Energy Industries—to do the proper thing and tell us what is the status of the petroleum register in accordance with the Petroleum Act. The petroleum register shall be established under law and that register is designed to keep the population informed about what is taking place in the energy sector in terms of oil and gas.

Under that Act, the Minister fixes royalties at his own discretion. Of course, he is advised by his technical people, but under the Act the Minister has the authority to fix royalties. I do not know if, at this time, the technical capacity of the Ministry of Energy and Energy Industries is sufficient to ensure that we get the right price.

I know that his ministry has to build and strengthen institutional capacity. I know that for a fact. I know they are very weak. The Petroleum register is supposed to give the public at short notice—I can knock at the Ministry's door and say I would like to see the petroleum register. That register is supposed to tell us the licences that the Minister has issued on a monthly basis and a yearly basis, so that we would be informed and know what is taking place in our energy sector.

5.30 p.m.

We would know from the petroleum register, all the applications that have been made, all the variations that have been made, all the objections that have been made, but so far, we realize that there is some difficulty taking place in that particular section of the Ministry. Therefore, when we talk about the issue of trade in natural

gas, it cannot be taken lightly; that is the lifeblood of our country, according to the Government. Without natural gas, “we dead”, according to the Government. Oil does not have that significance any longer in relation to natural gas.

Therefore, when you are coming to measure, to ensure that we get value for our exports, the role of the Trinidad and Tobago Bureau of Standards is very important. The need for us to have critical, well-trained, highly trained personnel, to ensure that we are not being robbed, we are not being cheated, we are not being fooled by the multinational corporations, that is important, Mr. President.

I heard sometime ago, Mr. President, where some chairman of a company was saying that we should get into solar energy. Solar energy is a good thing for housing, but I believe he was saying that in his self-interest, because the more we go into solar energy the more gas we might have to export and the more money he might make. I am not too sure; I am just saying solar energy is something that we support. We believe that we ought to diversify and get new sources of energy. So, we are not against that, but we must always bear in mind that a multinational corporation and its chief executive officer might smile with you, grin with you, but his interest is his company's interest, his corporation's interest. He is not concerned about Trinidad and Tobago. We have to look after our own interest. That is why, Mr. President, I am calling on the Minister of Energy and Energy Industries tonight, in this honourable Senate, to tell this Parliament, as we deal with trade in natural gas and petroleum products, why it is the Government has failed to establish a permanent pricing committee that is supposed to verify and cross reference the prices that they tell us, the oil they say they are selling, the price they are selling at, the amount of oil and gas they are exporting. How can we verify that? How can we counter reference that to ensure that we get value for our export and for our oil and gas? This is an area that I would like the hon. Minister to really deal with, because it is very important in the context of this very important measure.

Mr. President, metrology is critical internationally. As I said, it can increase your competitiveness as a nation, in different sectors, particularly manufacturing in the case of energy. We can gain more revenues, if we do our business right, if we ensure that we are on top of the situation, so that nobody will tell us what they are exporting. We must know what they are exporting. We must be there to verify it, and make sure we are getting value for our dollars.

So, I would like to ask the hon. Minister of Trade and Industry, what is the impact, if any, as it relates to the non-implementation of this particular measure that is before us, and by extension, the non-implementation of the Metrology Act.

What negative impact it has had? Somebody raised the issue of public education and Mr. President, you know that the citizens of this country, back in the 1980s and early 1990s were exposed to metric. There were many advertisements all over the land, in terms of, we are going to metric. That time has gone, and we are still operating, for all intents and purposes, with the old imperial system. Of course, we know we have kilogram, litres, metres, and so on, but in terms of the ordinary man and woman on the street in this country, who are selling things all over the place, who is there to measure, to ensure that the scales, the devices that they are using, are in conformity with what we are thinking about, because we were supposed to have a transition period. You go in the market, you still get two pounds of bananas, five pounds of eddoes, three pounds of dasheen and 10 pounds of chicken. That is what is going on there.

So, Mr. President, the whole question of public education and awareness is very critical, and very important, and the hon. Minister of Trade and Industry, who has recently assumed his portfolio, has much work to do in ensuring public education, public awareness, public exposure, so that they can understand the importance of this thrust that we have embarked upon.

One of the reasons I suspect that the Bill was hastily brought in 2004, is because the then Minister of Trade and Industry was on a campaign, as you recall, for us to establish Trinidad and Tobago as the headquarters of the Free Trade Area of the Americas. Having spent tens of billions of dollars on that failed arrangement, failed arrangement—[*Interruption*] or millions of dollars if you do not want to say 10, millions of dollars, they say 10 is too much, so let us say millions of dollar—the whole project just collapsed after that, because once the hon. Minister realized that the FTA was dead in the water, then this Bill apparently also became a casualty.

So, Mr. President, these are some thoughts that I wish to express and to solicit the response from the hon. Minister, in terms of the importance of trade in natural gas, and petroleum products. I would like the hon. Minister of Energy and Energy Industries—because this thing impacts on his portfolio—to tell us when are we going to establish the permanent pricing committee in the Ministry of Finance, and who are the people who are going to comprise this permanent pricing committee, so we can monitor. I would like the hon. Minister of Trade and Industry to tell us whether the infrastructure is in place, whether the resources are available, whether the people who are supposed to be trained are properly trained and ready to go. As the hon. Sen. Basarath Ali said, the hon. Minister would need to tell us when is this Act going to be proclaimed, but first, when are the

Metrology (Amdt.) Bill
[SEN. MARK]

Tuesday, July 07, 2009

regulations going to be tabled, because if the regulations are not tabled, the Act being proclaimed, would not have the efficacy in terms of its final drive to bring about the kind of results that we would like.

So, Mr. President, with these few words, I would like to thank you for giving me the opportunity to articulate some points on this critical matter and I look forward to getting some answers from the hon. Minister of Energy and Energy Industries, and later on, the Minister of Trade and Industry.

Thank you very much.

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Thank you, Mr. President. I really had not intended to get involved in this debate, because the Bill before us simply seeks to put into law something that we have done before, which is really to put into law the unit of measurement that we use for dealing with energy matters.

Now, in the course of Sen. Mark's contribution, he made a number of statements that sounded very nice, but in reality, I would need about, maybe two or three days to talk to it technically. Let me just deal with the issue that came up five times, the question of this permanent pricing committee.

First of all, the Permanent Pricing Committee exists, it is made up of the Permanent Secretary in the Ministry of Finance, the Permanent Secretary in the Ministry of Energy and Energy Industries, the Director of Budgets—I think it is—and the Chairman of the Board of Inland Revenue. It is a piece of legislation that we used in days when we were involved in the business of oil, and we were trying to determine a reference price by which taxes will be collected; that was how this issue was resolved. Since then, we have moved past that.

For example, in our legislation that deals with gas—and you are correct, the contract that you talked about that had to do with the Government receiving revenues on the basis of contract rather than on the basis of market, is something that you did, and we had to correct it. What we basically did was, we changed the law to give the Board of Inland Revenue the ability to determine what your taxes should be on the basis of what you received in the market, because what we found was that there was a significant amount of leakage in that system and, therefore, that mechanism, through the Board of Inland Revenue, replaced the need for the use of the Permanent Pricing Committee.

