

**SENATE***Monday, March 29, 2010*

The Senate met at 1.30 p.m.

**PRAYERS**[MR. PRESIDENT *in the Chair*]**PAPERS LAID**

1. Annual administrative report of the Export-Import Bank of Trinidad and Tobago for 2008. [*The Minister of Trade and Industry and Minister in the Ministry of Finance (Sen. The Hon. Mariano Browne)*]
2. Annual administrative report of the Ministry of Public Utilities for 2008. [*The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill)*]
3. Administrative report of the Trinidad and Tobago Racing Authority (TTRA) for the period August 01, 2007 to July 31, 2008. [*Sen. The Hon. M. Browne*]
4. Annual audited financial statements of the Business Development Company Limited for the financial year ended September 30, 2008. [*Sen. The Hon. M. Browne*]

**STATEMENT BY MINISTER****Trinidad and Tobago Health Sciences Initiative**

**The Prime Minister (Hon. Patrick Manning):** Thank you very much, Mr. President. I thank you for this opportunity to make the following very important statement to this honourable Senate on plans for major developments in health care in Trinidad and Tobago. I refer to the hospital strategy for delivering medical services and quality health care to our citizens under the Trinidad and Tobago Health Sciences Initiative.

This policy was adopted by the Cabinet on March 04, 2010. As we pursue our vision of transforming Trinidad and Tobago into a developed nation, one of our goals is to develop a current centric health care environment in this country, one in which the welfare of the citizens is at the centre of all activity. This requires, among other goals, the establishment of quality and efficient infrastructure through which medical services and quality health care could be delivered.

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Substantial investment in institutional and infrastructural capacity has already been made. We have been upgrading our medical facilities, expanding the number of specialized skills in health care professionals and generally improving the interface of the public with health care personnel. At the same time, research and development in the health sector has been taking root.

Our objective is to ensure that health care services for our citizens are available and affordable. In pursuit of that goal, the Government, through a six-year collaboration and services agreement between Johns Hopkins Medicine International and the University of Trinidad and Tobago, established the Trinidad and Tobago Health Sciences Initiative in February 2006. This new collaboration has already resulted in the pursuit of a range of activities. This includes advisory services designed to deliver expertise in medicine, public health, public policy and management, through the development of programmes in a three-pronged approach: firstly, academic training and research; secondly, the provision of clinical services; and thirdly management systems and infrastructure development.

A ministerial committee, under the chairmanship of the Minister in the Office of the Prime Minister, was appointed to direct and implement the Trinidad and Tobago initiative. The ministerial committee included Ministers with responsibility for health; science, technology and tertiary education; finance; social development; and the Attorney General.

We recognize that medical services and quality health care can best be delivered through suitably-sized hospitals. We therefore agreed in March 2007 to develop a service-delivery hospital model. Utilizing the provisions of the agreement, the Government approved the retention of the services of a US-based health facility planner and an architectural firm to design and develop new hospital facilities. These would serve as academic medical centres for research and education, in addition to the delivery of medical services. To that end and through competitive procurement, HDR Architecture Incorporated was selected as the preferred health planner and design firm by a Trinidad and Tobago Health Sciences Initiative team, which included representatives from Johns Hopkins Medicine International.

HDR is the leader in its field in the United States. Findings for 2010 list HDR as the number one ranked firm in health care design for the seventh consecutive year in modern health care construction and design survey. In fact, this was the 14<sup>th</sup> time that HDR had been ranked number one since the survey began 32 years ago and the group had been ranked among the top four firms for every year of the survey.

HDR was engaged by the University of Trinidad and Tobago to:

- conduct a national market analysis as the basis for a comprehensive service delivery model;
- create a campus master plan for the Port of Spain General Hospital;
- create a programme plan for the new hospital buildings for the Port of Spain General Hospital; and
- complete a feasibility study for a new hospital for Central Trinidad.

In pursuit for its mandate, HDR embarked on a collaborative and consultative programme with the major stakeholders in the health sector. As an initial step, it developed a market demand model for distributing in-patient beds by hospitals in Trinidad and Tobago. This model was based on projected changes in demography and the rate of hospital use by geography up until 2018. HDR utilized a team consisting of 11 professionals with expertise in land planning, architectural design, health care provision, clinical systems and management systems. The team shared the methodology with senior management and the planning staff of the Minister of Health, the Regional Health Authorities and all secondary and tertiary public health facilities in Trinidad and the staff of the Trinidad and Tobago Health Sciences Secretariat and the National Strategic Management Group, Office of the Prime Minister.

The market demand model established four key drivers for Trinidad:

- (i) base population and demographics determined through the analysis of data from the Central Statistical Office, the Caribbean Community (CARICOM) and the United Nations;
- (ii) a patient dependency matrix to indicate the extent of the dependency on hospitals by patients in different geographic locations; with the result being the generation of a hospital dependency matrix which identified the link between the evolution of hospital services and the different communities;
- (iii) the market need, determined over a 10-year period from 2007; and
- (iv) the demand for public facilities, determined by adjusting for the impact of ongoing national health care initiatives and shifts to and from private hospitals.

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Through the consultative process, additional information was provided, which served to strengthen the market model. This included:

- a review of current innovations in clinical and operational practices and the determination of the Project Vision and Guiding Principles undertaken in November 2007;
- procedures at the Port of Spain General Hospital undertaken in December 2007 and January 2008;
- a presentation undertaken in January 2008, of the population forecast of Trinidad for the period 2007—2017;
- a status update on disease projections; facility sizing and services; preliminary analysis of the Central site; general staffing benchmarks; and transition requirements for the Port of Spain General Hospital undertaken in February 2008;
- a revised population forecast undertaken in April 2008;
- the development of design concepts for the redevelopment of the Port of Spain General Hospital undertaken in April 2008; and
- a demand planning working session undertaken in August 2008.

