PARLIAMENT
OF THE REPUBLIC OF
TRINIDAD AND TOBAGO

5TH SESSION OF THE EIGHTH PARLIAMENT
2006/2007

REPORT OF THE

SPECIAL SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES

ON

A BILL ENTITLED "AN ACT TO INCORPORATE THE NATIONAL CARNIVAL BANDS ASSOCIATION OF TRINIDAD AND TOBAGO AND FOR MATTERS INCIDENTAL THERETO"

2007

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CHAPTER 1

1.1 INTRODUCTION

1.1.1 At a sitting of the House of Representatives held on November 25, 2005, the Minister of Trade and Industry and Minister in the Ministry of Finance, Honourable Kenneth Valley, presented a Petition on behalf of the Promoters, seeking leave of the House for the National Carnival Bands Association of Trinidad and Tobago (NCBA), to proceed with the introduction of a Private Bill.

1.1.2 The leave sought was granted and the Promoters lodged the under-mentioned documents with the Clerk of the House, thereby satisfying the requirement of Standing Order 83(5)(a)(b) and (c) of the House of Representatives:

(i) two copies of the Bill;

(ii) a certificate, under the hand of the Comptroller of Accounts, certifying that the sum of one thousand dollars to cover cost of advertising, printing and miscellaneous charges, had been paid to the Comptroller of Accounts; and

(iii) a bond duly executed and signed by **WRENWRICK BROWN**, Secretary, and **DAVID LOPEZ**, member, obliging them to pay on demand to the Clerk any excess over the deposited sum, required for such expenses.

1.1.3 As required by Standing Order 83(3)(b)(i) and (ii), Notices were published in the Trinidad and Tobago Gazette and the Trinidad Guardian Newspaper on March 23, 30 and April 06, 2006 concurrently, informing the public of the intended introduction of the Private Bill in the House of Representatives.

1.1.4 As a consequence, a Bill entitled "The National Carnival Bands Association of Trinidad and Tobago (Incorporation) Bill, 2006, was introduced and read a First time at a sitting of the House of Representatives on Friday April 21, 2006.

1.1.5 *Objections were received from the National Carnival Development Foundation (NCDF).*

1.1.6 On Friday April 28, 2006, the said Bill was read a Second time and in accordance with Standing Order 83(8), referred to a Special Select Committee of the House of Representatives, comprising the following Members:

Mrs. Eudine Job-Davis	-	Chairman
Mr. Fitzgerald Hinds	-	Member
Mr. Edward Hart	-	Member
Mr. Ganga Singh	-	Member
Dr. Adesh Nanan	-	Member

1.1.7 The Committee's Terms of Reference were:

"to consider and report on a Bill entitled "AN ACT to incorporate the National Carnival Bands Association of Trinidad and Tobago and for matters incidental thereto"

1.1.8 In accordance with Standing Order 80(5) of the House of Representatives, a quorum constituted three (3) members, inclusive of the Chairman.

1.1.9 Your Committee held seven (7) meetings on:

Wednesday May 10, 2006	Thursday July 06, 2006
Friday June 02, 2006	Friday July 14, 2006
Friday June 09, 2006	Friday August 18, 2006
Friday June 30, 2006	

Minutes of the proceedings of the Committee are at Appendices III.

1.1.10 Your Committee was unable to complete its deliberations on the Bill in the 4th Session (2005/2006), and therefore a report was presented to the House of Representatives on Friday September 15, 2006, where leave was sought to have the Bill referred to a Select Committee in the 5th Session (2006/2007) of Parliament.

1.1.11 Leave was granted.

1.2 RE-APPOINTMENT OF THE COMMITTEE

1.2.1 Your Committee was re-appointed on Friday October 27, 2006 and comprised the Members named at paragraph 2.5 above.

1.2.2 Your Committee held two (2) meetings in the 2006/2007 Session, at the Office of the Parliament in the Red House, on the following dates:

Friday November 10, 2006;
Friday November 17, 2006.

1.2.3 Your Committee took into consideration the work undertaken by the Committee during the 4th Session (2005/2006) of the Eighth Parliament and noted that the Committee:

(i) received objections from the NCDF

(ii) was guided by the provisions of Standing Orders 52 and 83(9) to (13) of the House of Representatives.

(iii) sought and obtained expert advice and assistance from the following persons:

(i) The Chief Parliamentary Counsel;
(ii) The Solicitor General;
(iii) The Registrar General; and
(iv) The Chairman of the National Carnival Commission (NCC).

(iv) obtained and examined the NCBA's:

(i) Constitution;
(ii) Financial records;
(iii) Minutes of meeting; and
(iv) List of members.

(v) took oral evidence from the Objectors, the NCDF:

Mr. Peter Reynald, Secretary

and the Promoters:

Mr. Owen Hinds	-	President
Mr. Felix Celestine	-	Vice-President
Mrs. Lucille Mair	-	Legal Advisor
Mr. Regan Asgarali	-	Observer
Mr. David Lopez	-	Observer

(vi) also heard and took evidence from representatives of large, medium and small bands categories of NCDF:

Mr. Keith Carrington	-	Medium Band - Traditional Sailor [Mt. Hope Connections]
Ms. Jemma Bedlow	-	Small Bands [Tobago Band]
Mr. Cedric Lewis	-	Medium Bands [Midas T&T]
Mr. Mike Antoine	-	Large Bands [Legacy]
Ms. Thias Hart-Robertson	-	Large Bands [Harts]

and the Promoters, NCBA:

Mr. Beresford Hunte	-	Leader Trinidad All Stars (large)
Mr. David Cameron	-	Bandleader Trini Revellers (large band)
Mr. Peter Greaves	-	Sapphire (medium band)
Mr. Trevor Wallace	-	Trevor Wallace and Associates (Bandleader medium band)
Mr. Courtney Browne	-	Pres. Belmont Original Stylish Sailors (De Boss)
Mr. Astil Alleyne	-	Tribal Connections

(vii) briefly examined the Audited Financial Statements of the Association.

(viii) solicited and obtained the views and concerns of the Tobago factions of both the NCBA and the NCDF, at a meeting held in the Works Lecture Room, Works Building, Shaw Park Tobago on Thursday July 06, 2006. The organizations were represented by:

Ms. Jemma Bedlow	-	Band Leader Tobago Carnival Band Leaders' Association [NCDF]
Mr. Richard Alfred	-	Band Leader Tobago Carnival Band Leaders' Association [NCDF]
Mr. Garnette Peters	-	Chairman Tobago Festivals Committee
Ms. Gloria Stoute	-	Band Leader National Carnival Band Leaders Association
Mr. Winston Gordon	-	Chairman National Carnival Band Leaders Association

1.2.4 At its first meeting for the 2006/2007 Session which was held on Friday November 10, 2006, the Committee invited Bro. Noble Khan, the Association's Accountant to appear before it. At this meeting the Committee addressed concerns raised with respect to NCBA's Audited Financial Statements for the period April 30, 2001 to April 30, 2006. Also present were:

Mr. Owen Hinds	-	President
Mr. Felix Celestine	-	Vice-President
Mr. Wrenwrick Brown	-	Secretary
Mr. David Lopez	-	Executive Officer

1.2.5 Subsequent to examination of the Accountant, the Committee was not satisfied and invited the Chairman of the NCC to submit information pertaining to areas of concern with the respect to NCBA's electricity, telephone and other copyright expenses in writing to the Secretary to the Committee.

CHAPTER 2

2.1 CONCLUSION AND RECOMMENDATIONS

2.1.1 CONCLUSION

2.1.1.1 After careful and thorough examination of the Clauses and Preamble of the Bill, the Committee is satisfied that the facts and allegations presented in the Bill are true and correct.

2.1.1.2 Your Committee therefore wishes to report that it has completed its deliberations and has found sufficient evidence in support of this organization to be incorporated by an Act of Parliament.

2.1.1.3 Your Committee took the liberty of preparing a Bill inclusive of the amendments. The list of amendments is at Appendix I, and the Bill can be found at Appendix II.

2.1.2 RECOMMENDATIONS

2.1.2.1 The Committee therefore recommends that:

(i) that the Bill be passed in the House of Representatives subject to the amendments at **APPENDIX I** and the recommendations listed hereunder;

(ii) the National Carnival Commission Trinidad and Tobago Act, No. 9 of 1991 be amended to include:

(a) a definition of the term "**Band**";

(b) a definition of the term "**Bandleader**";

(c) the NCDF be placed on the Board of the NCC, to ensure equal representation until the existing conflict is resolved;

(iii) a **mediator** be appointed to resolve this existing conflict between the NCBA and the NCDF;

(iv) the annual Accounts of the NCBA be audited by the Auditor General's Department for 3 years and subsequently by a recognized external auditor;

(v) the preparation of annual accounts of the NCBA conform to existing accounting principles and practices in keeping with international accounting standards;

(vi) the responsibility for organizing Tobago's Carnival remain under the purview of the Tobago House of Assembly as outlined in Act No. 40 of 1996;

(vii) the expenses for which the National Carnival Commission is responsible must not be included in the Accounts of the NCBA;

(viii) that the incorporation of the NCBA be granted after the above recommendations, (iii), (iv), (v) and (viii) have been demonstrably implemented at the expiration of the current financial year of the Association; and

(ix) that as entities with responsibility for expenditure of public funds, the NCBA as well as TUCO and Pan Trinbago be included under the institutions that submit their annual accounts to the Parliament of Trinidad and Tobago.