The Permanent Pricing Committee is there; it could be called at any point in time to resolve any issue, but there are two things that happened that has made that not as relevant as it was before. One, was the introduction of production

sharing contracts. In a production sharing contract, what happens is that the operator and the Government sit and go through all the various elements of the contract and determine on what share and in what proportion that will be dealt with. So that the mechanism that we use for the determination of the production sharing contracts and how that comes into commercial activity is different. Therefore, it is on that basis that there is no requirement for the use of the Permanent Pricing Committee, because the Government is part owner of the business, the production, the expenses and the Government is involved in the exercise to determine what expenses, what revenues, where it goes, how it goes and therefore, it knows upfront what is happening.

As it relates to the other question, which is: How do you know what has been lifted? Well, there is a group of inspectors at the Ministry of Energy and Energy Industries, whose job it is to go out and when the lifting is taking place, to verify what is in fact happening, they certify it, and it is on that basis that it goes out.

5.45 p.m.

Now, what we have said is that in terms of hydrocarbon production converted to barrel of oil equivalent, our current situation is as follows: in terms of oil production we do about 100—120 barrels per day and in terms of gas equivalent we do about 700,000—800,000 per day. So that really gas, insofar as the Trinidad and Tobago economy is concerned, has a greater weight as it relates to oil.

That is why, for example, when we look at the price of oil and the price of gas and we see that as it relates to gas we can in fact do diverted cargoes and get higher prices, it means that our average revenue is not the Henry Hub marker, but it is Henry Hub-plus on the basis of the liftings on the cargoes. When you look at oil, for example, that has a different relationship, because there are two things about that. The first one is that the higher the price the more revenues we get, but the expenditure is also high, because remember, the Government has a policy of subsidizing petrol products, and therefore insofar as the refinery is concerned we import products, put it through the refinery and in a sense put some in the domestic market and deal with some otherwise.

Sen. Mark: Mr. President, through you, I just want to ask the hon. Minister if he could clarify something for me? There was an article recently written, I think, in the *Express*, there was an editorial talking about for instance the tranche of gas that we got as a result of our relationship with BPTT and this is the tranche that was supposed to be allocated as it relates to cheaper electricity for the consumers of Trinidad and Tobago, and they were speculating whether the announcement

made by the Prime Minister to export LNG to Jamaica for the aluminium plant, whether that was the tranche that the Government was considering and they had some question marks over that matter. So, I do not know if you want to clear that up, because I am a bit confused, so I do not know if you could clear the air for us on that.

Sen. The Hon. C. Enill: Mr. President, as part of the taxation regime that we have there is the question of royalty to be paid. Royalty gas is the gas that the companies are to provide to the Government. That is usually low cost gas. What the Government has used that for is to maintain a cost of electricity that is the lowest in this part of the Western Hemisphere because that feeds into the power plant; and also in some instances to allocate it to projects where we believe that it is part of the developmental agenda.

As it relates to the specific question about whether that gas is going into LNG for Jamaica, that is not the intent. The whole question of the Jamaican LNG agenda is really predicated on our ability to discuss with the Venezuelans the monetization of the cross-border field—the Loran/Manatee—in which there is some 10 TCF of gas and we know that 7.3 belongs to the Venezuelans and 2.7 belongs to us and we had said in the context of being able to come to an agreement on that, what we would propose is that we would process it in Trinidad and Tobago and that creates for us additional LNG that we can put across there, providing we have the capacity and we are working through that. So, that was the intention of the Government, I do not know where this notion of royalty to Jamaica has come from, that is news to me.

As it relates to the other question and the last question, I would answer on this matter as it relates to solar energy. Trinidad and Tobago is a hydrocarbon province and will continue to be for a very long time, but side by side with that reality is the whole question of environmental issues. One of the strategies that we have to look at is to determine how by using the same volume of hydrocarbon production we can convert more of it to revenue by exporting more, and insofar as domestic use is concerned they become more efficient and therefore use less.

One of the ways to do that, of course, is to look at renewable energy projects such as solar energy, and therefore, we know that you can today, on the basis of your design of houses and on the basis of material and how you do the flow-throughs, design it in such a way that your heat requirement is less, so that you use less air condition and the lighting is better and that you can in fact save. I think sometime ago I saw a statistic shared with me by the US which basically said that some of that design—just in design alone—can basically reduce your

electricity bill by 40 per cent. Now, understand a savings of 40 per cent being converted from domestic use into export and the revenues that you will gain from that would create for you more revenue without, at the same time, trying to do more expiration activity which of itself has some consequential negatives as it relates to the environment.

So, it is in that context and it is within those parameters that we are looking at the whole agenda of solar energy and some others as well. There is a team right now, I reported sometime ago collating what is taking place in the Caribbean and working with a team to see what the agenda might be on that particular sphere.

So, Mr. President, I want to thank Sen. Mark for creating all of those questions [*Interruption and laughter*] to which I would gladly answer and just to say that Trinidad and Tobago on the basis of how we have conducted ourselves over the last 100 years does, in fact, have some knowledge about these matters and no international oil corporation will in any way create any situation in which the people of Trinidad and Tobago would be disadvantaged. That will not occur. We take all the necessary steps to ensure that that does not occurs and sometimes we take long to make decisions, it is because of that particular reality. We are prepared and we continue to make sure that we do two things: One, insofar as the international business is concerned, we remain competitive, but at the same time we extract the most value for the people of Trinidad and Tobago.

Thank you.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne): Thank you very much. Mr. President. I want to thank the hon. Senators for their contributions today to this very short Bill which is meant to correct an omission which was pointed out to have occurred several years ago.

The argument was made—or I think he asked the question—by Sen. Dr. Adesh Nanan that perhaps this Bill could have been best amended by an order. I think the answer to that is that very simply we would have had to make several amendments. Rather than do that, we just simply amended the Act. To amend a Schedule by order, we would not have been able to give recognition of the special nature of the adjustment and hence the reason we did the amendment by way of a Bill.

I must also thank Sen. Basharat Ali for dealing with all the technical aspects of the Bill. Perhaps it would be better said that Sen. Basharat Ali should be presenting the Bill. [*Laughter*] Inasmuch as he clearly understood not only the

Metrology (Amdt.) Bill
[SEN. THE HON. M. BROWNE]

Tuesday, July 07, 2009

specific requirements, having worked several years in the petroleum industry himself at several different levels in and out of the Government service, he understood the full implications and the full reality and the need for amendments.

Once again I am requested to answer the issue of when will the Act be proclaimed, and I think I can answer that in one phrase or one word. Shortly! [*Laughter*] I think I promised you that I would bring an amendment and I would in fact bring the Act, and I have done so. I said to you that we would in fact proclaim it within reasonable time given the fact that it has taken this long for it to get here. I give you that assurance that we will do it as quickly as possible. Time has not stood still, but before I go there let me just deal with one or two questions.

I think Sen. Dr. Nanan once again raised the issue on these technical matters. Dr. Nanan always gives us a little history, and he said for example, we did not have a definition of Btu in the Bill. Well, really, that is to avoid confusion. There are seven different definitions of Btu, in the same way, for example, that there are several different definitions of tonnage. [*Interruption*]

I did not give you a definition, that is because I wanted to avoid the issue of having to deal with that difficult matter, in the same way for example there are different “tons”, metric ton, a short ton, a long ton, the difference between gallons—you know, an imperial gallon has two different measures, a US gallon, a UK gallon and so on. The Bill sets out standards in Schedule I, that go to the parent Act. I think you also asked the question about the unit of measurements and whether these are defined; it is set out in the parent Act. It is set out in Schedule I and I think Schedule II and Schedule III goes on to identify the other details. So I do not think I need to deal with that.