The technical work was as extensive as it was analytical. The consultations were spearheaded by HDR and extended to the other stakeholders including the Town and Country Planning Division; Lands and Surveys Division; the Central Statistical Office; Port of Spain City Corporation; the Ministry of Works and Transport; the Estate Management and Business Development Company Limited; the Urban Development Corporation of Trinidad and Tobago; the Water and Sewerage Authority; the Trinidad and Tobago Electricity Commission; the National Energy Corporation; and private stakeholders.

HDR also undertook site assessments at all secondary care facilities in Trinidad, as well as at the Eric Williams Medical Sciences Complex. Arising from those extensive and comprehensive consultations, as well as the data gathering and data validation exercises, HDR submitted a report dated September 10, 2008, which was further refined in a presentation which was made on January 27, 2010.

HDR advanced a hospital strategy based on its own assessment of six basic factors, which would influence the need for health services throughout. These were:

- the projected disease burden over the 10-year planning horizon; the public sector/private sector mix of hospitals;
- the existing and projected usage trends; population trends; planned infrastructure, including highways network and industrial development with associated population shifts; and
- the need to provide a network of facilities, which is flexible in design to accommodate the rapid advances in technology and evolving trends in health delivery, while allowing for future physical expansion based on changes in need beyond the 10-year planning horizon.

On the basis of those factors, HDR recommended the adoption of a hospital strategy with facilities of different sizes, with those facilities with less beds being able to expand consistent with population growth and demand. To that end, the hospital strategy which was advanced by HDR Architecture Incorporated, would require 2,224 beds, which represented an increase of 423 over the existing bed count.

The Government considered the reports of the HDR Architecture Incorporated on March 04, 2010 and was in broad agreement with the demand modelling and size requirements and modelling for the hospitals proposed by HDR. That notwithstanding, the Government recognized that the hospitals could be expanded to accommodate population growth and demand, and developed so they enhanced accessibility.

#### **1.45 p.m.**

We wanted to ensure that basic primary and secondary care services would be brought within the reach of the communities. Moreover, the Government views such capital investment as important for meeting the gap in hospital infrastructure and achieving broader social and developmental goals, but that investment must be efficient and provide the country with value for money.

Mr. President, I am very pleased to announce that the Government has now agreed that over a 10-year planning period in the first instance, medical services and quality health care would be delivered in Trinidad by four general hospitals and four other hospitals. The four general hospitals would be:

- the Port of Spain General Hospital which would be rebuilt on its present location with 658 beds;
- two new hospitals which would be established from the reorganization and conversion of the Eric Williams Medical Centre—one hospital with 509 beds; and a women 's hospital with 131; and

- a new San Fernando General Hospital with 704 beds which would be constructed on the north-eastern side of San Fernando along the Solomon Hochoy Highway. This new hospital and location was a conclusion of the feasibility study undertaken by HDR with respect to a new hospital for Central Trinidad, given that the technical analysis did not support a hospital exclusively for Central Trinidad.

The four hospitals which could be expanded, if necessary on a needs basis would be:

1. The Sangre Grande Hospital which would be modernized and would accommodate 100 beds with 72 beds in phase 1 and which would provide services in the areas of:
  - allergy/immunology;
  - colon/rectal surgery;
  - dermatology;
  - internal medicine;
  - medical genetics;
  - neurological surgery;
  - obstetrics/gynaecology;
  - ophthalmology;
  - orthopaedic surgery;
  - otolaryngology;
  - paediatrics;
  - physical medicine/rehabilitation;
  - plastic surgery;
  - psychiatry/neurology;
  - thoracic surgery; and
  - urology.
2. The Arima district facility which will be converted into a hospital with 100 beds, with 50 beds in phase 1, providing the following minimum services:

- inpatient services, in particular medical, surgical, obstetrics and gynaecology;
  - diagnostic and treatment capability, in particular, emergency services, surgery, radiology, laboratory, pharmacy and anaesthesia; and
  - adult and paediatric clinics.
3. A new Point Fortin Hospital which will be constructed to accommodate 100 beds; but with 50 beds in phase 1 offering the same minimum services as at the Arima Hospital and located east to the extended Solomon Hochoy Highway, thereby providing improved access from county St. Patrick.
  4. Subsequent to the construction of the San Fernando General Hospital at the new location, the newest portion of the existing San Fernando General Hospital would be converted to the San Fernando Hospital with 100 beds; but with 50 beds in phase 1 offering the same minimum services as in the Arima Hospital.

Mr. President, the Government is moving speedily to implement the hospital strategy. To that end, we have put in place a framework of immediate action which involves the following:

Firstly, HDR will be required to complete the two outstanding deliverables from its original contract:

- the generation of a campus master plan for the new Port of Spain General Hospital; and
- the creation of a programme plan for the new Port of Spain General Hospital.

Secondly, the Ministry of Science, Technology and Tertiary Education will be required through the University of Trinidad and Tobago, to expand the mandate of HDR to include:

1. The preparation of background information to be used for bidding documents to inform the issuance of requests for information and requests for proposals for design/build/equip contracts with respect to three new hospitals:
  - the 658 bed replacement hospital for Port of Spain;
  - the new 704 bed San Fernando General Hospital; and
  - a new 100 bed hospital at Point Fortin, with 50 beds in phase 1.

2. The preparation of programme plans for:
  - converting the Arima District Medical Facility into a 100 bed hospital with 50 beds in phase 1;
  - modernizing the Sangre Grande hospital into a 100 bed hospital with 72 beds in phase 1; and
  - converting the Eric Williams Medical Sciences Complex into two major institutions with tertiary care and specialty roles: The Eric Williams Medical Centre with 509 beds and the Mount Hope Women's Hospital with 131 beds.
3. The preparation of a transition plan in collaboration with the Ministry of Health which would define the provision of services during the implementation of the development work relating to the roll-out of the hospitals.