2.1.2.2 Your Committee now respectfully submits its Report for the approval of and adoption by the House of Representatives.

Mrs. Pauline Job-Davis
Chairman

Mr. Fitzgerald Hinds
Member

Mr. Ganga Singh
Member

Mr. Edward Hart
Member

Dr. Adesh Nanan
Member

APPENDIX I

SPECIAL SELECT COMMITTEE HOUSE OF REPRESENTATIVES APPOINTED TO CONSIDER AND REPORT ON A BILL ENTITLED, "AN ACT TO INCORPORATE THE NATIONAL CARNIVAL BANDS ASSOCIATION OF TRINIDAD AND TOBAGO AND FOR MATTERS INCIDENTAL THERETO"

LIST OF AMENDMENTS

APPENDIX I

THE NATIONAL CARNIVAL BANDS ASSOCIATION (INCORPORATION) BILL, 2006

List of Amendments

First Column Clause	Second Column Extent of Amendment
2	Insert in the appropriate alphabetical order a definition of the word "**Band**".
4	Sub-paragraph (f): (a) In Line 1, delete the words "**friendly intercourse**" and substitute the words "**cordial relations**" (b) In Line 5, insert a "**.**" after the word overseas, and delete all words appearing thereafter. (c) Delete sub-paragraphs (i) to (iv)
5	Delete the existing sub-paragraph (e) and substitute the following: "**enter into agreements and contracts through officers of the Association**."
8	Delete sub-clause (3)
9	Delete sub-clause (3)

APPENDIX II

SPECIAL SELECT COMMITTEE HOUSE OF REPRESENTATIVES APPOINTED TO CONSIDER AND REPORT ON A BILL ENTITLED, "AN ACT TO INCORPORATE THE NATIONAL CARNIVAL BANDS ASSOCIATION OF TRINIDAD AND TOBAGO AND FOR MATTERS INCIDENTAL THERETO"

BILL WITH AMENDMENTS (HIGHLIGHTED)

No. 11 of 2006

Fourth Session Eighth Parliament Republic of Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to incorporate the National Carnival Bands Association of Trinidad and Tobago and for matters incidental thereto

PRINTED BY THE GOVERNMENT PRINTER, PORT-OF-SPAIN
REPUBLIC OF TRINIDAD AND TOBAGO—2006

BILL

AN ACT to incorporate the National Carnival Bands Association of Trinidad and Tobago and for matters incidental thereto

[, 2006]

WHEREAS it was established in Trinidad and Tobago, in 1958, an organisation known as the Carnival Bandleaders Association, consisting of a group of Carnival bandleaders: Preamble

And whereas the organisation was engaged in making recommendations to governmental bodies for improved conditions, facilities and prize money for Carnival mas bands:

And whereas over the years membership was widened to accommodate designers, craftsmen, costume builders and other persons involved in Carnival activity and the name of the organisation changed to the National Carnival Bands Association to reflect the new membership:

And whereas in 2001 the name of the organisation was again changed to the National Carnival Bands Association of Trinidad and Tobago; which continues to promote the interests of its members:

And whereas it is expedient that the National Carnival Bands Association of Trinidad and Tobago be incorporated for the purposes of this Act:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:—

Short title

1. This Act may be cited as the National Carnival Bands Association of Trinidad and Tobago (Incorporation) Act, 2006.

Interpretation

2. In this Act—

"Association" means the National Carnival Bands Association of Trinidad and Tobago, created a body corporate in section 3;

"Bands" means a number of persons bound together under a band-leader for the common purpose of creating a spectacle or depicting a theme or concept, to be performed on stage, platform, street or other venue;

"organisation" means the body in existence prior to the coming into force of this Act, known as the National Bands Association of Trinidad and Tobago.

Incorporation

3. The National Carnival Bands Association of Trinidad and Tobago is hereby created a body corporate.

Aims and Objectives

4. The aims and objectives of the Association are to—

(a) foster and promote for the benefit of its members, the development and best interests of Carnival, the expressions of

Carnival and ancillary arts and activities (hereinafter collectively referred to as "Carnival");

(b) protect and further the artistic, social, legal and other interests of the Association and its members in all matters relating to Carnival;

(c) ensure the operation of the rights, including intellectual property rights, and liberties of the Association and its members so that each may be afforded equal facilities and equitable distributions of the benefits to be derived from Carnival;

(d) represent the interests of the Association and its members in dealings with the State, the National Carnival Commission of Trinidad and Tobago, and other persons whether public corporation, corporate or individual, whether in Trinidad and Tobago or overseas;

(e) promote policies and laws conducive to the attainment of the aims and objectives of the Association, and to resist and oppose anything which appears detrimental to the interests or welfare of the Association and its members by taking legal action or otherwise;

(f) promote **cordial relations**, fellowship, collaboration and united action between the Association and its members and between the Association and other persons or bodies involved in Carnival, whether in Trinidad and Tobago or overseas.

(g) liaise and collaborate with other bodies having similar objectives whether in Trinidad and Tobago or overseas and, where appropriate, to seek affiliation or membership in those bodies; and

(h) do all such things as are necessary or expedient for the efficient administration of its aims and objectives or furthering the interests of the Association and its members.

Powers

5. In furtherance of its aims and objectives the Association shall have power to—

(a) employ persons to supervise and organize and carry on the work of the Association;

(b) acquire by purchase, transfer, donation, exchange, demise, bequest, grant, gift, conveyance or otherwise any real or personal property or any estate or interest therein;

(c) make regulation for the use of any property which may be so acquired;

(d) sell, exchange, demise, mortgage, let or otherwise dispose of and deal with any property or assets of the Association;

(e) **enter into agreements and contracts through officers of the Association;**

(f) procure contributions to the Association and take any gift or money or other property from donors whether in Trinidad and Tobago or overseas and whether subject to any special trusts or not for any one or more of the aims and objectives of the Association;

(g) carry out such disciplinary measures amongst the members of the Association as it may deem necessary for the effective control and management of the Association and for carrying out of the aims and objectives of the Association;

(h) invest or apply the money of the Association not immediately required for such objects in or on such investments, securities or property as the Executive Committee may think fit; and

(i) do all things necessary or expedient for the due conduct of the affairs of the Association, for the attainment of its aims and objectives and for the effective carrying out of the provisions of this Act.

Transfer and Vesting of Property

6. All real and personal property of whatever nature now held by or vested in any person for the use and benefit of the organisation is hereby transferred to and vested in the Association with the consent of the Organisation.

Mode of Execution of Documents

7. All documents requiring the seal of the Association shall be sealed with the common seal of the Association in the presence of the President and Secretary for the time being in office or in the event of incapacity, unwillingness to act, or absence from the territory, in the presence of some other person or persons authorized for that purpose by the Association who shall sign every such document and such signing shall be *prima facie* evidence that the seal was duly affixed and that the same is the lawful seal of the Association.

Service of Documents

8. (1) The Association shall at all times have a fixed address in Trinidad and Tobago for the service of documents on the Association and that address and any changes thereof shall be registered with the Registrar General within twenty-eight days of the date of incorporation or the change of address as the case may be.

(2) Every document to be served on the Association may be served by leaving the same at or by sending the same by registered post to the registered address of the Association.

Management of affairs

9. (1) The affairs of the Association shall be managed by the Executive Committee which shall comprise of a President, Vice-President and such other members as prescribed in the Constitution and Rules of the Association.

(2) The election, powers and procedures of the members of the Executive Committee shall be prescribed in the Constitution and Rules of the Association.

Powers to make rules

10. (1) The Association shall have power to make such rules as they may deem necessary or expedient or convenient for the proper conduct and management of the affairs of the Association and its members and for the discharge of its duties, powers and functions and from time to time to alter, amend, vary, revoke or repeal such rules.

(2) The rules of the Organisation, which existed and were in force before the commencement of this Act, shall have full force and effect as rules of the Association unless varied, altered, amended or revoked by rules made under subsection (1).

Saving of State and other Rights

11. Nothing in this Act shall affect or be deemed to affect the rights of the State, or of any bodies public or corporate or of any persons, except such as are mentioned or referred to in this Act and those claiming by, through, from or under them.

Passed in the House of Representatives this day of , 200 .

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 200 .

Clerk of the Senate

I confirm the above.

President of the Senate.

No. 11 of 2006

FOURTH SESSION

EIGHTH PARLIAMENT

REPUBLIC OF

TRINIDAD AND TOBAGO

BILL

AN ACT to incorporate the National Carnival Bands Association of Trinidad and Tobago and matters incidental thereto

Received and read the

First time.....

Second time.....

Third time.....

APPENDIX III

SPECIAL SELECT COMMITTEE HOUSE OF REPRESENTATIVES APPOINTED TO CONSIDER AND REPORT ON A BILL ENTITLED, "AN ACT TO INCORPORATE THE NATIONAL CARNIVAL BANDS ASSOCIATION OF TRINIDAD AND TOBAGO AND FOR MATTERS INCIDENTAL THERETO"

MINUTES OF PROCEEDINGS

MINUTES OF THE FIRST MEETING HELD IN COMMITTEE ROOM 3, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN ON WEDNESDAY, MAY 10, 2006 AT 10:00 A.M.