The comments also rightly identified the fact that the Trinidad and Tobago Bureau of Standards is, in fact, the executing body. Some questions were raised with regard to the capacity of the Trinidad and Tobago Bureau of Standards and I want to say that the Trinidad and Tobago Bureau of Standards has not stood still. So that in accordance with the requirements under section 21, I can happily say today that it is in a position to carry out the functions which are available to it. In fact, the Metrology Division is made up of three departments, a Measurement and Standards Lab, a Calibration Unit and the Legal Metrology Inspectorate which has eight inspectors.

In the interim, before the Trinidad and Tobago Bureau of Standards has the full executing authority under this particular Act, that instrumentality has in fact fallen to the Ministry of Legal Affairs and they still have the inspectors who still

report to the Ministry of Legal Affairs. It is expected by an administrative order that those inspectors would become assistant inspectors under this TTBS. But in the meantime, if you want an investigative unit it is, in fact, done under the Ministry of Legal Affairs.

With regard to the question of inspection at the ports, there is an Implementation Unit at the Trinidad and Tobago Bureau of Standards which carries out this function in conjunction with another state enterprise and state bodies which have that responsibility.

As you know, trade for example is a joint undertaking between the Ministry of Agriculture on one side and the Ministry of Health under the Chief Medical Officer who operates—and I think in recent weeks we would have seen several references to the issue of phytosanitary conditions and it is in fact those two departments between the Ministry of Agriculture, Land and Marine Resources and the Food and Drug Division of the Ministry of Health that are responsible for looking at those standards.

Sen. Dr. Nanan, again, raised the issue of the question of the metrology and the changes in the units or the measurement, in relation to the remote inspection being undertaken by T&TEC and said that would be a matter which ought to be governed by the Trinidad and Tobago Bureau of Standards. The answer to it is, as long as the Act is not proclaimed, it does not have the power to insist upon that calibration. But there is, in fact, an ongoing discussion at the moment with regard to the establishment of a memorandum of understanding between T&TEC and TTBS with respect to establishing those standards for calibration, for units, for measurements and so on, so that it is at the moment under active review and active consideration. So, it is not something that has just simply dropped out or fallen out. In fact, it is ongoing. I spoke about the implementation unit and the transitional provisions.

With respect to Sen. Mark, the Minister of Energy and Energy Industries has ably dealt with all the questions by implication or the red herrings if you would, that have been raised by Sen. Mark. [*Laughter*] I think they have been adequately dealt with here and suffice it to say that in fact—and I think it is recognized in the commentary of Sen. Basharat Ali—all the amendments which he has put on the table have, in fact, been discussed with the National Gas Company for the same reason that they themselves are involved on an everyday basis in terms of dealing with these measurements. And with respect to the issue of Btus, I think he also recognized—and I am happy for the technical help here—that in a sense, the reason why Btus is specified specifically with regard to natural gas, because that is where the trade is. It is really for that specific purpose.

6.00 p.m.

I also mentioned in my opening that we are amenable to many of the recommendations or in fact all, if not in the exact same format. But certainly, all of the recommendations which were suggested by Sen. Basharat Ali have been discussed at the technical level in the corridor, and these matters we brought before Parliament, so that we would be in a position when we reach the committee stage to deal with these amendments. I think our technical officers are still sorting that out.

Sen. Mark also asked the question about membership of international bodies and the international body for setting standards, and for weights and measures. Well, the answer is that we all are associate members, that is, all of Caricom. We are not full members of that body, but we are associate members and we are associate members who follow up our international requirements, international membership of the various other institutions, and we do follow through.

With respect to the measurement national standards, I think the Trinidad and Tobago Bureau of Standards has been well at work in terms of devising and detailing all the measures, and secondary measures which are required.

Sen. Mark also asked the question or raised the issue with respect to the regulations. Whether any regulations have been done or what will be the position, and the fact that the Act would be in a sense not useful if we did not have regulations to support it. Well, time has not stood still, neither has the Bureau of Standards who have been actively involved in the development of this amendment and I would say that we have accelerated this amendment. We took out several of the other amendments in a sense which were not ideally suited to be included in a Bill and will treat with them administratively.

In fact, the delay in bringing the Bill included the changes by way of law as it is related to the inspectors. We decided to treat with that matter administratively as we are dealing with a small number, 20 persons—somewhere between 20 and 25. So we will treat with those matters administratively, rather than include any amendment in the course of the Bill, and in fact that was a discussion point that took a little longer than it ought to have. But by way of reference to the regulations, I want to say that we have spent some time defining and devising regulations which will be presented, of course, as soon as the Bill is proclaimed. Those regulations as we speak are the Assistant Inspectors of Metrology Regulations. Those have been done and those regulations are intended to prescribe the powers and functions of assistant inspectors, and those are the persons who normally hold the position of weights and measures inspectors, who will be automatically transferred to the Bureau.

Metrology regulations—these deal with the manner in which instruments deal with commerce and trade are treated, and these regulations cover all of the items which you discussed when you were pointing out the methods of inspections, methods to be used on limits, limits of error, tolerance and so on, and so forth.

Quantities of good regulations—these regulations governed the way in which different quantities of goods that are sold and are presented to the buyers, and they cover issues such as: labelling; packaging; preferred sizes that are appropriate for packing methods and checking for weights, volume, contents and so on. The Bureau also had the opportunity to look at an internal review of both sets of regulations with respect to the various items that have been discussed before, and have been put before the LRC and— *[Inaudible]*

So the Bureau has been working, has been developing. So it is not to say when the Act is proclaimed, that they will then have to find their feet. These things have already been done. So in a sense the time has been spent in preparation, so when we put it into the public domain and the Act is proclaimed, the TTBS will run. They will hit the ground running. I just want to give that assurance because there has been some doubt in a sense not merely about our intent, but our vigour in terms of the prosecution of this matter. So that even though it has taken a long time, when it comes and it will come shortly, we will be able to move expeditiously.

Having regard to all the questions and everything else that has been said, I want to thank everyone for their contributions, in particular, the contribution of Sen. Ali and other Senators contributing today, and Hon. Enill for elucidating the points and issues which were raised by Sen. Mark in matters which were tangential of this debate.

Having regard to all the circumstances, Mr. President, I beg to move. *[Desk thumping]*

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Sen. Browne: Sorry for the delay, Mr. President, and Members of the Senate, but our legal representatives are in fact discussing the amendments which were proposed by Sen. Ali and they were making one or two technical adjustments. I have sent to call them, so they will be here shortly.

Mr. Chairman: Sen. Ali, some amendments were circulated by the Minister, do you have a copy of that?

Sen. Ali: Yes.

Mr. Chairman: By the Minister.

Sen. Ali: Oh, there was another amendment?

Sen. Browne: They have gone to make copies.

Sen. Ali: I have not gotten this. I just have the amendments that I have make.

Mr. Chairman: Am I right in saying it is substantially the same?