Mr. President, the third component of the framework for immediate action involves the Government through the Ministry of Health entering into a contract with the Urban Development Corporation of Trinidad and Tobago to implement the programme for:

- design/build/equip contracts with respect to the Port of Spain General Hospital, the new San Fernando General Hospital and the Point Fortin Hospital;
- design/build/equip contracts for the modernization of the Sangre Grande Hospital as a 100 bed hospital with 72 beds in phase 1 and for the conversion of the Arima Health Facility into a 100 bed hospital with 50 beds in phase 1; and
- conversion of the Eric Williams Medical Complex into two major institutions; the Eric Williams Medical Centre and the National Hospital for Women.

Mr. President, this hospital strategy is anchored in sound technical and analytical work and represents a major shift in the approach for the provision of medical services and quality health care for the population located in Trinidad. The strategy also provides an opportunity to phase the introduction of services in accordance with the needs of the national community and provides flexibility to avoid short-run over-investment in infrastructure and equipment requirements. As

such, the phasing strategy would focus primarily on hospitals accommodating the greatest demand; on hospitals with net increases in bed need and on facilities with the most significant infrastructure issues.

The Government has earmarked the resources to ensure that the programme implementation of this hospital strategy moves ahead in a timely fashion, and has put in place the appropriate framework and governance to ensure that world class health care solutions are delivered to the citizens of Trinidad and Tobago in a manner that assures transparency, accountability and value for money.

We recognize that this approach represents a significant change process for public sector health delivery. We also recognize that beyond the infrastructure and technology enhancement envisioned, significant focus will also have to be placed on systemic improvements and the development of the human resources so critical to delivering quality care. The Government will continue to leverage the expertise of Johns Hopkins Medicine in this regard, and as a parallel activity, will continue to engage local tertiary institutions with a view to developing an action plan for meeting the human resources requirement of the proposed health delivery network.

Mr. President, we are sure that with this plan, the health sector in Trinidad and Tobago will be taking a giant step to provide adequate, accessible and affordable health care for our citizens in this 21st Century and will also be bringing Trinidad and Tobago's health sector into conformity with our Vision 2020 aspirations.

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

#### **CIVIL AVIATION (AMDT.) BILL**

[Second Day]

*Order read for resuming adjourned debate on question* [March 09, 2010]:

That the Bill be now read a second time.

*Question again proposed.*

**Mr. President:** The following is a list of those who spoke: Hon. Colm Imbert, mover of the Motion, Sen. Dr. Rambachan, Sen. Seetahal SC, Sen. Assam, Sen. Prof. Deosaran, Sen. Mark, Sen. Ramkhelawan, Sen. Rogers, Sen. Drayton and Sen. Oudit. The hon. Colm Imbert was winding up, and he spoke for 28 minutes and has 17 minutes of his original speaking time. [*Crosstalk*]

**Hon. C. Imbert:** Mr. President, thank you. On the last occasion, I undertook to address a number of issues and concerns raised by hon. Senators, particularly the Senators on the Back Bench, the Independent Bench—sorry, the Upper

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Bench, the Senators behind the front group—were the Senators who made any sense. Mr. President, there seems to be a lot of noise; they seem excited. [Interruption] Mr. President, may I ask for protection, please? [Crosstalk]

Mr. President, as I said, on the last occasion, we adjourned this debate so that the Government could consider the points made by hon. Senators on the Independent Bench in particular and we have so done. I am advised that a new list of amendments—I received a note from the Parliament that a new list of amendments was received by the Parliament on March 24, 2010, and this was circulated to all Members together with the Senate Order Paper. So the amendments that I propose to move at the committee stage would be the amendments that are now before you, as opposed to the amendments that were previously put before this Senate. We have sought to address all of the concerns that were raised.

If I could just speak briefly to some of the changes that are going to be made, in keeping with a recommendation made by Sen. Seetahal SC, we have made it very clear in the new amendment to section 7 of the Act, that any company that the authority might take up shares in would be a company that is necessary for the discharge of its functions under the Act.

**2.00 p.m.**

So that has addressed the matter raised by Sen. Seetahal SC and other Senators. Similarly, lower down; “enter into partnership arrangements”, et cetera, as may be necessary for the discharge of its functions under this Act. So that tightens it and makes it very specific.

Taking on board the suggestion of Sen. Ramkhelawan, we have simply in the new clause 8, sought to seek the permission of this Senate to simply validate the incorporation of Caribbean Air Navigation and Advisory Services Limited rather than validate all of the actions of the management and board of that company. So those were the major issues. But I shall now deal with some specific issues raised by Members of the Opposition.

Sen. Mark made a lot of heavy weather about the alleged award of contracts by Caribbean Air Navigation and Advisory Services Limited. I am advised by the Civil Aviation Authority that with the exception of two contracts, which two contracts were only awarded by CANAS in March of this year after the term of office of the board expired, all of the other contracts that were paid for, from that list that Sen. Mark had, were awarded by the Trinidad and Tobago Civil Aviation Authority. So that whole host of contracts that you read out there, all of those contracts were awarded by the Trinidad and Tobago Civil Aviation Authority.

**Sen. Mark:** Could you tell us the two that were awarded contracts by CANAS?

**Hon. C. Imbert:** Certainly. The two that were awarded by CANAS after the expiry of the board on March 26, was a contract to Honeywell for the BMS system for the new administration building in the sum of \$2.4 million and to China Building in the sum of \$793,000 to ensure continuity of capital projects, so just those two and just over \$3 million in contracts awarded by CANAS since the expiry of the board on March 26.

But all of the other contracts that Sen. Mark read out were awarded by the Trinidad and Tobago Civil Aviation Authority. CANAS simply paid for them, so that is how that list—I am not sure that Sen. Mark needs reading glasses, he seems to have trouble reading names, words and figures, but that list that Sen. Mark had, referred only to payments. CANAS collects the money and pays for the capital equipment, but their contracts are tendered and awarded by the Trinidad and Tobago Civil Aviation Authority.