Present were:

Mrs. Eudine Job-Davis	Chairman
Mr. Edward Hart	Member
Mr. Ganga Singh	Member
Mrs. Lily Broomes	Secretary
Mrs. Jacqueline Stoute	Assistant Secretary

Absent were:

Mr. Fitzgerald Hinds	Member
Dr. Adesh Nanan	Member

INTRODUCTION

1.1 The meeting was called to order at 10.20 a.m. The Chairman welcomed and thanked members for attending.

1.2 Apologies were proffered on behalf of Mr. Fitzgerald Hinds and Dr. Adesh Nanan.

QUORUM

2.1 The Committee agreed that in accordance with S.O.[1] 80(5) of the House of Representatives a quorum will constitute three (3) members inclusive of the Chairman.

TERMS OF REFERENCE

3.1 The Chairman referred to the under-stated Terms of Reference of the Committee and drew members' attention to S.O. 51(2), 52, 53, 54, 80 and 83 of the House of Representatives:

> *"to consider and report on a Private Bill entitled "An Act to Incorporate the National Carnival Bands Association of Trinidad and Tobago and for matters incidental thereto."*

She emphasized that the Committee had the power to examine the Bill and make relevant amendments which may include new clauses and new schedules which it shall deem necessary.

DISCUSSION

4.1 The Committee agreed that the views of the National Carnival Development Foundation (NCDF) and the National Carnival Bands Association (NCBA) Trinidad, as well as Tobago factions should be incorporated in any decision taken because the legislation ought to partner the existing policy framework.

4.2 The Committee learnt that Mr. David McKell, a member of the NCDF passed away last year.

[1] S.O. means Standing Orders

EXAMINATION OF THE OBJECTORS - THE NATIONAL CARNIVAL DEVELOPMENT FOUNDATION (NCDF)

5.1 The Chairman requested the Secretary to invite the Objector of the Bill to appear before the Committee.

5.2 The National Carnival Development Foundation (NCDF) was represented by Mr. Peter Reynald, Assistant Secretary who was heard in opposition to the Bill. Introductions were exchanged.

5.3 The following were identified as the major areas of objection:

(i) NCBA collected revenue and royalties on behalf of the members of the organization for six years.

(ii) The issues that resulted in the formation of the NCDF? The structure of NCDF's Constitution.

(iii) Voting rights.

(iv) The NCBA operates as a private organization.

(v) Block voting process employed by the NCBA.

REASONS FOR OBJECTIONS:

6.1 The following were reasons given by the Objector for concerns raised:

(i) NCBA's collection of revenue and royalties on behalf of the members of the organization for six years.

The NCDF alleged that for six years the NCBA collected revenue and royalties on behalf of members of the NCDF. Under the existing arrangement 20 per cent of the royalties goes to the organization and 80 per cent to the members. However, for four years the NCBA neglected to pay moneys to members of the NCDF.

(ii) What brought about the formation of the NCDF? The structure of the NCDF's Constitution.

As a result of the dissatisfactions mentioned above the NCDF was formed. Within two years of its formation, members were paid over $300,000 in royalties, but no moneys were received from the NCBA. However a matter for $1.2-Mn. is now before the court.

The NCDF has structured its Constitution in such a way that a representative from small, medium and large bands, a civilian or artisan must be on the board. A Management Committee was also set up for operational purposes.

(iii) Voting

With respect to voting rights the NCDF claimed that large bands have five votes, medium bands have three votes and small bands and ordinary members have one vote. At no time however, could an ordinary member make decisions on bandleaders' related issues.

(iv) The NCBA operates as a private organization.

The NCDF stated that the NCBA is a private body and not a national organization which received subventions from the Government. These subventions were not accounted for by the organisation. The NCDF however, does not receive subventions from the government.

The Committee learnt that the NCBA's accountant presented a financial report which revealed a discrepancy of $75,000. Further to this, the NCBA issued over $50,000 in bounced cheques to bandleaders.

(v) Block voting process employed by the NCBA.

The Objector stated that at NCBA meeting voting takes place in blocks. Block voting is the nomination of five or six members by one member at any point in time, after which votes are taken.

6.2 The NCDF claimed that the NCBA had not worked in the interest of "mas" players or producers. Businessmen, private sector and other organizations pay monies to the NCC for certain franchise for Carnival and this money is passed on to the interest groups like the NCDF.

6.3 The NCDF claimed to have about sixty per cent (60%) of the membership of bandleaders in Trinidad and Tobago, whilst the NCBA has forty per cent (40%). It was stated that the NCDF has approximately 92 bands and has applied to the NCC for representation on the board. The NCDF has representation in Trinidad as well as Tobago.

6.4 The Chairman thanked the Objector for his attendance, the Objector reciprocated.

REQUESTED INFORMATION

7.1 The Chairman requested the Objector to submit a Report on the NCDF Tobago faction.

EXAMINATION OF THE PROMOTERS – THE NATIONAL CARNIVAL BANDS ASSOCIATION (NCBA)

8.1 The Secretary was then requested to invite the Promoters of the Bill to appear before the Committee.

8.2 The National Carnival Bands Association of Trinidad and Tobago (NCBA) was represented by:

Mr. Owen Hinds	-	President
Mr. Felix Celestine	-	Vice-President
Mrs. Lucille Mair	-	Legal Advisor
Mr. Regan Asgarali	-	Observer
Mr. David Lopez	-	Observer

8.3 Introductions were exchanged.

8.4 The Vice-President stated:

(i) He has no knowledge of any existing problems in the NCBA. He stated that the NCBA's constitution is wide enough to embrace all involved in carnival, and in particular, the "mas" arena, that is, small, medium and large groups, wire benders, craftsmen and masqueraders.

(ii) The chairman of the NCC convened a meeting of both sides to bring about a resolution on the matter, but it was spurned by the NCDF. Every effort had been made to have that issue resolved.

(iii) With respect to consultation, when the Vice-President of the NCBA assumed the position of Commissioner representing 'mas' on the board of NCC, he undertook the task of having dialogue with all the Members of the NCDF.

(iv) The Commissioner was also given the responsibility for the parade of the bands, a major event in carnival. The first task undertaken was to convene a meeting of all bandleaders. A notice went out through the NCC, but the meeting was boycotted by members of the NCDF. This action was instigated by the President of the organization who was a member of the committee.

(v) The Chairman of the NCC thereafter refused to convene any further meetings or have any further discussions on that matter.

(vi) As part of the growth and development process of the organization, preliminary discussions were held with renowned designers to establish a "mas" academy.

(vii) Carnival does not belong to the large bands because the small and medium bands out number the large bands.

(viii) The NCBA has always been a national organization from the time of its inception. It is an organization which represents bands throughout Trinidad and Tobago.

(ix) Bandleaders from different bands form the executive. The NCBA deals with bandleaders, as the representatives of "mas".

(x) The Tobago region of the NCBA was responsible for "mas" in Tobago 2006 and the NCBA has been involved in Tobago Fest for the last eight years

8.5 The Chairman drew the Promoters attention to **Clause 11** of the Bill and requested clarification. Mr. Lopez stated that the NCBA is part of the NCC and this Bill of Incorporation is not to upstage the NCC, TUCO nor PanTrinbago, it is just for the Incorporation of the organization. The fact that the NCC is the governing body for Carnival in Trinidad and Tobago was recognized.

8.6 The Chairman thanked the Promoters for attending and they left the meeting.

REQUESTED INFORMATION

9.1 The representatives from the NCBA were requested to submit -

(i) written responses to the objections; and

(ii) the ruling on the court matter on the Legends issue.

OTHER BUSINESS

10.1 The Chairman advised Members that the Committee would be informed by the Parliament of the date of its next meeting.

10.2 The Chairman thanked members for their attendance.

ADJOURNMENT

11.1 The meeting was adjourned at 12.15 p.m.

We certify that the above Minutes are true and correct.

CHAIRMAN

SECRETARY

May 12, 2006

MINUTES OF THE SECOND MEETING HELD IN COMMITTEE ROOM 1, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN ON WEDNESDAY, JUNE 02, 2006 AT 10:00 A.M.

Present were:

Mrs. Eudine Job-Davis	Chairman
Mr. Edward Hart	Member
Mr. Fitzgerald Hinds	Member
Mrs. Lily Broomes	Secretary
Mrs. Jacqueline Stoute	Assistant Secretary

Absent were:

Dr. Adesh Nanan	Member
Mr. Ganga Singh	Member

INTRODUCTION

1.1 The meeting was called to order at 10.30 a.m. The Chairman welcomed and thanked members for attending.

1.2 Apologies were extended on behalf of Mr. Ganga Singh and Dr. Adesh Nanan.

EXAMINATION OF THE PROMOTERS – THE NATIONAL CARNIVAL BANDS ASSOCIATION (NCBA)

2.1 The Secretary was then requested to invite the Promoters of the Bill to appear before the Committee.

2.2 The Chairman introduced members of the Committee and then invited the President to introduce members of his team. Mr. Hinds accordingly introduced the following members of the National Carnival Bands Association of Trinidad and Tobago (NCBA):

Mr. Owen Hinds	-	President
Mr. Felix Celestine	-	Vice-President
Mr. Anthony Vieira	-	Attorney-at-Law
Mr. Wrenwrick Brown	-	Secretary
Mr. David Lopez	-	Executive Officer

2.3 With respect to requested information, discussions centered on the non-submission of the court's ruling on the issue regarding NCBA's status as a private or a national organization. The NCBA informed that a written ruling was not given and pointed out that Legends brought an application for judicial review. The court dismissed the application on the grounds that the matter was not an issue of public law amenable to judicial review, but because the NCBA was being sued as an organization and not an individual.