Sen. Browne: Yes. I think we have purported the change that is suggested by Sen. Ali. In section 3, (a), we have broken that into two, rather than to treat it as one, and I think we also—

Mr. Chairman: But the form is changed, but has it changed in substance?

Sen. Browne: Yes. In the amendments that were circulated by Sen. Ali, the paragraph which reads, “(3) Without prejudice to the legality of the use of metric units of measurements...”, if you go down to the last sentence, “used only in connection with trade in petroleum, petroleum products and natural gas”, we have stopped at the word “petroleum” and we have taken out the words “petroleum products” and we have left “natural gas”. So, in terms of the amendment which is proposed, Sen. Ali, we have deleted “petroleum products” and left “trade in petroleum” and “natural gas”.

Sen. Ali: Mr. Chairman, I would like to know why they have removed that. I said that was probably to bring in—because we are selling as gasoline, litre equivalent, and this is one of the concerns I know NP raised. I am just wondering why—

Mr. Chairman: Before we get in the substances of the arguments, what I really wanted to do was to ask you whether you would withdraw yours and we put this forward, so we will only have one to deal with because they are so close.

Sen. Ali: Yes.

Mr. Chairman: That is really my question. If you could withdraw yours, we will deal with the Minister’s because his format seems to be a little bit better, and the substance does not seem to have changed all that much and we can deal with the things that you want included, that they have not included when we come to it.

Sen. Ali: Mr. Chairman, I have not gotten anything else.

Mr. Chairman: I know. If you could just hold on—

Sen. Ali: I have to look at the whole thing, you see.

Mr. Chairman: Yes, you are quite right, but if you could hold on for a few minutes.

Sen. Ali: Okay. Fine!

Sen. Browne: And the rationale for the change when it comes, we will look at it for the very simple reason that gas is still in cubic feet as listed and the trade refers to trade in petroleum, in barrels. So we wanted to decouple the two.

Sen. Ali: I was talking about the CNG is not sold in barrels, it is sold in gasoline litres equivalent. So this is why I am trying to capture that also and the product.

Sen. Browne: And we understood that, but the term “petroleum products” is all embracing, as a thing from CNG.

Sen. Ali: Well, the definition for “petroleum products” provides for refined products also. So I think it should be there and this is on the advice of the Minister’s advisor. We worked on this on Sunday and he came up with this, so we are all embracing. It does not prevent you from selling it in metric. I thought this was very neat.

Sen. Browne: I am advised that we will take the term “petroleum products”. We will leave it. [*Crosstalk*] I apologize for the delay, the amendments have arrived.

6.15 p.m.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

Sen. Browne: Mr. Chairman, I beg to move that clause 3 be amended as follows:

Delete clause 3 and substitute the following:

3. The Act is amended in section 4, by repealing subsection (3) and substituting the following subsection:

- “(3) Without prejudice to the legality of the use of the metric units of measurement—
- (a) the barrel referred to in the Fifth Schedule shall be used only in connection with trade in petroleum;
 - (b) the standard cubic foot and the British thermal unit (Btu) referred to in the Fifth Schedule shall be used only in connection with trade in natural gas.”

Mr. Chairman: Sen. Ali, are you willing to withdraw your list of amendments and we would deal with the amendments of the Minister?

Sen. Ali: I really cannot see the point in splitting A and B. I prefer to go with mine, and I have sought advice on that.

Mr. Chairman: We have a proposed amendment to clause 3 by Sen. Ali.

- A. Delete the proposed new section 3(A)
- B. The Act is amended in section 4 by deleting subsection (3) and inserting the following new subsection:

“(3) Without prejudice to the legality of the use of metric units of measurement, the barrel, the standard cubic foot (scf) and the British thermal unit (Btu) referred to in the Fifth Schedule shall be used only in connection with trade in petroleum, petroleum products and natural gas”*[Interruption]*

Sen. Seetahal SC: Could I get some clarification, please. I am hearing Sen. Ali saying that he prefers his, but I do not know why exactly. I am also not sure of the difference between the proposal by the Minister, and nobody is making it clear for the rest of us and Sen. Ali.

What I am reading, if I may say, in both proposals, is to delete clause 3, and Sen. Ali has "Delete the...new section 3(A)". That has to be wrong, because there is no section; it would have to be "delete clause 3".

Then the proposal that, "The Act is amended in section 4", is substantially the same; the only difference I am seeing is that you have broken up the proposed clause 3 into A and B. Then there is a deletion of clause 4, but that is not indicated in yours.

I am not sure if Sen. Ali wanted clause 4 deleted, because there is no indication in any of your proposals. I am trying to get it clear.

Sen. Browne: The difference between what Sen. Ali's proposal is and our own proposal—*[Interruption]*

Mr. Chairman: Hon. Senators, the Senate must resume to consider a procedural matter.

Senate resumed.

PROCEDURAL MOTION

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, in accordance with Standing Order 9(8), I beg to move that the Senate continues to sit until the conclusion of this matter.

Question put and agreed to.

METROLOGY (AMDT.) BILL

Committee resumed.

Sen. Browne: I want to respond to the question by Sen. Seetahal SC. It was out of an abundance of caution that we removed the term "petroleum products", because petroleum products cover a wide range and, by definition, it covers everything else outside of petroleum. We were not clear or comfortable with the number of other items that would be adjusted by including that particular term. So we sought to leave it and to create a distinction, allow the distinction to stand between petroleum and natural gas and, in a sense, allow some degree of latitude with regard to the definition of petroleum products and how that would be measured.

If we were to include it, it could pose some difficulties, and we are not clear about the ramifications; that was the simple reason for us, in a sense, breaking up the clause in the fashion that we have and leaving the term "petroleum products" out of it.

That is the rationale for the approach on our side. I cannot give you a specific technical reason, except to say, at this stage of the game, that petroleum products cover a wide range and we were not fully seized of everything else that would be adjusted by including that term. It is out of an abundance of caution.

Sen. Seetahal SC: Actually, in terms of drafting, the proposal by the Minister is more consistent with the drafting rules, so that is all, but in terms of substance what Sen. Ali has here is captured, in my view, in your proposal. I was explaining the difference in terms of drafting. It is essentially the same.

Mr. Chairman: In which case, that is why I was asking whether Sen. Ali was willing to withdraw his.

Sen. Ali: By putting this here, "the barrel" in connection with trade in petroleum alone, that means— Petroleum, in fact, includes gas; that is the definition in the Act. Petroleum means a mixture of hydrocarbons in the natural state. That is what the definition says in Chap. 62:01.

Sen. Browne: I accept the definition that you are proffering, except that this Act also seeks to put into position a definition of measurement solely with regard to natural gas. It is for that reason we are attempting to separate the two, because we would not necessarily use Btus, for example, to measure petroleum. [*Crosstalk*]

Sen. Ali: I was going to put "petroleum and natural gas"; the advisor from the Ministry of Energy told me to do it this way and I followed him. I followed his advice. He is the special advisor to the Minister. I sat on Sunday and worked with him and this was what he came up with.

Sen. Browne: In discussion with the Minister of Energy and Energy Industries, he is supporting me in the amendments that we have put on the Table.