I am also advised by the Trinidad and Tobago Civil Aviation Authority that the Central Tenders Board is a member of the Trinidad and Tobago Civil Aviation Authority Tenders Committee and is represented by the Deputy Director of Contracts. All of those contracts would have had the input of the Central Tenders Board with the exception of two meetings over a six-year period when the Central Tenders Board was unable to send a representative for one or other reasons.

So the vast majority of the contracts that Sen. Mark referred to would have been awarded—well all of them—by the Trinidad and Tobago Civil Aviation Authority, and the vast majority, there would have been a member of the Central Tenders Board present on the Trinidad and Tobago Civil Aviation Authority's Tenders Committee. So that debunks that misinformation put into the system by Sen. Mark.

Another piece of misinformation is with respect to the company called Air Transit—help me, Sen. Mark, you know the name of the company.

**Sen. Mark:** Air Transit Clearing House Company.

**Hon. C. Imbert:** I see you know the name of the company but you do not know who the directors are.

**Sen. Mark:** [*Inaudible*]

**Hon. C. Imbert:** Right, I am glad. I think you need to apologize you know. I think you need to.

**Hon. Senator:** He is before the privileges committee for that.

**Hon. C. Imbert:** I know you are before the privileges committee, but I think you need to apologize.

I have before me a note to the Trinidad and Tobago Civil Aviation Authority Tenders Committee dated July 27, 2006:

“Selection of provider for the provision of debt collection recovery services from air carriers that overfly the Piarco flight information region.”

Item 1.3 in the Minutes:

“The Deputy Chairman”—the said Unanan Persad—“declared that he is related to senior personnel at Air Transit Clearing House Limited, one of the tendering firms. I took no part in the process.”

So that settles that as well, the whole question of declaration of interest and participation in the award of contracts. So just for the record, Unanan Persad is not a director of Air Transit Clearing House Limited, he declared his interest to a relative and he did not participate in the award of that contract. That is my information.

**Sen. Mark:** Do you want to circulate that document?

**Hon. C. Imbert:** I will take that under advisement. I, personally, do not see any difficulty, but once I am advised that there are no confidential matters that should not be disclosed to hon. Senators, I would most certainly do so.

**Sen. Mark:** Do you want to tell us the names of those companies?

**Hon. C. Imbert:** Okay. Just bear with me, Mr. President, I was not aware that Sen. Mark would be so interested in this matter. Three tenders were received and evaluated in accordance with the criteria outlined in the instructions to tenderers. Tenders were received from Air Transit Clearing House Limited, Debt Recovery and Administrative and Steve's Exclusive Establishment.

The points scored: Air Transit Clearing House Limited received 189 points; Debt Recovery and Administrative, 151 points and Steve's Exclusive Establishment, 82 points. So Air Transit Clearing House Limited obtained the highest accumulated score of the three proponents evaluated. But this is another point that needs to be made.

Sen. Mark made, as I said, a lot of heavy weather about this issue. But what are we talking about here? How much money are we talking about? I am advised that we are talking about very small sums of money. In fact, I am advised that the total amount that was detailed to be collected by Air Transit Clearing House

Limited was just over TT \$200,000. I am told that they actually collected about TT \$145,000; of which they received a debt collection fee of 25 per cent, so they got about TT \$35,000.

The total income of Air Transit Clearing House Limited for this transaction that has so upset Sen. Mark where Unanan Persad is not a member of the board. They went through a tender process, it was publicly advertised in the newspaper, they won it fair and square and so far they have received TT \$35,000. All of that noise for \$35,000 in a legitimate tender exercise, conducting a legitimate transaction where private aircraft and other airlines that are not members of IATA, the revenue cannot be collected in the normal way through IATA, so they hired a debt collection agency to do so, and as I said, they collected about \$145,000 and earned \$35,000 in the process over a significant period of time. All above board. All legitimate.

**Sen. Mark:** What period of time—[*Laughter*]

**Hon. C. Imbert:** Look, I had enough of you. Go and deal with it in the privileges committee. Bring all of your evidence there.

Mr. President, let me move on to another issue. [*Interruption*] Yeah, right, okay; \$35,000. During the Senate debate the former Minister of—"International Trade", did I get it right Sen. Assam? Foreign Affairs and International Trade?

**Sen. Assam:** Proceed. Do not interrogate me. You are a visitor here, do not—

**Hon. C. Imbert:** I only hope that your new Opposition Front Bench will be better.

**Sen. Assam:** I hope that you would be more respectful—[*Inaudible*]

**Hon. C. Imbert:** Yeah, okay.

**Mr. President:** Senator, Senator! I beg your indulgence, but the standards of behaviour of Members speaking here is my purview. Mine alone! Minister.

**Hon. C. Imbert:** Thank you, Mr. President. The point I was making is that in his contribution, Sen. Assam thought he was witty. He said my presentation was shoddy and short. I could have said his contribution was corpulent, [*Laughter*] flatulent. I could have used words like that but I would not.

The point is that during his contribution he asked why are we giving the Civil Aviation Authority the power to take up shares in a company. I said *sotto voce* across the floor that he should ask himself that question. The Senator should ask himself, because that measure found its way into the Civil Aviation Act of 2000

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which was passed by the UNC government when Sen. Assam was a prominent member. That is why I was asking him what his portfolio was. I recalled it had something to do with foreign trade or foreign affairs and international trade. He was a prominent Cabinet Minister in that government and he should know, so I told him "you should know" and in an attempt to gallery and "gran' charge", at least from where I sit, he got up and said, "upon mature reflection we change—".