ISSUES

3.1 The following were the major concerns raised by Members of the Committee:

(i) The reason extended by the NCBA to be incorporated as a national organization responsible for carnival.

(ii) Whether the existing organization was incorporated under the Companies Act?

(iii) The rational for incorporation by an Act of Parliament instead of registration under the Companies Act.

(iv) The aims and objectives of the NCBA?

(v) Membership of the NCBA.

(vi) A response to the Objector's claim that the aims and objectives of the NCDF and the NCBA are similar.

(vii) The NCBA's view that commonality of aims and objectives in its relationship with the State, will not lead to confusion.

(viii) Reason for NCBA's non- representation on the Board of the NCC.

(ix) How is the NCBA funded?

(x) The organization responsible for organizing the 'mas' aspect of Carnival.

(xi) The aspects of 'Mas' and 'Pan' that NCC took over after the litigation process.

(xii) How is the person who is most representative of 'mas' appointed and by whom?

(xiii) The status of the copyright issue.

(xiv) How soon after carnival do the NCBA submit audited reports to the Minister?

DISCUSSIONS

4.1 The Promoters responded to the issues as follows:

(i) The reason extended by the NCBA to be incorporated as a national organization responsible for carnival.

The NCBA has always been a national organization. However, in the present situation and for the purposes of litigation, the action taken should have been against a person and not brought in the name of the NCBA.

(ii) Whether the existing organization is incorporated under the Companies Act?

The NCBA is an unincorporated association. The reason for this application emanated from a revision of the Constitution. During the course of the revision, the question of incorporation under the Companies Act was explored. There was also the question of shareholding and voting. The NCBA after looking at all the options felt that the proper route would be to do as TUCO, the National Drama Association and Pan Trinbago and have an active corporation governed by a Constitution.

(iii) The rational for incorporation by an Act of Parliament instead of registration under the Companies Act.

The Association has grown increasingly concerned about its lack of corporate status which, among other things, hinders its ability to own and rent property, engage in litigation and handle commercial matters in an efficient and effective manner. The process of incorporation tends to be circuitous and cumbersome. However, members show concern about the open-ended liability. Passage of this Bill will protect individual members by limiting exposure against personal actions and will aid in alleviating the difficulties being experienced by unincorporation.

The NCBA is a body concerned with culture and 'mas' and treats with multiple stakeholders. It therefore perceives this route to incorporation as the fairest to its membership and stakeholders.

(iv) What are the aims and objectives of the NCBA?

The Committee was referred to the clause 4 of the Bill and clause 3 of NCBA's Constitution. Mr. Vieira stated that one of the central aims and objectives of the NCBA is to canvas and embrace all persons and organizations involved in carnival.

(v) Membership of the NCBA.

The Committee was referred to clause 3 of NCBA's Constitution. Mr. Vieira emphasized that membership is opened to carnival band leaders over the age of 18, who regularly produced a carnival band or is actively engaged in producing a carnival band. The categories of membership are:

(a) Ordinary members are entitled to all the benefit and privileges of membership. Society membership is opened to individual 'masqueraders' such as king, queen or other 'masquerader', carnival artisans, craftsmen folklorists.

(b) Associate members are financial. These members attend all meetings, speak on vote, serve on committees, use and enjoy any facilities. Associate membership is opened to any band or association. Two members represent the band on committees; same as individual 'masqueraders' and carnival artisans.

(c) Affiliate membership: opened to any individual or organization who, whilst not eligible for appointment under any of the classifications of membership, is engaged in carnival and ancillary arts and activities or has objects or interests similar to those of the association, or in the opinion of the executive committee, is capable of helping the association or making a contribution to carnival.

(d) The distinction of honorary members can be conferred on any person or organization by reason of rendering some outstanding contribution or a notable or conspicuous service in connection with carnival.

(vi) A response to the Objector's claim that the aims and objectives of the NCDF and the NCBA are similar.

The Committee was referred to paragraphs D1, D2 and D4 of the reply submitted by the NCBA to the NCDF's objections.

(vii) The NCBA's view that commonality of aims and objectives in its relationship with the State, will not lead to confusion.

The NCC is a public authority and the arm of the State that treats with carnival and carnival culture. The NCC has no confusion in differentiating between the NCBA and the NCDF. The NCC recognizes the NCBA as the majority voice on carnival. The NCBA's representative sits as the commissioner on the NCC board. The NCDF was formed in 2003, at which time the 'mas' fraternity was represented by NCBA's representative on the board of the NCC. However, that representation ended in June 2005. The claim for representation by the NCDF to the board of the NCC began before the NCBA representative demitted office in 2005. There was no representative for mas on the board of the NCC during the period May 2005 to October 01, 2005.

(viii) Reason for NCBA's non- representation on the board of the NCC.

When the new executive of the NCBA was established, the NCBA wrote informing the Minister that the person who will now sit in the capacity as nominee for the most representative voice on 'mas' will no longer be Afong but Mr. Celestine. The decision was eventually made on October 1st 2005 and Mr. Celestine began to sit on the NCC.

(ix) How is the NCBA funded?

The Government in recognizing the NCBA as the representative of 'mas', is the major contributor of funds to the NCBA for all its activities. This funding is necessary for the NCBA to carry out its mandate.

(x) The organization responsible for organizing the 'mas' aspect of Carnival.

The NCBA is the organizer of the Kings and Queens and the Parade of the Bands competitions. Legends brought an application for judicial review challenging the results of the parade of the bands competition. The competition is a private law matter between members or persons who wish to compete for a prize. When they sought judicial review under public law for a determination, the court said it was a private law matter. This is the reason for the question on private and public. After the litigation with Legends, the National Carnival Commission decided to again take control of some of the aspects, and restructure all operations, not only with 'mas' but also with pan.

(xi) The aspects of 'Mas' and 'Pan' that NCC took over after the litigation process.

The NCC has assumed greater control for the parade of the bands on Monday and Tuesday. But the NCBA's representative on the board of the NCC is responsible for the parade of the bands.

(xii) How is the person who is most representative of 'mas' appointed and by whom?

Based upon recommendations made by interest groups, the Minister of Culture and Gender Affairs appoints the person who is most representative of 'mas', calypso and steelpan.

(xiii) The status of the copyright issue.

A quantum of the copyright claim is due and owing, and that part of the claim has been set aside by the NCC. Out of the total claim there is another part over which there is a dispute. This however, is a separate issue, for which provision for liquidation will be made through the NCC.

(xiv) How soon after carnival does the NCBA submit audited reports to the Minister?

The financial year closes at the end of April. The Audited Accounts would be ready probably by the end of June.

4.2 **General Comments by Promoters**

Under the Act of Incorporation and the current rules of the Association, the NCBA is prepared to work with any organization having similar objectives and involved in carnival. The Act of Incorporation is essentially about giving an unincorporated Association legal status. The NCDF believes that an Act of Incorporation means giving some sort of monopoly that would exclude them, this is not the case.

4.3 The Chairman thanked the Promoters for attending and they left the meeting.

REQUESTED INFORMATION

5.1 The representatives from the NCBA made an undertaking to furnish the Committee with the following -

(iii) Reports on the NCBA's activities in Tobago.

(iv) A copy of NCBA's Audited Financial Statements for 2006.

ADJOURNMENT

6.1 The meeting was adjourned at 12.00 noon

We certify that the above Minutes are true and correct.

CHAIRMAN

SECRETARY

June 08, 2006

MINUTES OF THE THIRD MEETING HELD IN COMMITTEE ROOM 3, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN ON WEDNESDAY, JUNE 09, 2006 AT 09:30 A.M.

Present were:

Mrs. Eudine Job-Davis	Chairman
Mr. Fitzgerald Hinds	Member
Dr. Adesh Nanan	Member
Mr. Ganga Singh	Member
Mrs. Lily Broomes	Secretary
Mrs. Jacqueline Stoute	Assistant Secretary

Excused were:

Mr. Edward Hart	Member

INTRODUCTION

1.1 The meeting was called to order at 10.10 a.m. The Chairman welcomed and thanked members for attending.

1.2 Apologies were extended on behalf of Mr. Edward Hart who was unable to attend the meeting.

EXAMINATION OF THE PROMOTERS – THE NATIONAL CARNIVAL BANDS ASSOCIATION (NCBA)

2.1 The Secretary was then requested to invite the Promoters of the Bill who were summoned to reappear before the Committee.

2.2 The Chairman introduced members of the Committee and thereafter members of the NCBA were invited to introduce themselves. The National Carnival Bands Association of Trinidad and Tobago (NCBA) was represented by:

Mr. Owen Hinds	-	President
Mr. Anthony Vieira	-	Attorney-at-Law
Mr. Wrenwrick Brown	-	Secretary
Mr. David Lopez	-	Executive Officer

2.3 The Chairman reiterated that the purpose of the meeting was to discuss NCBA's Audited Financial Statements for the years 2001 to 2006. She subsequently stated that written responses to unanswered questions should be submitted to the Secretary of the Committee.