Sen. Ali: I was giving more latitude to the sale of liquid products. Even if it is propane and butane, liquid products; those are not natural gases and they are not petroleum. Like the stuff that comes out of PPGPL, Phoenix Park Gas Producers Limited; the stuff that comes out of there, that is liquid. This is why you are covered; you do not necessarily have to do it that way, but they sell by barrels. So how are you going to cover them if you do not make it this way?

Sen. Browne: So in terms of the amendment that we have put on the Table, you are suggesting, therefore, that under (3A) after petroleum, reinsert the term "petroleum products"? Is that what you are suggesting?

Sen. Ali: Yes.

Sen. Enill: And we will deal with any other consequence after this one? So if there is a problem with it, we will take it off when we go to the Lower House and come back here for ratification?

Sen. Ali: Yes.

Sen. Enill: Once that goes through, you are okay?

Sen. Ali: You want to capture everything. So you do not leave a gap. It does not prevent you from going metric on any of them. [*Crosstalk*]

Sen. Enill: We agree.

Sen. Browne: On that basis you will then accept our amendment as we have cast it, but we will include "and petroleum products" under (A).

Sen. Ali: I am fine.

Mr. Chairman: The amendment will read as follows:

Delete clause 3 and substitute the following:

“3 The Act is amended in section 4 by repealing subsection (3) and substituting the following subsection:

'Without prejudice to the legality of the use of metric units of measurement:

- (a) The barrel referred to in the Fifth Schedule shall be used only in connection with trade in petroleum and petroleum products;
- (b) The standard cubic foot and the British thermal unit (Btu) referred to in the Fifth Schedule shall be used only in connection with trade in natural gas.’”

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Mr. Chairman: We have two amendments.

Sen. Browne: Mr. Chairman, I beg to move that clause 4 be amended as follows:

Delete clause 4 and substitute the following:

“4. The Fifth Schedule to the Act is amended by inserting the following items after the unit 'barrel';

Name of Unit	Abbreviation of symbol	Base SI unit from which derived	Value
*Standard cubic foot	scf	metre	.028316847 cubic metre
UNIT OF ENERGY			
*British thermal unit (International)	Btu	joule	1055.056 joules

Metrology (Amdt.) Bill
[SEN. THE HON. M. BROWNE]

Tuesday, July 07, 2009

Sen. Ali: My legal person here says that "Delete clause 4 and substitute" is a better arrangement, except—[*Interruption*] That sounds okay, but the only thing I am saying is that depending on how you have the page going out, you may need to put what I have there as a (c):

"Below the Fifth Schedule insert the words '* For specialised use - see section 4(3).'"

Because that depends on how the page comes out in the Schedule. If you look at the present Schedule, it is going to be on another page. If you look at the Schedule as it is now—

Sen. Seetahal SC: It is a typo.

Sen. Browne: No, it is not a typo; it would lie within the logic of the way the page is set up. The existing Schedule would fall on the same page. [*Crosstalk*] The point is being made to me, Sen. Ali, that on the existing Schedule, what you see down at the bottom, the units of volume, that would be pushed on to a subsequent page, and this item would be on the same page.

Sen. Ali: I put that there, because if you look where the unit of energy has to go, it is on a new page; therefore, you put the asterisk and the note at the bottom.

Sen. Browne: On the basis of the advice that I am being given, the answer is that we do not expect it to be a problem. We expect it to fit where it is supposed to go on the current page and it will be adequately represented.

Sen. Ali: The Fifth Schedule continues on another page?

Sen. Browne: On another page; and what goes over on another page is the specific units of volume, which is at the bottom.

Sen. Ali: All right. You are saying that after "units of volume" or whichever, you are going to put "units of energy"?

6.30 p.m.

Sen. Browne: We will put units of energy after barrel and before units of volume. Units of volume will go on to the other page.

Sen. Ali: Under units of capacity measurement, you will put standard cubic foot with the asterisk in that line. The asterisk at the bottom of the Schedule as it appears now, which says for specialized use will apply.

Sen. Browne: It will apply.

Sen. Ali: I was looking to see where it will go. This amendment on British thermal unit, we had said there is nothing as the international. This is why we had the term to delete that and add ISO 31-4.

Sen. Browne: We have no difficulty with the inclusion of the term ISO 31-4.

Sen. Ali: Delete “international” and insert “ISO 31-4”.

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

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

Senate resumed.

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

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill): Mr. President, I beg to move that the Senate do now adjourn to Wednesday, July 08, 2009, at 10.00 a.m., where we will debate as was previously announced, the Municipal Corporations (Amdt.) Bill, 2009.

Mr. President: Hon. Senators, I have granted leave for two Motions to be raised on the Motion on the Adjournment.

Strength of the Police Service (Government’s Failure to Address)

Sen. Wade Mark: Mr. President, the sword of Damocles is no longer hanging over our heads, but resting on our necks. We must act now. It is either the Government takes the radical action necessary or be accused of contributing to the total bloody collapse of the nation. Trinidad and Tobago has become the virtual murder capital of the region. Since 2002, over 2,700 citizens have been murdered in our country. Over 218 persons have been killed so far for 2009. The situation seems to be getting worse by the minute.

The Government seems to have been riding the backs of certain tigers which they seem unable to dismount and it is those tigers that are fuelling the crime wave in our country. The failure of the Government to address the required optimum strength of the police service is one of the reasons for this escalating

Strength of the Police Service
[SEN. MARK]

Tuesday, July 07, 2009

crime wave, in terms of providing the population with security and safety. At the present time, there are 6,357 officers, but the required strength is 7,691 officers, giving us a deficit of close to 1,334 officers.

There is also the issue of the management of the police service, as well as motivation of police officers. It has taken the Government a very long time to bring the legal orders to be revised and to lay the appropriate measures in the Parliament and have them passed. The frustration in the police service continues to rise. This has to do with the existence of what I would like to describe as parallel police services and the preferential treatment meted out to some officers, as opposed to other officers.

Lucrative rewards are granted to officers in their so-called Special Anti Crime Unit. We understand that there are 350 officers in this unit. This unit has grown to a private political army. It has no locus standi. It is illegal, unconstitutional and there is no legislative framework for this particular body. I did not say so. The hon. Sen. Dana Seetahal SC is on record as saying that this particular unit is unlawful and illegal.

There appears to be preferential treatment meted out to certain gang leaders and URP leaders in this country. Known serial killers have been granted major contracts in the so-called URP. The Government is aware of that. This situation in our country where the Government seems to be unable to deal with the runaway crime wave is causing alarm bells to be rung in our country. It is being speculated and some people have come to believe that the crime wave now sweeping our land appears to be a deliberate ploy on the part of the Government, in order to introduce repressive measures including the militarization of the State.

Already we are hearing talk about the amendment to the Defence Act where the Government is seeking to give soldiers the power to arrest citizens in this country. That is repression. The Government is allowing the crime wave to deteriorate in this country in order to introduce repression against the population. We have already seen a kind of systematic pattern of undemocratic conduct on the part of this Government, all adding up in small degrees to erosion of our democratic freedoms and rights in this country.

Would you believe that in our country there is a black or underground economy in which the drug trade is funnelled and money laundering in the system today, is over \$30 billion. Not one criminal who is involved in the drug trade and engaged in money laundering has been arrested, convicted and sent to jail. This Government has been in office for almost 10 years now and has not caught one

drug criminal or baron. It has not convicted one money launderer in this country. Over \$30 billion in the underground economy and mixing—dirty money becoming clean under the nose of this Government. It is doing nothing about it.