That is not the point. The point is, why did the UNC government put into the 2000 legislation a provision to allow the Civil Aviation Authority to take up shares in companies? And since Sen. Assam could not tell me and wanted to make a joke out of the whole thing, I went into the *Hansard* record and into the Cabinet record of the UNC, and what I discovered was that they decided to adopt the Singapore model. That is what the Cabinet record tells me and that is what the debate during the 2000 legislation tells me.

The question was asked by someone and the then Minister—I believe it was Sen. Baksh—explained that the insertion of a clause in the 2000 Civil Aviation Act to allow the authority to take up shares in any company was because they were following model legislation that had come from Singapore. That was the answer! And that was the answer I expected Sen. Assam to give me. Not to make jokes about serious matters, so that deals with that. That was the reason.

It is progressive legislation and it is used in other countries and one such jurisdiction is Singapore. From what has occurred with the Caribbean Air Navigation Services Company, they have done very well. One can always audit their procurement practices, and I expect that will happen when those accounts come before the Public Accounts (Enterprises) Committee, because I do believe that the accounts of Caribbean Air Navigation Services Company should be audited and should be scrutinized by Members of this Parliament through the various joint select committees, standing committees and so on. I certainly believe so. So in due course I expect that the accounts of the Caribbean Air Navigation Services Company will find their way into the record of this Parliament and will be scrutinized by hon. Members, both in this place and in the other place.

But the fact of the matter is that the collection of revenue by Caribbean Air Navigation Services Company has been a tremendous success. Prior to that the Government was receiving a pittance, small change, and it is because of the foresight of the Civil Aviation Authority through the formation of the Caribbean Air Navigation Services Company, they have dramatically increased their revenues up to \$100 million annually, possibly, I am told—I remember one year it might have exceeded \$100 million—and through that collection of revenues, they

have been able to put in very sophisticated navigation equipment, radar equipment and so on, communications equipment, not just in Trinidad and Tobago, but in all of the Caribbean territories that are served within our airspace, which, as I said on a previous occasion, stretches as far north as Antigua and halfway across the Atlantic.

So through this very innovative and progressive move on the part of the Civil Aviation Authority to renegotiate the arrangements with the airlines, start collecting the revenues so that the Government would now collect it and would now use it for the enhancement of civil aviation and air navigation services, the formation of this company and the collection of revenue on its part has been a tremendous success.

Our air navigation systems in Trinidad and Tobago—

**Mr. President:** Hon. Senators, the speaking time of the hon. Minister has expired.

*Motion made,* That the hon. Minister's speaking time be extended by 15 minutes. [*Hon. Dr. L. Saith*]

*Question put and agreed to.*

**2.15 p.m.**

**Hon. C. Imbert:** I thank all Senators for extending my time. Sen. Dr. Saith had me a little worried there. He was whispering to me that he might vote against it. But thank you very much. [*Interruption*]

**Sen. Mark:** Do not worry, we are very civilized here.

**Hon. C. Imbert:** I said thank you very much. So the fact is, the procurement practices at value for money, I expect that the appropriate parliamentary committees will give that the scrutiny it deserves. But the actual issue itself of renegotiating the fees, getting more money into Trinidad and Tobago, and using it for capital expenditure and development of our navigation system and air communication system, as I said, I have no reason to believe that it has been anything other than a tremendous success, and I think the Civil Aviation Authority should be congratulated for what it has done in terms of increasing the revenue take of Trinidad and Tobago in this respect. [*Desk thumping*]

I have received some information, to answer the question asked by Sen. Mark, if he would pay attention. Sen. Mark—I am over here—you asked how long it took air transit to collect the \$145,000. It took 12 months. So over a 12-month

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period they collected \$145,000 and they received income of \$35,000. Three thousand dollars a month probably cannot even pay the rent.

**Sen. Mark:** What I am talking about is the projected—[*Laughter*] Mr. President, if you would allow me? Would you allow me? Would you be kind enough to tell us what is the projected size of that debt over a period of time, let us say, in the next four to five years given the 750,000 square miles of air space that we are in charge of?

**Hon. C. Imbert:** I am afraid I do not have the detailed figures, because as I told you, they were looking at about \$200,000, and they collected \$145,000. Through you, Mr. President, I would be most happy to give detailed responses to that question at a later date. I do not have the information with me. What I do know, that they collected \$145,000 over a 12-month period, earned \$35,000 or \$3,000 a month, which could hardly pay for rent and secretarial staff.

**Sen. Mark:** We hear you.

**Hon. C. Imbert:** I hope so. I hope you heard.

**Sen. Mark:** What is the projected—[*Interruption*]

**Hon. C. Imbert:** All right, I know what you want. So, Mr. President, as I said, we took careful note of what the Independent Senators said, and I must thank them for their very mature approach to this debate on the last occasion. They made some very useful suggestions. In fact, they have improved the legislation. So did the recommendations from Sen. Ramkhelawan. [*Interruption*]

**Sen. Drayton:** May I?

**Hon. C. Imbert:** Oh, sure.

**Sen. Drayton:** Could you explain whether there are any pending matters pertaining to litigation with respect to this company, or any matters that are pending that could give rise to litigation?

**Hon. C. Imbert:** Mr. President, through you, I really cannot speak with any level of informed knowledge. I looked across at the Chairman of the Civil Aviation Authority, Brigadier Browne who is over there, and he has indicated, no. So this is a very informal exchange. He has written and told me, but he has indicated, no. But the fact is that we are merely validating the incorporation of the company. We are no longer going to validate any actions taken, so it will be open to litigation once it is within the statute of limitations period.

**Sen. Mark:** May I? Mr. President, through you, could I ask the hon. Minister to look at clause 8 of the amendment that has been circulated? It contradicts what you have just said in terms of trying to get us to validate actions taken by this company within the last few years. So I do not know if I have the wrong list of amendments.