ISSUES AND RESPONSES

3.1 Given below are concerns raised by members of the Committee and responses put forward by NCBA's representatives.

(i) Why were cheques with respect to prizes being returned to the NCBA?

The Association had sufficient cash in hand to cover the prize structure but insufficient funds to cover transport and appearance fees. Cheques were prepared beforehand for disbursement at the appropriate time. The cheques in question were sent out prematurely. The parties were immediately contacted. However, two cheques had been presented and were returned. The National Carnival Development Foundation (NCDF) called in the fraud squad, but nothing came out of matter.

(ii) Why the variation in ticket sale between 2003 and 2004?

The Committee's attention was drawn to paragraph seven of the reply received from the NCBA on NCDF points of opposition which dealt with dis-honoured cheques. This paragraph states that "In 2002 there was an incident involving the return of about three or four NCBA cheques. That situation occurred as a result of late releases of the subvention from Government (to cover NCBA's expenses, transportation, appearance fees and prizes)".

(iii) Are you totally dependent on Government subvention?

The NCBA is largely dependent on subvention but the Association has determined to be more self-sufficient and self-funding and ultimately desires to perform its day-to-day operations in a commercial manner.

(iv) Why did the NCC decrease NCBA's subvention. When was the last subvention to the NCBA?

The NCBA managed the parade of the bands, the Dimanche Gras show and all the events. However, when the dispute between NCBA and Legends arose, Legends immediately embarked on a public relations campaign, saying that NCBA was mishandling funds. This led to a reduction in subventions. The NCBA was forced to go to court on the matter. The last subvention of approximately $8 million was received in 2006.

(v) Who is responsible for the sale of tickets?

In 2003, the National Carnival Committee (NCC) took control of the sale of tickets which was a contentious issue between the NCC and the NCBA. However, the NCBA has the sole responsibility for the sale of tickets for all pre-carnival shows. On actual carnival days, the responsibilities for the sale of tickets and the Dimanche Gras show fall with the NCC.

(vi) Is the NCDF responsible for the management of any shows or activities in and around carnival?

The NCDF is represented on all the Carnival Committees formed by the NCC, but they do not have responsibility for the management and organization of any activities in Carnival. However, when adequate manpower is required on Carnival Tuesday, it would be drawn from the different groups.

(vii) Is Mr. Richard Afong still an active member of the NCBA. Was there a loan to Mr. Afong?

After election in May 2005 Richard Afong opted not to continue as an active member of the Association. The NCBA however, continues to recognize Mr. Afong's contribution. In the said year, there was a loan to Mr. Afong in the sum of $40,000 of which $17, 000 has been repaid.

(viii) Who pays annual subscription for the membership? How many bands and members are there?

A fixed subscription of $100 is paid annually by bandleaders and Members of bands. There are 500 members and 300 bands. The Committee was subsequently referred to Part IV of NCBA's Constitution which sets out how the Association handles its finances

(ix) Describe the registration process for masqueraders. What happens to the moneys that are paid to the bands?

The potential masquerader goes to a band, sign up, pays for a costume and plays 'mas'. This money belongs to the band. No payment is made by the bands to the NCBA.

(x) What is the accreditation of the NCBA?

Accreditation is the authorization or approval to do something. Therefore in order for TIDCO to bring in BET to film carnival they need authorization to so do. Please note that the NCBA receives no money for accreditation.

3.2 The Executive Officer pointed out that the money for the payment of copyright is in an account with NCC pending payment. The reason for non-payment of copyright is due to the fact that the NCDF took litigation against NCBA's executives and the NCC was instructed not to make the payment at the time.

3.3 The President elucidated that the dues are used to assist with the day-to-day operations of NCBA's office, and that the Dimanche Gras show held on Carnival Sunday night is also managed by the NCC in collaboration with the interest groups. Further, Carnival Saturday, Junior parades is handled by the NCBA.

3.4 The Chairman thanked the NCBA's executives for attending and they left the meeting.

EXAMINATION OF THE OBJECTORS – THE NATIONAL CARNIVAL DEVELOPMENT FOUNDATION (NCDF)

3.5 The Objectors of the Bill reappeared before the Committee to respond to concerns which emanated from discussions with NCBA officials.

3.6 Introductions were exchanged. The National Carnival Development Foundation (NCDF) was represented by:

Mr. Donald Little	-	Chairman
Mr. Peter Reynald	-	Assistant Secretary

3.7 The Chairman of the NCDF was given the opportunity to give an overview of the operations of the NCDF. During his statement, Mr. Little stated that the National Carnival Development Foundation is an offshoot/by-product of the NCBA. However, due to irreconcilable differences, the Carnival Improvement Committee was formed. Owing to the Committee's inability to influence decisions the NCDF was created. The Foundation was incorporated three years ago and boasts of a membership of the most large carnival bands and a number of medium/small bands, a total of 90 bands.

ISSUES AND RESPONSES

3.8 The following are the NCDF officials' responses to concerns which emanated:

(i) Is there duplication of bands in both the NCBA and the NCDF?

There are two bands that are known to be members of both organizations.

(ii) Is the NCDF still engaged in a struggle with the NCBA?

The struggle between the NCDF and the NCBA continues because the NCC refuses to replace the NCBA with the NCDF on the board. Outside of that, members of the NCDF and the NCBA are friends.

(iii) What does the NCDF consider as the main advantages of representing the bands on the Committee?

Firstly, the NCDF would have an opportunity to influence what happens in and around carnival and secondly, the NCDF will be afforded funding. The NCDF at present gets minor handouts when it approaches the NCC.

(iv) Is the NCDF represented on all committees concerning carnival?

Mr. Little's response was in the affirmative but he pointed out that those are minor Committees and that he has been Chairman of the Committee on the Parade of Bands for years. He added that the NCDF does not have the kind of influence in carnival that it would like to possess.

(v) What is the role of the NCC in carnival? What happens to the money which is collected from masqueraders?

The NCC is responsible for the overall management of carnival. Moneys collected from masqueraders remain with bandleaders. Carnival bandleaders collect money once a year, that is, at carnival. However, there are expenses such as having to retain and pay for a band room and headquarters during the period when there is no carnival.

(vi) Does the NCC give subvention directly to the band members?

The NCDF is not in this only for the finance but the Foundation desires to influence carnival and what happens therein.

(vii) Are there overlapping of roles and functions between the NCC and the NCBA in the management of carnival?

The NCBA has been given certain responsibilities and the NCC ensures that these are carried out but the NCBA does not follow suit. Therefore there is no overlapping of roles and functions.

(viii) Is there membership subscription fee?

The large bands pay $300 per year, the medium bands $200 and the smaller bands $150. This fee is collected prior to the annual general meeting.

(ix) What does the NCDF offer its Members at present without Government subvention?

The NCDF gets some small sums by offering training courses for small bands, management courses, handling finance, designing and producing. These bands support this gesture.

(x) In your estimation, what is the value of carnival as an industry to the nation on an annual basis?

Carnival as an industry to the nation is estimated at approximately $800 million per annum.

(xi) How does the NCDF earn money?

The NCDF has fundraising ventures to make money to pay rent, staff and keep the organization operational.

3.9 The Chairman thanked the representatives for attending and they left the meeting.

EXAMINATION OF NCDF'S REPRESENTATIVES FROM LARGE, MEDIUM AND SMALL BANDS CATEGORIES OF THE

3.10 The Chairman requested the Secretary to invite the representatives of large, medium and small bands from the National Carnival Development Foundation to appear before the Committee. Introductions were exchanged. The following bands were represented:

Mr. Keith Carrington	-	Medium Band - Traditional Sailor [Mt. Hope Connections]
Ms. Jemma Bedlow	-	Small Bands [Tobago Band]
Mr. Cedric Lewis	-	Medium Bands [Midas T&T]
Mr. Mike Antoine	-	Large Bands [Legacy]
Ms. Thias Hart-Robertson	-	Large Bands [HARTS]

3.11 The Chairman outlined the purpose of the meeting and subsequently requested one of the representatives to make opening remarks on the issues under scrutiny.

3.12 DISCUSSIONS

3.12.1 Ms. Jemma Bedlow stated that she was Operations Manager and former member of the NCBA, Tobago region. Tobago has a contingent of 35 bands which have been treated unfairly by the NCBA executive in Trinidad. On October 29, 2004, the Tobago bandleaders came together and formed an organization called the Tobago Carnival Bandleaders Association (TCBA) which is registered. The Chief Secretary of the Tobago House of Assembly has been informed of same and has since responded. An Act of 1998 however, continues to bar the TCBA from administrating carnival in Tobago.

(i) What is your relationship now with the NCDF?

The TCBA is affiliated with the NCDF

(ii) What sort of subventions do you get from the NCBA, now that you no longer affiliated to them, do you get it from the THA or the NCC?

The TCBA does not receive funding from neither the NCC nor the NCBA. The TCBA was advised that the budgetary allocation for Tobago carnival was provided for with the overall allocation for the Tobago House of Assembly. However, TUCO organization in Tobago receives funding from TUCO Trinidad.

(iii) Who organizes pre-carnival shows in Tobago?