I understood that there is still illegal quarrying taking place in this country and certain criminal elements are involved in this exercise. If we are not careful we would have a bloody confrontation on the streets of this country among the criminal elements, terrorist elements and the security service because the Government is turning a blind eye to criminal and illegal activity which is taking place right now as we speak in the quarrying business. We know that there are certain local terrorist elements who are involved in this exercise.

What is the Government doing about it? The Government seems to be hapless and weak in confronting the criminals in our country. Our people are living in fear to the point where recently, there was a big headline in the *Trinidad Express*, Trinidad and Tobago reach, when a citizen tried to seek refuge and was murdered, at bullet point blank range, by two bandits. She ended up dead in the police station.

The time has come for the Government to act. The Government is playing games with the people and people in this country are getting fed up. The Government came to this country and told us that there were a certain number of gangs in this country. I think at the time we were told there were over 300 gangs. How many? Eighty something? There were a number of gangs. I cannot recall the number. The Minister did indicate that there were maybe, less than a hundred gangs. We think that number has now grown. Nothing has been done to bring these gangs under manners. In fact, the gangs are now mushrooming in a way where you and I and the defenceless citizens are now made easy targets for these criminal elements in Trinidad and Tobago.

What is the Government doing about this? The Government is talking about building Grenada, St. Vincent and St. Lucia. It is saying that it is going to establish some maintenance facility in Grenada, when people here do not have security and safety. They are living in fear.

6.45 p.m.

We need to take action now. We need to act now. The Government knows what to do. The Government came into power on the backs of criminal elements in this country; terrorist elements. That is why when they ride the role of tiger and they cannot dismount it today and we are paying the price. Two hundred and eighty citizens have been murdered so far for this year. We are predicting that, at the rate at which we are going, we are going to cross over 600 citizens being

Strength of the Police Service
[SEN. MARK]

Tuesday, July 07, 2009

murdered in this country. Any one of us here could become a victim of criminal elements in this country and the Government sits quietly and twiddles its thumbs whilst Trinidad and Tobago burns.

Therefore, we would like the Government to deal with this issue of criminality and violence and give the citizens a sense of hope in this country and not to tell them when Tecia Henry died—Mr. President, you know what is going on there? The Prime Minister of this country showed no sympathy for a 10-year-old child. Instead of condemning the brutal murder and savagery committed by some criminal elements against a 10-year-old child, a Prime Minister in a convention—no remorse.

When you look at what is taking place every day and the victims of crime—there is an Act that was passed and the Government refused to implement the Act. The people who lose their families, wives, daughters, sons, mothers and fathers have no compensation, even though there is a law that says that those people are entitled to compensation. The Government is not concerned about compensating the victims of crime in this country.

We are calling on the Government, in this instance the hon. Minister of National Security, to tell this country what measures are being taken to provide the kind of security and safety for our citizens.

We have spent over \$83 million on a “fella” called Mastrofski. Where is the safety? Where is the new police service in this country? A police officer is renting his service revolver for \$6,000. That is what Mastrofski has brought after \$83 million has been paid to him: “We cyah even” trust our own police officers in this country because of what is going on. I am not saying all the police officers. There are a few of them who are spoiling the image of the police service. As Minister of National Security, you cannot continue in this lackadaisical manner. People's lives are being snuffed out and you have, as the Minister of National Security, along with your Government, to take measures to give people the reassurance that the Government knows what it is doing.

I have raised this Motion in terms of crime and the need for the Government to give this country and this Parliament some assurance that measures are being taken to really arrest this trend in Trinidad and Tobago.

Thank you.

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you very much, Mr. President. Hon. Senators, I am responding to the Motion raised by Sen. Mark that asked what action, if any, the Government has taken or

intends to take to stop immediately the murders, criminal violence and other serious crimes in our country.

Unfortunately, Sen. Mark, as is his style, went all over the place. I would focus on the Motion. The Ministry of National Security and the Government have said time and again that we have to take a multifaceted approach to solving crime, including the use of best technology. It is important for us to understand the nature of the problem that we face and the need for innovative solutions. There is no doubt that we need strong, basic policing. That is why we have changed the way police officers are trained. That is why we have put more police officers on the streets. Sen. Mark said that there is shortage of 1,000 police officers and he is correct. This is the reason this Government has made a commitment and we are recruiting 500 police officers per year. This year we were able to recruit 270-something.

If it is that persons who are desirous of becoming police officers are unable to meet the basic requirement, we cannot force persons to join the police service, because at the end of the day the very new police officers whom we want to bring into the new thinking of the discharging of their policing responsibility will themselves be compromised. All you have to do is to look right here, in terms of the establishment of a parliamentary police organization. The Parliament has not been able to recruit, in the first instance, the required number of persons, because they are not passing the polygraph or meeting the basic requirements. Until such time, if Sen. Mark and the Opposition want us to recruit outside of Trinidad and Tobago, then we will do that. It is not that the Government is sitting on its hands, as it relates to the question of ensuring that the number of police officers is recruited. We have to get the police officers.

We have purchased more vehicles. We have improved the response capability of police officers. That is why we have built and we would build more police stations. That is why we have built more police posts. It is why we have put more security forces in hot spots. But beyond this, we have recognized that the criminals have tried to combat these efforts by threatening and at times even murdering witnesses. While the police may solve a crime, too often people are afraid to go forward and give evidence. This is, of course, not unique to Trinidad and Tobago, but it is a problem that this country has to face and deal with.

Further, in order to put away criminals who have money and can afford some of the best lawyers, you must have evidence. Getting evidence means that you must have the capacity to gather it and that is in part where the use of technology is crucial. We have trained and continue to train officers in crime scenes and forensic, so that they can gather evidence that can stand up in court.

Strength of the Police Service
[SEN. THE HON. M. JOSEPH]

Tuesday, July 07, 2009

In addition, the use of the airship, surveillance cameras and other techniques are specifically designed to get better intelligence, so that we can rid the country of those who are bent on pursuing a life of crime and tarnishing our country's image.

Mr. President, along those lines, we have established the Crime and Problem Analysis (CAPA) Unit, which continues to provide real time information for police officers. It is composed of four senior crime analysts, 18 junior crime analysts and 24 police officers. These analysts and officers are assigned to the five police regions, South Central, North East, North West, Tobago and Police Headquarters. All staff has, and is receiving training from international associations of crime analysts. They are conducting the mapping of crime, using GIS software and GPS units to accurately plot maps; compile, organize and review raw data from crime reports and other sources; doing projections and forecasting, so that patrols can be assigned, depending on where and when crimes are occurring. In other words, Mr. President, real time information to treat with the crime and criminal activities.

The police service has now embraced COMSTAT, held in each division, based on information gotten from CAPA. Commanders are held responsible for reducing crime in their areas through increased foot and mobile patrols. If commanders are not performing, they are removed.

The Repeat Offenders Programme was introduced and they received surveillance intelligence and information training from crime and justice analysts companies, working in conjunction with the IATF, which provide critical information on gangs in Laventille and Morvant, continuing to pursue gang leaders in the Port of Spain, Morvant and Laventille areas, also lending assistance to Western and North Eastern Divisions. It should be noted that due to police action in several communities recently, there has been displacements to other areas of the country. The police are aware of these shifts and have instituted measures to address them.