**Hon. C. Imbert:** Mr. President, as I said, Sen. Mark has acquired the inability to—he has lost the ability to read—*[Interruption]*

**Sen. Dr. Saith:** And understand.

**Hon. C. Imbert:**—and understand, and comprehend. This is between the period—*[Interruption]*

**Sen. Mark:** Mr. President, I take objection to Minister Imbert coming here. Under Standing Order 35(4), I would like you to rule on that. "I cyar read, I cyar write, I cyar add birth weight."

**Mr. President:** If that is what he said, then I did not hear that. But I would caution all Senators to mind their language and not try to insult other Members of the Senate. Minister, please.

**Hon. C. Imbert:** Thank you, Mr. President. I shall now read the proposed amendment for the benefit of Sen. Mark and other hon. Senators. We are seeking to validate the action of the board between the period, February 04, 2010, this year—in other words, it is only after the term of office that the board expired. It has nothing to do with the actions of Caribbean Air Navigation and Advisory Services going backwards, which is what the previous legislation did. Sen. Ramkhelawan was very helpful. I have listened to him. I wish you would read things properly. Since I cannot say you have lost your ability to read, I am asking you to read things properly.

But let us go back now before I was interrupted, Mr. President. I would like to go through the amendments that are going to be proposed, and they are as follows—that any company that the authority would be taking up shares in, that company must be associated with, and it must be necessary for the discharge of its functions under the Act. That was Sen. Seetahal's suggestion.

With respect to the validation, we have made it clear that we are seeking to validate the incorporation of Caribbean Air Navigation and Advisory Services, and the actions of the board after their term of office expired. That is just for a period of approximately two months. I would say less than two months. That is basically it, Mr. President.

*Civil Aviation (Amdt.) Bill*  
[HON. C. IMBERT]

*Monday, March 29, 2010*

**Sen. Mark:** Through you, Mr. President, could you share with us what actions or decisions were taken by this board of CANAS, between the period February 04 and today's date, that you considered to be sufficiently significant for us, as a Parliament and lawmakers to know, before we can endorse this validation Act that you are seeking to get? And I think you should give it to us in writing. We want to get decisions, so we will know what we are doing. We are not buying "cat-in-bag".

**Hon. C. Imbert:** That is it?

**Sen. Mark:** Yes, I would like you to give us something in writing.

**Hon. C. Imbert:** Mr. President, I am sorry I cannot say he lost the ability to read. I am sorry I cannot say that. Let me read the clause very carefully:

- |               |  |
|---------------|--|
| "New clause 8 | 8. The Act is amended by inserting after section 72, the following section:  |
| Validation    | 73. Notwithstanding any rule of law—   |
|               | (a) the incorporation of the Caribbean Air Navigation and Advisory Services Limited by the Authority; and  |
|               | (b) all actions of the Board or any member thereof done pursuant to the Act between the period 4 February, 2010 and the date of commencement of this Act,                    |
|               | are deemed to have been lawfully and validly done and no legal proceedings or other action of any kind shall be entertained in respect of or in consequence of the actions." |

In this case, Mr. President, which is clear to me, but not clear to Sen. Mark, clearly, the board that is being referred to, is not the board of Caribbean Air Navigation Services, it is the board of the Civil Aviation Authority. So we are not asking the Senate, Sen. Mark, to validate anything done by Caribbean Air Navigation Services. Nothing! Sen. Mark, do you have any more questions?

**Sen. Mark:** No, I will deal with that at the committee stage.

**Hon. C. Imbert:** Thank you. Are you good now? Mr. President, I am sorry. I apologize for speaking a bit forceful this afternoon, but I just do not understand why Sen. Mark does not read his papers. I do not understand.

**Sen. Mark:** That is your trademark. Very advantageous!

**Hon. C. Imbert:** Yes! Yes! Good! Good!

**Sen. Mark:** Call the election today. Table the report.

**Hon. C. Imbert:** Mr. President, is there any other matter that any Senator would like me to address before I complete my presentation? Is there anything that I did not address?

**Sen. Baptiste-Mc Knight:** I thank the hon. Minister. Through you, Mr. President, forgive me, but I still do not understand the import of the validation of the actions of the board. Do I understand that the board ceased to be in existence as of February 03? If so, why were they meeting? What were they doing because they were supposed to be dead? So that validating them now, I really do not understand.

Thank you.

**Hon. C. Imbert:** Mr. President, the Government could approach this in two ways, and I am open to suggestions at the committee stage. We could have reappointed the board with retrospective effect. That is done all the time. That has been done by governments in Trinidad and Tobago since time immemorial. Because quite often, terms of office of board of directors of state corporations, statutory authorities expire, and for one reason or another, action is not taken to ensure that the appointments are renewed at the appropriate time. It happens all the time. It has happened under the PNM, it has happened under the UNC, it has happened under the NAR, and so on. So it is not an uncommon thing. So we could have done it another way and just not put this in—[Interruption] No, bear with me please, Sen. Baptiste-Mc Knight—and we could have just left this out. I am quite prepared to take it out, and we will just reappoint the board with retrospective effect. But I have just been told that the board has not met since February 04, 2010. So it is really redundant. So what I will do at the committee stage is just take this out, because it is irrelevant. Okay? So, thank you very much for that intervention.

With those few words, Mr. President, unless there is anything else Senators would like me to clarify, I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

*Civil Aviation (Amdt.) Bill*  
[HON. C. IMBERT]

*Monday, March 29, 2010*

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

*Senate in committee.*

**Mr. Chairman:** We have four new clauses to be inserted, and I have been advised by the Acting Clerk of the Senate that the practice that we have been using in the past to insert new clauses is not strictly correct. It is really governed by Standing Order 53(7), so the language is slightly different. Substantially it is the same, but the practice is a little bit different. So we would—Page 51 of the Standing Orders—simply do that quite simply, but it is just for you to note that the language that I use would be slightly different as it is in Standing Order 53(7).