Pre-carnival shows are organized by the Carnival Development Committee (CDC) which is the new name for the Tobago Festival Commission.

(iv) Did the TCBA ever receive any money from the NCBA?

The TCBA only received stipend during the time of Tobago Festival.

(v) What would be the role of the small bands in carnival if the NCC runs carnival?

If the NCC is running carnival the interest of the small, medium and large bands will be secured.

3.13 The Chairman extended appreciation to the officials reciprocated and left the meeting.

EXAMINATION OF NCBA'S REPRESENTATIVES FROM LARGE, MEDIUM AND SMALL BANDS CATEGORIES

3.14 The Chairman requested the Secretary to invite the representatives of large, medium and small bands from NCBA to appear before the Committee. Introductions were exchanged. The following bands were represented:

Mr. Beresford Hunte	Leader Trinidad All Stars (large)
Mr. David Cameron	Bandleader Trini Revellers (large band)
Mr. Peter Greaves	Sapphire (medium band)
Mr. Trevor Wallace	Trevor Wallace and Associates (Bandleader medium band)
Mr. Courtney Browne	Pres. Belmont Original Stylish Sailors (De Boss)
Mr. Astil Alleyne	Tribal Connections

3.15 The Chairman outlined the reasons for the representatives' appearance before the Committee and the question period commenced.

3.16 CONCERNS AND RESPONSES

(i) Why should or should not this Bill not be incorporated? Are there any issues, concerns or information relevant to the Bill before us that is pertinent to the work of the committee?

Mr. Cameron stated that the Trini Revellers band was formed in 1999 and joined the NCBA in the said year. At the time of its formation there was one body and the Band has therefore continued to support the NCBA because of a desire to see Carnival brought in a better vein. In other words, the infrastructure, prizes, accommodation, revellers' judging points on the parade route, accommodation for spectators and for mas people. The NCBA has been looking at different methods. The NCBA has had meetings with their membership and contributed to it by putting forward proposals to better the festival.

(ii) Has the NCBA offered training programmes for wire benders and artisans?

Training has continued over the years, even to the extent of members going out as lecturers to

universities.

(iii) What is your relationship with the Tobago bands?

I was deeply involved with Tobago Fest, a marriage between this culture and tourism. The Tobagonians are the ones participating and running the festival.

(iv) Is there a demand for beads and bikinis and, if there is, is there room for everybody: traditional, beads and bikinis and everybody?

Beads and bikinis are in demand however, there is also demand for other types of costumes. Due to variation in the tastes of masqueraders there is room in the playing field for everybody.

3.17 The Chairman informed the representatives that they will be invited to reappear before the Committee on a date to be announced. The officials left the meeting.

REQUESTED INFORMATION

4.1 The representatives undertaking to furnish the Committee with the following -

(i) Court documents in respect of the sale of tickets issue between the NCC and NCBA.

(ii) Documents regarding the Loan arrangement between the NCBA and Mr. Afong.

(iii) NCDF's audited financial statements.

(iv) Letter from the NCBA attorneys to the NCDF re: litigation.

(v) A list of the wrong things that have occurred between the NCDF and NCBA.

(vi) The Tobago Carnival Bandleaders Association to furnish the Committee with information re: money received during the Tobago Festival.

ADJOURNMENT

4.2 The meeting was adjourned at 1:10 p.m.

We certify that the above Minutes are true and correct.

CHAIRMAN

SECRETARY

June 14, 2006

MINUTES OF THE FOURTH MEETING HELD IN COMMITTEE ROOM 1, PARLIAMENT, THE RED HOUSE, PORT OF SPAIN ON FRIDAY JUNE 30, 2006 AT 10:00 A.M.

Present were:

Mrs. Eudine Job-Davis	Chairman
Dr. Adesh Nanan	Member
Mr. Ganga Singh	Member
Mrs. Lily Broomes	Secretary
Mrs. Jacqueline Stoute	Assistant Secretary

Excused were:

Mr. Fitzgerald Hinds	Members
Mr. Edward Hart	Member

INTRODUCTION

1.1 The meeting was called to order at 10.55 a.m. The Chairman welcomed and thanked members for attending.

1.2 With respect to the meeting with Officials from the National Carnival Commission, the Chairman informed those present that the Officials would be requested to forward their comments in writing.

1.3 The Committee agreed that a meeting should be held in Tobago on Thursday July, 06, 2006 and that it should complete its work before the Parliament goes into recess.

1.4 There was consensus that the Committee should examine the Bill, make such amendments which are deemed necessary, and submit a report inclusive of recommendations, if any, to the House.

1.5 Members of the Committee had reservations on the NCBA's financial accounting activities.

CONSIDERATION OF THE BILL

2.1 The Committee noted that the NCBA's membership had been widened to accommodate designers, craftsmen, costume builders and other persons.

2.2 The Committee agreed that there should be a definition of the word "Band" in Clause 2 of the Bill.

2.3 The Committee agreed that National Carnival Commission Act No. 9 of 1991 be amended to include a definition of the words "**Band**" and "**Band Leader**".

2.4 The following amendments to Clause 4 were agreed to:

In sub-paragraph (f):

(i) In Line 1, delete the words "**friendly intercourse**" and substitute the words "**cordial relations**"

(ii) In Line 5, insert a "**.**" after the word overseas, and delete all words appearing thereafter.

(iii) Delete sub-paragraphs (i) to (iv)

2.5 After a short discussion on clause 5(e), Mr. Singh explained that the NCBA will have the power to engage attorneys to initiate legislations to defend it or to bring about compromise.

2.6 The Secretary was requested to obtain clarification on clause 5 sub-paragraph (g).

2.7 Upon a request by the Chairman for an explanation on clause 7, Mr. Singh proffered that the President and the Secretary have power to sign on behalf of the Association. He added that in event that there is any incapacity they will authorize someone to do so.

2.8 The Chairman requested the Secretary to forward a letter to the Registrar General for the legal procedure on Clause 8(3).

2.9 The Committee proposed the following amendment to Clause 9:

(i) **Delete sub-clause 3**.

It was agreed that this can be placed in the Association's Constitution.

CONFIRMATION OF MINUTES

3.1 The Minutes of the First meeting held on Wednesday May 10, 2006 were confirmed by Mr. Ganga Singh and seconded by Mrs. Eudine Job-Davis.

3.2 The Minutes of the Third meeting held on Wednesday June 09, 2006 were confirmed by Mr. Ganga Singh and seconded by Dr. Adesh Nanan.

OTHER BUSINESS

4.1 The Chairman informed members that the next meeting of the Committee will be held in Tobago on Thursday July 06, 2006 at Works Lecture Room, Shaw Park, Tobago.

RECOMMENDATIONS

5.1 The National Carnival Commission of Trinidad and Tobago Act No. 9 of 1991 be amended to include the National Carnival Development Foundation (NCDF) on the Board, so that there is equal representation.

ADJOURNMENT

6.1 There being no other business, the meeting was adjourned to Thursday July 06, 2006 at 10:00 a.m.

6.2 The adjournment was taken at 11:36 a.m.

We certify that the above Minutes are true and correct.

CHAIRMAN

SECRETARY

July 04, 2006

MINUTES OF THE FIFTH MEETING HELD IN
THE MINISTRY OF WORKS CONFERENCE ROOM, TOBAGO
ON THURSDAY, JULY 06, 2006, AT 9:55 A.M.

Present were:

Mrs. Eudine Job-Davis	-	Chairman
Mr. Fitzgerald Hinds	-	Members
Mr. Edward Hart	-	Member
Mr. Ganga Singh	-	Member
Mrs. Lily Broomes	-	Secretary
Mrs. Jacqueline Stoute	-	Assistant Secretary

Also present were:

Ms. Jemma Bedlow	-	Band Leader Tobago Carnival Band Leaders' Association
Mr. Richard Alfred	-	Band Leader Tobago Carnival Band Leaders'Association
Mr. Garnette Peters	-	Chairman Tobago Festivals Committee
Ms. Gloria Stoute	-	Band Leader National Carnival Band Leaders Association
Mr. Winston Gordon	-	Chairman National Carnival Band Leaders Association

Excused were:

Dr. Adesh Nanan	-	Member

INTRODUCTION

1.1 The meeting was called to order at 9:55 a.m. The Chairman welcomed and thanked all present for attending and hoped for fruitful discussions.

INQUIRY

2.1 Introductions were exchanged.

2.2 The Chairman outlined that the purpose of the meeting is to hear the views of the Tobago factions, before the Committee makes its final recommendations to the Parliament. She informed those present that the session will end at 1.30 p.m. and requested permission to forego the lunch break.

2.3 The Chairman delineated that the Committee was appointed by the Parliament to consider and report on a Bill to incorporate the National Carnival Bands Association. However, the National Carnival

Development Foundation is in opposition to the Bill. Both are national organizations representing carnival bands in Trinidad and Tobago.

2.4 The representative from the National Carnival Band Leaders Association (NCBA) was requested to make a presentation.

EXAMINATION OF THE NATIONAL CARNIVAL BAND ASSOCIATION, TOBAGO FACTION

3.1 Given below are the issues raised by the Committee and the officials' responses to those issues.

(i) The number of bands represented by the NCBA. The membership and the activities in which the Organisation are engaged in Tobago to further its objectives?