All task forces are now meeting on Monday mornings, under the chairmanship of the Assistant Commissioner of Crime. These meetings are also attended by members of CAPA and the Crime Intelligence Unit. The purpose is to share intelligence and information so that each of the nine divisions in Trinidad and Tobago is aware of which gang members may have been displaced and may show up in a certain division, based on relationships, in an effort to deal with the displacement. This has led to the arrest of several criminals and the seizure of guns, drugs and ammunition in areas outside of their usual domain. There has also been recovery of stolen items. The increased intelligence-gathering and information-sharing has also led to the recent discovery of hidden guns and ammunition.

Mr. President, the efforts have already begun to bear fruit. On Wednesday of last week, the Acting Commissioner of Police led a raid in Beetham, in which 47 people were arrested and several firearms seized, including more than 100 rounds of ammunition and a quantity of drugs.

Only today, in preparation for this Motion, the Acting Commissioner of Police provided me with information relating to activities ending the week of the July 05. There were 2,371 patrols conducted; 43 roadblocks; 27 exercises; the recovery of 17 firearms; the recovery of 225 rounds of assorted ammunition; the arrest of 420 persons; the seizure of 35.3 kilogrammes of cocaine; and the seizure of 19.8 kilogrammes of marijuana.

The Commissioner of Police said that this was due to better intelligence and greater interface between the Special Anti-Crime Unit of Trinidad and Tobago (SAUTT) and the police service. I have already addressed the issues raised by Sen. Mark about the differences between SAUTT and the fact that efforts are being made to provide SAUTT with superior terms and conditions. We have addressed that already and I am not going back there again. There is no gainsaying that the security forces have to be intelligence-driven and that intelligence must be gathered through human contact, but also by the use of technology.

This Government has said over and over, that there is one thing that this country ought not to be divided on and that is crime. Crime touches all of us. We all know someone who has been a victim of crime. Do you feel Members of this Government are not concerned about crime and the time it had taken us to resolve this problem? No one is more frustrated by this issue than this Minister of National Security. But what I also know is that we are making progress and the work being done is absolutely essential, not just for today, but the future of our country.

Mr. President, reform of the police service is not an option; it is hard unglamorous work. It involves changing long-held traditions. It means at times teaching new things to people set in their ways. That is why the Policing for People initiative being spearheaded in model stations is being done.

Anyone who understands organizational change, especially in large and diverse organizations of the police service, knows the challenge and how long it takes. We are here to fix the problems and work through hard issues. That is why we have been engaged in the restructuring of the police service. There is recognition that police officers have to work closer with the citizens. They, the citizens, must feel confident that they can share information with the police and it will be acted upon with the greatest confidence.

Strength of the Police Service
[SEN. THE HON. M. JOSEPH]

Tuesday, July 07, 2009

Also in at-risk communities, we have to rebuild trust. That is why we have embarked on a series of initiatives to improve the relationship. The Citizen Security Programme with the Inter-American Development Bank is now operating in 22 of our communities. It is designed to provide what is referred to as pro-social intervention, working with at-risk youths in their communities and focus on mitigating against the risk factors associated with crime and violence, domestic violence working in partnership with the coalition against domestic violence, parent outreach after school programmes and life social skills training programmes.

Community-based outreach workers are being identified and trained to work within their communities as first responders to social issues, to identify individuals, families in distress and partner with relevant professional and/or agencies to facilitate the necessary remedial action to circumvent the deterioration of the situation.

7.00 p.m.

The CSP has been holding a number of sport crime-free activities in the 22 communities in which it interacts.

Mr. President, it is clear that the communities must do their part. Parents must grow their young men and women with the type of love and values that will lead them away from a life of criminal behaviour. Communities must not see criminals as their role models. We must stop the cycle of violence, and this Government is committed to doing that.

Mr. President, thank you.

Transit Police Unit

Sen. Wade Mark: Mr. President, thank you very much. I deal with the issue of the Transit Police Unit and the inability of these officers to secure their gratuity, as well as their meal allowance.

Mr. President, it was in August 2005 that the Government of Trinidad and Tobago established what is known as the Transit Police Unit. The purpose of this unit was essentially designed to curtail the endless spate of criminal activities perpetrated against maxi-taxi drivers and commuters along the Priority Bus Route.

We understand the unit is made up of about 96—100 officers, the bulk of them being constables. I have been made to understand that even though these officers have been engaged and have worked over the last few years, according to their contract or their terms and conditions of employment, they are supposed to be entitled to salary, vacation leave, compassionate leave, sick leave, maternity

leave and, of course, a gratuity which is 20 per cent of their gross salary earned over the period of employment, once there is a satisfactory performance by those officers in question.

I also want to draw to the Minister's attention, that whilst these workers have completed their years of service with the Transit Police Unit, there are many officers who are yet to receive their gratuities. I have raised this matter with the Minister of National Security, and I do not know what is the reason for the unnecessary delay in granting these officers their entitlements. I would like the Minister of National Security to tell this honourable Senate, why these officers who are engaged like ordinary police officers and work around the clock—it is not an 8.00 to 4.00 job; they have done their duties and they have received satisfactory reports—are waiting at this time to receive their well-earned gratuities. I would like the Minister of National Security to explain to this honourable Senate what has happened why these officers have not received their gratuities that they are entitled to? Could the Minister give us a breakdown of the number of officers who are yet to receive their gratuities? I have it around 96, but it could be less or it could be more.

My information is that there are about 96 officers who are engaged in this unit. Could the Minister tell us how many of these officers are yet to receive their gratuities? When will these officers receive their gratuities? What is the timeline for it? The officers will appreciate and I will appreciate the Minister indicating such.

I also want to bring to the attention of the hon. Minister of National Security that these officers who work like any ordinary police constable in the regular police service, received a meal allowance when they began in August of 2005, amounting to \$375 per month. Mysteriously, I have learnt that this meal allowance was withdrawn and no real explanation was offered to these officers as to why they got meal allowances in 2005, 2006 and up to the middle of 2007 or thereabout and then the meal allowance was withdrawn. I think that this is a contractual obligation between the police officers and the CPO, in this instance, who is the employer. There ought to be some reason, and they cannot countenance the reason you would give someone, as part of their terms and conditions of employment, a meal allowance of \$375 a month, and then you just withdraw it.

I am calling on the Minister of National Security to explain to this country, the transit police officers and this Senate, what is the rationale for this withdrawal. I am calling for the reinstatement of this meal allowance with immediate effect. These officers must get retroactive payment for this unceremonious withdrawal of

Transit Police Unit
[SEN. MARK]

Tuesday, July 07, 2009

the meal allowance. These officers are not 8.00 to 4.00 workers. They work around the clock and, therefore, I am asking the Minister to recognize the fact that they are like normal police officers in terms of how they work. They work 24 hours and, therefore, they are entitled to a meal allowance.

I am calling on the hon. Minister to look into this matter and to take action to have the meal allowance reinstated and retroactive payment meted out to those workers who have been unfairly and unjustly dealt a severe blow by the authorities. They have treated these officers with contempt. You just cannot take away somebody's meal allowance and then do not explain why you have done it. Is it because these workers do not have a trade union you treat them with contumely, contempt and disrespect? Why? Is it because they do not have a trade union? Well, I am going to form one to represent them.