**2.45 p.m.**

*New Clause 3.*

**Clerk:** New clause 3 section 7 amended as follows:

Insert after clause 2 the following new clause:

“Section 7 amended 3. Section 7 of the Act is amended—

- (a) in paragraph (c) by deleting the word ‘and’; and
- (b) by inserting after paragraph (c), the following paragraphs:

“(d) with the approval of the Minister, take up and subscribe for or otherwise acquire shares in any company that is not regulated by the Authority under this Act, or form or participate in the formation of a company, as may be necessary for the discharge of its functions under this Act;

- (e) enter into partnership arrangements or an arrangement for the sharing of profits as may be necessary for the discharge of its functions under this Act; and”;

(c) by renumbering paragraph (d) as paragraph (f).”

*New clause 3 read the first time.*

*Question proposed, That the new clause be read a second time.*

**Sen. Mark:** Mr. Chairman, are we dealing with section 7 of the Act? I would like to suggest the following:

“Make rules and regulations subject to an affirmative resolution.”

So that we would be aware of what is taking place in this regard. We would like it to be subject to an affirmative resolution and not be prescribed; we do not want any prescription here, Sir. We want it to be subject to an affirmative resolution. I may not be able to put it exactly in terms of words, the draftsman may be able to do that for us.

**Mr. Chairman:** Try, because I need to put the question. What exactly are you amending?

**Sen. Mark:** I am adding, Sir. I am adding after the word “regulations” in section 7.

**Mr. Imbert:** That is not part of the Bill before the Senate.

**Sen. Mark:** You have brought a clause for us to consider, I am amending your clause. I am entitled to amend your clause.

**Mr. Imbert:** I know, what part of the clause are you amending?

**Sen. Mark:** I am amending (f). Do we have the same document?

**Sen. Seetahal SC:** If I may, Chair. Under the original you had called it (f), but now you just renumber it as (f).

**Mr. Imbert:** Yes, correct. Sen. Seetahal SC, I agree with you, I do not understand what he is saying.

**Sen. Seetahal SC:** What I am thinking Sen. Mark is saying is what is now being renumbered is (f) which was (d) before, he wants to amend that. Is that it? It is a new amendment to what was (d) and is now to be renumbered (f).

**Mr. Imbert:** Is that what you meant, Sen. Mark, that (f) meant (d) and (d) meant (f)?

**Sen. Mark:** No, I was looking at the initial document, so I am cool.

*Question put and agreed to.*

*Question proposed, That the new clause be added to the Bill.*

*Question put and agreed to.*

*New clause 3 added to the Bill.*

*New clause 4.*

**Clerk:** New clause 4, section 9 amended as follows:

Insert after new clause 3 the following new clause:

“Section 9 amended 4. Section 9(1) of the Act is amended by inserting after the word ‘Authority’, in the second place where it occurs, the words, or a subsidiary company formed by the Authority in exercise of its power under section 7(d).”

*New clause 4 read the first time.*

*Question proposed, That the new clause be read a second time.*

**Sen. Mark:** Mr. Chairman, I really think it is unfair to us as lawmakers. This is a completely new amendment to what we had before and I would like to go through this with some degree of precision so at least, we will know what we are doing. This new clause 4 was not part of what was originally circulated and I would like to ask the Minister to give us an explanation and make reference to the Act in question so we can follow what the implications of this amendment are.

**Mr. Imbert:** I will try my best. Sen. Mark, you were there when Sen. Seetahal SC made the point of the use of the word “person” in the previous amendment. This is directly related to the previous amendment where Sen. Seetahal SC made the point when you use the word “person” in the delegation of function, it could be an individual and felt it would be better—I think Sen. Prof. Deosaran also dealt with this point. In fact, it might have been Sen. Prof. Deosaran who brought it up that it should be clear that the delegation of functions was to a company rather than an individual.

Now that we have tidied up the company making it a company that is relevant to the functions, then it all ties together. It is all in sync with what we discussed on the last occasion. This amendment is consistent with a proposal coming from the Independent Bench. Is your memory working now?

**Sen. Seetahal SC:** May I remind Sen. Mark that I had protested against the width of the previous provision. It was not constrained by “in discharge of the functions under the Act”, therefore, the Authority could subscribe or otherwise acquire shares from any company basically. What is now being proposed is that those shares must be in relation to things that are in discharge of its functions under the Act.

*Question put and agreed to.*

*Question proposed,* That the new clause be added to the Bill.

*Question put and agreed to.*

*New clause 4 added to the Bill.*

*New clause 5.*

**Clerk:** New clause 5, section 21 amended as follows:

Insert after new clause 4 the following new clause:

“Section 21 amended 5. Section 21 of the Act is amended by inserting after the words ‘the Authority’, wherever they occur, the words ‘or any company formed by the Authority in exercise of its power under section 7(d)’.”

*New clause 5 read the first time.*

*Question proposed,* That the new clause be read a second time.

**Mr. Imbert:** I am so happy Sen. Mark has not objected to this. This is to codify proposals coming from the Independent and Opposition Senators and would give the Auditor General the power to audit the books of Caribbean Air Navigation and Advisory Services (CANAS). That is the purpose of this amendment. If you read it carefully, you are adding the words “or any company formed by the Authority in exercise of its power under section 7(d).” And if you go to section 21 of the law, this is the section that deals with the fact that the accounts are public accounts and the Auditor General should audit them. So this amendment makes CANAS or any other company formed by the authority subject to the Auditor General.

**Sen. Mark:** Mr. Chairman, this company called Air Transit Clearing House Company—

**Mr. Imbert:** Mr. Chairman, I do not know what is the relevance of that in this—

**Sen. Mark:** I am just asking a question. Just as how the Auditor General has the authority to audit the books of CANAS, where you have a private company collecting fees and charges on behalf of the State of Trinidad and Tobago and by extension the property fees and charges of non-IATA aircraft owners, I am asking the question what is the role of the Auditor General in this regard.