Plans to educate the membership and promote a better Carnival for Tobago were developed. However, there was a shortage of funds and the organization does not possess an office. Recently premises were located for this purpose. NCBA Tobago represents the following bands in Tobago: Monica and Martin De Leon, Funtasia, Judith Aguillera, Gloria Stoute, Yvonne George, Yvonne James, Nedra Simon, Lindly Davidson and Lynette Clarke.

(ii) What is the principal constraint hindering the organization in Tobago from moving forward?

The principal constraint is a makeshift venue given to the organization by the Tobago House of Assembly. The NCBA Trinidad provided the office equipment.

(iii) How is the Tobago NCBA funded?

Funds in sum of $750,000 were provided through the Festivals Committee of the Tobago House Assembly for the last Carnival in Tobago. This sum was released in draw-downs of $5300.00 and the difference which was released after Carnival represented cash prizes.

(iv) Does the NCBA parent company issue any funds to the Tobago NCBA?

Start-up funds were given by the parent body for assistance.

(v) Who is responsible for administering and organizing Carnival activities in Tobago?

The Chairman of NCBA Tobago holds responsibility, but there is a 'mas' committee which is directly responsible for the management of events.

(vi) What is the structure of the mas Committee and who comprise its membership?

The mas Committee is comprised of five members who are band leaders. This Committee is a subset of the NCBA.

(vii) Is Tobago Fest wholly organized by the NCBA, Tobago, or is it a collaborative effort?

The Tobago Fest which started in 1998 is a creature of the NCBA. Two years ago there were some problems and through the Office of the Division of Culture, the Festivals Committee, then the CDC, was requested to assist. The responsibility was placed in the hands of the Chairman of the then CDC, and a committee which included representatives of the NCBA and the Tobago's Carnival Band Leaders Association, (TCBA) was appointed.

(viii) Is there collaboration between the NCBA and the Tobago Carnival Bands Association in the Tobago Fest?

There is collaboration on a limited scale, but there could be improvement.

(ix) Are efforts being made to bring the five bands that are not under the umbrella of the NCBA on board?

There is no indication that any effort has been made to accomplish this, however, the right to co-exist is pertinent.

EXAMINATION OF THE NATIONAL CARNIVAL DEVELOPMENT FOUNDATION, TOBAGO FACTION

4.1 Given below are the issues raised by the Committee and the officials' responses to those issues.

4.2 There are more than 13 bands in Tobago. These are Hinds and Associates, Children of Bethany, Tobago Academy of the Performing Arts, Itsy Bitsy Players, Catherine Sandy and Friend, Diane Mc. Eachrane, Marceline Nedd, Preston, Trim, Peter Archer, Jasmine Small, Ruth Edwards, Alisa Ewing, Christopher Alfred, Meryvn Sampson, (Jab Jab), Colin Morgan (Devils), Colin Charles, Lu Ann Melville, Hardest Hard and Associates, Kenneth Ottley and Keith Elliot.

These bands are registered with the Tobago Carnival Bandleaders Association and have been bringing mas to Carnival and Tobago Fest for many years. Schools such as the Roman Catholic School, Delaford AC School, Delaford Youth Arm, etc. take part in Carnival.

(i) Do you perceive an advantage in the incorporation of the NCBA by an Act of Parliament?

Tobagonians would like to manage its own affairs without any interference. The Tobago House of Assembly recognizes the Tobago Carnival Bands Association, but the Association is not given the authority to run the carnival.

(ii) Does the Tobago Carnival Bands Association receive any funding at all?

No funding has been received from the Culture Division. Letters requesting funding have been sent to the Minister, the Hon. Joan Yuille Williams, Mr. Kenny De Silva and Mrs. Eudine Job-Davis. All responses referred the TCBA to the Tobago House of Assembly.

(iii) Why did the organization seek funding?

Funding is sought for the purchase of office equipment such as fax machines and copiers. Also, to carry out fund-raising events to generate funds to assist the junior and the senior bands with the wire bending and designing programmes.

(iv) Is the TCBA responsible for organizing any of the national festivals in relation to carnival in Tobago?

The TCBA is not, because the Association has always been overlooked.

4.3 Bandleaders in Tobago were told that the NCBA is the body responsible for carnival in Trinidad and Tobago. The Tobago House of Assembly was responsible for Carnival in Tobago and NCBA's Constitution does not cater for a Tobago committee or a Tobago organization. As a result, ad hoc committees were put in place by the NCBA Trinidad. Bandleaders from Tobago were appointed and given the responsibility to run carnival. Funding for carnival in Tobago comes from the Tobago House of Assembly and the majority of bandleaders in Tobago do not have a say on how the money was spent.

(v) What mas fiasco?

Under the umbrella of the NCBA, carnival as it pertains to mas was inefficiently run and some bandleaders had to take a compromising position in its interest. Because of the perception of the majority of bandleaders in Tobago, that it is the NCBA that has the responsibility for running the mas aspect of carnival. This, however is the basis for the NCDF's objection.

(vi) ***Do you think there is room for two organizations or do you believe that there should be a synchronization and collaboration of all the mas players in Tobago?***

In the interest of mas in Tobago, bandleaders and mas players should have a united voice.

(vii) What is the principal constraint apart from the institutional governance in the context of the carnival band leading fraternity within Tobago?

What is needed in Tobago is a similar body as the National Carnival Commission to be recognized as the authority on carnival. There should be a system to identify who are the main players as it relates to mas. Bandleaders should be involved and if it is found that there is a deadlock of claim to having the majority, the process for the handing out or giving of authority to any grouping should be done above board, or should be made known to the others.

EXAMINATION OF THE TOBAGO FESTIVALS COMMITTEE

5.1 The Chairman of the Tobago Festivals Committee introduced himself. He stated that all the nominees of the committee were appointed by the Tobago House of Assembly and are therefore technically responsible to the Tobago House of Assembly. The role of this committee is facilitative. It is the Committee's responsibility to ensure that carnival experiences are not lost by Tobagonians and that there is carnival in Tobago.

5.2 Given below are the issues raised by the Committee and the officials' responses to those issues.

(i) Does the committee organize any festival events?

The Festivals Committee was privileged to organize Carnival for one year, because there was no collaboration between the two entities and both sides agreed that it would be better for the Festivals Committee to takeover the organization of Carnival.

(ii) In terms of competition and the gate receipts, where does the money go?

This year gate receipts went to representatives of the NCBA. These representatives were requested to include members of the NCDF.

(iii) Does the NCBA organize just the mas in Tobago or in its entirety?

The NCBA organizes the mas aspect only.

(iv) What is your role as the Tobago Festivals Committee in all of this?

As the time for the festivals arrives the Committee deals with each stakeholder. It therefore dealt with NCBA this year as the stakeholder for mas in Tobago.

(v) Is the TCBA a recognised stakeholder? Does that Association receive funding?

The onus is on the Festivals Committee to recognize every bandleader in Tobago. However, a more dominant committee is required to take responsibility for Carnival and coordinating the activities of the entities. Carnival is about pan, calypso and mas. In Tobago, steel band is doing well, calypso is doing well, but the fragmentation is in the area of mas. The committee does not have the responsibility for mas. It does not run any show nor collect gates receipts.

5.3 Submissions were then taken from representatives of other bandleaders.

ADJOURNMENT

6.1 There being no other business, the meeting was adjourned.

6.2 The adjournment was taken at 12:27 p.m.

We certify that the above Minutes are true and correct.

CHAIRMAN

SECRETARY

July 11, 2006

MINUTES OF THE SIXTH MEETING HELD IN COMMITTEE ROOM 3, PARLIAMENT, THE RED HOUSE, ABERCROMBY STREET, PORT OF SPAIN ON FRIDAY, JULY 14, 2006, AT 10:00 A.M.

Present were:

Mrs. Eudine Job-Davis	-	Chairman
Mr. Edward Hart	-	Member
Dr. Adesh Nanan	-	Member
Mrs. Lily Broomes	-	Secretary
Mrs. Jacqueline Stoute	-	Assistant Secretary

Excused were:

Mr. Fitzgerald Hinds	-	Members
Mr. Ganga Singh	-	Member

COMMENCEMENT

1.1 The meeting commenced at 11:20 a.m. The Chairman thanked the members for attending.

CONFIRMATION OF MINUTES JUNE 30, 2006

2.1 The Minutes were confirmed by Dr. Adesh Nanan and seconded by Mrs. Job-Davis.

MATTERS ARISING FROM THE MINUTES JUNE 30, 2006

3.1 The Committee acknowledged receipt of correspondence from the Chairman of the National Carnival Commission, Mr. Kenneth De Silva.

3.2 The Chairman read the correspondence received from the National Carnival Commission into the records.

3.3 The Committee agreed to delete item (ii) under the heading Recommendation.

CONFIRMATION OF MINUTES

4.1 The Minutes of July 6, 2006 were confirmed by Mr. Hart and seconded by Mrs. Eudine Job-Davis.

MATTERS ARISING FROM THE MINUTES JULY 6, 2006

5.1 Much discussion ensued on the Tobago House of Assembly Act #40 of 1996 and the National Carnival Commission Act of 1991 in relation to where the authority for the management of Carnival in Tobago lies.

5.2 The Secretary was directed to request the following information from the Chairman of the National Carnival Commission.