I am saying that we need to get some justice here. I am asking the hon. Minister of National Security to intervene and deal with this matter and let us get some justice for these officers. They have been working from August, 2005 and we are in 2009, and they have not received a salary increase, but the Prime Minister has had three salary increases in the last few years, but these officers have received no increases. Do you know why? They do not have a trade union so they treat these workers with contempt and contumely.

[MR. VICE-PRESIDENT *in the Chair*]

I am saying that the Minister of National Security should instruct the CPO to meet with these workers and let them form themselves into a body and negotiate new terms and conditions of engagement for them. When you are working as an officer, and you do not have a trade union representing you, then you have to go in and deal with the CPO on a one-on-one basis whenever your contract ends and it has to be renewed. I am saying to the Government that they need to understand that these officers, just like the President—their salaries are going to be increased from \$6,000 and \$10,000 to \$49,000. That is another matter that we are going to deal with. What about these workers? Do they not eat food also? Is it only past Presidents who eat? You should deal with these officers and give them their just dues.

I understand the working conditions of these officers are abominable. They are located in VMCOTT building on the Priority Bus Route. I understand the working conditions are very poor. My information is that the air-conditioning system works off and on when it wants. When the Minister goes there it works, and when the Minister leaves it does not work. That is the kind of thing that goes on there. [*Laughter*]

Mr. Vice-President, there are people who are under real pressure. These are matters that I really brought to the attention of the Minister on a one-on-one basis, because the Minister was my former teacher. I always approach him as a good student and I always tell my former teacher: "Look, I have some problems here. People have approached me, take some action." Maybe the Minister is trying, but I am not seeing results, and the people are on my back. They are asking me what is happening. As a representative of the working class, I have to take action and this is why I have brought this matter as a motion for the adjournment. It is not that I want to embarrass the hon. Minister of National Security, but I want to push him into action and I want him to take action in defence of these officers, because he has defended police officers as I have also defended police officers.

I am calling on the hon. Minister of National Security to give these transit police officers the assurance that he cares; that he is looking after their welfare and interest; that he will take immediate steps to ensure that gratuity payments owing to them for the last four years are paid and he would take immediate action to have their meal allowances reinstated and retroactive payment made to these officers.

I also call on the Minister to look into the very deplorable working conditions of these officers in question and, most importantly, we all have to live. Do you remember Carla Thomas and Carl? They said that we all have to live. They did not receive any increases since 2005 and they are still working for a small sum of money on a monthly basis. I call on the hon. Minister to look into that matter, because they do not have a trade union to represent their interest, as we speak.

Again, I have raised this issue in the interest of the officers and I hope that the hon. Minister, in his normal style, would intervene and take action to bring a resolution to these outstanding matters. All they are asking for is justice, fair play and equity. I do not believe that it is too much to ask for officers who have done a reasonably good job along the Priority Bus Route.

7.15 p.m.

When I travel along the bus route, although that is another motion I have to raise—I have another motion to raise on that, but when I travel I do see them on the bus route stopping vehicles and checking cars and they are always passing me with some car. So, I am a bit worried, because I know people put all kind of lights on their cars these days. So, I am not too sure if that is a transit police or a bandit. I want the Minister to deal with that matter, but I have that as a separate item for his ears at the appropriate time.

Transit Police Unit
[SEN. MARK]

Tuesday, July 07, 2009

So, hon. Minister, the ball is in your court. We want you to take action; we want you to intervene and we want you to help the transit police officers. They are working; they work hard, but please give them their dues.

Mr. Vice-President, I thank you very much.

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you, Mr. Vice-President. Mr. Vice-President, that was a long time ago, we would not even go there. I am not responsible for what happened since then. [*Laughter*] When he left my charge, he excelled in West Indian History. I taught him West Indian History and he did extremely well; that was eons ago, all kinds of things happened since then, for which I cannot take any responsibility.

As usual, the Motion says the failure of the Minister of National Security to take steps to effect payments of gratuity and meal allowances entitled to members of the Transit Police Unit. I am prepared to deal with that. As his usual style, he went all over the place, talking about all kinds of stuff. I mean I did not even realize I had current, because when I reach there the air-condition unit comes on, and as soon as I leave, it goes off. So, when I go home I will have to check and see what I am plugged in to.

Mr. Vice-President, he also asked to provide information with respect to the composition of the Transit Unit. He indicated that this Unit came into effect in a Cabinet decision in May 2005, but the Unit really got off the ground in June of the same year, 2005. When it did, it started off with one transit police inspector, two transit police sergeants, 15 transit police corporals and 75 transit police constables.

In September 2006, the Unit was increased, and it went from two transit police sergeants to five sergeants, the inspector remained the same, the corporals remained 15, and the constables remained at 75. Then a year later, they increased by an additional 20 constables, and an additional five corporals. So, that answers his first question as it relates to size.

Cabinet also agreed that the Ministry of National Security would undertake a review of the performance of the Unit after one year's operation, to determine its feasibility for continuation and/or expansion. In light of the demonstrated value of the Unit, the life of the Unit was subsequently extended by two years in September 2006. As was originally intended, in June 2008, a consultant, TSG Consulting Limited, was commissioned to conduct an audit to measure the effectiveness of the Unit to determine its future direction. The report highlights the need for transformation of the Unit. The transformation plan, as recommended, is due to be submitted to Cabinet shortly.

In the interim, Cabinet agreed to the extension of the life of the Unit for one year, with effect from August 16, 2008, pending the comprehensive review of the consultant's report by the Ministry. During this time, the Ministry of National Security has continued to support the Unit and to ensure that it is provided with adequate and required resources to execute its functions. This, Mr. Vice-President, would be borne out in the rest of the answer, and this is the failure of the Ministry, or the Minister to take steps to effect payments of gratuity and meal allowance entitled to members of the Unit.

In September 2005, the Ministry approached the Chief Personnel Officer (CPO) with terms and conditions relating to salary, vacation leave, sick leave, maternity leave, injury leave, monthly and daily meal allowance, gratuity and transport allowance for the inspector only. When the CPO responded in April 2006, the CPO agreed to accept some recommendations as is, and varied some of the recommendations submitted by the Ministry. However the Ministry's recommendations regarding injury leave and a monthly meal allowance were not included by the CPO.

In June 2006, the Ministry approached the CPO regarding the exclusion of injury leave and a monthly meal allowance from their terms and conditions. The CPO in September 2006, agreed to a variation of the terms and conditions to include injury leave. However, the CPO maintained that it could not support the grant of a meal allowance, as transit police officers were not required to function as special reserve police to whom that allowance was given.

However, prior to the release of that decision, in anticipation of the formal approval by the CPO, that allowance was inadvertently paid to the transit police officers over a period of time. When the CPO rejected the proposal for the payment of meal allowance, the transit police officers were therefore obliged to refund the monies they had received as meal allowances.

With respect to payment of outstanding gratuities, I am pleased to inform you, Mr. Vice-President, hon. Members, gratuity for the first period—remember we said there were extensions, two periods—were paid to officers; the second period is currently being processed.

Thank you, Mr. Vice-President.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.22 p.m.