**Mr. Imbert:** None. If you want to give the Auditor General a role, then every bailiff who collects money for every state company or statutory authority would be audited by the Auditor General. It would simply appear as a line item so they can ask Caribbean Air Navigation and Advisory Services to explain the circumstances by which they have engaged this company, so you get it in that way.

*Question put and agreed to.*

*Question proposed, That the new clause be added to the Bill.*

*Question put and agreed to.*

*New clause 5 added to the Bill.*

*New clause 8.*

**Clerk:** New clause 8, Validation, amended as follows:

Insert after clause 7, as re-numbered the following new clause:

8. The Act is amended by inserting after section 72, the following section:

“Validation 73. Notwithstanding any rule of law—

- (a) the incorporation of the Caribbean Air Navigation and Advisory Services Limited by the Authority; and
- (b) all actions of the Board or any member thereof done pursuant to the Act between the period 4 February, 2010 and the date of commencement of this Act,

are deemed to have been lawfully and validly done and no legal proceedings or other action of any kind shall be entertained in respect of or in consequence of the actions.”

*New clause 8 read the first time.*

*Question proposed,* That the new clause be read a second time.

**Mr. Imbert:** Mr. Chairman, I would like to propose an amendment to this clause consistent with the intervention from Sen. Baptiste-Mc Knight:

Delete “(b) all actions of the Board or any member thereof done pursuant to the Act between the period 4 February, 2010 and the date of commencement of this Act.”

Take out the prefix (a) above and (a) will flow to read as follows:

“Notwithstanding any rule of law the incorporation of the Caribbean Air Navigation and Advisory Services Limited by the Authority is deemed to have been lawfully and validly done and no legal proceedings or other action of any kind shall be entertained in respect of or in consequence of the incorporation.”

**Sen. Seetahal SC:** I want to know what is meant by the words “other action”.

**Mr. Imbert:** If you wish I will take that out.

**Sen. Rambachan:** [*Inaudible*]

**Mr. Imbert:** No, not if you wish. Sen. Seetahal SC, what do you wish?

**Sen. Rambachan:** I have every right to be here like you, Minister... [*Inaudible*]  
[*Crosstalk*]

**Sen. Seetahal SC:** I am suggesting that in the absence of any other understanding of it, then it is unnecessary so it should be deleted, “or other action of any kind”.

**Mr. Imbert:** Mr. Chairman, to recap it should read as follows:

“Notwithstanding any rule of law the incorporation of the Caribbean Air Navigation and Advisory Services Limited by the Authority is deemed to have been lawfully and validly done and no legal proceedings shall be entertained in respect of or in consequence of the incorporation.”

*Question put and agreed to.*

*Question proposed,* That the new clause be added to the Bill.

*Question put and agreed to.*

*New clause 8, as amended, added to the Bill.*

**3.00 p.m.**

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

*Senate resumed.*

*Bill reported, with amendment, read the third time and passed.*

**ADJOURNMENT**

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, when we last met we had indicated that we would do the TTRA Bill. However, it was our intention that by now the consultations that were going on should have arrived at a place that would have allowed us to go forward. That is not the case and, therefore, the Government does not wish to proceed until we have had that matter resolved. In those circumstances, I therefore beg to move that the Senate do now adjourn to Tuesday, April 06, 2010 at 1.30 p.m., where, on that occasion, we would do Bill Number (iii), “An Act to amend various Acts, namely the Queen's Park Act, Chap. 41:04” et cetera, by the Minister of Works and Transport and thereafter “An Act to provide for the variation of certain duties and taxes and to introduce provisions of a fiscal nature and for related matters.”

**Shouter Baptist Liberation Day  
(Greetings and Best Wishes)**

**Sen. Dr. Surujrattan Rambachan:** Mr. President, just before you adjourn, I would like to take this opportunity on behalf of my colleagues, to extend greetings and best wishes to the Shouter Baptist Liberation community on their achievements and to wish them all the best and success in the future as they continue to proceed to add spiritually to the benefit of the entire community of Trinidad and Tobago.

**The Minister of Energy and Energy Industries (Sen. The Hon. Conrad Enill):** Mr. President, on behalf of all of us, the Government, we also wish to associate ourselves with the celebration tomorrow. At times like this it is appropriate that all of us reflect and recommit ourselves to the development of a society that is just, that is equitable as we seek to remove from our space anything that does not improve the quality of all our lives. Therefore, on our part, we would wish to sincerely associate ourselves with the activities tomorrow and to wish the members of the faith well.

**Sen. Prof. Ramesh Deosaran:** Mr. President, on behalf of the distinguished bench of Independent Senators, we, too, would like to join in expressing, not only

*Greetings*

*Monday, March 29, 2010*

our congratulations but our admiration for the Shouter Baptist faith on their celebrations tomorrow and also take the opportunity to extend best wishes to our colleagues in the Parliament and the citizens for a happy Easter as well.

**Mr. President:** Hon. Senators, I also, on behalf of my family and the Members of the staff of the Parliament, would wish best wishes to the members of the Shouter Baptist fraternity and, of course, to all Christians in the country, especially on the celebration of Easter this coming weekend. I would just like all of us to note that notwithstanding the differences that we have among us in our views, in our outlooks, one of the things that we can as a nation celebrate, is the tolerance that we have of the differences in religious practices, views and beliefs and the tolerance that is expressed and done and how we live our lives; the fact that we do, in fact, tolerate those who are different and who worship differently.

As we celebrate the day tomorrow and the weekend with the Christians, I would ask all Members in this House to reflect on the fact that we really are a rainbow country and have a great deal to be grateful for and that we must try always to look at the good things and not just the things that are difficult and the challenges in front of us.

*Question put and agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 3.06 p.m.*