(i) The relationship that exists between the National Carnival Commission and the Tobago House of Assembly.

(ii) Whether Tobago is represented on the Board of the National Carnival Commission.

5.3 After much discussion, it was agreed that the Chief Parliamentary Council would be requested to provide clarification on:

Cabinet Minute No. 2007 of August 7, 1977 which gave the National Carnival Bands Association authority as the body responsible for Carnival in relation to the Tobago House of Assembly Act #40 of 1996 and National Carnival Commission Act of 1991, and whether one supersedes the other.

ADJOURNMENT

6.1 The meeting was adjourned at 12.28 p.m.

We certify that the above Minutes are true and correct.

CHAIRMAN

SECRETARY

August 10, 2006

MINUTES OF THE SEVENTH MEETING HELD IN COMMITTEE ROOM 3, PARLIAMENT, THE RED HOUSE, ABERCROMBY STREET, PORT OF SPAIN ON FRIDAY AUGUST 18, 2006, AT 10:00 A.M.

Present were:

Mrs. Eudine Job-Davis	-	Chairman
Mr. Fitzgerald Hinds	-	Members
Mr. Edward Hart	-	Member
Mrs. Lily Broomes	-	Secretary
Mrs. Jacqueline Stoute	-	Assistant Secretary

Excused were:

Mr. Ganga Singh	-	Member
Dr. Adesh Nanan	-	Member

COMMENCEMENT

1.1 The Chairman called the meeting to order at 11:00 a.m. and members were welcomed.

CONFIRMATION OF MINUTES

2.1 The Minutes of the Sixth meeting held on July 14, 2006, were confirmed by Mr. Edward Hart and seconded by Mrs. Job-Davis.

MATTERS ARISING FROM THE MINUTES

3.1 The Chairman reminded members that the Secretary was requested to seek clarification on pertinent issues which arose during consideration of the Bill from:

(i) The Chief Parliamentary Counsel;
(ii) The Registrar General; and
(iii) The Solicitor General.

The Chairman further pointed out that the responses were now before the Committee for its consideration.

3.2 On the issue of whether a Cabinet Minute can supersede an Act of Parliament, the Chairman, based on information received from the Chief Parliamentary Counsel, informed the Committee that the Cabinet Minute cannot take precedence over the Act of Parliament.

3.3 With regard to the relevance of Clause 8 of the Bill, the Chairman stated that in accordance with communication received from the Registrar General, Clause 8(3) conflicts with the Companies Act.

3.4 After a short discussion, the Committee agreed that in keeping with the Registrar General's opinion, Clause 5(e) should be amended.

3.5 The Chairman instructed the Secretary to forward a letter to the National Carnival Bands Association requesting that –

- Clause 5(e) be amended because it is ambiguous, in that, it does not clearly state that the officers of the Association have the power to enter into a contract or defend a matter on its behalf.

- That the National Carnival Bands Association considers deleting Clause 8(3) since the purported provisions are inconsistent with the provisions of the Companies of the Companies Act.

3.6 The Committee further agreed that the Association should forward an amended version of the Bill to the Committee before prorogation of Parliament.

3.7 The Chairman read the correspondence dated July 13, 2006 received from the Chairman of the National Carnival Commission into the records.

ADJOURNMENT

4.1 The meeting was adjourned to a date to be fixed.

4.2 The adjournment was taken at 11:30 p.m.

We certify that the above Minutes are true and correct.

CHAIRMAN

SECRETARY

August 21, 2006

**MINUTES OF THE FIRST MEETING OF THE (2006/2007 SESSION)
HELD IN COMMITTEE ROOM 2, PARLIAMENT, THE RED HOUSE,
PORT OF SPAIN ON FRIDAY NOVEMBER 10, 2006 AT 10:30 A.M.**

Present were:

Mrs. Eudine Job-Davis	Chairman
Mr. Fitzgerald Hinds	Member
Mr. Ganga Singh	Member
Mrs. Jacqueline Stoute	Secretary

Absent were:

Mr. Edward Hart	Member
Dr. Adesh Nanan	Member

Available were the following Officials from the National Carnival Bands Association:

Mr. Owen Hinds	President
Mr. Felix Celestine	Vice-President
Mr. Wrenwrick Brown	Secretary
Mr. David Lopez	Executive Officer
Bro. Noble Khan	Accountant

INTRODUCTION

1.6 The meeting was called to order at 10.40 a.m.

1.7 Apologies were proffered on behalf of Mr. Edward Hart and Dr. Adesh Nanan.

1.8 The Chairman outlined the format of the meeting. Members were informed that it was the final session of the Committee on the Bill. She explained that the recommendations within the report were not final but that there should be discussions on each before a decision is made.

EXAMINATION OF THE PROMOTERS - (NCBA)

2.1 The Chairman requested the Secretary to invite the officials of the National Carnival Bands Association (NCBA) to appear before the Committee.

2.2 The NCBA was represented by:

Mr. Owen Hinds	President
Mr. Felix Celestine	Vice-President
Mr. Wrenwrick Brown	Secretary
Mr. David Lopez	Executive Officer
Bro. Noble Khan	Accountant

2.3 Introductions were exchanged.

2.4 The Chairman outlined the purpose of the meeting as to address concerns with respect to NCBA's accounting practices. This she stated would assist the Committee in the completion of its work on the Bill. She added that the Committee will examine NCBA's accounts for the years 2001 to 2006.

2.5 The following were the issues raised and the responses divulged:

(i) Could you explain how the accounting procedure works and how it is done?

It is a system whereby all receipts and payments are entered in a cash book. From the inception reconciliation statements were prepared and presented.

(ii) How does the Association obtain money? In the event the State cannot fund the NCBA, where will the Association get money?

The bulk of the Association's funding comes from the State via NCC. The Association also raises funds through sponsorships which have been a reliable source of revenue. However, all the resources of the Association, both from the State and those raised have been taken into the accounts.

(iii) Is there any specific reason why telephone and electricity expense is shown as one figure in your accounts?

Electricity charges for the day-to-day running of the office were accounted for by the NCC. What appears in the accounts was for Children Carnival.

(iv) From the figure presented what portion is the electricity cost to the Association?

Electricity cost amounts to approximately $100,000 per period.

(v) The Tobago Fest Committee advised that no funding was received from the NCBA for the Tobago Fest. Could you clarify this?

The Tobago Fest Committee came into play in 2004. This Festival was always supported by the Tobago House of Assembly, the facilitator. The Assembly provided the prize money and infrastructure for the running of the Fest. All other moneys were provided by the NCBA.

(vi) When was the last time the Association paid copyright fees? Why is it included in the expenditure and the accounts payable?

The Association paid copyright fees this year (2006). Prior to this copyright was paid in 2004 and 2005. Copyright was not paid for the period 1998 to 2002. The amount for copyright fees will be deducted under expenditure, but this amount is also included in the accounts payable

(vii) Could you state whether the Association was involved in festivals in other countries?

The Association was involved in local festivals such as the Fyzabad, a Taste of Trini Cultures together with Boaters at Chaguaramas. Members of the Association took part in festivals held in Barbados and Suriname and therefore expense shown is for travel and expenditure toward same. The Association is affiliated with but does not fund festivals in outside countries.

2.6 The Chairman thanked the officials for their attendance, the officials reciprocated and left the meeting.

2.7 Discussion among Members on concerns raised during the examination of NCBA's officials ensued.

ADJOURNMENT

3.1 The Chairman thanked Members for their attendance and adjourned the meeting to ***Friday November 17, 2006 at 10:30 a.m***.

3.2 The adjournment was taken at 12:00 noon.

We certify that the above Minutes are true and correct.

CHAIRMAN

SECRETARY

November 13, 2006

MINUTES OF THE SECOND MEETING OF THE (2006/2007 SESSION)
HELD IN COMMITTEE ROOM 3, RED HOUSE, PORT OF SPAIN
ON FRIDAY NOVEMBER 17, 2006 AT 10:30 A.M.

Present were:

Mrs. Eudine Job-Davis	Chairman
Mr. Fitzgerald Hinds	Member
Mr. Edward Hart	Member
Mr. Ganga Singh	Member
Dr. Adesh Nanan	Member
Mrs. Jacqueline Stoute	Secretary

INTRODUCTION

1.9 The meeting was called to order at 11.10 a.m.

CONFIRMATION OF MINUTES

2.1 There being no amendments to the Minutes of the first meeting for the 2006/2007 Session of Parliament, Mr. Fitzgerald Hinds moved that the Minutes of the first meeting held on Friday November 10, 2006 be confirmed. Mr. Ganga Singh seconded the motion.

2.2 The Minutes of the first meeting were accordingly confirmed.

MATTERS ARISING OUT OF THE MINUTES

3.1 There were no matters arising out of the Minutes.

CONSIDERATION OF THE REPORT OF THE COMMITTEE

4.1 During its consideration of the Report, the Committee decided that each Member should be allowed to make a submission on the evidence received.

4.2 As a result, Mr. Hinds and Mr. Singh made submissions.

ADJOURNMENT

5.1 The Chairman thanked Members for their attendance and adjourned the meeting to a date to be fixed.

5.2 The adjournment was taken at 12:58 p.m.

We certify that the above Minutes are true and correct.

CHAIRMAN

SECRETARY